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HUMAN RIGHTS AND DEMOCRATIZATION IN SLOVAKIA

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ABOUT THE ORGANIZATION (OSCE)

The Conference on Security and Cooperation in Europe, also known as the Helsinki process, traces its origin to the signing of the Helsinki Final Act in Finland on August 1, 1975, by the leaders of 33 European countries, the United States and Canada. Since then, its membership has expanded to 55, reflecting the breakup of the Soviet Union, Czechoslovakia, and Yugoslavia. (The Federal Republic of Yugoslavia, Serbia and Montenegro, has been suspended since 1992, leaving the number of countries fully participating at 54.) As of January 1, 1995, the formal name of the Helsinki process was changed to the Organization for Security and Cooperation in Europe (OSCE).

The OSCE is engaged in standard setting in fields including military security, economic and environmental cooperation, and human rights and humanitarian concerns. In addition, it undertakes a variety of preventive diplomacy initiatives designed to prevent, manage and resolve conflict within and among the participating States.

The OSCE has its main office in Vienna, Austria, where weekly meetings of permanent representatives are held. In addition, specialized seminars and meetings are convened in various locations and periodic consultations among Senior Officials, Ministers and Heads of State or Government are held.

ABOUT THE COMMISSION (CSCE)

The Commission on Security and Cooperation in Europe (CSCE), also known as the Helsinki Commission, is a U.S. Government agency created in 1976 to monitor and encourage compliance with the agreements of the OSCE.

The Commission consists of nine members from the U.S. House of Representatives, nine members from the U.S. Senate, and one member each from the Departments of State, Defense and Commerce. The positions of Chair and Co-Chair are shared by the House and Senate and rotate every two years, when a new Congress convenes. A professional staff assists the Commissioners in their work.

To fulfill its mandate, the Commission gathers and disseminates information on Helsinki-related topics both to the U.S. Congress and the public by convening hearings, issuing reports reflecting the views of the Commission and/or its staff, and providing information about the activities of the Helsinki process and events in OSCE participating States.

At the same time, the Commission contributes its views to the general formulation of U.S. policy on the OSCE and takes part in its execution, including through Member and staff participation on U.S. Delegations to OSCE meetings as well as on certain OSCE bodies. Members of the Commission have regular contact with parliamentarians, government officials, representatives of non-governmental organizations, and private individuals from OSCE participating States.

HUMAN RIGHTS AND DEMOCRATIZATION IN SLOVAKIA

". . . [A]s I look at the crossroads at which Slovakia stands today, two things are clear. First, whatever goal Slovakia seeks, whatever destiny it chooses, the end result must be a democratic political system based on the CSCE Copenhagen Document and a free market economic system, based on the CSCE Bonn Document. Second, however Slovakia shapes its fate, the process used to make its choice must be democratic and must reflect the will of all the people of Slovakia. Anything less will be out of step with the process of reform and revitalization taking place throughout Eurasia." Steny H. Hoyer, Congressional Record, March 20, 1992

INTRODUCTION AND SUMMARY

In late 1988, the Helsinki Commission issued its last comprehensive report on the implementation of CSCE human dimension commitments in the East European region, including on what was then Czechoslovakia. Such reports, issued periodically since the Commission's establishment in 1976, documented the unforgiving hold of communism over a vast region. But in 1989, a great wave of historic change swelled up and swept across Eurasia. In its wake, the scope and nature of the human dimension in Eastern Europe has changed -- and continues to change -- dramatically.

As Czechoslovakia experienced the metamorphosis associated with its own "Velvet Revolution," the Helsinki Commission prepared several short briefers and reports for Congress on political developments in that country and their impact on the human dimension. Last year, the Commission issued its first report on developments specifically in Slovakia.

At that time, many observers still believed a dissolution of Czechoslovakia was unlikely. But constitutional negotiations between the Czech and Slovak Republics, aimed at establishing the structural relationship between the two in the post-communist era, had been stalled for nearly two years. Political control over Slovakia seemed to be moving rapidly from Prague to Bratislava and, in fact, it appeared that the fate of the federation as a whole would be decided by events in Slovakia. The Commission's report endeavored to examine the status of relations between Czechs and Slovaks and the implications of political developments in Slovakia, particularly for minority communities.

This report constitutes the Commission's first examination of human dimension issues clearly arising under the authority of the government of the newly independent Slovak state. On net, it presents a mixed picture. While the worst abuses of the former communist regime have ceased, the transition to democracy is hardly complete.

The elections held in Slovakia in June 1992 placed in office the government that has overseen the dissolution of the federation and the creation of an independent Slovak Republic on January 1, 1993. That government has given assurances to the international community that it is committed to protect human rights and fundamental freedoms. But at home, this message is often qualified: public leaders sometimes suggest that some rights, such as the right to a free press and the rights of persons belonging to minority groups, hold second place to advancing a Slovak state as conceived of by those leaders. In their view, the state seems to be an end unto itself, rather than something of the people, by the people, and for the people.

And in the battle to protect the state above all else, two tools have figured prominently: control of the economy and highly centralized governance. The primary casualties in this battle have been the independent press and minority communities.

The newly independent Slovak state inherited a system in which state control of the economy was largely still in place and where Slovak officials tended to resist privatization because of its attendant hardships, such as increased unemployment. After the 1992 elections, privatization was slowed and in some cases even reversed. In general, the government has tried to use continued state ownership of the broadcast media and a significant portion of the print media to ensure favorable reporting on specific leaders. (Political manipulation of the privatization process has also had the effect of undermining the confidence of international investors in the Slovak economy.) When reporting on the government is negative, it has been portrayed by some officials as "anti-Slovak," as though the current government may be equated with the Slovak state itself.

Attempts to exploit state ownership in this fashion have not always succeeded. For example, efforts of Prime Minister Meciar to restrict the appointments of officials to Trnva University backfired into a show of support for the very people he opposed. A similar result occurred with the government's attempted control of the newspaper, Smena: journalists rallied to support the newspaper's dismissed editors, who went on to form their own independent paper. Nevertheless, this kind of government manipulation slows the process of democratization in Slovakia and is particularly detrimental for institutions to which there can be no "private" alternative: a judiciary or state security apparatus should be "independent" of abuse by any ruling party, but they are arms of government by their very nature.

Minority communities, like the media, are often at odds with Bratislava's penchant for managing the day-to-day affairs of local communities, such as the language of street signs in remote villages and even the naming of newborn children. Conflicts between localities and the center, often driven by the ruling government's insecurity -- sometimes running to paranoia -- about the nascent Slovak state, run the risk of ratcheting up the demands of minorities, who, in turn, feel increasingly threatened by the majority-run government. The long reach and sometimes heavy-handed tactics of the ruling party also run the risk of creating tension even with ethnic Slovak communities in the eastern parts of the country, where micromanagement from the capital is sometimes resented.

Independence in Slovakia was achieved overnight. But as the following report will show, the establishment of democracy will take greater time and, perhaps, have an even greater impact on the people of that country.

BACKGROUND

The Road To Independence. The people of Slovakia trace their ancestry to the short-lived Great Moravian Empire of the 9th century, during which Slovaks and Czechs were briefly united. But as early as the 10th century, Magyars (Hungarians) obtained control of the region that is now known as Slovakia and for the next 10 centuries, Slovakia was controlled by the Hungarian crown. Throughout this period, the largely agrarian Slovak population living under Hungarian rule bore a disproportionate burden of serfdom (prior to its abolition in the mid-19th century) and had extremely limited opportunities for education, for

political participation, and for social mobility. To this day, the period of Hungarian rule over Slovakia is remembered with great bitterness; Hungarian irredentism -- real or imagined -- is topical in Slovakia, as it is in Romania.

The outbreak of World War I set the stage for the collapse of the Austro-Hungarian Empire. As the war progressed, Czechs and Slovaks, like numerous other peoples in Europe, saw the post-war negotiations that would take place as the chance to seek support for an independent state, drawn roughly along ethnic lines. Both Czechs and Slovaks -- working in Europe as well as through emigre groups in North America -- believed that their chances for success against their former rulers would be enhanced by working together for a common state. Many believed that their closely related Slavic languages and culture made them well-suited for some kind of union. Ultimately, with the critical support of President Woodrow Wilson, their goal was achieved.

In the end, the union that was formed was a marriage of convenience that benefited each side in some way. Nevertheless, a thousand years of separation had left an invisible but undeniable imprint on the psyches of the two peoples: for the overwhelming majority of their histories, Czechs and Slovaks had led different lives, fought different battles, and suffered different fates. Slovak society, in particular, harbored undercurrents of dissatisfaction with the power structure of the Czech-dominated unitary state that emerged.

Nazi Germany's dismemberment of Czechoslovakia provided the opportunity for militant Slovak nationalists to seize power and establish a nominally independent state, tainted in general by its allegiance to the Third Reich and in particular by its role in the deportation of 70,000 Jews and an uncounted number of Roma (Gypsies) to death camps. Although a popular anti-fascist uprising in 1944 signalled broad opposition to the puppet state of Josef Tiso, a decisive consensus regarding Slovakia's future had not yet crystallized and the subsequent imposition of communist rule at the end of the war stifled any genuine political debate on the character of Czech-Slovak relations.

For the people of Slovakia, then, the November-December 1989 Velvet Revolution constituted not just a chance to be free from totalitarianism, but a chance to take control of their own lives, their government and their destinies in a way that had been elusive throughout this century and unthinkable before that. It marked the chance to receive credit for their successes and to run the risk of being held accountable for their failures. Most of all, it presented the challenge of defining their relations with their partners, the Czechs, and to decide whether to continue their seventy-year union. In the end, nearly seven decades of common statehood was insufficient to create the sense of shared destiny necessary to draw the people of the country -- all the people -- together.

In the immediate wake of the Velvet Revolution, it was not apparent to many people that a dissolution of the federation was inevitable. In Slovakia, the 1990 elections resulted in a coalition government between two pro-federation parties, Public Against Violence (the Slovak counterpart to the Prague-based Civic Forum), and the Christian Democrats. But Public Against Violence, lacking experience and organizational skills, let its popularity slip away by failing to consolidate its considerable prestige and influence (especially among rank and file workers). In contrast, more nationalist elements, including former communists as well as members of the right-wing Slovak National Party, were developing their popularity through increasingly strident anti-federation rhetoric.

As Slovakia's nascent non-communist party structures evolved, an off-shoot of Public Against Violence emerged in March 1991, calling itself the Movement for a Democratic Slovakia. Its leader, a former communist and boxer named Vladimir Meciar, mounted a pro-"sovereignty" soap box that was, first and foremost, a platform geared to the 1992 elections and, least of all, a program for actually governing what was to become an independent Slovakia.

Ironically, opinion polls between 1990 and 1992 consistently showed that a clear majority of the people in Slovakia supported some kind of union with the Czechs. But the public lacked a common vision of what that union should look like concretely, and majority opinion broke down over the details: should there be a common army, a common currency, common membership in international organizations? More significantly, the population as a whole, whatever their individual preferences, remained relatively passive, deferring the management of civil society to a relatively small number of active players. The Movement for a Democratic Slovakia best exploited this political climate, promising that independence from Prague -- a goal that, in and of itself, had only equivocal support -- would be the means to achieve greater economic prosperity -- an objective staunchly supported throughout Slovakia. This rhetoric found special resonance in Slovakia, where the hardships (e.g., increased unemployment) accompanying the early stages of Czechoslovakia's transition to a market economy were disproportionately greater. Consequently, the stage was set for the Movement for a Democratic Slovakia to win a plurality in June 1992 elections and for the election of Vladimir Meciar as Prime Minister.

Following the June 1992 elections, Meciar's efforts to secure increased powers for Bratislava and greater economic subsidies for Slovakia were no surprise. But his Czech counterpart, Vaclav Klaus, quickly distinguished himself from his predecessors by laying down the limits of his pro-federation position and indicating that while he endorsed a common state he would not pay any price to maintain one. Klaus' defensive move to prepare the Czech government for an eventual split seemed to deprive Meciar of his leverage to exact a variety of economic and political concessions in return for remaining in the union. By the end of July 1992, agreement had been reached between Klaus and Meciar on dissolving the federation.

The agreement between Klaus and Meciar has been subject to some criticism because they did not put the question of Slovak independence to a popular referendum. From an international perspective, there are not clear guidelines on how questions of partition, separation, or succession should be resolved -- except that they must be resolved peacefully and through democratic means. In several countries within the CSCE community, referenda have been used successfully to measure -- and document -- popular support for a particular political option, such as independence or separation. In some places, though -- such as Bosnia-Herzegovina or the Trans-Dniester region of Moldova -- those referenda have been insufficient to make the transition to independence peaceful. In the case of Czechoslovakia, the apparent acceptance of the separation throughout the country (if, albeit, reluctant acceptance) suggests that a referendum may not have been necessary to validate or confirm popular consent of the actions of the governments. Moreover, the argument has been persuasively made that the more critical issue confronting the people and leaders of the Czech and Slovak republics was not whether to have a union, but what kind of union to have; this question, it was widely agreed, was not one well suited to resolution by a referendum.

Throughout the fall of 1992, Czech and Slovak leaders continued to meet, hammering out the preliminary arrangements for allocating the country's assets. On January 1, 1993, the Czech and Slovak Federal Republic split, peacefully and by the common agreement of their democratically elected leaders,

into two independent republics. According to an agreement worked out at the CSCE ministerial meeting of December 1992, independent Slovakia became a CSCE participating State in its own right upon acceptance of all the commitments of the Helsinki process.

THE HUMAN DIMENSION AND THE TRANSITION FROM COMMUNISM

Czechoslovakia was one of the original signatories of the 1975 Helsinki Final Act. During the first fifteen years of its participation in the Helsinki process, the situation in Slovakia, like the country as a whole, was marked by systematic human rights abuses. The overall political process had long been rigidly controlled by the Communist Party and its security apparatus. Czechoslovakia's stronger economy (relative to other East European countries) was used to mask the fact it that had one of the region's harder-line communist regimes: freedom of the press was severely restricted, freedom of movement was strictly curtailed, and independent speech and organizations were virtually non-existent. Although relatively few of Slovakia's citizens stood up to the prevailing regime, those who did so were imprisoned for their troubles. Those who raised questions regarding national or ethnic rights -- whether Slovak or Hungarian -- faced harassment and persecution as well. Religious freedom was stifled and Catholic activists were often broadly portrayed by the regime as fascists.

Within just a few months of the Velvet Revolution, many of Czechoslovakia's most egregious human rights violations were resolved: all known political prisoners were released, travel restrictions curtailing freedom of movement were ended, Marxism-Leninism was removed as a required course from school curricula, agreement was reached to remove Soviet occupying forces from the republic, the secret police and nomenklatura system were formally abolished, and a host of steps were initiated aimed at introducing the rule of law and rehabilitating the political, judicial, and educational systems. Human dimension issues that have arisen specifically in independent Slovakia are discussed below.

ELECTIONS

The 1989 Velvet Revolution paved the way for Czechoslovakia's first open elections since 1946. Parliamentary elections for the Federal Assembly as well as for the Czech and Slovak republic-level governments were first held in June 1990 and again in June 1992. Both elections were monitored by a large number of domestic and foreign observers and were generally considered to be free and fair, within the context of a system of proportional representation that allowed voters to cast their ballots only for parties and not for individual candidates. The electoral processes -- including the campaigns, registration of parties and voters, actual voting, and tallying of results -- took place without reports of significant incidents or impediments. Reports of sporadic episodes of irregularities suggest that honest mistakes were more of a problem than malfeasance. Some problems resulted from the cumbersome methods used for casting ballots, difficulties which may be ameliorated over time as greater experience is gained by election officials and these methods are refined.

Although meeting minimum international standards, some criticisms have been voiced regarding these elections. One of the more disappointing aspects of the electoral process manifested itself in the media. Journalists apparently interpreted the media laws governing party access to broadcast news narrowly, and few engaged in the kind of investigative reporting, in-depth interviews, face-to-face debates, or comparative analyses that might have better assisted voters in making informed decisions. This reflects not so much

government or party interference in the electoral process as it does the absence of a well-established free press. The speed with which Slovak society redresses this problem will be indicative of the transition to democracy generally.

An additional concern has been raised regarding the rules permitting parties to receive funding from abroad. In Slovakia, it was widely believed that extremist emigre groups from abroad, particularly from the United States and Canada, sought to advance their own goal of an independent Slovakia (and one not particularly marked by tolerance for minorities) by financially supporting discrete groups known to be sympathetic to that cause. The extent to which this criticism is well founded is unclear as some Slovaks have also complained, ironically, that North American emigres have in fact failed to provide financial support for the independent Slovakia they have long claimed to seek. In any case, the possibility that foreigners might be able to influence significantly the direction of Slovak politics, particularly at this historic junction, has caused concern.

Slovakia's system of proportional representation has also generated debate. Proportional representation is used in many countries and certainly, in theory, does not violate CSCE election standards. In practice, however, proportional representation may heighten some of the problems associated with Eastern Europe's transition to democracy.

Currently, Slovakia uses a system of party "slates," whereby one votes for a particular party and the party, in turn, sends to parliament (the Slovak National Council) representatives of its choice; procedures for voters to override the party slate of candidates in favor of some specific individual are complicated and rarely effective. This system makes it more difficult in subsequent elections for the electorate to vote out of office selected representatives with whom they are dissatisfied and thereby diminishes political accountability. It also creates confusion when a party for which a voter has cast his or her ballot ceases to exist or ruptures into multiple parts (as happens frequently in countries in transition), while that party's representatives remain in office.

Slovakia's system of proportional representation may also disproportionately enhance the power of any given party relative to its actual popularity. For example, in Slovakia's last parliamentary elections, almost 24 percent of the vote was cast for parties that failed to meet the threshold level of support (5 percent) required to seat parties in the legislature. Those votes were then distributed among the parties which passed the threshold level in accordance with the proportion of the vote they received, but regardless of whether that represented the voters' actual second-choice preferences. As a result, the Movement for a Democratic Slovakia, which had won only 37.26 percent of the vote, was awarded 74 out of 150 seats in the parliament -- almost a majority of the seats.

Although proportional representation is often considered desirable by those who believe it will better safeguard the rights of ethnic, religious, and linguistic minorities by increasing the likelihood that they will be represented in the legislature, it may actually serve to marginalize such groups. A voice in the parliament does not necessarily ensure a meaningful impact on the legislative process. When political parties become closely or exclusively identified with a particular ethnic group, it may decrease the pressure on larger parties to compete for minority support. In Slovakia, for example, Coexistence, a minority party dominated by ethnic Hungarians but also welcoming other minorities, mustered the votes necessary to gain representation in the Slovak National Council. Thus far, however, it has been unable to translate that presence into concrete legislative results.

Finally, proportional representation may also prolong rather than decrease the persistence of factionalism that is, in most of this region, accompanying the transition from one-party states to multi-party states. While multi-party elections are indeed the goal of the international community, excessive factionalism is not. Moreover, a process which diminishes rather than fosters political cohesion is particularly unwelcome as countries go about the business of trying to establish democracy and free market economies and where relatively unequivocal leadership is needed. Although Slovakia has not seen the emergence of as many "couch parties" -- parties whose entire membership could all fit on a single couch -- as some of its neighbors, proportional representation may enhance the prospect of weak coalition governments.

The Constitution. After the passage of a declaration of "sovereignty" on July 17, 1992, Bratislava's parliament rapidly moved to adopt a constitution on September 1. This document has been a lightening rod for criticism, primarily from two quarters: the Hungarian minority in Slovakia and political opponents of the ruling party, the Movement for a Democratic Slovakia.

Hungarian opposition to the constitution centered on the preambular language, which states "We, the Slovak nation . . . adopt through our representatives the following Constitution . . ." This text was approved over protests from Hungarian parliamentarians who offered as alternative language "We, the citizens of Slovakia, adopt the following Constitution . . ." Sixteen ethnic Hungarian parliamentarians walked out in protest before the vote on the draft constitution to signal their dissatisfaction with the proposed preambular language.

The preamble also states that the Slovak nation proceeds "from the natural right of nations to self-determination." In fact, the international community does not recognize an unequivocal "right of nations to self-determination." Rather, principle VIII of the Helsinki Final Act recognizes "the equal rights of peoples and their right to self-determination." (Emphasis added.) While some Slovak officials have suggested the existence of a "national" right to self-determination which takes priority over other Helsinki Final Act principles such as territorial integrity (principle IV), minority rights (principle VII) or the rights of individuals (principle VII), CSCE standards require the aspirations of all peoples to be balanced in the context of a democratic system. In addition, "all of the principles . . . are of primary significance and, accordingly, they will be equally and unreservedly applied, each of them being interpreted taking into account the others."

It has been said that a constitution reflects "the triumphs and disappointments of a nation's past and embodies its hopes for the future." In the case of Slovakia, the current constitutional debate reflects not only the historic, often difficult experiences of "the Slovak nation" but, implicitly, the treatment of non-Slovaks by the Slovak majority -- particularly, the legacy of oppression during World War II. Since the opening lines of the new Slovak Constitution are intended to be descriptive rather than creating enforceable rights or restrictions, the preamble does not violate Slovakia's human rights commitments. Nevertheless, it is indicative of the insensitivity of the majority population towards Slovakia's numerous minorities and has fostered doubts about the good faith with which ethnic Slovak parliamentarians and government officials will seek to ensure respect for the rights of minorities.

In fact, many of the other constitutional issues raised by ethnic Hungarians go precisely to this point, since both the constitution itself and potential implementing legislation provide opportunity for abuse if the majority population were so inclined. For example, the Slovak constitution has several provisions which are, on their face, ambiguous (e.g., article 6, on the use of "state" and "official" languages; article 26 (4) on permissible restrictions of free speech; article 32 on permissible "resistance" in the name of democratic

order; articles 33 and 34 on the rights of national minorities or ethnic groups). Furthermore, many rights provided for in the constitution may be restricted by legislation (e.g., article 21 (2), limiting the inviolability of one's home; article 22 (2), on the privacy of the mail; article 28 (2), limiting the right of freedom of assembly; article 34 (1), on the rights of minorities ("details will be set out in a law"); article 35 (4), on the right to work and choice of profession). And while a three-fifths majority of the parliament is required to pass constitutional amendments, a simple majority is sufficient to pass legislation.

Implemented in good faith, the Slovak constitution would be consistent with CSCE standards. But evidence of official intolerance towards minorities and the absence of well-established democratic institutions has heightened fears that constitutional ambiguities and implementing legislation will be exploited in ways inconsistent with Slovakia's international human dimension commitments. Of particular concern to minorities is article 34 (3), which states that "[t]he enactment of the rights of citizens belonging to national minorities and ethnic groups that are guaranteed in this Constitution must not be conducive to jeopardizing the sovereignty and territorial integrity of the Slovak Republic or to discrimination against its other inhabitants." This language has given rise to fears that the mere discussion of minority concerns may be deemed "conducive" to discrimination and will be restricted under this clause.

Article 11 of the constitution does provide that in the event of a conflict between international human rights treaties and domestic law, the former will take precedence. But it already takes years to take such disputes through the Council of Europe's judicial system -- perhaps the most authoritative avenue for resolving these kinds of legal conflicts -- and it may take even longer as the Council tries to absorb into its ranks a number of East European countries that are still making the transition to democracy.

Slovakia's own courts, which would hear constitutional and other cases relating to the implementation of Slovakia's human rights commitments, are uncertain guarantors as well. By necessity, they are the successors (or extensions) of the old socialist judicial system, and the ability of newly appointed constitutional judges to rise above their pasts is largely untested. In fact, Prime Minister Meciar has apparently tried to pack the court with judges sympathetic to his own views, even though the task of naming judges to the newly created constitutional court was set aside by the constitution for the President. Meciar's actions created a constitutional muddle, since he maintained it is the constitutional court which had to determine the legality of his appointments, but by law the judges were prohibited from ruling on issues relating to their own interests.

Additional criticism of the constitution has focused on the ability of the dominant party in parliament to appoint a relatively strong executive. (Of the current 150 members of the Slovak parliament, three-fifths are former members of the Communist Party; many of them do not act like reformed communists, but unreconstructed communists.) Opponents of a strong executive have voiced concern that government officials from the Movement for a Democratic Slovakia are, in reality, not very democratic and, it is argued, likely to abuse their positions of authority. Nevertheless, a constitution that provides for a strong executive is not in and of itself inconsistent with international human rights standards. Abuse of executive authority may, of course, independently give rise to violations of human rights standards.

The Media. The government of Vladimir Meciar has engaged in tangible acts of repression against elements independent of its party line. Official intolerance of alternative views has been most evident in the government's attitude toward the media. Members of the current government -- particularly Prime Minister Meciar and Minister of Culture Dusan Slobodnik -- have consistently declared that those who "slan-

der" the Slovak state or spread "wrong information" about it or are not "objective" in their reporting should be punished or controlled. For example, Minister Slobodnik has stated that "[i]t is illegal when statements are made accusing the Slovak nation which are in conflict with the truth and which are slander against Slovakia." These statements are reminiscent of communist-era legislation such as the infamous prohibitions on "anti-Soviet agitation and propaganda" in the Soviet Union.

In addition to persistently denigrating the press, Slovak officials have taken concrete steps that have been clearly designed to limit freedom of the press. Almost immediately after the June 1992 elections, Prime Minister Meciar reversed a decision to privatize Slovakia's largest printing house, Danubiaprint. Claiming that a state monopoly is better than a private one, Meciar brought into doubt both his commitment to privatizing state-run enterprises as well as his willingness to permit independent publishing.

The Slovak government has also exploited the continuing system of state subsidies to reward periodicals loyal to Meciar. Journals that have not yet been privatized have been punished for criticizing the government in two ways: through the withdrawal of state subsidies and/or by the dismissal of independent journalists. At the beginning of this year, for example, the editor and director of the state-owned newspaper Smena were fired, allegedly for economic reasons but, since the finances of the paper were actually quite strong, presumably for their critical assessments of the government. Subsequently, the Slovak Journalists' Union issued a statement asserting that "steps such as this are against the principles of democracy and freedom of the press."

The Slovak government's heavy-handed tactics have extended to broadcast as well as print media. For example, after months of complaints by the Meciar government that the press did not fairly portray the situation in Slovakia, the Slovak National Council purged the theoretically independent board which supervises Slovak Television. The Hungarian minority has complained that this state interference works to their particular detriment and fails to ensure for them adequate programming in the Hungarian language. State control of broadcasting is so far-reaching that it even bars the mere mention of Hungarian-language names of ethnically mixed towns on television. This kind of restriction belies the existence of a free media in Slovakia.

Minority Rights. The population of the Republic of Slovakia numbers just over 5 million with possibly as much as 25 percent comprised of ethnic, linguistic, or religious minorities. An estimated half million Hungarians form the largest minority while other minorities, including Roma (Gypsies), Poles, Germans, Ukrainians, and Ruthenians, may total as much as another million. There are approximately 400,000 Lutherans among the predominately Catholic Slovaks; there are also Greek Catholic and Eastern Orthodox communities in Slovakia as well. Of the significant pre-war Jewish community, an estimated 3,000 remain. It is widely believed that censuses in both republics of Czechoslovakia under-represented the number of minorities because of the unwillingness of the most stigmatized groups -- particularly Roma -- to identify themselves for fear of persecution.

Relations among these diverse communities are driven not only by current events, but also by collective memories of past experiences. The perspective of ethnic Slovaks is, to a great extent, shaped by a long history of domination by Hungary and, in recent centuries, forced Magyarization. Neighboring Hungary continues to cast a long shadow over Slovakia: talk is sometimes heard there of a return to the pre-World War I borders of the Hungarian Empire and, last year, both Prime Minister Antall and Defense Minister Fur portrayed themselves as the guardians of Hungarians outside of their own country.

At the same time, many ethnic Slovaks seem unaware of or ill-informed about Slovakia's own mistreatment of minorities during its close encounter with sovereignty during World War II. Although a Slovak parliamentary commission was established after the Velvet Revolution to examine that historical period, so far it has failed to produce any conclusions or findings. For minority communities, it is the legacy of World War II -- the government implementation of the Nuremberg race laws in Slovakia, the confiscation of the properties of Jews and Roma (Gypsies), and, ultimately, the mass deportations of minorities to death camps -- which colors their views of contemporary politics. Anger over post-war population exchanges with Hungary and the confiscation of property from ethnic Hungarians have recently resurfaced in contemporary political debates.

Not surprisingly, the prospect of the dissolution of the Czechoslovak federation and the simultaneous escalation of racist rhetoric on the part of some separatists only sharpened fears of growing ethnic intolerance on the part of the Slovak majority and seemed to spur pro-federation sentiments in minority communities. During the run-up to independence, increased Slovak nationalism did not manifest itself in specific legal restrictions but in a growing climate of intolerance.

For example, as early as 1990, the Slovak parliament adopted a law designed to regulate the official use of minority languages. Although the text ultimately adopted narrowly complies with Slovakia's international commitments on minority rights, a more chauvinistic version of this law was debated by the Slovak National Council and would have barred the use of any language but Slovak for official communications -- even between two ethnic Hungarians. As adopted, the law permits ethnic minorities to use their languages in those areas where they constitute at least 20 percent of the population. (The Slovak Ministry of the Interior, which has only been partially transformed from its communist-era incarnation, oversees the implementation of the language law.) It is unclear whether a constitutional provision declaring Slovak to be the "state" language -- as opposed to the legislative regulation of "official" languages -- is designed to further restrict language use or is merely the result of inconsistent drafting.

Signs of chauvinism outside the halls of parliament have been even more pronounced. For example, Helsinki Commission staff saw anti-Semitic, anti-Hungarian, and anti-Roma graffiti in the capital; similar graffiti has been reported in other cities as well. Spray-painted signs such as "Czechs, communists, Gypsies, Hungarians--to the gas!" or "Slovakia for the Slovaks!" echo slogans of the Tiso era. Some Hungarian and Jewish leaders have reported receiving vicious, threatening hate mail. There have also been isolated incidents of Jewish cemeteries being desecrated, evoking the image of "anti-semitism without Jews" that has been described in Poland.

Roma (Gypsies) are particularly vulnerable to acts of social prejudice. Throughout Europe, Roma have suffered humanity's worst abuses, from the Inquisition to enslavement to the Holocaust. They have been alternately subjected to forced assimilation and to virtual apartheid. They have been compelled to submit to involuntary sterilization and have had their children seized from them. Today, they continue to be subjected to deeply ingrained racism in several CSCE countries, including Slovakia. Higher rates of illiteracy, disease, poverty, and imprisonment -- exacerbated by the dislocation associated with Slovakia's economic restructuring -- make Roma easy scapegoats for society's discontent. In this context, the absence of a strong commitment to oppose social prejudice is all the more damaging.

Worse still, some of the highest level officials in Slovakia have themselves demonstrated this kind of prejudice. For example, it was reported in September 1993 that Prime Minister Meciar made a speech in Spisska Nova Ves -- a city with a significant Roma community -- in which he drew attention to the high birth rate among Roma. He then stated that "if we do not deal with them now, in time they will deal with us. It's necessary to understand them as a problematic group which rises in numbers." In light of the Slovak deportation of Roma to death camps during World War II and the forced sterilization of Roma women by the post-war Czechoslovak communist regime, such remarks demonstrate shocking insensitivity. They also stand in sharp contrast to Slovakia's CSCE commitment, adopted in Copenhagen in 1990 and confirmed by the Slovak government in January 1993, to "clearly and unequivocally condemn totalitarianism, racial and ethnic hatred, anti-semitism, xenophobia and discrimination against anyone as well as persecution on religious and ideological grounds. In this context, [the participating States] also recognize the particular problems of Roma (gypsies)."

Social antipathy toward Roma may be even more pronounced in the neighboring Czech Republic. There, a new law has been adopted which may have the effect of denying many Roma residents citizenship. Indeed, it has been suggested that the Czech citizenship law may have been crafted with the intention of excluding Roma and compelling them to move to Slovakia. The Slovak government, in contrast, urged that both new countries provide for dual citizenship for all citizens of the former Czechoslovakia. Anxious to facilitate relatively porous borders, Slovakia has adopted a more inclusive citizenship policy than its neighbor.

A few steps to ameliorate conditions for Romany communities in Slovakia have been taken, such as the establishment of a Romany Culture Center in Nitra, tasked with training teachers of the Romany language. Unfortunately, disorganization and factionalism among Roma associations hinder the ability of Roma to organize themselves, develop cultural and political agendas, coordinate with other groups which might share their concerns, and ultimately achieve their goals as a community.

The situation for Hungarian Slovaks is significantly better than that of Roma, although the Hungarian minority has raised several specific concerns. In May of this year, Prime Minister Meciar admitted, in a briefing for members of Congress organized by Representative Tom Lantos, that a state bureaucracy existed for the purpose of screening the names of newborns to ensure that they were acceptable to the government. Representatives of the Hungarian community have asserted that this screening process is designed to prevent them from giving their children ethnic Hungarian names. Ironically, however, in a briefing organized in May 1993 by the Institute for Foreign Policy Analysis, Roman Kovac, the Deputy Prime Minister of Slovakia, asserted that this screening system was not directed at members of the Hungarian minority but at members of the Roma minority who, he stated, were giving their children "weird" names.

The CSCE community had already determined, during the period of Bulgaria's efforts (reversed in 1990) to force ethnic Turks to slavicize their names, that such practices are inconsistent with CSCE standards. And although Prime Minister Meciar stated in May 1993 that controls on naming newborns in Slovakia would be brought into line with international human rights standards, legislation to that end was blocked by his government. Subsequent statements by government officials have asserted that the Council of Europe's recommendations are not binding -- notwithstanding Slovakia's agreement to them -- and that the Council of Europe could not "dictate grammar" to Slovakia.

The Hungarian community has also expressed alarm regarding what appears to be a campaign by the Slovak Minister of Transportation, Roman Hofbauer, to eradicate the use of the Hungarian language on road signs throughout the country. Putting aside questions regarding the economic wisdom of this expense, this rigidly controlled, highly centralized style of governing disregards the interests of local communities. Moreover, these steps, initiated in the summer of 1993, are contrary to a specific commitment made by the Slovak government in connection with its admission to the Council of Europe and more general assurances made by Prime Minister Meciar to Congressman Tom Lantos in May 1993 regarding the fair treatment of minority communities.

Finally, the Hungarian minority has voiced its fear that the Slovak government will take steps to "redistrict" localities in such a way as to diminish the relative strength and concentration of Hungarian communities. This sort of gerrymandering, undertaken by, for example, the Ceausescu regime in earlier years, has a ripple effect on representation in local administration, public education, and meeting the 20 percent threshold for minority language use. Such redistricting, when designed to disadvantage a particular ethnic or linguistic group, is inconsistent with CSCE standards on non-discrimination.

Some Slovak officials have expressed concern that the political and cultural aspirations of the Hungarian Slovak community will lead to separatist movements. There are two ironies in this context. First, there is no hint of recognition that this mirrors Czech fears -- voiced until the union dissolved -- that Slovak political and economic demands would lead to just such an end. Second, there is little if any sense of understanding that the less respect there is for the Hungarian community, the more grist there is likely to be for a Hungarian separatist mill.

Thus far, in fact, the Slovak leadership has failed to respond effectively and persuasively to minority concerns. Frequently, when human rights issues are raised, Slovak leaders respond with indignation and a paranoid rebuttal that whatever problem is at issue is really something orchestrated by Prague centrists or Hungarian irredentists. The current Slovak government appears to appeal to the dialect of division rather than the rhetoric of reconciliation. And although true extremists may be a minority in Slovakia, the silence of Slovak society in general and the Slovak government in particular in the face of acts and statements of intolerance has been deafening.

The Hungarian-slovak Dam Dispute. Relations between ethnic Hungarians and Slovaks have been undoubtedly colored by a debate over the future of the Gabcikova dam project along the Danube river. Since 1990, Hungary has engaged in escalating criticism of Czechoslovakia's (now Slovakia's) diversion of the river, part of the border between Slovakia and Hungary. Czechoslovakia's actions were based on a 1977 bilateral treaty with Hungary that permitted the Danube to be dammed (and diverted) as part of an effort to produce electrical power, improve navigation, and control regional flooding. Slovakia inherited the dam project and attaches even greater importance to the plan in the light of its independence and consequent increased reliance on the dam's energy supply.

Hungary's change of heart became apparent in 1989, when its leaders decided the energy-environmental trade-off of the project was no longer a desirable exchange and unilaterally stopped construction on their portion of the project. (At that time, Hungary's environmental movement had become a political force with which to be reckoned.) In May 1992 Hungary renounced the treaty and, since then, has been seeking to block the project in its entirety while refusing to discuss compensation for already completed

work. At the time of Hungary's unilateral decision, the dam project had been under construction for nearly 15 years and entailed a investment variously estimated at between one-half and one-and-a-half billion dollars.

The Hungarians have legitimate environmental concerns, as the dam project clearly favors energy over ecological concerns. Thus far, however, Hungarian officials have handled their fears somewhat clumsily. For example, Hungarian officials spent two years complaining about the project after unilaterally renouncing the treaty, but declined to utilize any dispute resolution fora in which they might lose or, alternatively, might get the dam stopped only by being required to pay damages to the Slovaks for breach of their contractual obligations. Although the Hungarian government sought to convene a CSCE emergency meeting over the dam dispute in early 1993, its proposal did not garner the necessary 12 cosponsors to hold such a meeting. Hungary has not sought to utilize any other CSCE dispute resolution mechanism with Slovakia.

Although Hungarian officials have maintained that Slovakia's diversion of the dam violates Hungary's border (in violation of principle III of the Helsinki Final Act), Hungary originally gave its consent to this diversion in 1977 (albeit since revoked) and principle I provides that borders may be changed by agreement. Both countries are required to resolve their treaty dispute peacefully, in accordance with principle V, and agreement appears to have been reached between Slovakia and Hungary to submit this dispute to the International Court of Justice.

Csce Activities On Slovakia. After the split of Czechoslovakia into two independent states, each was admitted into the CSCE according to a decision of the Council of Ministers taken in Stockholm on December 14, 1992. That decision provided for each Republic to join the CSCE as a full participating State after the January 1, 1993 dissolution of the federation and upon the submission of letters of accession to the CSCE Chair-in-Office.

Subsequently, in accordance with now established CSCE practice, the CSCE Chair-in-Office organized a rapporteur mission to visit each of the newly admitted participating States. The mission visited the two republics from March 8 - 12, 1993 and issued a single report that is available to the public from the CSCE Secretariat in Prague. To a great extent, the short discussion of the human dimension in Slovakia is largely descriptive of the situation in Slovakia as provided for on paper; the mission did not make a thorough examination of the application in practice of international human rights guarantees. Although the rapporteur mission deferred a more thorough examination and discussion of issues relating to minority questions to the pending investigation of the High Commissioner for National Minorities (discussed below), that section of the report offered a more thoughtful evaluation. In particular, the mission concluded that the situation of Roma in both the Czech and Slovak Republics was of sufficient concern that additional follow-up by the CSCE Office for Democratic Institutions and Human Rights and the High Commissioner would be warranted.

The CSCE High Commissioner for National Minorities (HCNM) is mandated to investigate tensions involving national minority issues which have not yet developed beyond an early warning stage but which have the potential to develop into a conflict within the CSCE area, affecting peace, stability or relations between the participating States. The selection of particular situations for consideration is a matter for the HCNM, interpreting the scope of his authority and taking into account his budgetary restrictions.

Pursuant to the recommendation of the CSCE rapporteur mission to the Czech and Slovak Republics, the Committee of Senior Officials, meeting Prague in April 1993, also mandated the HCNM, Max van der Stoel, to prepare a report on problems relating to Roma. That report, circulated by the Prague CSCE Secretariat on September 14, 1993 to the participating States, discusses the general social and economic situation of Roma throughout the CSCE community. Although it does not discuss specific human rights violations faced by Roma, it does urge that Roma issues receive additional attention at CSCE meetings and by the CSCE Office for Democratic Institutions and Human Rights.

The HCNM also made a joint visit to Slovakia and Hungary on February 14 - 20, 1993, linking an examination of the situation of the Hungarian minority in Slovakia to an examination of the situation of the Slovak minority in Hungary. The reports of the HCNM have not been released to the public.

The community of ethnic Slovaks in Hungary has not petitioned the international community on its behalf and does not appear to suffer from government orchestrated discrimination or interference or violent expressions of social intolerance. On the contrary, it appears that Slovak officials profess concern over the ethnic Slovak minority in Hungary as a calculated, defensive move, rather than out of genuine anxiety for that community. And, even though the Hungarian minority in Slovakia has raised specific complaints, a number of political commentators have speculated that Hungarian government officials may not always champion this minority for the most altruistic of reasons. Linking an examination of the two minorities, as the HCNM has chosen to, may make his investigation more politically palatable for the Slovak government.

Concern has been raised that in a number of CSCE regions, countries may seek to exaggerate the problems of minorities in neighboring states in order to weaken their international standing and strengthen other claims. For example, Russian assertions regarding the Russian-speaking communities in the Baltic States appear to be exaggerated in order to justify Moscow's reluctance to remove illegally stationed Soviet troops from, in particular, Latvia and Estonia. In the case at hand, the HCNM is challenged to ensure that his examination of the situation in Slovakia is not politically exploited by any number of parties (including opponents of the Meciar government in Bratislava). This task is all the more challenging given that his reports are confidential.

Although the HCNM has "bilateralized" his examination of Hungary and Slovakia, questions relating to the implementation of CSCE commitments remain issues in which the CSCE community as a whole has interest. The right to non-discrimination and the rights of persons belonging to national minorities are international rights which cannot be diminished -- only enhanced -- through bilateral arrangements.

As a result of the High Commissioner's visit and upon his recommendation, the Committee of Senior Officials, meeting in Prague in April 1993, mandated follow-up activities for both Hungary and Slovakia. This work consists of establishing a team of three minority rights experts -- selected by the HCNM -- who will visit both countries twice a year for two years. They will examine the situation of the Slovak and Hungarian minorities and make recommendations to the High Commissioner.

Generally, it appears that the current HCNM has interpreted his role as one of quiet diplomacy. The CSCE community may also raise and examine human dimension issues, including minority issues, through more traditional mechanisms of public diplomacy: meetings of the Committee of Senior Officials; CSCE seminars such as the meeting on free media (scheduled for November 1993); and human dimension implementation meetings and review meetings (held in alternating years).

CONCLUSIONS AND OUTLOOK

For the people of Slovakia, the 1989 Velvet Revolution constituted not just a chance to be free from totalitarianism, but a chance to take control of their own lives, their government and their destinies in a way that had been elusive throughout this century and unthinkable before that. It marked the chance to receive credit for their successes and to run the risk of being held accountable for their failures.

With the dissolution of the federation an accomplished fact, however, it is the prospect of failure that seems to loom largest in the minds of many in Slovakia. Much of the population has met this historic opportunity with passivity, while many of those who are politically active -- in the face of enormous challenges, particularly in the economic arena -- seem reluctant to take on the mantle of leadership.

For those who have gladly accepted the task of governing Slovakia, the transition to independence and the transition to democracy are formidable responsibilities that have not been met with equal enthusiasm. Although free elections were held in Slovakia in June 1992 and a workable constitution passed shortly after that, other essential elements for the rule of law have yet to be established: the independence of the judiciary remains uncertain; an accounting with former leaders of the communist regime awaits its victims; and questions relating to the legacy of war and totalitarianism (e.g., restitution or compensation for confiscated property, the identification and possible prosecution of the elites of the former government) are still outstanding. In some areas of the human dimension, such as the freedom of the press, a distinct hostility on the part of the ruling party has been evidenced.

In addition, the government has pursued policies that suggest at best indifference toward and at worst intolerance of the rights of those belonging to minorities groups. Minority rights, of course, will not survive on their own in the absence of democracy. As recognized in the 1990 Copenhagen Document, "questions relating to national minorities can only be satisfactorily resolved in a democratic political framework based on the rule of law, with a functioning independent judiciary. This framework guarantees full respect for human rights and fundamental freedoms, equal rights and status for all citizens, the free expression of their legitimate interests and aspirations, political pluralism, social tolerance and the implementation of legal rules that place effective restraints on the abuse of governmental power."

In short, democracy and minority rights will stand or fall together. Infringements on the rights of minorities inevitably impact negatively on society as a whole, and government policies which limit academic freedom, unduly restrict the media, or slow the process of privatization are likely to disproportionately burden minorities.

The human dimension problems facing Slovakia today have broad implications: they raise questions for the economic well-being of the people of Slovakia, for the regional security of this country, and for Slovakia's integration into the community of nations. It remains to be seen whether shortcomings in Slovakia's implementation of its CSCE commitments are merely the residual ashes of a deceased communist system that will scatter away over time, or whether the transition to democracy will require even more profound changes than the transition to independence.