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Keywords:

Minority policy, Slovak Republic, Legislation, Institutions, Government manifestos, Content analysis, Case studies

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SATISFYING THE MAJORITY? CASE STUDIES IN SLOVAK MINORITY POLICY 2006 – 2014

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Introduction

As a country located in the heart of Europe, Slovak Republic is home to significant number of citizens with nationalities differing from the majority. However, the historical evolution of the region, characterized by a transition from multi-national Austro-Hungarian monarchy, through initial democracy together with the Czechs and various non-democratic experiences, to the declaration of 'a sovereign, democratic state governed by the rule of law' (Article 1 of the Slovak Constitution), left many legacies which still influence Slovak politics. One of them is the presence of national populist claims in Slovakia which stress need of dominance of the Slovak nation on its territory (Mesežnikov, 2009).

Policies concerned with minority inclusion, effective empowerment and protection of minority rights form no exception, quite the contrary. Even though Slovakia ratified the Framework Convention for the Protection of National Minorities (below: Convention) in 1995, 'over the 1990s a system of normative and legal rules

had been established that institutionalised the dominance of the largest ethnic group' (Regelmann, 2009, p. 194). During the eight years of Prime Minister Dzurinda, a Hungarian minority party was part of the coalition which might have positively influenced the views of Slovaks on minority political representation (Auer, 2009), together with the increasing standards of language and cultural rights and improving relationship between Slovakia and Hungary (Jenne, 2007, p. 106). The desire to join the EU, which required fulfilling the conditionality criteria including the level of minority protection demanded by the Council of Europe and the High Commissioner on National Minorities, also played a role in the overall positive trend (Skovgaard, 2011). As a consequence, in 2006 the level of minority rights and complexity of minority policies definitely took an upward trend.

This paper focuses on the developments since 2006 when the new executive, comprising of national populists parties¹ (the Smer-SD of Robert Fico, the People's Party – Movement for Democratic Slovakia of former PM Vladimír Mečiar, and the Slovak National Party), assumed office. Rather than providing a detailed description of minority policy, it aims to analyze selected legislative and institutional outcomes of the three Slovak executives (2006, 2010, 2012), in order to show the similarities and differences in the official Slovak political positions in these years.

Attention is devoted only to national minorities because of their proportions.² In case of

Slovakia, national minorities, especially the Hungarians and the Roma, comprise the 'major minority', so even if their rights were fully guaranteed, there could be other minorities whose rights would not. However, concentrating on these two groups via analysis of recent institutional development of their official representation, political declarations of the importance of their protection and inclusion, and legislative measures with a potential to strongly influence their daily lives offers a concise insight into the overall directions of minority policy of the three Slovak governments. Breaking down the overall approach in minority policy into three levels of analysis (institutional, political and legislative) strengthens the validity of the results, as at each level, different actors representing the government with an ability to shape minority policy are involved.

The analysis demonstrates that while in 2006 – 2010 and since 2012, governmental minority policies were oriented towards satisfying the (alleged) demand of the Slovak majority after retaining the dominance of 'Slovakness' in the country, interpreted as the 'status quo' for national minorities, the measures taken between 2010 – 2012 indicated a commitment towards improving the level of minority protection. Even so, these measures were not successful for the most part because of the wavering political support and internal conflicts between the coalition partners.

Institutions advising on minority policy

Apart from being represented at the level of civil society by various organizations, national minorities should have their representation at the political level as well in order to be able to actively participate on the decision-making processes. The Convention states this in its Article 15 as follows: 'The Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them.'

This requirement was at least formally fulfilled in the executive since 1998 when the office of Deputy Prime Minister for human and minority rights was established. The position went to the Party of the Hungarian Coalition

¹ The rhetoric and practices of these parties fits best the understanding of national populism as a subtype of populist ideology 'centred around a Schmittean "friend-enemy" distinction' (Stanley, 2011, p. 258), where the 'friend' is the 'state-building nation' and the 'enemies' are those who are not perceived as being part of it. The term is used by several scholars, either after situating it into the broader debate on the terminology of extreme right / radical right / populist parties (Učeň, 2009, pp. 13 – 16; Stanley, 2011; Mesežnikov – Gyárfášová, 2008, pp. 7 – 8), or without further substantiation (Carpenter, 1997). It is suitable for the purposes of the present analysis, which identifies the majority – minority distinctions created by the three parties in 2006 – 2010, and by Smer-SD since 2012.

² It has to be noted, though, that the concept of minorities and minority rights goes further than ethnic origins and identifies a number of 'specific minority

rights holders' which require constitutional protection in democratic countries (Preece, 2005).

(SMK) representing predominantly the Hungarian minority among the governing parties. SMK retained the position after 2002, but this time human rights issues were integrated with European affairs under a single roof. It was these times when crucial steps in the accession process of Slovakia into the EU were made. After entering office in 2006 and 2010, the new executives did not abolish the Deputy Prime Minister's office, although the latter one limited his agenda to human and minority rights, disconnecting him from European affairs. In 2010, the position was again given to the party with a strong minority representation element (Most – Híd).

The shutting down of the office in 2012, after fourteen years of functioning came as a surprise and stood in sharp contrast to the declarative statements (see next section) on devoting the same attention to minority rights as before (Petőcz, 2013). Instead, a Plenipotentiary for National Minorities was established, but with no real powers to impact on the current developments. Originally, the position was taken by a member of the Hungarian minority, who, however, resigned after a short time as a reaction to the amendment to the Act on minority languages (SITA – TASR, 2013). Even though PM Fico declared to 'immediately find' another competent person for the position, the seat has remained vacant for more than 28 months (see also Petőcz, 2014).

While the rights of the Hungarian minority were in the centre of the debate on minority rights since 1993³, the Roma experienced even more difficult times. Although a Plenipoten-

tiary for Roma Communities was established during Iveta Radičová's cabinet (2010 – 2012), her competences were limited to advisory ones, and his performance was largely based on participation on cultural events (Vláda SR, 2012b). Even though the Plenipotentiary who has been in the office for most part of Fico's second cabinet is himself of Roma origins, he has been criticized for serving as a puppet for the government which failed in improving the living conditions and integration of the Romani (Kusý, 2013, p. 48). What is more, part of the Roma agenda has been moved to the Ministry of Interior which signals its ongoing securitization. In other words, political elites perceive the agenda of inclusion of this minority mainly as a security problem, hence spreading the impact of false stereotypes (Lajčáková, 2013b, p. 347; see also Petőcz, 2014).

As a result of these developments, the Governmental Council for Human Rights, an advisory body set up during the 2010 government, and its Committee for National Minorities, were significantly limited in its possibilities to act. The State Strategy on Human Rights and Fundamental Freedoms which was a key agenda of this body and should have included a section devoted to minority rights, has been approved by the Council after its civil society representatives expressed a general dissatisfaction with the proposal modified by government officials.⁴

So far the overview of most important institutional development in advisory institutions on minority policy indicates that the significant changes since 2012 interrupted the previous effort to build an effective institutional structure, largely immobilizing it in times when it still struggled with consolidation. Between 2006 and 2010, the position of the Deputy Prime Minister persisted from the previous arrangement, but its activities were limited and had little impact in both the media and in the public.

The view advocated by Prime Minister Robert Fico (2012), according to whom the institutional re- (in fact, rather de-) structuring was

³ Naturally, much of this debate was again concerned with historical conflicts and mismatches, namely around whether the minorities belong to the state building nation. The controversy is deepened by the ambiguous formulation of the preamble of the Slovak Constitution, which begins with 'We, the Slovak nation...' and 'glues' national minorities and ethnic groups only towards the end of the text. The debate sharpened again after PM Fico dispersed statements on the 'strange tendency to prioritize problems of national minorities at the expense of the Slovak state-building nation. [...] We established our independent states first and foremost not for minorities, even if we appreciate them, but for the Slovak state-building nation' [...] (italics M.S.) (see in Slovak in e.g. Piško, 2013). This statement led to significant critique from domestic human rights experts (Kusý, 2013; Petőcz, 2013) and was viewed as a 'revelation' of Fico's true (political) face (Kostolný, 2013).

⁴ An expert in Slovakia's minority rights (Surová, 2014, p. 2) criticizes this draft because it, in her reading, 'misses strategic goals of minority policy and measures to accomplish them.' It only 'preserves the status quo' and therefore is not valuable from the perspective of a strategic document.

a 'sign of continuity' in human rights policies from the previous years because the Governmental Council was preserved, is not supported by evidence, as without influential leadership of the Deputy Prime Minister the Council lost the majority of political influence it could have ever possessed (cf. the outcome of negotiations on the State Strategy on Human Rights, the overall dissatisfaction with one Plenipotentiary and the lengthy vacant position of the other).

The next section shows the link between the statements of political leaders on minority issues and the strength of these internal arrangement of advisory institutions working in the field of minority policy.

Government manifestos on minority policy

The three government manifestos of 2006, 2010 and 2012 offer a structured overview of the main political lines in implementing minority policy. The 2006 government promised to 'improve the conditions of minority education, especially in mother tongues of all national minorities within the European Charter for Regional and Minority Languages (below: Charter). *However, the education in minority languages cannot be at the expense of education in the state Slovak language*' (Vláda SR, 2006, p. 35). It is evident that such declarations not only omitted any practical measures to be implemented but subordinated the minority issue (in this case education) to the majority rule (Slovak language education).

The only other ideas devoted to minorities in this manifesto include a reference to the support of the minority culture (Vláda SR, 2006, p. 43), and the commitment to respect the Charter and 'create conditions for establishment of an Office for minorities' (Vláda SR, 2006, p. 44). Apart from the general vagueness of these formulations, it is interesting to observe that although the Charter is mentioned twice in the manifesto, references are made neither to minority rights granted in the Constitution, nor the principles of the Convention. This may indicate the (perception of) importance of the language issue, but also the government's reluctance to explicitly commit itself to the general principles of protection of minority rights.

Since 2010, the right-wing government of PM Iveta Radičová which included one of the two parties arguably representing (also) the Hungarian minority in Slovakia, approved a manifesto called 'Citizen responsibility and cooperation', where it declared a 'consistent respect of fundamental rights and freedoms including minority rights' (Vláda SR, 2010, p. 3). In contrast to the previous manifesto, this one explicitly states what is to be understood under such improvement, mostly in terms of amendments of legislation affecting minorities, like the acts on state language, minority languages, names of municipalities, the Citizenship Act (which at that time already included the controversial deprivation of citizenship in case of receiving a citizenship of a different state) and others. According to the manifesto, legislative amendments should be made in the way that 'they respect human and minority rights guaranteed by the Constitution and international conventions,' (Vláda SR, 2010, p. 23), a formulation which implicitly acknowledges that some pieces of the existing legislation had not met this requirement before. Even then, however, the discretion of the government remained high, as there was no unanimous consensus on how to carry out the reforms. In addition, a new level was added to the protection of minority rights – apart from policy changes, institutional reforms were implemented which strengthened the position of the Deputy Prime Minister for Human Rights. Again, however, the reality has not lived up to the original expectations.

When Robert Fico became the Slovak PM for the second time, he has been leading a one-party executive. Already the day after electoral victory he had declared that the government manifesto will encapsulate the electoral manifesto of Smer-SD (Aktuality, 2012). Minority issues in the electoral manifesto were, however, not really present at all, the party just declared a willingness for a 'careful approach towards the problem of national minorities' (Smer-SD, 2012, p. 6), whatever should that mean. The official document for governmental policies, perhaps because of the need to add some clarification to the general principles, repeats the vague commitment towards a 'careful approach', and emphasizes that 'in each areas of economic, societal, political and cultural life, there is a long-term, full and effective equality between per-

sons belonging to national minorities and those belonging to the majority' (Vláda SR, 2012, p. 51). This empirical, as opposed to normative, statement reproduced also in other government reports, does not reflect the status quo of minorities neither in terms of available participatory mechanisms or minority language limitations, nor socio-economic living conditions (Lajčáková, 2013c, pp. 9 - 10). Institutionally, there is a declaration towards establishing a post of a government representative on national minorities, but without noticing the intended abolishment of the Deputy Prime Minister for human rights and minorities with far broader competences, political visibility, independence and potential to influence minority policy.

In sum, the political declarations of two of the three Slovak governments (2006, 2012) differ from the third one (2010) in one significant point: while the right-wing government considered minority rights as something which needs to be improved to bring them into harmony with international standards, the other two ones viewed the level of minority protection as satisfactory and have not declared any intention to improve it. In addition, a contrast can be identified in the attentiveness to details in the manifestos, as only the 2010 one mentioned concrete pieces of legislation to be amended during the electoral term. However, even though the symbolic value attributed to minority protection seem to be different between the two political lines (the one of Smer-SD and the other one of center-right parties), in terms of (un)successful implementation of either reforms, as is examined via three substantial laws having an impact on minority policy in the next section, this difference may well disappear.

Minority legislation

Whereas political declarations have a profound impact on the perception of the governmental policies and institutional arrangements already signalize the overall political direction in reality, it is legislative measures which affect the people in one of the most direct ways possible. Therefore it is crucial to review the major pieces of legislation approved after 2006, one from each electoral term, which influences the extent of minority protection. The brief review

here consists of analysis of the legislation itself and the explanatory statements in order to gain a first-hand insight to the original intents of the measures which can in further research be confronted with the development after their approval/refusal.

Dual Citizenship

The amendment to the Citizenship Act (No. 40/1993 Coll.) in 2010 was a reaction to a Hungarian act of a similar kind which allowed citizens of Hungarian nationality to obtain Hungarian citizenship easier than before (for details, see e.g. Terenzani - Stanková, 2011). However, when one looks at the explanatory statement of the amendment, drafted by the first executive of PM Fico, an interesting argument comes up. According to the statement (NR SR, 2010), 'dual citizenship is an undesirable phenomenon because by granting another citizenship, a constitutional relationship emerges towards two states at the same time.' This is a core point in the justification of the measure because it grounds the very reason of drafting the amendment in a rather theoretical position towards dual citizenship, not in political development in one of Slovakia's neighbouring states.

It follows that by accepting this reasoning, dual citizenship becomes a negative mechanism regardless of other countries' approaches. In the light of this justification, the follow-up proposals of R. Fico (acting in position of an opposition MP and later again as the chief of the executive) to amend the Act and restrict the deprivation of citizenship only to those citizens, who do not have a permanent residence in the foreign country (NR SR, 2011a), are not consistent with the original intention, as described in the explanatory statement. Indeed, if dual citizenship is undesirable because such citizens could 'betray' their home country, why would this change because of obtaining a permanent residence in the country where they request their second citizenship? Furthermore, why has this 'discovery' have been made after the passing of the Hungarian law? The only plausible explanation is that it was the members of Hungarian minority, who were interpreted by the drafters of the proposal as ones with a high probability to 'betray' Slovakia after they obtain a Hungarian citizenship. If so,

however, the Act cannot be considered as just a reaction to actions of another country, but as an intended policy measure in order to narrow the standards of minority rights in the country (implicitly those of Hungarian nationality, but in fact it concerns everybody who intends to obtain a second citizenship of whichever state, based on whatever reasons).

Apart from this, to a large extent unrecognized, fact, concerns were raised about the conformity of the amended Citizenship Act with the Constitution which resulted in initiating an action before the Constitutional Court. This did not move things forward, however, because the Court has declined the case for procedural reasons, without ruling on the merits (ÚS SR, 2014). Since the approval of the amendment, there was a number of efforts to change it, but neither of them was successful, partly because of coalition conflicts (the 2010 government), and partly because of some unspecified 'administrative' difficulties (since 2012). Consequently, the law has deprived more than 1,100 Slovak citizens of their citizenship during five years in force (TASR, 2015). In general, the practices associated with the Citizenship Act demonstrate the tendency towards restrictive measures in minority policy which even do not uphold the status quo.

Assistance in Material Need

The new Act on Assistance in Material Need (No. 417/2013 Coll.) was created with the intention to introduce the 'principle of merit' (NR SR, 2013) into the system of assistance to unemployed people in material need. The explanatory statement, this time written in a more technocratic manner, again includes an explicitly controversial point related to criminal conducts. It is stated there that '[criminal offenses] against public order, civil propriety and property [are mostly conducted] by people from socially disadvantaged environment, the income of whom are social benefits for the material need' (ibid.). This is made without any reference to real data and further clarification, which triggers an implicit meaning that the majority of people in material need are supposed to be criminals. This is another element that falls into the general securitization argument (see above). In this light, then, statements of the Prime Minister made during and after

the drafting process of the Act, about the 'Romani who distort the statistics of unemployment in Slovakia', are hardly surprising (see e.g. Boyd, 2014; Sivý – SITA, 2013).

As Lajčáková (2013a, pp. 1 – 2) argues, the Act, popularly referred to with the proverb 'no pain, no gain', 'in reality does not solve any problem, it only wants to gain voters outraged by the myth of free social benefits for the Roma.' In the context of this paper it should be noted that the initiative, drafting and accepting of this 'reform' was fully in the hands of the ruling party, although the Plenipotentiary for Roma Communities, supported it as well. Without going into the economic dimension of the Act, its basic design outlined here, which builds on securitization, indicates the (allegedly) majority-satisfying approach of the Slovak minority policy of since 2012.

Minority Languages

The third legislative measure analyzed here (Act No. 184/1999 Coll.) concerns the usage of minority languages in (mostly) official communication in Slovakia. This is a right of an utmost concern of the Convention as well as of the Article 34 of the Slovak Constitution which guarantees minority language rights.⁵ During the period examined, there was one change to this Act by the 2010 – 2012 Radičová cabinet, the main purpose of which was to lower the required ratio (from 20 % to 15 %) of citizens belonging to minorities in municipalities in order to be entitled to conduct the official communication in the language of that minority. In the explanatory statement (NR SR, 2011b), the impact of the minority language on the identity of each minority and its culture was stressed, as well as the commitment of the executive to amend the act concerned (see the section on government manifestos above), and the binding principles of the Convention. It was emphasized that according to the Constitution, international human rights conventions have priority over domestic legislation in case they guarantee higher level of human rights protection than domestic law. Hence, in this case a more concrete reasoning can be recognized

⁵ Arguably, their formulation in the Constitution unfolds in a rather vague manner, leaving too many details to be specified by ordinary legislation.

which focuses on the need to enhance minority rights.

However, apart from the original intent of the reform, other factors should also be taken into account. Indeed, there was no straightforward accomplishment of that policy change as the ratio explained above was originally intended to be lowered to 10 %, not just 15 % by the drafters working under the Deputy Prime Minister responsible for the minority rights agenda (Rudolf Chmel). Eventually, during coalition negotiations, a deal was struck on 15 %. Even this happened after tough disputes, as some parties, like the Christian democrats, wanted to 'retain their national appearance' (Jancová, 2011). A prominent member of the Hungarian community in Slovakia considered this development as a great disappointment, seeking the reason in the mistaken view that the possibility for minorities to handle official issues in their languages is something like a 'gift' from the majority that must be praised by the countries' minorities (Szigeti, 2013, pp. 308 – 312). Taking the backstage events into consideration, this amendment can be viewed as a partial move towards a more inclusive minority policy, the more powerful impact of which was, however, hindered by the missing consensus among coalition partners.

Conclusions

In 2006, Slovakia was already a by and large established member of the EU, not least because of improvements in minority rights made in the pre-accession period. It stood, therefore, on a certain step of the ladder, and could have decided to go upwards, downwards or not to move at all. Naturally, international organizations such as the EU, but increasingly also the Council of Europe operating the monitoring mechanism based on the Convention, pushed the newly established coalition of nationalist and/or populist parties from 2006 in the upward direction (Mayrgündter, 2012). However, as was revealed via examination of their key political declaration, the institutional structure and an example of a legislative measure in minority policy, elites in the 2006 – 2010 period successfully resisted and preferred not moving. This may be explained by the weakening influence of the EU after the start of the post-accession period (Malová – Vi-

lági, 2008, pp. 528 – 529), and, subsequently, by the ability of 'domestic actors to stabilise the status quo in interethnic relations through minimal policy change, while strengthening majorities' independence in policy-making on domestic minority issues' (Agarin – Regelmann, 2012, p. 458).

The 2010 – 2012 executive adopted a slightly different approach. As its government manifesto with intensive references to international norms and the need to 'go always upwards', i.e. towards improvements in minority rights, the institutional arrangement it created in the Governmental Council of Human Rights, and a legislative measure with direct impact on minority rights suggest, inclusive minority policy (at least concerning the Hungarian minority) was one of its priorities. A factor which likely helped this 'community integration' was the 'inclusion of minority political actors into the political system' (Regelmann, 2009, p. 195), specifically the Hungarian minority representation as part of the coalition and its member holding the office of the Deputy Prime Minister responsible for human rights including minority rights. At the same time, internal coalition conflicts prevented 'finishing the job' and going a sufficient number of steps upwards to discover perspectives which are not likely to disappear from sight again in a few years.

After the sweeping victory of his party, Robert Fico became the most powerful front-line political figure in Slovakia with a profound impact on all state policies. The political education from the nineties, as well as the four years with two other national populist parties, however, seem to have left an irremovable mark on Smer-SD's minority policy. The government-manifesto-turned party programme suggests that no improvement in minority policies is desired, and the institutional system, especially in terms of its effectiveness, together with a core legislative measure (Act on Assistance in Material Need) have been aligned to this position. The 'risk that positive initiatives will get overshadowed by party politics' (Mayrgündter, 2012, p. 494) has apparently become a reality; and the harsh 'Mečiarist' approach towards minorities, despite the (fortunately) irreconcilable differences between the overall conditions

in 1994 and the 2000s (Smetanková, 2013), is showing its strength again.⁶

The most paradoxical point is, however, that the restrictive directions of minority policy cannot be claimed to 'satisfy the majority' any more. The current attitudes of the majority towards minorities tend to be neutral to mildly positive (Paul, 2003; Szigeti, 2013), perhaps with the exception of some minorities, the acceptance of and engagement with which will require more democratic experience and thinking in Slovakia. Rather than saying what their voters want to hear, it seems that the current stagnation with occasional backlashes is maintained artificially, because of personal preferences of those in power. The very nature of this irrational behaviour is demonstrated by the several agreements between the Hungarian and Slovak Prime Minister (Petőcz, 2014). Nothing but a heavier emphasis on inclusion, the understanding of minority rights and their role in a democracy, and the subsequent rebuttal of the irrational belief that the majority is satisfied when the minority is small and weak, could offer a way out from the chain of failures in Slovak minority policy.

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⁶ Even examples of securitization have been found in this examined period. Their appearance supports the argument on (allegedly) satisfying the majority via the direction of governmental minority policy, as there is a demonstrable relationship between securitization and preferences of actors in various policy fields (for foreign policy, see the example on Hungarian minority in Slovakia and Slovakia's position on Kosovo's independence in Lezová, 2013).

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