

**COMMISSION ON  
SECURITY AND COOPERATION IN EUROPE**

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**HUMAN RIGHTS AND DEMOCRATIZATION  
IN SLOVAKIA**

**Prepared by the Staff of the  
Commission on Security and Cooperation in Europe**

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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 engages in 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 of approximately 15 persons 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.

This document is part of a continuing series of reports prepared by the staff of the Commission on Security and Cooperation in Europe on human rights and democratization in the OSCE region. It is based, in part, on a staff delegation visit to Slovakia in April 1997.

For additional Commission staff reports on Slovakia, see:

*Human Rights and Democratization in Slovakia* (September 1993)

*Report on Slovakia* (April 1992)

**Both are available on the Commission's website at:**

**<http://www.house.gov/csce/>**

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### **Abbreviations Frequently Used in Citations**

CTK.....	Czech News Agency
DOS Report.....	Department of State's Annual Country Reports
ERRC.....	European Roma Rights Center
EECR.....	East European Constitutional Review
FBIS.....	Foreign Broadcast Information Service
OMRI.....	Open Media Research Institute
RFE/RL.....	Radio Free Europe/Radio Liberty
TASR.....	Slovak News Agency

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# MAP OF SLOVAKIA



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## SUMMARY

Communists were ousted from power in Czechoslovakia in the fall of 1989 through what became known as “the Velvet Revolution.” Although Czechoslovakia was praised early and often for its peaceful transition from communism, differences between the country’s two major ethnic groups, the Czechs and the Slovaks, became evident almost immediately and were quickly exploited in both halves of the country. In Slovakia, leaders like Vladimir Meciar used nationalist rhetoric and escalating demands for “autonomy” to boost their political prestige; in the Czech lands, economist-turned-politician Vaclav Klaus, pandering to his own economic nationalists, happily shrugged off that part of Czechoslovakia which had been more heavily burdened with inefficient, Communist-era industries. With the Velvet Divorce, Slovakia became independent as of January 1, 1993.

Since then, Slovakia has followed a checkered path towards reform. Free and fair elections have been held, a workable constitution was established, and the economy is relatively strong.

However, seven years after the Velvet Revolution and four years after Slovakia achieved independence, neither the parliament nor the inner circle of the cabinet have adopted or fully implemented democratic values and processes. While the trappings of a pluralistic society are present on paper, more often than not they fail to work: free and fair elections have been held, but the absence of majority-winner party has left in place a far right-far left coalition; a basic constitution is in place, but the Constitutional Court is glutted by challenges to parliamentary and government actions, and its judges have received death threats that may be intended to chill the Court’s review of these actions; the Slovak economy appears relatively stable, but shadowy privatization deals involving Prime Minister Meciar’s supporters command much of Slovakia’s market reforms. Most significantly, Slovakia is not matching the progress towards democratization being made in other Central European, post-Communist countries.

Although some of Slovakia’s human rights problems are symptomatic of the post-Communist transition taking place throughout Central Europe, there are some ways in which Slovakia has negatively distinguished itself from other post-Communist, newly independent states: by a pattern of violence against opposition leaders and journalists, by threats to parliamentary and constitutional democracy, and by the presence of a right-wing extremist party *within* the ruling coalition. In fact, two of the most significant achievements of the modern Slovak state, its free and fair elections and constitutional system, are currently at risk.

Presidential elections are expected in early 1998. Parliamentary elections are expected to be held not later than the fall 1998.

## HISTORICAL BACKGROUND<sup>1</sup>

### I. From the Great Moravian Empire to the Czechoslovak Federation

Slovakia was the part of Czechoslovak Republic that was often ignored, overlooked, or forgotten when the press, the public, and politicians used the shorthand phrase "Czech" to refer to the people, the language, and the state that Czechs and Slovaks shared from the end of World War II until midnight, December 31, 1992, when the Czechoslovak federation dissolved. It is home to approximately 5 million people: some 4 million ethnic Slovaks, and sizable minority populations of ethnic Hungarians, Roma (Gypsies), Ukrainians, Ruthenians, Jews, Poles, and Germans.

Slovaks trace their ancestry to the short-lived Great Moravian Empire of the 9th century, during which Slovaks and Czechs were briefly united. But by the 10th century, Magyars (Hungarians) obtained control of the region that is now known as Slovakia. For the next ten long centuries, Slovakia was controlled by the Hungarian crown. Like Hungary, Slovakia remained predominately Catholic, although there are Lutheran, Greek Catholic, Eastern Orthodox, and Jewish communities in Slovakia as well. On net, 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 bitterness; Hungarian irredentism—real or imagined—is topical in Slovakia, as it is in Romania.

In contrast, the Czech lands, embracing the Slavic people of Bohemia and Moravia, had clearly manifested their own national identity during the Czech Kingdom of the middle ages. Subsequent domination of the Czechs by the German-speaking rulers of the Habsburg dynasty brought the Czech lands under the control of the Austrian Empire, but never eradicated the sense of Czech nationhood. During the Reformation, Protestantism made a lasting impact in Bohemia and Moravia.

The outbreak of World War I set the stage for the collapse of the Austro-Hungarian Empire and, 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, although some Slovaks have argued that what they bargained for was a federal system, in which they would form a political unit equal to the Czechs, and not a unitary system in which they would be outnumbered 2-to-1.

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<sup>1</sup>This section has been adapted from the Commission's April 1992 *Report on Slovakia* and the September 1993 report, *Human Rights and Democratization in Slovakia*.

## **II. World War II**

During the period between the two world wars, some political factions in Slovakia were unhappy with the structure of the newly created Czechoslovak state and began to advocate some kind of Slovak "autonomy"—although it was rarely clear exactly what this meant. It is difficult, in retrospect, to determine precisely how widespread popular dissatisfaction with the status quo was but, significantly, the parties which advocated Slovak autonomy failed to win parliamentary majorities in what were considered relatively free and fair elections held during this period. Not content with these results, extremist elements in Slovakia ultimately formed paramilitary guards, undertook secret discussions with foreign governments with the aim of establishing an independent Slovakia, and, in the end, undertook the negotiations with Hitler that helped set the stage for the dismemberment of Czechoslovakia.

On March 14, 1939, a Slovak "state" was declared, headed by a Catholic priest, Joseph Tiso. (This "state" was never recognized by the United States, although some European countries did extend recognition.) Tiso and his supporters resorted to anti-democratic means to achieve Slovak independence; in the end, however, their state was independent in name only. This Slovakia had a fair degree of autonomy, but when differences arose with Berlin, German views prevailed. Perhaps in the most critical way, this regime was a tool of the Third Reich: during the war, the Tiso leadership sent an estimated 70,000 Jews and an uncounted number of Roma to death camps, mostly in Poland. The Tiso regime also formally declared war against the United States and other opponents of Hitler.

In 1944, a popular uprising, with support from democratic Slovaks in the West as well as from Communist partisans in the East, spread throughout Slovakia. The uprising sought the overthrow of the fascist regime and the restoration of the Czechoslovak state. After the war, Tiso, who had fled to Austria, was extradited by American occupation authorities back to Czechoslovakia where he was executed for war crimes and treason.

## **III. From Communism to Independence**

At the end of World War II, the Czech and Slovak lands were reunited under the Presidency of Eduard Benes. The restoration of democracy, however, was short lived. In the first post-war elections, held in 1946, the Communist Party won 38 percent of the vote nation-wide, giving the Communists a dominant role in the Government. From that vantage point, they proceeded to consolidate control over key state bodies (particularly the police and army), leading up to a coup in 1948 which introduced the full-fledged dictatorship that would remain in control for more than fifty years.<sup>2</sup>

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<sup>2</sup>Significantly, the Communist Party was the largest vote-getter in the Czech lands, taking 40.2 percent of the vote. In contrast, the Communists were actually defeated in Slovakia, where the Democratic party took 62 percent of the vote (versus the Communists' 30.4 percent). Accordingly, Communist domination of the parliament—and, subsequently, the entire country—would not have occurred (at least so easily) but for the unitary state structure. Slovaks sometimes recall this Czech legacy when recounting the hardships they suffered during the years that Communists ruled Czechoslovakia with an iron fist—or when countering expressions of concern that modern Slovakia is too closely associated with its own fascist past.

Although Czechoslovakia was restored as a unitary state at the end of World War II, the federal structure long sought by many Slovaks was only established after the 1968 Soviet invasion. When the Prague Spring<sup>3</sup> was crushed, a form of federalism was introduced as part of the so-called "normalization." This form of federalism was, however, not designed to provide true power sharing but, on the contrary, designed to blunt resistance to the harshly restrictive human rights policies of the post-Soviet invasion regime. In fact, genuine federalism was never implemented in practice, and highly centralized control continued to be exercised by the Communist Party in Prague. The issue of Czech-Slovak relations would wait more than twenty years, until the Velvet Revolution led to the fall of communism in Czechoslovakia, before resurfacing.

After the Velvet Revolution, it was not immediately apparent 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, failed 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 post-Communist political 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 amateur boxer named Vladimir Meciar, mounted a pro-"sovereignty" campaign geared to the 1992 elections, but which fell well short of being a program for actually governing what was to become an independent Slovakia.

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 how that union should work, and majority opinion broke down over the details: should there be a common army, a common currency, common membership in international organizations? 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 fared best in this political climate, promising that independence from Prague would be the means to achieve greater economic prosperity. This rhetoric found special resonance in Slovakia, where the hardships accompanying the early stages of Czechoslovakia's transition to a market economy (particularly increased unemployment) were disproportionately greater.<sup>4</sup> This set

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<sup>3</sup>The Prague Spring is the name given to the liberalization introduced by, among others, the Slovak Communist-turned-reform leader Alexander Dubcek (whose efforts would be emulated twenty years later by Soviet President Mikhail Gorbachev's *glasnost* and *perestroika*).

<sup>4</sup>It remains unclear whether Meciar's professed goal of "sovereignty" had been, all along, a plan for a completely independent Slovak state or, alternatively, whether veiled threats of succession were really designed to extract economic and political concessions from Prague.

the stage 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.<sup>5</sup>

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 extract 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 the country's dissolution to a popular referendum. From an international perspective, there are no clear guidelines on how questions of partition, separation, or secession should be resolved—except that they must be resolved peacefully and through democratic means. In the case of Czechoslovakia, the acceptance (albeit, grudging acceptance) throughout the country of the separation suggests that a referendum may not have been necessary to validate or confirm popular consent to 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.

The Czech and Slovak union in a common state was voluntary and had a certain logic. Nevertheless, it was somewhat artificial; a thousand years of separation had left an invisible but undeniable imprint on the psyches of the two peoples. In spite of their seventy years of common statehood and closely linked languages, Czechs and Slovaks lacked sufficient unifying experiences to create the sense of shared destiny necessary to draw together the people—all the people—of a country. For the overwhelming majority of their histories they have led different lives, fought different battles, and suffered different fates. When the Velvet Revolution finally wrested control from the Communists in the fall of 1989, creating the possibility for Czechoslovak federalism to be imbued at last with real meaning, it was too little, too late.

Throughout the fall of 1992, Czech and Slovak leaders continued to meet, making 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 December 1992 ministerial meeting of the OSCE participating States, the Czech Republic and Slovak Republic became separate and independent participating States upon acceptance of all the commitments of the Helsinki process.

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<sup>5</sup>Vladimir Meciar had previously served as the Prime Minister of Slovakia after the 1990 elections, but was forced out after the March 1991 split in Public Against Violence.

Since then, the question of who “lost” Czechoslovakia has been topical in both Prague and Bratislava; each government faces at least some pro-federationists who blame their own leaders for betraying the ideals of the First Republic. Each government also has its apologists who place the blame for the breakup entirely on the other side, while simultaneously portraying the break-up of the Federation as a “success” because it did not degenerate into all-out war.<sup>6</sup>

#### **IV. The Current Government**

Parliamentary elections for Slovakia’s 150-seat, unicameral legislature, the Slovak National Council, were last held in Slovakia on September 30-October 1, 1994. No party emerged with a majority from those elections. The Movement for a Democratic Slovakia (the largest vote getter with 61 seats) subsequently formed a coalition with the far right-wing Slovak National Party (9 seats) and the far left-wing Association of Slovak Workers (12 seats). With only 81 seats at present,<sup>7</sup> the coalition lacks the necessary number of votes (a three-fifths majority or 90 votes) to change the Constitution, pass constitutional laws, or elect or recall the President.

Other parties or coalitions represented in the parliament include the Hungarian Coalition (17 seats); Common Choice/Party of the Democratic Left (16 seats);<sup>8</sup> the Christian Democratic Party (15 seats); and the Democratic Union of Slovakia (13 seats). Three parliamentarians—one elected from the electoral list of the Christian Democrats, one from list of the Democratic Union, and one from the Common Choice coalition—have become independents.

The current President of Slovakia, Michal Kovac, was elected for a five-year term in 1993. Since then, however, a political feud has erupted between Kovac and the current Prime Minister, Vladimir Meciar, stemming from Kovac’s role in dismissing a previous Meciar minority government in the spring of 1994. (Because of Kovac’s falling out with the Prime Minister, he is frequently described as an opposition figure.) As it now stands, Kovac does not have sufficient support in the parliament to be reelected. At the same time, with the current polarization of the legislature, it is difficult to imagine any candidate obtaining the required number of votes to be elected president. It is therefore possible that a constitutional crisis will ensue next year when Kovac’s current term

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<sup>6</sup>Judged by this standard—is there all out war or not—the dissolution of the Czechoslovak federation may look like a success story. There were, however, substantial economic and human costs, particularly in the Czech Republic. See, for example, *EX POST FACTO PROBLEMS OF THE CZECH CITIZENSHIP LAW*, a report prepared by the Staff of the Commission on Security and Cooperation in Europe (September 1996), which describes the human rights shortcomings of the Czech citizenship law.

<sup>7</sup>One deputy from the Association of Slovak Workers has since become an independent; one seat claimed by the Movement for a Democratic Slovakia is contested and before the Constitutional Court (see below).

<sup>8</sup>In connection with the formation of the Slovak Democratic Coalition, the Common Choice/Party of the Democratic Left coalition dissolved in July 1997.

ends.<sup>9</sup> If no President is elected, presidential powers will probably be assumed by the Prime Minister.

Parliamentary elections are expected to be held not later than the fall of 1998.

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<sup>9</sup>The exact date when the current mandate expires is disputed by the President and the Prime Minister. The President maintains his mandate runs from the date of his inauguration (March 2, 1993); the Prime Minister maintains it expires five years from the date of his election (February 15, 1993). In all likelihood, this will be yet another issue referred to the Constitutional Court.

## HUMAN RIGHTS AND DEMOCRATIZATION

Since achieving independence, the government of Slovakia has made halting and uneven progress towards reform. Free and fair elections have been held, a workable constitution was established, and the economy is relatively strong.

However, seven years after the Velvet Revolution and four years after Slovakia achieved independence, neither the parliament nor the inner circle of the cabinet have adopted or fully implemented democratic values and processes. While the trappings of a pluralistic society are present on paper, more often than not they fail to work: free and fair elections have been held, but the absence of majority-winner left in place a far right-far left coalition; a basic constitution is in place, but the Constitutional Court is glutted by challenges to parliamentary and government actions, and its judges have received death threats that may be intended to chill the Court's review of these actions; the Slovak economy appears relatively stable, but shadowy privatization deals involving Prime Minister Meciar's supporters command much of Slovakia's market reforms. Most significantly, Slovakia is not matching the progress towards democratization being made in other Central European, post-Communist countries.

### I. Pattern of Political Violence

Slovakia has, over the past three years, witnessed a pattern of violence against individuals who are in opposition to or critical of the government, including journalists and political party leaders. For example, the son of President Kovac (who has been an outspoken critic of the Prime Minister) was kidnaped and left in the trunk of a car in Austria in 1995.<sup>10</sup> Jaroslav Simunic, an investigator in charge of the Kovac, Jr. case, was removed from the case after he claimed he had information implicating the Slovak Information Service (SIS, the security forces) in the kidnaping.<sup>11</sup> His successor on the case, Peter Vacok, was also removed after concurring with Simunic.<sup>12</sup> Two people who are reported to have evidence implicating government security forces in the kidnaping

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<sup>10</sup>Jane Perlez, "Abduction Casts New Doubts on Slovakia Chief," NEW YORK TIMES, Dec. 17, 1996.

<sup>11</sup>"Slovak investigator removed from kidnaping case," Reuters, Sept. 7, 1995. "Extract From a Report by the Independent Civic Commission That Its Chairman, Ladislav Pittner, Read at an Extraordinary News Conference on 14 May 1996," Bratislava *Narodna Obroda* in Slovak (May 15, 1996, p. 5); translation by the Foreign Broadcast Information Service, <<http://fbis.fedworld.gov>> (*hereinafter* FBIS), May 25, 1996. (The Foreign Broadcast Information Service collects and translates current political, economic, technical, and military information from the media worldwide for the U.S. Government; commercial and private entities may also subscribe.)

<sup>12</sup>*Id.*

have been murdered (Robert Remias in 1996 and Meti Bubernik in May 1997).<sup>13</sup> It was also reported in 1996 that a bomb went off in the car of the lawyer representing Kovac, Jr.<sup>14</sup>

Four political leaders who have been critical of the Prime Minister and his government have been attacked or had bombs explode in their yards (Frantisek Miklosko, Christian Democrat, 1995; Bela Bugar, Hungarian Coalition, and Frantisek Gaulieder, Independent, 1996; Miroslav Toman, Democratic Party, 1997).<sup>15</sup> Two bombs were also found in a Bratislava sports hall following the opposition Christian Democratic Movement's rally in March 1997.<sup>16</sup> The investigator of the Gaulieder case was removed three days after beginning his investigation, with no reason given for his removal.<sup>17</sup> In July 1997, an officer of the Slovak Intelligence Service (SIS) (identified as Jaroslav V., son of Gejza V.) was killed by an explosion while handling an explosive device, fueling speculation that the SIS has been involved in political violence.<sup>18</sup>

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<sup>13</sup>TASR report in English (May 10, 1996); transcribed text by FBIS, May 25, 1996 (initial police report indicated that "[t]here is no evidence that businessman Robert Remias, whose car exploded on April 29 in Bratislava, was killed or his death was caused by another person"). Bratislava TASR in English (Sept. 4, 1996); transcribed text by FBIS, Sept. 9, 1996 (Ministry of Interior Department Head Kostov announces that "a 150-200 gram explosive device was, in all probability, used to blow up" Remias' car). "Murdered Meti Bubernik, Who Burnt Down in a Volkswagen Polo, Testified About Michal Kovac Jr.'s Kidnapping," Bratislava *Sme* in Slovak (June 5, 1997, pp. 1, 2); translation by FBIS, June 6, 1997.

<sup>14</sup>*Constitution Watch*, Vol. 4, No. 4, EAST EUROPEAN CONSTITUTIONAL REVIEW (*hereinafter* EECR), p. 30 (1995). (EECR, the quarterly newsletter of the Center for the Study of Constitutionalism in Eastern Europe at the University of Chicago Law School, was published from 1992 to 1997. The Center ceased operations in June 1997. Back issues of the EECR are available on line at <<http://www.law.uchicago.edu/Publications/CSCEE/EECR/>>. *Constitution Watch* reports on developments in Albania, Belarus, Bulgaria, Croatia, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Moldova, Poland, Romania, Russia, Slovakia, Slovenia, Ukraine, and "Yugoslavia," i.e., Serbia and Montenegro.)

<sup>15</sup>*Constitution Watch*, Vol. 4, No. 4, EECR, p. 30 (1995) (reports Miklosko attacked). "Slovak deputy says blast may have political motive," Reuters, May 6, 1996 (reports attack on Bugar). Juraj Handzo, "Welcome to Mob Rule," Bratislava *Pravda* in Slovak (Dec. 9, 1996, p. 4); translation by FBIS, Dec. 11, 1996 (reports attack on Gaulieder). "Verbal Attacks at Extraordinary City Council Meeting," Bratislava *Sme* in Slovak (Feb. 28, 1997, p. 2); translation by FBIS, March 4, 1997 (reports physical attack on Toman).

<sup>16</sup>"After Applause for KDH Leaders, Bomb Found in the Pasienny Indoor Sports Arena," Bratislava *Novy Cas* in Slovak (March 25, 1997, p. 2); translation by FBIS, March 28, 1997.

<sup>17</sup>"The Senior Criminalist Was Removed From the Investigation of the Explosion Near Gaulieder's Home Without Reason," Bratislava *Sme* in Slovak (Jan. 9, 1997, p. 1); translation by FBIS, Jan. 13, 1997. "Interior Minister Gustav Krajci Is a Worthy Successor to Ludovit Hudek, Claims Frantisek Gaulieder, Expelled Deputy of the National Council of the Slovak Republic," Bratislava *Sme* in Slovak (Jan. 30, 1997, p. 2); translation by FBIS, Jan. 31, 1997 (describes investigator Molnar replaced by investigator J. Sajben).

<sup>18</sup>"Police reluctant to investigate death of SIS member," CTK News from Slovakia (*hereinafter* CTK News from Slovakia), <<http://www.ctknews.com/index.html>>, Aug. 5 1997. Prague CTK in English, April 17, 1997; transcribed text by FBIS, April 18, 1997. Juraj Hrabko, "The SIS is Supposed to Work with its Head and Not its Hands," Bratislava *Sme* in Slovak (Aug. 1, 1997, p. 4); translation by FBIS, Aug. 18, 1997. "The Death of the Son of the SIS Surveillance Chief Gejza V. Is Being Investigated by the Office of Investigation in Malacky," Bratislava *Sme* in English (Aug. 19,

Several journalists have been reportedly beaten or assaulted: Stefen Hrib and three other Radio Free Europe reporters in 1994 at a rally of the Movement for a Democratic Slovakia; Peter Toth in 1995; Erika Muckova in 1996; Pavol Pavlik in 1996; and Adriana Hostovecka in 1997, also at a rally of the Movement for a Democratic Slovakia).<sup>19</sup> Earlier this year, Prime Minister Meciar reportedly threatened Dusan Valko, a journalist from Slovakia's only independent television station, by telling him "I will punch you so that your own mother will not recognize you."<sup>20</sup> In March 1997, a bomb reportedly exploded in the car of Peter Licak, Editor-in-Chief of *Presovsky Vecernik*.<sup>21</sup>

It has been reported that the President, the President's son, and members of the Constitutional Court have been subjected to death threats.<sup>22</sup> In early December 1996, the Association of Slovak Judges characterized the anonymous, threatening letters addressed to Milan Cic, the Chair of the Slovak Constitutional Court, as an attack against the court as a whole and a means of political intimidation.<sup>23</sup>

In March 1997, the Ministry of Interior reported that leaflets had been circulated in Zilina calling for the liquidation of government representatives and a drawing depicting Prime Minister Meciar on a gallows.<sup>24</sup> Cultural and student representatives complained, however, that the Ministry's

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1997); translation by FBIS, Aug. 21, 1997.

<sup>19</sup>Country Report on Slovakia, U.S. Department of State, <<http://www.state.gov/>> (*hereinafter* DOS Report), 1994 (reports attack against four journalists at rally of Movement for Democratic Slovakia and that police refused to aid journalists). DOS Report, 1995 (mentions 1994 assault on Peter Toth). Bratislava TASR in English (Oct. 29, 1996); transcribed text by FBIS, Nov. 6, 1996 ("SSN Protests 'Assault' on *Novy Cas* Photographer," describes assault on Erika Muckova as she photographed the exterior of the Slovak Intelligence Service building). Jana Morhacova, "Deputy Hofbauer Assaulted Radio TWIST Editor," Bratislava *Sme* in Slovak (Oct. 17, 1996, p. 1); translation by FBIS, Oct. 23, 1996 (reports assault on Pavel Pavlik). "Is Journalists' Presence a Provocation?," Bratislava *Praca* in Slovak (March 15, 1997, p. 4); translation by FBIS, March 19, 1997 (reports attack on Adriana Hostovecka). Interestingly, Hostovecka was fired from her job with (state-run) Slovak TV in 1994, after "an editor complained Hostovecka looked disgusted when she announced election results." Christine Spolar, "Slovakia's New Media Try to Shake Up State Monopoly," WASHINGTON POST, Oct. 4, 1995.

<sup>20</sup>"The Prime Minister Called Markiza TV Reporter D. Valko a 'Brat' and Threatened to 'Punch' Him," Bratislava *Sme* in Slovak (Jan. 28, 1997, p. 1); translation by FBIS, Jan. 30, 1997.

<sup>21</sup>"Journalists Sees Car Explosion as 'Attempt to Intimidate'," Bratislava TASR in English (March 12, 1997); translation by FBIS, March 15, 1997.

<sup>22</sup>"President Reports Receiving Numerous Death Threats," Bratislava TASR in English (Dec. 21, 1996); translation by FBIS, Jan. 3, 1997. "Michael Kovac Jr., Received Anonymous Threat," Bratislava *Sme* in Slovak (Jan. 28, 1997, p. 1); translation by FBIS, Jan. 30, 1997. TASR, "They Are Threatening to Kill Cic," Bratislava *Pravda* in Slovak (Dec. 7, 1996, p. 3); translation by FBIS, Dec. 11, 1996.

<sup>23</sup>Bratislava TASR in English (Dec. 9, 1996); transcribed text by FBIS, Dec. 16, 1996.

<sup>24</sup>"Leaflet Portrays Prime Minister on the Gallows," Bratislava *Novy Cas* in Slovak (March 25, 1997, p. 7); translation by FBIS, March 27, 1997.

report was designed to suggest that the leaflets were somehow associated with ongoing strikes by theater workers and others in Zilina and to discrediting the strikers.<sup>25</sup>

Government responses to these crimes have taken many forms (other than solving them). For example, members of the ruling coalition have often dismissed these violent attacks, claiming that opposition figures were staging attacks on themselves to discredit the government.<sup>26</sup> At the same time, it has been reported that many of these cases have been closed without arrests or prosecution because of a lack of evidence.<sup>27</sup> Some officials have emphasized that the violence has been perpetrated not only against the opposition, but also against some others associated with the ruling coalition (Arpad Matejka<sup>28</sup> is usually mentioned in this context). Some government representatives have suggested this is not really political violence, but an outgrowth of the mafia-related crime that many post-Communist countries are struggling to contain. In April 1997, Prime Minister Meciar announced a substantial financial award for information leading to the arrest of the murderers of police officers, including the ex-policeman Robert Remias.<sup>29</sup> Finally, the Slovak Embassy in Washington has stated that, contrary to other reports, these cases are not closed.<sup>30</sup>

Although opposition leaders concede that mafia-related crime is a serious problem in Slovakia, they also contend that a small but significant number of crimes are politically motivated. They also argue that until concrete progress is made leading to the arrest and conviction of the perpetrators of at least some of these outstanding cases, the taint of political involvement will cling to them. While spokespersons for the Prime Minister's party issued appeals, after the Gaulieder

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<sup>25</sup>*Id.*

<sup>26</sup>"Commentary by Deputy Chief Editor Milan Rusko in the 'Public Matter' editorial column," *Bratislava Slovenska Republika* in Slovak (March 26, 1997, p. 1); translation by FBIS, March 28, 1997 (argues that, to find the person or persons who placed a bomb at a Christian Democrat's rally, one should search among the Christian Democrats themselves). *See also* "Report on Work of the Slovak Information Service (SIS)," *Bratislava Slovenska Republika* in Slovak (May 23, 1996); translation by FBIS, June 2, 1996 (SIS Director Lexa refers to the "faked kidnaping" of President Kovac's son).

<sup>27</sup>Bratislav TASR in English (Oct. 15, 1996); transcribed text by FBIS, Oct. 28, 1996 (illustrating a peculiar form of logic, this report stated that inquiry into Remias's suspected murder closed "because the investigation team did not succeed in finding a perpetrator thus far"). *See also* Prague CTK in English (April 17, 1997); transcribed text by FBIS, April 18, 1997 (President Kovac attacks General Prosecutor Valko for "sluggish" investigations of crimes with "political background").

<sup>28</sup>Arpad Matejka is a member of the Movement for a Democratic Slovakia. A hand grenade exploded in his car in 1995. *See* Juraj Handzo, "Welcome to Mob Rule," *Bratislava Pravda* in Slovak (Dec. 9, 1996, p. 4); translation by FBIS, Dec. 11, 1996 (mentions attack on Matejka).

<sup>29</sup>Bratislava TASR in English (April 30, 1997); transcribed text by FBIS, May 5, 1997 (cabinet offers reward for information on Remias killing).

<sup>30</sup>*See* the testimony of Slovak Ambassador Bronislav Lichardus, *Hearings: Human Rights and the Process of NATO Enlargement*, REPORT ON HUMAN RIGHTS AND THE PROCESS OF NATO ENLARGEMENT, June 1997 (Commission on Security and Cooperation in Europe), p. 102.

bombing in December 1996 and the discovery of a bomb at the Christian Democrat rally in March 1997, for the investigation of these cases, it is, in fact, the Prime Minister's own party that controls the government's security, police, and investigative forces. In fact, opposition efforts to gain access to the parliamentary committees overseeing the secret services and military intelligence have consistently been blocked by the ruling coalition.

## **II. Threats to Parliamentary and Constitutional Democracy**

While the ruling coalition in Slovakia has sought to maintain the appearance of a parliamentary and constitutional democracy based on the rule of law, beneath the surface a variety of tools, including unconstitutional measures, have been utilized to ensure the coalition's absolute domination of the legislature and the legislative process.

In 1994, a wing of the Prime Minister's Movement for a Democratic Slovakia (HZDS) broke off and formed the Democratic Union (DU), which then won 15 seats in the 150-seat legislature in Fall 1994. Subsequently, HZDS sought to deprive DU deputies of their electoral mandates by challenging the signatures of those who had signed petitions to get the DU candidates on the ballot. Opposition and human rights representatives complained, first, that the HZDS inappropriately used the police for an electoral oversight function. Second, they argued that the police harassed and intimidated those who had signed petitions supporting the DU, a matter of special concern in a post-Communist country where the memory of the knock-on-the-door-in-the-middle-of-the-night had not yet faded. Finally, critics also argued that the HZDS violated citizens' right to privacy after a HZDS-led parliamentary committee broke the seals on the signature petitions.<sup>31</sup> The investigations were eventually found to be unconstitutional and ceased; nevertheless, they illustrated the ruling coalition's willingness to use the police for political purposes. In addition, the investigations were one of the first indicators of the extraordinary measures the ruling coalition was willing to use to remove opposition parliamentarians from the legislature.

When the parliament first convened after the Fall 1994 elections, ruling coalition Deputies pushed through a series of radical changes. That November 3-4 session, which lasted into the early hours of the morning, has accordingly become known as "the night of long knives." Most significantly, proportional representation on committees was ended and opposition parliamentarians were removed from the state radio and television board.<sup>32</sup> Since then, the opposition continues to be excluded from any meaningful participation in the state board which governs media activities (which is appointed by the Parliament); the National Property Fund (which oversees privatization); or the parliamentary bodies responsible for oversight of the security forces.<sup>33</sup>

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<sup>31</sup>For descriptions of these events, see DOS Report, 1994 and *Constitution Watch*, Vol. 4, No. 3, EECR, p. 28 (1995).

<sup>32</sup>*Constitution Watch*, Vol. 4, No. 1, EECR, p. 31 (1995). DOS Report 1994.

<sup>33</sup>The Constitutional Court held in late 1996 that the law transferring the authority for direct privatization to the National Property Fund was unconstitutional and, accordingly, this authority should revert to the Ministry of Finance. The National Property Fund continues to have authority over other privatization matters. *Constitution Watch*, Vol. 5, No. 1, EECR, p. 27 (1996).

In July 1995, the Slovak Foreign Minister suggested that ethnic-Hungarian Slovak parliamentarians (members of the opposition) might have their parliamentary immunity withdrawn because they held meetings with Members of the U.S. Congress and their staffs in Washington.<sup>34</sup> After concern was voiced that such action would not be consistent with Slovakia's international human rights obligations, no further steps against the parliamentarians were taken.

In late November 1996, parliamentarian Frantisek Gaulieder was stripped of his parliamentary mandate based on a letter of resignation which he claims was falsified. This step was taken after Gaulieder announced, in protest, his resignation from the ruling coalition's Movement for a Democratic Slovakia.<sup>35</sup> (Gaulieder's resignation from the Movement for a Democratic Slovakia left the ruling coalition with only 81 seats in the 150-seat legislature. Some observers have speculated that if Gaulieder succeeds in having his mandate restored, other legislators from the Prime Minister's party will also be emboldened to defect.) The spokesperson for Slovak parliamentary chairman Ivan Gasparovic also resigned in late February 1997, describing the Gaulieder affair as the "last straw."<sup>36</sup>

A few days after Gaulieder was stripped of his mandate, a bomb went off in front of his home. None of those present, including Gaulieder's five-year-old child, were injured.<sup>37</sup> Although the Constitutional Court ruled in July 1997 that the decision to strip Gaulieder of his parliamentary mandate had been unconstitutional,<sup>38</sup> no action has been taken as of this writing to restore his mandate and, on the contrary, initial statements by members of the ruling coalition indicate that they are unwilling to conform to the decision of the Court.<sup>39</sup>

A separate parliamentary controversy emerged in 1996 when a legislator from the Slovak National Party passed away. Slovak law stipulates that under such circumstances, a Deputy's

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<sup>34</sup>"Schenk Confirms U.S. Statement on Party Officials," Bratislava *Rozhlasova Stanica* in Slovak (July 20, 1995); translation by FBIS, July 21, 1995 (printed version, FBIS-EEU-95-140, p. 5).

<sup>35</sup>TASR report in English (Nov. 5, 1996); transcribed text by FBIS, Nov. 8, 1996).

<sup>36</sup>"Interview with Lubos Jurik" (text); Bratislava *Pravda* in Slovak (Feb. 19, 1997, pp. 1-2); translation by FBIS, Feb. 21, 1997.

<sup>37</sup>Bratislav TASR in English (Dec. 10, 1996); transcribed text by FBIS, Dec. 24, 1996 (police identify explosive used in Gaulieder bomb). See "Krajci on the Gaulieder Case," Bratislava *Pravda* in Slovak (Jan. 24, 1997, p. 2); translation by FBIS, Jan. 28, 1997. See also "Interior Minister Gustav Krajci Is a Worthy Successor to Ludovit Hudek, Claims Frantisek Gaulieder, Expelled Deputy of the National Council of the Slovak Republic," Bratislava *Sme* in Slovak (Jan. 30, 1997, p. 2); translation by FBIS, Jan. 31, 1997.

<sup>38</sup>Jan Krcmar, "Slovak court rules deputy wrongly stripped of seat," Reuters, July 25, 1997. See also TASR report in English (July 24, 1997); transcribed text by FBIS, July 25, 1997 (Constitutional Court rules in favor of Gaulieder).

<sup>39</sup>Bratislava TASR in English (July 28, 1997); transcribed text by FBIS, July 29, 1997 (statement of Deputy Peter Brnak). See also Bratislava Radio Twist in Slovak (July 24, 1997); translation by FBIS, July 28, 1997 (statement by Olga Keltosova). See also Bratislava TASR in English (July 25, 1997); transcribed by FBIS, July 28, 1997.

mandate passes to the next person on the deceased Deputy's party's electoral list and, according to the Slovak Constitution, Deputies hold their mandates individually.<sup>40</sup> The next person on the Slovak National Party's electoral list (Emil Spisak) had, however, become a member of an opposition party, the Democratic Union. When the parliament chose to vote in another candidate from Slovak National Party (Ladislav Hruska) into office rather than Spisak, another constitutional controversy emerged.<sup>41</sup>

On May 23, 1997, the Ministry of Interior manipulated the administration of a scheduled referendum on NATO and on the direct election of the president by refusing to permit a question on the direct election of the president to be posed.<sup>42</sup>

A referendum had originally been proposed by the ruling coalition in the parliament, which, in February 1997, approved putting the following three questions to the voters: 1) Do you agree with Slovak membership in NATO? 2) Do you agree with the stationing of nuclear weapons on Slovak territory? 3) Do you agree with the establishment of [foreign] military bases on Slovak territory?<sup>43</sup>

Although the referendum on NATO was called by the government, and although Prime Minister Meciar's party ostensibly supports Slovakia's accession to NATO, the inclusion of questions on nuclear weapons and foreign bases has led many to conclude that Meciar's real intent in shaping the referendum was to elicit a "no" vote. If Meciar could argue that the Slovak people were not interested in joining NATO, then he could argue that the human rights and democratization reforms required to get into NATO had also been deemed unnecessary by the voters. Moreover, the referendum created an opportunity for Slovakia to reject NATO, before NATO rejected Slovakia. This plan, however, began to unravel even before the parliament took a formal decision to hold the NATO referendum.

Opposition parties have feared that the current political configuration in the Slovak parliament will result in a deadlock next spring when President Kovac's mandate expires and that many of the President's authorities will therefore be assumed by Prime Minister Meciar. Acting on this belief, opposition parties proposed legislation in December 1996 to provide for the direct

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<sup>40</sup>*Constitution Watch*, Vol.6, No. 1, EERC, p. 28-29 (1997).

<sup>41</sup>*Id.*

<sup>42</sup>Peter Javurek, "Slovak referendum ends in chaos, boycotted by many," Reuters, May 4, 1997. Vincent Boland, "Meciar undermines Slovak ambitions; Referendum shambles puts NATO and EU entry on backburner," FINANCIAL TIMES, May 28, 1997. George Jahn, "Anger Chills Vote in Slovakia," WASHINGTON TIMES, May 25, 1997.

<sup>43</sup>"Slovakia Plans May NATO Referendum," Political Update, International Republican Institute, Washington, D.C., May 9, 1997. See also Jolyon Naegele, "Slovakia: Referendum Begins Tomorrow," Special Report, Radio Free Europe/Radio Liberty, <<http://www.rferl.org/>> (*hereinafter* RFE/RL), May 22, 1997. For a general overview of the referendum issues (prior to the date of the referendum), see *Constitution Watch*, Vol. 6, No. 1, EECR, pp. 28-29 (1997).

election of the president.<sup>44</sup> When their legislative efforts predictably failed, they decided to take their case directly to the people by means of a referendum.

Although only 350,000 signatures are needed to call a referendum, the opposition parties—working in concert for a change—reportedly obtained 500,000 signatures in the space of several weeks.<sup>45</sup> (The petition drive was also supported by President Kovac, the Trade Union Confederation, the Catholic and Protestant churches, the Association of Slovak Towns and Villages, the "Save Culture" forum, and other non-governmental organizations.) The speed and success of the opposition's petition campaign was widely perceived not only as a sign of support for the direct election of the president, but indicative of growing support for the opposition and of the opposition's more effective organization.

Subsequently, the President (who is mandated by the constitution to play a role in the organization of referenda) determined that the referendum questions on NATO and on the direct election of the presidency should be presented jointly. Having a single referendum would not only save a considerable amount in administrative costs, but would increase the likelihood of meeting the required 50-percent turnout necessary for the referendum to be valid. Although the government raised a variety of complaints about the organization of the referendum—and was particularly critical of the President's decision to present the NATO questions jointly with the question on the direct election of the President—the ruling coalition ultimately focused its criticism on an allegation that the fourth question purported to change the constitution by a referendum, while the constitution stipulates that a three-fifths vote by the parliament is necessary for such a change.<sup>46</sup>

As the date of the referendum approached, the prospect loomed that it would result in a clear vote of support for NATO, which would have denied Prime Minister Meciar political cover in event that Slovakia were passed over for admission by NATO in the near term because of Slovakia's insufficient democratic reforms. Although the Slovak Foreign Ministry struggled to maintain the position that Slovakia was officially interested in accession to NATO, the acts of the ruling coalition parties consistently suggested that the Slovak Government actually opposed Slovak accession to NATO. For example:

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<sup>44</sup>"Slovak Referendum Update," Open Media Research Institute Daily Digest, <<http://www.omri.cz/Publications/DD/Index.html>> (*hereinafter* OMRI Daily Digest), Jan. 8, 1997. The idea for a referendum on the direct election of the president actually seems to have first emanated from Prime Minister Meciar. See "Slovakia to Hold Referendum on President?" OMRI Daily Digest, May 18, 1995.

<sup>45</sup>"Slovak Referendum Update," OMRI Daily Digest, March 4, 1997.

<sup>46</sup>Bratislava TASR in English (Jan. 9, 1997); transcribed text by FBIS, Jan. 14, 1997 (SNS opposes opposition's approach to referendum). See also Bratislava *Rozhlasova Stanica Slovensko* Network in Slovak (Jan. 10, 1997); translation by FBIS, Jan. 14, 1997 (interview with P.M. Meciar on voting system, presidency).

- The two minor government coalition parties, the Slovak National Party and the Slovak Workers' Party, openly campaigned against Slovakia's membership in NATO.<sup>47</sup>
- The Prime Minister's party, the Movement for a Democratic Slovakia, theoretically supports NATO accession, but Prime Minister Meciar remained silent on this matter and refused to participate in the media campaign that preceded the referendum. Meanwhile, his party's spokesman said he (the spokesman) would vote *against* accession to NATO.<sup>48</sup>
- Furthermore, the Prime Minister's party gave its allotted television time to campaign on this issue to an anti-NATO party.<sup>49</sup>
- President Kovac, who supports NATO accession, was denied any air time on the state-controlled TV. Since it is not permitted to have any campaign advertising on private radio or TV, the President was effectively prevented from making the case for Slovakia's accession to NATO.<sup>50</sup>

In contrast, all but one of the opposition parties actively campaigned for Slovakia to join NATO.

In mid-April, the Ministry of Interior announced that it would not distribute the fourth referendum question on the direct election of the president, based on its view that a decision to change the procedures for electing the president required a change in the constitution, and only the parliament had the authority to change the constitution. The opposition, in turn, argued that the referendum was not a means to change the constitution but a vehicle to gauge the will of the people on a specific issue. A strong vote in support of the fourth question on the direct election of the president would, of course, create strong political pressure on the parliament to amend the constitution.

On May 13, the Constitutional Court announced it was rejecting the government's petition to block the fourth question—albeit on rather narrow, procedural grounds. In spite of the court's decision, the Ministry of Interior continued to refuse to distribute the fourth question when the ballots with the other three referendum questions were distributed. On May 21, the Constitutional

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<sup>47</sup>Bratislava TASR in English (April 11, 1997); transcribed text by FBIS, April 14, 1997 (SNS seeks Russian guarantee for neutrality). *See also* Bratislava TASR in English (May 17, 1997); transcribed text by FBIS, May 22, 1997 (SNS seeks neutrality guarantees from U.S. Ambassador). "Without HZDS and SNS Campaign Clips," Bratislava *Pravda* in Slovak (May 13, 1997, p. 2); translation by FBIS, May 14, 1997 ("the Association of Workers of Slovakia [ZRS], in its clip calls on its sympathizers to reply 'No' to the question on accession to NATO").

<sup>48</sup>Marian Lesko, "New Record in Schizophrenia," Bratislava *Sme* in Slovak (May 5, 1997, p. 4); translation by FBIS, May 7, 1997.

<sup>49</sup>Bratislava TASR in English (May 11, 1997); transcribed text by FBIS, May 13, 1997 ("Official Announces Media Coverage of Referendum Campaign").

<sup>50</sup>Marta Piovarciova, "Kovac Recommends a Yes Vote in the Two Referendums;" Bratislava *Narodna Obroda* in Slovak (April 1, 1997, pp. 1,2); translation by FBIS, April 3, 1997.

Court issued an additional decision (responding to further legal challenges that had been brought before the court), clearly vindicating the opposition's argument that the question on the direct election of the presidency would not actually change the constitution, but would give the people an opportunity to have their views on this constitutional question heard. Chief Justice Milan Cic, speaking for the court, stated: "The referendum was announced by the president in harmony with the constitution. The questions put in the referendum can be changed neither by the president, nor the Constitutional Court nor the Central Referendum Commission and naturally no one else." The full text of the Court's decision further stated that "[o]nce a referendum has been called, the president is bound by it, as are other state bodies, and the referendum must take place. The Constitution does not make it possible for a referendum to be canceled prior to the promulgation of its results."<sup>51</sup> Nevertheless, the Ministry of Interior refused to distribute ballots regarding the direct election of the president.

Just prior to the referendum, the leaders of eight key opposition parties issued a joint appeal to voters, urging them to boycott the referendum if the fourth question was not included. The Slovak Helsinki Committee issued a similar appeal. On May 22-23, fewer than 10 percent of the Slovak voters cast their votes and the referendum was deemed, by the Electoral Commission, invalid.<sup>52</sup>

On May 26, Foreign Minister Hamzik resigned, stating "[c]ircumstances surrounding the referendum on Slovakia's NATO membership and the election of the president have to the greatest possible extent narrowed the scope for me as foreign minister to pursue the foreign policy priorities of our nation."<sup>53</sup>

In July, a public opinion poll was released by FOCUS. The poll indicated: had the referendum taken place in accordance with the Constitutional Court's order, 57 percent of the voters would have participated in the vote; 71 percent would have supported joining NATO; and 89 percent would have supported the direct election of the president.<sup>54</sup>

In this instance, the Ministry of Interior refused to respect the decisions of the President and the Electoral Commission—which is one of the few Slovak organs to retain proportional representation—when they organized a referendum in accordance with the authorities vested in them by the Slovak Constitution. When the Constitutional Court ordered the Ministry of Interior to

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<sup>51</sup>Jan Dulin, "Once a Referendum Has Been Called, It Must Take Place," Bratislava *Pravda* in Slovak (June 2, 1997, pp. 1-2); translation by FBIS, June 5, 1997.

<sup>52</sup>In order for a referendum to be valid under Slovak law, at least 50 percent of the electorate must participate in the vote.

<sup>53</sup>"Slovak foreign minister resigns, reasons not given," Reuters, May 26, 1997.

<sup>54</sup>Zora Butorova, "Ako by sme hlasovali v zmarenom referende," *Sme*, July 7, 1997, p. 5, table 1. For an interesting overview of who blames whom for the referendum debacle, see Zora Butorova, Martin Butora, "Napriek zmarenemu referendu Slovensko chce do Europy," *Sme*, July 30, 1997, p. 5.

distribute all four referendum questions, the Ministry of Interior refused to do so, openly defying the Constitution and in disregard of the rule of law.<sup>55</sup>

### III. Right Wing Extremism and Resurgent Pro-Fascist Sentiment

A number of European countries have far right wing extremist parties.<sup>56</sup> In most instances, however, they are fringe groups which garner little support among society as a whole. In contrast, the far right wing extremist Slovak National Party is a partner in the ruling coalition and senior party members hold the portfolios for (and thereby control) the Slovak Ministries of Defense<sup>57</sup> and Education. In addition, the party has recently increased its ties with other extremist or fascist parties in other countries, such as the Czech Republican Party, the *Front National* in France, and Vojislav Seselj's Serbian Radical Party.

In light of the position of the Slovak National Party (SNS) in the ruling coalition, the recent escalation of its members' public pronouncements embracing the Tiso legacy is all the more significant. For example, in April 1995, Education Minister Eva Slavkovska attended the opening of an exhibit which favorably portrayed executed war criminal Jozef Tiso.<sup>58</sup> In May 1996, Bartolomej Kunc, a member of the Slovak National Party said that Jews were deported to death camps by the World War II Slovak puppet state because they were just too wealthy, had "beggared" the [ethnic] Slovak people, and the deportation was therefore an economic "correction."<sup>59</sup> In April 1997, on the anniversary of the execution of Tiso, the Slovak National Party issued an appeal to "all Slovaks to honour the memory of a great son of the church and of the nation. . . . During the occasion of the 50th anniversary of the death of the first Slovak president. . . . Jozef Tiso, the SNS pays homage to this martyr to the defense of the nation and Christianity in the face of Bolshevism and Liberalism."<sup>60</sup> Also in April 1997, the Slovak cultural association *Matica Slovenska* publicly asserted that Tiso's trial had been manipulated and, in effect, announced its efforts to rehabilitate

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<sup>55</sup>The 1990 OSCE Copenhagen Document (which Slovakia adopted) requires "the government and public authorities to comply with the constitution and to act in a manner consistent with law." *See* excerpt in appendix.

<sup>56</sup>Other extremist parties are, for example, the Republican Party in the Czech Republic, the Liberal Democratic Party in Russia, the People's Movement for Latvia, and the Party of Romanian National Unity.

<sup>57</sup>It is also significant that the Ministry of Defense is controlled by a party that is against Slovakia joining NATO while, in theory, the official policy of the country is to seek accession to NATO.

<sup>58</sup>DOS Report, 1995.

<sup>59</sup>"Jews outraged by government MP's anti-Slovak remark," CTK News from Slovakia, May 29, 1997.

<sup>60</sup>Bratislava TASR in English (April 18, 1997); transcribed text by FBIS, April 21, 1997 ("SNS Issues Statement Commemorating 'Martyr' Tiso").

him.<sup>61</sup> This association receives funding from the Slovak Ministry of Culture and is closely associated with the Slovak National Party.<sup>62</sup>

More to the point, there are signs that such sentiments are not just restricted to the relatively small Slovak National Party, but that they have been adopted (or exploited) by the Movement for a Democratic Slovakia. In August 1995, for example, Prime Minister Meciar presented a journalism award to a paper which had published anti-Semitic cartoons.<sup>63</sup> In July 1997, Jan Cuper, a member of the Prime Minister's own party who had been nominated for the Constitutional Court, reportedly made a Nazi salute and said "Heil Hitler" when entering the parliament.<sup>64</sup>

In April 1997, the Ministry of Education began distribution of a controversial, anti-Semitic textbook, The History of Slovakia and the Slovak Nation, written by an expatriate Slovak priest, Milan Durica.<sup>65</sup> It was subsequently revealed that this book had been written with a European Union PHARE grant to Slovakia; after completing a review of the book in June, the European Union strongly protested and demanded the removal of the textbook.<sup>66</sup>

Upon its release, The History of Slovakia and the Slovak Nation immediately elicited sharp condemnation from Slovakia's own Academy of Sciences. In particular, it was criticized for aggrandizing the experience of Jews held in Slovak camps during World War II and for portraying Slovakia's war-time deportation policies as family-friendly since whole families were kept together as they were sent off to certain death in the East. The Academy's review asserted that "the description of life in the Jewish labor camps, which seem like paradise on earth, is the height of bad taste. . . It seems from Durica's account that it was in fact good fortune to be a Jew in Slovakia at this time."<sup>67</sup> The Slovak Academy's Historical Institute also criticized the book for xenophobia

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<sup>61</sup>"Matica slovenska says Tiso trial was manipulated," CTK News from Slovakia, April 20, 1997.

<sup>62</sup>Bratislava *Rozhlasova Stanica Slovensko* Network in Slovak, (Dec. 7, 1996); translation by FBIS, Dec. 12, 1996 ("Parliament Passes 1997 Budget Law," "[t]he Culture Ministry got an additional 20 million crowns to be used for the Matica slovenska [cultural organization].")

<sup>63</sup>DOS Report, 1995. See also Jan Krcmar, "Dispute over award for magazine publishing anti-Semite material," Reuters, Aug. 3, 1995. Editorial, "Slovak Slips Backward," NEW YORK TIMES, Aug. 14, 1995.

<sup>64</sup>CTK News from Slovakia, July 3, 1997.

<sup>65</sup>Prague CTK in English (April 22, 1997); transcribed text by FBIS, April 24, 1997 ("Jews Protest History Textbook, Bill on Compensation"). See also Jan Krcmar, "EU-funded book prompts Jewish protest," Reuters, June 25, 1997. See also Daniel Borsky, "Education Ministry endorses Anti-Semitic book," THE SLOVAK SPECTATOR, April 24-May 7, 1997, p.2.

<sup>66</sup>Jan Krcmar, "EU-funded book prompts Jewish protest," Reuters, June 25, 1997. See also Francis Harris, "Brussels finances book praising the Nazis of Slovakia," DAILY TELEGRAPH, July 13, 1997.

<sup>67</sup>Slovak Academy of Sciences' Historical Institute Statement in Slovak (April 1997); translation by FBIS, May 22, 1997.

directed against Czechs and for reviving inter-confessional hatred between Catholics and Protestants.<sup>68</sup>

For several months, the government weathered criticism for publishing the book. In fact, just a few days prior to the European Union's sharp rebuke of the textbook, Vladimir Hagara, the spokesperson for Prime Minister Meciar's Movement for a Democratic Slovakia, publicly endorsed The History of Slovakia and the Slovak Nation, saying it deserved "the admiration and respect of all Slovak citizens."<sup>69</sup>

In spite of the obvious anti-Semitic elements in the textbook and widespread criticism the book generated, the Slovak Government refused to withdraw the text until the European Union issued an unequivocal condemnation and demanded its removal. Even since then, contradictory statements on the book's status have emanated from the Ministry of Education, which has continued to defend the book and argue for its use, and from the Prime Minister's office.<sup>70</sup>

While the statements and activities of the Slovak National Party create an impression of anti-Semitism and pro-fascism in Slovakia, it should be noted that the members of the Slovak Academy of Sciences did not hesitate to criticize thinly veiled efforts to sanitize the history of war-time atrocities.<sup>71</sup> In addition, several opposition parties issued statements in April 1997 condemning efforts to rehabilitate fascism and war-time fascist leaders in their country.<sup>72</sup> Prime Minister Meciar did make a recent statement proclaiming that "as long as I am prime minister, fascism will not be rehabilitated in Slovakia" and decrying the deportations of Jews as "a stain on the pages of our

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<sup>68</sup>Prague CTK in English (April 22, 1997); transcribed text by FBIS, April 24, 1997.

<sup>69</sup>Bratislava TASR in English (June 12, 1997); transcribed text by FBIS, June 13, 1997 ("HZDS Defends Author of History Book Against Critics").

<sup>70</sup>Bratislava TASR in English (June 25, 1997); transcribed text by FBIS, June 27, 1997 ("Education Ministry Rejects EU Criticism of History Book"). Bratislava *Rozhlasova Stanica Slovensko* Network in Slovak (June 27, 1997); translation by FBIS, July 1, 1997 (Meciar states that "the book cannot be used in education at all and will be withdrawn from education"). But "Eva Slavkovska claimed no one has issued an order to withdraw the publication from schools. According to her, Prime Minister Vladimir Meciar announced that the publication would not be used as a school book. It remains in school libraries where every teacher and student will be able to borrow it, the minister added." Beata Oravcova, "Eva Slavkovska Considers Milan Durica's History of Slovakia and Slovaks a Good Book; Ministry Reportedly Will Not Withdraw Controversial Manual," Bratislava *Narodna Obroda* in Slovak (July 4, 1997, p. 2); translation by FBIS, July 8, 1997.

<sup>71</sup>Slovak Academy of Sciences' Historical Institute Statement in Slovak (April 1997); translation by FBIS, May 22, 1997.

<sup>72</sup>Prague CTK in English (April 22, 1997); transcribed text by FBIS, April 24, 1997 ("Opposition 'Appalled' at 'Dissemination of Fascist Views'").

history.”<sup>73</sup> That statement, however, was largely overshadowed by international furor which erupted when Prime Minister Meciar, during a meeting with Hungarian Prime Minister Gyula Horn, suggested a possible population exchange of minorities between Hungary and Slovakia.<sup>74</sup>

#### **IV. Ethnic and Religious Communities**

##### **A. Policies towards the Hungarian Minority**

The Slovak Government continues to demonstrate intolerance towards minorities, particularly the Hungarian minority that makes up about 10 percent of the population.<sup>75</sup> Much of this policy is supported by the argument that, under the Austrian-Hungarian empire, Hungarians subjected Slovaks to forced assimilation.<sup>76</sup> This sentiment is reflected, for example, in recent cultural subsidy reductions which have had a disproportionate effect on the Hungarian community. Culture Minister Ivan Hudec has stated that the disproportions are necessary to “revive” Slovak culture in ethnically mixed areas and that cultural subsidies must reflect that goal.<sup>77</sup> In a particularly ironic gesture, cultural subsidies earmarked for Hungarian language publications have also been used to produce a Hungarian-language edition of the pro-government (and often anti-Hungarian) newspaper, *Slovenska Republika*.<sup>78</sup>

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<sup>73</sup>“Memorial to the Victims of Holocaust Is To Serve as a Memento,” Bratislava *Sme* in Slovak (Aug. 30, 1997, p. 1); translation by FBIS, Sept. 3, 1997.

<sup>74</sup>Michael Roddy, “Horn angrily rejects Slovak plan to move Hungarians,” Reuters, Sept. 9, 1997.

<sup>75</sup>DOS Report, 1996.

<sup>76</sup>The role of the Hungarian Government in this matter has often been less than constructive. For example, the forced assimilation of the Slovak minority under Hungarian rule, particularly during the 19<sup>th</sup> century, is simply not acknowledged—let alone regretted—by the Hungarian Government. (In contrast, Hungarians under Czechoslovak rule flourished.) Many Slovaks express frustration that Hungary, after decades of assimilationist policies, now postures as a model in the field of minority rights protection, showcasing its favorable treatment of its now statistically minuscule minorities.

Hungary also refused, during bilateral negotiations with Slovakia in 1993 and 1994, to agree to treaty language which would acknowledge borders established by the 1947 Paris Peace Treaty until Slovakia made concessions regarding the treatment of minorities. By doing so, Hungary (whose troops had occupied part of Slovakia during World War II and whose troops participated in the Soviet-led invasion of Czechoslovakia in 1968) raised the specter of irredentism that, in turn, fueled popular prejudices against the Hungarian minority in Slovakia.

<sup>77</sup>Olga Prekopova, “Write it to Strasbourg,” Bratislava *Pravda* in Slovak (Feb. 20, 1997, p. 2); translation by FBIS, Feb. 24, 1997.

<sup>78</sup>“Slovakia’s Minorities on Funding for Culture,” OMRI Daily Digest, May 31, 1995 (Coexistence Deputy Chairman Arpad Duka-Zolyomi reports that the Ministry of Culture has earmarked 27.7 million koruny—just under half the budget for minority-language publications—for a Hungarian-language edition of the pro-government *Slovenska Republika*. Note also that Imrich Juhar was dismissed as department director of the government Anti-Monopoly Office after he requested the Ministry of Culture to stop subsidizing the minority-language supplements to *Slovenska Republika* and *Hlas ludu*, arguing that the subsidies limit economy competition. “Continued Controversy Over Slovak Media,” OMRI Daily Digest, Aug. 4, 1995.

Anti-Hungarian biases led the government to pass a law in September 1996 that restricts the playing of non-Slovak national anthems<sup>79</sup>; in a Foreign Ministry statement given to the Commission on Security and Cooperation in Europe, the Ministry likened such activities to “treason.” In March 1997, State Secretary at the Education Ministry Ondrej Nemcok also issued a directive that some subjects should only be taught by ethnic Slovaks, barring ethnic minorities from teaching those subjects.<sup>80</sup>

Moreover, the government has refused to fulfill its pledge—made to its people as well as to the OSCE High Commissioner on National Minorities—to pass a minority-language law that would remove ambiguities regarding the current opportunities for minority-language use.<sup>81</sup> The need for such a law has been illustrated by the government’s recent decision to prohibit bilingual grade school report cards in Hungarian-majority districts; such bilingual report cards have been issued since 1921. In July 1997, an ethnic Hungarian teacher, Alexander Toth, was reportedly fired from his teaching position for issuing a report card in both Slovak (the official language) as well as Hungarian.<sup>82</sup> Also in 1997, Vojtech Gugh, a principal who initiated a public protest of the ban on bilingual report cards, was dismissed from his post, allegedly in retaliation for his protest of the Government’s anti-Hungarian language policies.<sup>83</sup> School children who have received bilingual report cards in violation of the new prohibition have also been told they will not be advanced to the next grade.<sup>84</sup>

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<sup>79</sup>Frantisek Melis, "The Amendment Will Cause Many Misunderstandings;" Bratislava *Praca* in Slovak (Sept. 25, 1996, pp. 1-2); translation by FBIS, Sept. 27, 1996. Ivan Horsky, "Unnecessary Anthem War;" Bratislava *Sme* in Slovak (Sept. 26, 1996, p. 4); translation by FBIS, Sept. 30, 1996. DOS Report, 1996 ("[a] September law on state symbols restricts the playing of foreign anthems to events where official foreign representatives are present").

<sup>80</sup>Bratislava TASR in English (April 16, 1997); transcribed text by FBIS, April 21, 1997 (OSCE High Commissioner on National Minorities describes this decree as a violation of the Council of Europe Charter of Fundamental Rights). *See also* Prague CTK in English (April 16, 1997); transcribed text by FBIS; April 18, 1997 ("OSCE Commissioner Criticizes Education Ministry Memorandum"). This issue was also discussed with parliamentarians from the Movement for a Democratic Slovakia by a Helsinki Commission staff delegation to Slovakia in April 1996. The parliamentarians at first denied that such a directive existed, but when Commission staff produced a copy of it, the parliamentarians dismissed it as "a misunderstanding."

<sup>81</sup>Bratislava *Rozhlasova Stanica Slovensko* Network in Slovak (April 16, 1997); translation by FBIS, April 17, 1997 ("President, OSCE Commissioner Discuss Ethnic Rights"). A language law was adopted by the Slovak parliament in November 1995, but it failed to articulate the circumstances under which minority languages may be used.

<sup>82</sup>"A Teacher Has Been Dismissed for Issuing Bilingual Certificates," Bratislava *Sme* in Slovak (July 1, 1997, p. 1); translation by FBIS, July 1, 1997. *See also* "Hungarian Teachers Are Breaking the Law," Bratislava *Slovenska Republika* in Slovak (Jan. 31, 1997, p. 2); translation by FBIS, Feb. 5, 1997.

<sup>83</sup>"The Parents of 272 Pupils Have Signed a Protest Against the Dismissal of an Elementary School Principal," Bratislava *Sme* in Slovak (April 25, 1997, p. 3); translation by FBIS, April 28, 1997.

<sup>84</sup>Karol Wolf, "School Report Card—In Slovak or Hungarian? From Socialistic Internationalism to Nationalism and Falsification of History," Bratislava *Domino Efekt* in Slovak (July 4-10, 1997, p. 3); translation by FBIS, Aug. 1, 1997 (editorial also admonishes democratic opposition for insufficient activism on behalf of the beleaguered Hungarian minority: "If only a single student who received a bilingual report card is not promoted to the next grade, it is the duty

Most recently, Prime Minister Meciar persisted his anti-Hungarian rhetoric by suggesting that the “rights” of ethnic minorities be “expanded” by making it easier for them to leave Slovakia without the concern that they might be left stateless—i.e., Hungary would agree to accept Slovakia’s Hungarian minority, and Slovakia would agree to accept Hungary’s Slovak minority.<sup>85</sup> The Prime Minister’s remarks, by implying that ethnic Hungarians even want to leave Slovakia, drew on the stereotype of the disloyal Hungarian. (At one point, the ruling coalition had even suggested they would not adopt a law providing for minority language use unless ethnic Hungarians first signed loyalty oaths swearing their allegiance to Slovakia.<sup>86</sup>)

B. Violence and Discrimination against Roma

A report by the non-governmental European Roma Rights Center (ERRC) issued in spring 1997 detailed anti-Roma behavior in Slovakia.<sup>87</sup> Although the ERRC report focused, for the most part, on violence or discrimination at the local level, often perpetrated by non-government actors, some members of the ruling coalition are notorious for making blatantly racist anti-Roma statements themselves.<sup>88</sup> For example, Health Minister Lubomir Javorsky, a member of Prime Minister Meciar’s Movement for a Democratic Slovakia, reportedly stated at a party rally in Kosice, that “the government will do everything to ensure that more white children than Romani children are born.”<sup>89</sup> When Mario Goral, a young Rom, died an agonizing death after being set on fire by skinheads, Jan Slota, the head of the Slovak National Party, is reported to have dismissed the crime as a reaction to “high Gypsy crime rates.”<sup>90</sup> An oft-quoted remark of Jan Slota is that Roma need “a small yard and a long whip.”<sup>91</sup> Such statements have fostered a climate where anti-Roma violence can flourish.

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of every parent to stand up for the parents of children who were treated that way. Otherwise we shall find ourselves in a situation where all ex-bolsheviks can do with us what they please.”)

<sup>85</sup>Bratislava *Rozhlasova Stanica Slovensko* Network in Slovak (Sept. 12, 1997); translation by FBIS, Sept. 16, 1997 (“Interview with Slovak Prime Minister Vladimir Meciar by correspondent Martin Dobos on 12 September; place not given -- live or recorded”). See also Commentary by Vladimir Hagara, spokesman for the Movement for a Democratic Slovakia, “What Was Heard at the Rally Was the Truth,” Bratislava *Slovenska Republika* in Slovak (Sept. 11, 1997, p. 3); translation by FBIS, Sept. 15, 1997.

<sup>86</sup>“Slovak Hungarians Asked to Sign Declaration of Loyalty,” OMRI Daily Digest, May 14, 1996.

<sup>87</sup>TIME OF THE SKINHEADS DENIAL AND EXCLUSION OF ROMA IN SLOVAKIA, Country Reports Series, No. 3 (report published by the European Roma Rights Center) (*hereinafter* ERRC Report). (The ERRC has also published reports on violence and discrimination against Roma in Austria, Romania, and Ukraine and publishes a newsletter on discrimination and violence against Roma throughout Europe.)

<sup>88</sup>See, e.g., ERRC Report, pp. 44-53.

<sup>89</sup>“Slovak Roma Uneasy about Health Minister’s Statements,” OMRI Daily Digest, Oct. 31, 1995.

<sup>90</sup>Jan Krcmar, “Slovak President condemns gypsy murder,” Reuters, Aug. 1, 1995.

<sup>91</sup>Bratislav TASR in English (Dec. 30, 1996); transcribed text by FBIS, Jan. 7, 1997.

There is a serious pattern of racially-motivated violence in Slovakia, usually associated with skinheads, which has resulted in some fatalities. A particularly egregious attack took place in the village of Jarnovice in 1995. According to the ERRC, between 5:00 and 6:00 a.m. on July 20, masked and unmasked police raided a Romani community in Jarnovice, pulled residents, including women, children and elderly people, from their homes, and beat them while shouting racial epithets.<sup>92</sup> In December 1996, 70 Roma marched in Handlova to protest the racially motivated murder of Gustav Balaz, an event that also prompted some Roma to form "self-defense" units.<sup>93</sup> Roma representatives subsequently complained that while local police detained without cause members of these self-defense units (also called the Romani Homeguard), skinhead violence against the Roma has gone unchecked by police.<sup>94</sup> In March 1997 (after the release of the ERRC report), it was also reported that some 30 skinheads in the town of Prievidza attacked five Roma, including a woman and an elderly man, shouting "sieg heil" and "to the gas chambers."<sup>95</sup> (The Speaker of the Slovak parliament, Ivan Gasparovic, has allegedly suggested that the U.S. Government was involved in fomenting this event, since a U.S. Embassy official had visited Prievidza near the time of the incident.<sup>96</sup>)

The ERRC report also described a pattern of excessive use of force by the police against Roma. When a victim seeks to bring a complaint against the police, the charges are, in effect, reversed and the Rom would be charged with assaulting the police.<sup>97</sup> (The problem of countercharges had also been described in the U.S. Department of State's 1994 and 1995 Country Reports on Slovakia.)<sup>98</sup> Similarly, the Council of Europe's Committee for the Prevention of Torture released a report on April 3, which also documented a problem of police brutality in Slovakia.<sup>99</sup>

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<sup>92</sup>ERRC Report, pp. 36-44.

<sup>93</sup>Bratislava TASR in English (Dec. 23, 1996); transcribed text by FBIS, Jan. 3, 1997 ("'Tense Situation' after 'Skinhead' Murders Gypsy"). See also Bratislava TASR in English (Dec. 30, 1996); transcribed text by FBIS, Jan. 7, 1997 ("Gypsies Form 'Self-Defense Units' After Handlova Murder").

<sup>94</sup>Bratislav TASR in English (Jan. 8, 1997); transcribed text by FBIS, Jan. 14, 1997 ("Office Monitors Cases of Racially Motivated Violence").

<sup>95</sup>Prague CTK in English (March 30, 1997); transcribed text by FBIS, April 2, 1997 ("Skinheads' Attack Gypsies With Iron Bars, Baseball Bats").

<sup>96</sup>"Report by Elena Siposova on a Movement for a Democratic Slovakia, HZDS, rally at the Bratislava-Pasienky indoor arena on 13 March: 'The Government Is Working for Slovakia's Prosperity,'" Bratislava *Slovenska Republika (Slovensko Do Toho Supplement)* (March 20, 1997, pp. 1, 5); translation by FBIS, March 24, 1997.

<sup>97</sup>ERRC Report, pp. 27-32.

<sup>98</sup>DOS Reports, 1994, 1995.

<sup>99</sup>Report to the Government of the Slovak Republic on the visit to Slovakia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 25 June to 7 July 1995, CPT/Inf (97)2, Strasbourg, April 3, 1997.

Often in these circumstances, the accused are denied access to an attorney,<sup>100</sup> in violation of article 14 of the International Covenant on Civil and Political Rights, article 6 (3) of the European Convention for the Protection of Human Rights and Fundamental Freedoms, and para. 5.16 of the OSCE Copenhagen Document.

The ERRC report also indicated that Slovak localities continue to use a system of tightly controlled residency permits to restrict the freedom of movement of Roma.<sup>101</sup> This practice, similar to the controls used during the Communist period, violates the freedom of movement provisions of the Helsinki Accords.<sup>102</sup>

President Kovac is one of the few public leaders in Slovakia who has condemned anti-Roma violence. In April 1997, he expressed his concern that skinheads had recently attacked innocent people (presumably a reference to the events in Prievidza, mentioned above) and called on the public to "lift up its voice against such negative phenomena."<sup>103</sup> Jewish organizations in Slovakia have also voiced their concern regarding the violence against Roma.<sup>104</sup>

### C. Church-State Relations

Slovakia is approximately 60 percent Roman Catholic.<sup>105</sup> During the Communist era, Catholic leaders and active members of the church were severely persecuted; Communist propagandists often tried to taint all believers with the guilt of Slovakia's World War II leader, Father Jozef Tiso, who was executed for war crimes. Communists in Czechoslovakia often tried to thinly disguise their vicious repression of Catholics behind a slogan of fighting fascism.

Today, religious leaders are able to speak out more freely regarding a broad range of matters affecting their communities and, within the Catholic Church, there appears to be a diversity of views on public life. In recent years, differences have emerged between some Catholic officials and the government on a number of issues.

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<sup>100</sup>*Id.*, p. 23; *see also* ERRC Report, p. 29, footnote 44.

<sup>101</sup>ERRC Report, pp. 57-59.

<sup>102</sup>For example, para. 33 of the 1991 Moscow Document, which Slovakia adopted upon joining the OSCE on Jan. 1, 1993, states in part that the participating States "will remove all legal and other restrictions with respect to travel within their territories for their own nationals and foreigners. . ."

<sup>103</sup>Bratislav TASR in English (April 2, 1997); transcribed text by FBIS, April 3, 1997 (Kovac airs concerns at "growing expressions of violence").

<sup>104</sup>Bratislava TASR in English (April 4, 1997); transcribed text by FBIS, April 7, 1997 ("Jews Protest Slota- Organized Meeting of Nationalists").

<sup>105</sup>The figure has been estimated at 60.3 percent by the 1996 Central Intelligence Agency World Fact Book, <<http://www.odci.gov/cia/publications/nsolo/wfb-all.htm>>.

In May 1995, for example, Catholic Bishops publicly complained about the Prime Minister's feud with the President.<sup>106</sup> Not long thereafter, police conducted an unannounced search of the office of Bishop Rudolf Balaz, President of the Catholic Bishops Conference.<sup>107</sup> Although the search was allegedly conducted in connection with purported illegal antiquities trading, others maintain the search was a form of retaliation for the Bishops' support for President Kovac in May, when they characterized Prime Minister Meciar's efforts to oust him as "destabilizing." The search then triggered a protest demonstration of 3,000 Catholics in Banska Bystrica in August 1995.<sup>108</sup>

In February 1996, the Bishops Conference publicly indicated its opposition to the Slovak Language Law, which failed to provide for minority language use.<sup>109</sup> (The Bishops' concern may have been heightened by provisions of a draft version of the law, which would have dictated that all religious services would have to be conducted in the Slovak language. This provision was not included in the final bill.)

In April 1996, eight Bishops protested a law on the protection of the Republic which would have limited free speech.<sup>110</sup> (The law also elicited widespread criticism in Slovakia from the Evangelical Church, the Slovak Helsinki Committee, most opposition parties, and journalists. The law was ultimately vetoed by the President and the parliament has not yet returned to it.) Subsequently, the head of the Slovak National Party, Jan Slota, reportedly called the Bishops "anti-Slovak."<sup>111</sup>

In May 1996, Franciscan deacon Jan Krstitel Balasz participated in a public demonstration protesting the murder of Robert Remias and alleging government involvement in the murder. The Slovak Government subsequently announced it would sue Balasz (as well as opposition news editor Peter Toth and Catholic priest Pavel Flajsik) for alarm-mongering, defamation of the country and

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<sup>106</sup>Peter Javurek, "Slovak bishops back president in row with Meciar," Reuters, May 11, 1995. The Ecumenical Council of Churches issued a similar statement supporting the President.

<sup>107</sup>Jolyon Naegele, "Slovakia: Police Harass Catholic Bishop," RFE/RL Special Report, June 2, 1997. *See also* DOS Reports, 1995, 1996.

<sup>108</sup>"Church-Government Tension in Slovakia," OMRI Daily Digest, Aug. 22, 1995.

<sup>109</sup>TASR Report, "Slovak Bishops," Bratislava *Slovenska Republika* in Slovak (Feb. 8, 1996, p. 7); translation by FBIS, May 1, 1996.

<sup>110</sup>"Bishops' Statement Is Not Politicking," Bratislava *Sme* in Slovak (March 27, 1996, p. 2); translation by FBIS, May 1, 1996. *See also* Jan Smolec, "Totalitarianism Is Supposedly Being Installed in Our Country; Some Bishops Are Concerned," Bratislava *Slovenska Republika* in Slovak (March 26, 1996); translation by FBIS, May 1, 1996. The law on the protection of the Republic is described in *Constitution Watch*, Vol. 5, Nos. 2 & 3, EECR, p. 24 (1996) and in the DOS Report, 1996.

<sup>111</sup>Bratislava TASR in English (April 1, 1996); transcribed text by FBIS, May 1, 1996 ("Coalition Party Accuses Bishops of Being 'Anti-Slovak'").

slander.<sup>112</sup> (Toth's newspaper has been fined \$250,000 for printing his comments. An appeal is still pending.)<sup>113</sup>

In late 1996, the ruling coalition announced plans to establish a Catholic University; Catholic officials, however, opposed the idea, arguing that a Catholic University could only be established by the Catholic Church.<sup>114</sup> Subsequently, the Slovak Government announced it would establish a Christian university in Trnava.<sup>115</sup> (In fact, Trnava already has a university, but that institution has been a seat of opposition to the government.) Catholic officials have continued to seek the establishment of an independent Catholic University, which they would prefer to see established in Kosice. Expressing his frustration that some Catholic leaders were not favorable to the ruling coalition's plans for a Christian university, Prime Minister Meciar reportedly complained that they were hostile towards government institutions.<sup>116</sup>

In January 1997, the Slovak Bishops Conference complained that a statement by the Movement for a Democratic Slovakia which criticized changes in the church's radio broadcasts was an attempt at interference in the internal affairs of the church.<sup>117</sup>

Finally, in March 1997, the President of the Slovak Bishops Conference, Bishop Rudolf Balaz, made a statement regarding an ongoing strike by theater workers, students, trade unionists, and others: "Political power, which is meant to serve all citizens, cannot become an instrument of contempt. . . for those who do not have it. . . . This is not a classic dispute between the government and the opposition. It is a dispute about whether we are going to listen to each other in this country

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<sup>112</sup>Bratislava TASR in English (May 14, 1996); transcribed text by FBIS, May 25, 1996 ("Cabinet Decides To Sue Catholic Priests, SME Editor"). "Slovak Policeman's Family Accuse Secret Service," OMRI Daily Digest, May 20, 1996.

<sup>113</sup>DOS Report, 1996.

<sup>114</sup>CTK Report, "The Slovak Bishops Conference Wants Catholic University," Bratislava *Pravda* in English (Jan. 4, 1997, p. 2); translation by FBIS, Jan. 24, 1997. *See also* Bratislava TASR in English (Dec. 20, 1996); transcribed text by FBIS, Jan. 3, 1997 ("Meciar Seeks Christian University Against Church's Will"). *See also* Prague CTK in English (June 25, 1997); transcribed text by FBIS, June 27, 1997 ("Church Leaders Agree on 'Fundamental Issues'").

<sup>115</sup>TASR report, "Statement by the Slovak Bishops' Conference: Change in Radio Masses Is Connected to Preparations for Year 2000," Bratislava *Naroda Obroda* in Slovak (Jan. 25, 1997, p. 2).

<sup>116</sup>Bratislava TASR in English (Oct. 18, 1996); transcribed text by FBIS, Oct. 29, 1996.

<sup>117</sup>Viliam Havlicek, "Award for or Farewell to Father Anton Hlinka?," Bratislava *Slovenska Republika* in Slovak (Jan. 13, 1997, p. 4); translation by FBIS, Jan. 14, 1997. TASR report, "Statement by the Slovak Bishops' Conference: Change in Radio Masses Is Connected to Preparations for Year 2000," Bratislava *Naroda Obroda* in Slovak (Jan. 25, 1997, p. 2).

and whether we are going to be willing to solve a problem, or whether other opinions and demands which run counter to those of the government are going to be forcibly suppressed.”<sup>118</sup>

D. A Positive Aspect of Minority-Majority Relations

Although the ruling coalition’s policies toward minorities have been marked by intolerance, opposition political parties that are predominantly ethnic Slovak have refused to be drawn into the kind of race towards nationalism that has engulfed some other post-Communist countries. (President Kovac, for example, criticized the decision to prohibit bilingual report cards.<sup>119</sup>) Although these parties’ cooperation with the ethnic Hungarian opposition parties may lack the stuff of which coalitions are built, there is clearly a sufficient basis for a normal working relationship. (Hungarian party representatives participated, for example, in the 1994 Moravcik government.) Accordingly, the so-called “ethnic” problems in Slovakia are by no means intractable—or, for that matter, even really ethnic—but reflect, in fact, the shortcomings of democratic reform experienced by all citizens of the country.

**V. Civil Society**

Over the past few years, civic activism has blossomed in Slovakia. Non-governmental organizations, trade unions, and community-based groups deal with the environment, health care issues, education and job training, and human rights, among other issues. In January 1997, a new human rights organization formed, calling itself Charter 97 (styled after the anti-Communist Czechoslovak Charter ‘77 movement). It has, as its stated purpose, monitoring the Slovak Government’s compliance with constitutional and international human rights norms.<sup>120</sup>

A number of these groups have begun engaging in grass-roots political activities, including spearheading petition drives or organizing public demonstrations. The phenomenon of public demonstrations is particularly striking in a country that produced few dissidents, even during the Communist era.

Protests have addressed a broad range of concerns. In March 1995, 8,000 people demonstrated in Bratislava to protest the removal of three political satire shows from state-run television, a move that followed the purge of opposition elements from the state radio and television control board in November 1994.<sup>121</sup> A petition drive launched at the same time garnered some

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<sup>118</sup>Prague CTK in English (March 15, 1997); transcribed text by FBIS, March 19, 1997 ("Bishop Backs Anti-Government Protests, Cabinet Responds").

<sup>119</sup>Prague CTK in English (June 26, 1997); transcribed text by FBIS, June 30, 1997 ("Kovac Opposes Ministerial Ban on Bilingual School Documents").

<sup>120</sup>"Charter ‘97 Manifesto," Bratislava *Sme* in Slovak (Jan. 25, 1997, p. 5); translation by FBIS, Jan. 29, 1997. "A New Charter Has Been Established," Bratislava *Pravda* in Slovak (Jan. 15, 1997, p. 2); translation by FBIS, Jan. 17, 1997.

<sup>121</sup>*Constitution Watch*, Vol. 4, No. 2, EECR, p.30 (1995). See also "Slovak rally demands greater media freedom," Reuters, March 9, 1995; "Slovak media freedom rally draws 8,000," Reuters, March 23, 1995.

115,000 signatures calling for the return of the shows.<sup>122</sup> Also in early March 1995, 10 newspapers published “nearly blank front pages” to protest taxes that, they alleged, could drive them out of business.<sup>123</sup> In September 1995, the Committee for the Freedom of Speech organized a demonstration of 10,000-15,000 people, to protest the Prime Minister’s “authoritarian” style of government.<sup>124</sup> Also in September 1995, 20,000 trade unionists demonstrated in Bratislava to protest the government’s social policies, particularly the cancellation of public transportation subsidies for the needy.<sup>125</sup> In May 1996, over 8,000 people demonstrated in Bratislava to demand the resignation of then-Interior Minister Hudek, whom they asserted was involved in the kidnaping of President Kovac’s son in August 1995.<sup>126</sup> In October 1996, approximately 10,000 people in Bratislava protested the government’s cultural policies.<sup>127</sup> In November 1996, 20,000 people demonstrated to commemorate the 1989 Velvet Revolution; they jangled their keys and shouted “down with Meciar.”<sup>128</sup> In March 1997, 1,500-2,000 students from Trnava protested government education policies.<sup>129</sup> Also in March 1997, theater workers in Slovakia, including renown opera star Peter Dvorsky, struck to protest the cultural policies of Minister Ivan Hudec.<sup>130</sup> Their call for Hudec’s dismissal was echoed by the Trade Unions’ Confederation.<sup>131</sup> In May 1997, 11,000 people sent letters to the Ministry of Education protesting the prohibition on bilingual report cards<sup>132</sup> and 55,000

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<sup>122</sup>*Constitution Watch*, Vol. 4, No. 2, EECR, p.30 (1995).

<sup>123</sup>Stephen Kinzer, "2-Year-Old Slovakia Toddling Toward Democracy," *NEW YORK TIMES*, March 19, 1995.

<sup>124</sup>"Anti-Government Demonstration in Bratislava," *OMRI Daily Digest*, Sept. 29, 1995. "Slovaks rally to protest Kovac kidnap," Reuters, Sept. 28, 1995.

<sup>125</sup>"Slovak Trade Unions Hold Demonstration," *OMRI Daily Digest*, Sept. 25, 1995.

<sup>126</sup>Prague CTK in English (May 14, 1996); transcribed text by FBIS, May 25, 1996 ("Opposition Rally Demands Interior Minister’s Dismissal").

<sup>127</sup>Bratislava TASR in English (Oct. 2, 1996); transcribed text by FBIS, Oct. 21, 1996 ("Rally Protests Culture Minister’s Policy; SND Staff Strike"). *See also* "Slovak Actors Call Strike," *OMRI Daily Digest*, Oct. 3, 1996.

<sup>128</sup>"Anti-Government Rally in Bratislava," *OMRI Daily Digest*, Nov. 15, 1996. *See also* Bratislava TASR in English, (Nov. 14, 1996); transcribed text by FBIS, Nov. 19, 1996 ("TASR Gives Account of 14 Nov Bratislava Opposition Rally").

<sup>129</sup>"More Protests in Slovakia," *RFR/RL Newslines*, March 18, 1997. Prague CTK in English (March, 19 1997); transcribed text by FBIS, March 20, 1997 ("Trnava Students Protest Against University ‘Liquidation’").

<sup>130</sup>Vincent Boland, "Slovak actors in protest over political power play," *FINANCIAL TIMES*, March 20, 1997.

<sup>131</sup>Prague CTK in English (March 14, 1997); transcribed text by FBIS, March 18, 1997 ("Trade Unions Seek Dismissal of Culture Minister").

<sup>132</sup>Bratislava TASR in English (May 12, 1997); transcribed text by FBIS, May 14, 1997 ("Cabinet Gets 11,000 Protest Letters on Ethnic Education").

people signed a petition protested the same thing.<sup>133</sup> In April 1997, 2,000 people commemorated the unsolved murder of Robert Remias.<sup>134</sup> Some 8,000 people gathered in Bratislava in June 1997 to protest the Ministry of Interior's manipulation of the May 23 referendum.<sup>135</sup>

Some government activities have fostered the impression that the government is at least deeply suspicious of, if not actually hostile towards, the non-governmental community and public activism. In 1995, for example, a public prosecutor launched an investigation into the activities of human rights foundations sponsored by international philanthropist George Soros.<sup>136</sup> The investigation was urged by Jan Slota, the head of the Slovak National Party, after Soros had criticized the government.<sup>137</sup> The investigation was closed in 1996 after no evidence of fraud was found.<sup>138</sup>

In 1996 the legislature passed a law that requires foundations to have substantial financial resources in order to operate (100,000 crowns, or approximately \$3,000), a condition which, it is estimated, will eliminate 95 percent of existing foundations.<sup>139</sup> Pavel Demes, a spokesman for and leader of the Third Sector (an umbrella organization that works with non-governmental groups), recently stated that approximately two thousand organizations have "terminated their activities or decided not to carry on" as a result of the law.<sup>140</sup> The law also requires foundations to register with the Ministry of Interior, to document the sources and origin of property or resources donated to a foundation, and to disclose extensive information about foundation leadership.

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<sup>133</sup>Prague CTK in English (April 28, 1997); transcribed text by FBIS, April 30, 1997 ("Over 50,000 Sign Ethnic Education Petition").

<sup>134</sup>Prague CTK in English (April 29, 1997); transcribed text by FBIS, May 1, 1997 ("Opposition Holds Rally on Anniversary of Remias' Death").

<sup>135</sup>RFR/RL Newline, June 4, 1997. *See also* Bratislava TASR in English (June 4, 1997) ("HZDS Calls Opposition Rallies 'Theater Performance'").

<sup>136</sup>DOS Report, 1995. Representatives of the Movement for a Democratic Slovakia also threatened to bar George Soros from the country because of his criticism. "Slovak deputies slam U.S. watchdog in media row," Reuters, Jan. 25, 1995; "Soros refuses to bow to Slovak demands for an apology," Reuters, July 9, 1995.

<sup>137</sup>DOS Report, 1995.

<sup>138</sup>Interestingly, Soros' experience in Slovakia more closely resembles his fate in Belarus, where he has been forced to close his operations ("Belarus: Soros Closes Foundations Operations," RFE/RL NewsLine, Sept. 3, 1997) than in Bulgaria ("U.S./Bulgaria: Soros Receives Sofia's Highest Award," RFE/RL NewsLine, June 13, 1997) or even Kyrgyzstan (Narynbek Idinov, "Kyrgyzstan: Philanthropist Soros Named Man Of The Year," RFE/RL, Jan. 2, 1997) where he has been honored.

<sup>139</sup>DOS Report, 1996. *See also* Sharon Fisher, "Slovak Parliament Approves Controversial Law on Foundations," OMRI Analytical Brief #191, June 21, 1996.

<sup>140</sup>"Number of Foundations Plummeting," CTK News from Slovakia, Sept. 9, 1997.

A number of groups have complained that this legislation was designed to inhibit the work of non-governmental organizations, particularly those designed to advance democracy-building and human rights. Some Hungarian representatives have also claimed that the law is doubly disadvantageous for ethnic minorities. Minorities, they argue, have first suffered from disproportionate cuts in government subsidies for cultural activities; then, their opportunities to compensate for the subsidy cuts through the private sector have been limited by an intentionally restrictive law on foundations.

## **VI. Challenges to Free Speech and A Free Media**

Since the end of communism in Slovakia, the print media has gained ever greater diversity and independence, in spite of the occasional roadblocks imposed by the government. Some problems continue. The distribution system for the print media, for example, is only now being privatized. It is also alleged that the corporate boards of some print media are, in fact, closely affiliated with the Prime Minister's party and have exercised political control over editorial policies.<sup>141</sup> Over the past year, 21 editors have quit two major newspapers (*Slovenska Republika* and *Naroda Obroda*) because of such alleged political interference with their work.<sup>142</sup> The government has also sought to limit access to journalists who are perceived as critical of the regime. On November 19, 1996, the government barred four journalists from attending a regular press conference after the weekly cabinet meeting because the journalists were believed to be unsympathetic to the government.<sup>143</sup> The decision was ultimately rescinded after a public outcry—including a protest from the journalists' union.<sup>144</sup> A private Slovak press agency, set to compete against the state-owned Slovak Press Agency (TASR), was burglarized in June 1997, on the eve of its opening. Much of its computer equipment was stolen, delaying the start of its operations.<sup>145</sup>

The broadcast media has developed its independence much more slowly than the print media and that process is far from complete. State-run television continues to demonstrate bias against those in opposition to the Prime Minister. State-run television, for example, reportedly refused to broadcast President Kovac's 1996 speech marking the 51st anniversary of the victory over Nazism,

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<sup>141</sup>Adrian Karatnycky, Alexander Motyl, and Boris Shor, eds., *NATIONS IN TRANSIT 1997*, p. 342 (a publication of Freedom House).

<sup>142</sup>"Journalists Quit Pro-Government Daily," OMRI Daily Digest, Oct. 2, 1996. *See also* "Personnel Changes in NARODNA OBRODA," Bratislava *Sme* in Slovak (Nov. 18, 1996, p. 2); translation by FBIS, Nov. 20, 1996.

<sup>143</sup>Bratislava *Rozhlasova Stanica Slovenska* Network in Slovak (Nov. 20, 1996); translation by FBIS, Nov. 22, 1996 ("Government Spokeswoman on Journalists' Protest"). *See also* "Ban for Four; The President-Prime Minister-Seven Journalists Scandal Is Gathering Momentum," Bratislava *Pravda* in Slovak (Nov. 20, 1996, p. 1); translation by FBIS, Nov. 22, 1996. In particular, the journalists had reported on rumors that Prime Minister Meciar was ill, noting that he had been absent from public view for some time.

<sup>144</sup>"Slovak Cabinet Restores Accreditation to Journalists," OMRI Daily Digest, Nov. 25, 1996.

<sup>145</sup>"Slovakia: New Private News Agency Burglarized Before Opening," RFE/RL NewsLine, June 9, 1997.

although it is required to give air time to state organs.<sup>146</sup> In the run up to the May referendum on NATO (see above), President Kovac was again denied television access to make the case for voters to support the NATO referendum questions.<sup>147</sup> Moreover, after the referendum, state-run television taped a speech by the President but, when airing the speech, spliced in rebuttals by the Prime Minister.

There are some independent radio stations and one independent television station, TV Markiza. Although Markiza can only reach about 60 percent of the country, its popularity surpassed that of state-run television very quickly after beginning its broadcasts. It has been reported that Prime Minister Meciar has directed that state-owned companies may only advertise on state-run television, which would significantly limit their sources of funding.<sup>148</sup>

In late June, the government sought to privatize a second state-run television station. In a rare opposition victory, however, opposition parliamentarians succeeded in blocking the privatization of Slovakia's second state-owned TV station when it became known that the station would be taken over by close allies of Prime Minister Meciar. That victory was made possible only by the defection of deputies from the Slovak National Party; it is possible though that, should this legislation come up again, those deputies would vote with the ruling coalition.<sup>149</sup> Control of the media is likely to be an increasingly significant issue in the run up to next year's elections.

Many of the problems faced by the media have already been touched on in this report, including the ruling coalition's total control of the state radio and television board and violence or threats of violence against journalists. The law on the protection of the Republic (also mentioned above), if passed over the president's veto, may limit free speech in general and has been perceived as posing a special threat to a free media.

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<sup>146</sup>Jan de Weydenthal, "Slovakia Affected by Mysterious Violence," RFE/RL Report, May 10, 1996.

<sup>147</sup>See also Bratislava Radio Twist in Slovak (July 18, 1997); translation by FBIS, July 22, 1997 ("Spokesman Condemns Television 'Censorship' of President").

<sup>148</sup>Ivan Reguli, director-general of the section on public information at the Culture Ministry, on 26 October sent a letter to state firms on advertising in Slovak newspapers, Sme reported on 9 November. The letter states: 'Advertising is an important source of income for mass media. We presume that your organization can support the press that sympathizes with the Slovak government to a greater extent.'" "Slovak Culture Ministry on Advertising," OMRI Daily Digest, Nov. 9, 1995. See also DOS Report, 1995 (recounts reports that "the Government, acting through the Fund for National Property, required newly privatized companies to advertise exclusively in progovernment media").

<sup>149</sup>Slovak National Party Deputies have occasionally broken rank within the coalition when they have felt that interests were not being sufficiently taken into account by the Movement for a Democratic Slovakia.

Although Slovakia does not have a criminal defamation law,<sup>150</sup> it does have a law which provides special civil protection for “defamation” against state officials—protection unavailable to average citizens. This law has been aggressively used by public officials to harass their political opponents, including journalists who are not perceived as sufficiently sympathetic to the regime.<sup>151</sup>

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<sup>150</sup>Criminal defamation laws provide special penalties for slander of the state, state organs, or state officials. Such laws were widely used during the Communist-era to persecute people for what constituted, in effect, criticism of the government. These laws violate free speech and violate international human rights agreements. Although many post-Communist countries in Central Europe have abandoned these vestiges of the past, a few countries—notably the Czech Republic and Poland—continue to keep them on the books and use them to prosecute people for their speech.

<sup>151</sup>DOS Report, 1996.

## CONCLUSIONS AND OUTLOOK

Vladimir Meciar assumed the prime ministership of Slovakia in late 1994 as the most popular man in his country, leading the most popular party in the country. He had won free and fair elections, conducting a far better campaign than his competition. His Movement for a Democratic Slovakia was, by and large, devoid of any strong ideological underpinnings—meaning it was not encumbered by the left-wing economic philosophy of the unreconstructed Association of Workers or tainted by the right-wing political extremism of the Slovak National Party. In theory, he was well placed to become the father of modern Slovakia and to bring that country, then still considered a leading candidate for early admission to the European Union and NATO, to the threshold of those trans-Atlantic institutions.

But unable to form a partnership with more moderate parties already worried by his authoritarian tendencies, Meciar ultimately formed his current far right-far left coalition. Since then, he has moved his country farther and farther away from the hopes that greeted Slovakia upon achieving its independence and the human rights situation has deteriorated.

Some observers have speculated that Meciar has already sown the seeds of his own reform. According to this theory, the economic interests Meciar has cultivated through his carefully administered privatization program will ultimately recognize that, without more profound human rights reforms, Slovakia will not gain entry into the European Union; without entry into the European Union, their economic interests will not be fully realized. These elements, a pillar among his loyalists, will force him to make the changes he thus far has been unwilling to make.

Perhaps reflecting this concern, Rudolf Schuster, the mayor of Slovakia's second largest city (Kosice) argued recently that Slovakia now stands at a critical crossroads, just as it did in 1947 when the country succumbed to Soviet pressure to reject the Marshall plan. Schuster called on his government to adopt a concrete plan that would turn Slovakia back towards the path of European integration.<sup>152</sup>

Others, however, have suggested things will get worse before they get better. This theory posits that Meciar and his closest political allies are in too deep: more democratization means more accountability and, with a string of allegedly illegal acts forming a dotted line back to the Prime Minister, Meciar can not afford to loosen the reigns of power. The escalation of anti-democratic tactics used by the regime to keep its hold on power, most sharply illustrated by the flagrant disregard for the Constitutional Court, has fueled such views.

Next year's elections are likely to prove critical in determining whether Slovakia, at long last, moves towards its rightful place in the heart of Europe or whether it is indefinitely left outside the common European home. In advance of the elections, a broadly based opposition coalition—now named the Slovak Democratic Coalition—has formed, bringing together the Christian Democratic

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<sup>152</sup>Prague CTK in English (July 23, 1997); transcribed text by FBIS, July 24, 1997.

Movement, the Democratic Union, the Democratic Party, the Social Democratic Party of Slovakia and the Green Party in Slovakia.<sup>153</sup> Central components of the coalition's platform include restoring parliamentary and constitutional democracy in Slovakia, respect for human rights and the rule of law, and increasing transparency of the privatization process.<sup>154</sup>

Although this coalition is gaining in popularity, whether or not it can win and if so, whether the coalition can govern remains to be seen. Certainly, Meciar has several advantages against the coalition in the run up to the elections. First, Meciar is a far more skillful campaigner than his opponents have shown themselves to be. Meciar is also believed to have substantial financial resources (enhanced by his alleged manipulation of the privatization process), and the only television station that can reach the entire country is state-owned and state-operated by people handpicked by Meciar. In addition, he has developed his political machine by requiring local and state employees to be members in his own party, the Movement for a Democratic Slovakia.<sup>155</sup> An administrative redistricting law<sup>156</sup> implemented last year has resulted in the creation of a second layer of centralized control, parallel to local government structures, through which Meciar exercises his influence. However, recent attacks on parliamentary democracy in Slovakia—meaning both acts of physical intimidation as well as assaults on the constitutional order—have led some to wonder whether free and fair elections can be held.

A major Bratislava newspaper recently editorialized on what the next elections will mean for Slovakia—and on the wisdom of calling for early elections (as some people in the opposition have):

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<sup>153</sup>"An Agreement on a Name," Bratislava *Pravda* in English (July 12, 1997, p. 2); translation by FBIS, July 16, 1997.

<sup>154</sup>"Text of 'Slovak Democratic Coalition Memorandum,' proclaimed at Martin on 30 August 1997," Bratislava *Sme* in Slovak (Sept. 2, 1997, p. 4); translated by FBIS, Sept. 3, 1997.

<sup>155</sup>*See, for example*, DOS Report, 1996 ("In the absence of a civil service law, the Government continued to replace national and local government officials with its supporters, apparently based largely on political loyalty;" report also mentions "widespread reports of civil servants being dismissed for refusing to join the ruling political party.") *See also* "Regional Office Chairman Refuses Collective Agreement, Allegedly To Exert Pressure on Teachers to Join Trade Unions," Bratislava *Naroda Obroda* in Slovak (June 7, 1997); translation by FBIS, June 10, 1997. *See also* "A Trade Union Leader From VSZ Kosice Would Not Deny Attempts To Recruit New HZDS members in the Metallurgical Works," Bratislava *Sme* in Slovak (Nov. 30, 1996, p. 1); translation by FBIS, Dec. 6, 1996 ("Letter to Paper Reports Forced HZDS Recruitment").

<sup>156</sup>For a description of this law, see *Constitution Watch*, Vol. 5, Nos. 2 & 3, EECR, pp. 23-24 (1996); *Constitution Watch*, Vol. 5, No. 4, EECR, p. 25 (1996); and Sharon Fisher, "Slovak Parliament Approves Territorial Arrangement Law," OMRI Analytical Brief #41, March 25, 1996. There has also been considerable public discussion of a new electoral redistricting law. Many observers believe that Meciar will try to pass such a law sometime prior to the elections and, of course, would design it to enhance his own strengths. An election law would require only a simple majority to win so, in theory, the ruling coalition could pass it at any time. However, it is highly likely that an electoral law which would enhance Meciar's voting strength at the expense of the opposition parties would also act to the disadvantage of Meciar's own coalition partners and Meciar's own party does not have enough votes to pass an election law without the coalition partners. Accordingly, it is difficult to predict whether, in fact, such a law will be passed.

“A fundamental prerequisite for the success of this objective, however, is not the early elections themselves, but the issue of whether the forces that have been campaigning doggedly against Meciarism for several years would really triumph in them. It would probably not be enough to rely solely on the recent results of the pre-election polls, even though, according to them, the Slovak Democratic Coalition could count on success. The arithmetic of the polls, however, is an extraordinarily tricky thing. Real life is different and the winners on paper can also turn into the actual vanquished. In the event that early elections were indeed held and the Slovak electoral Phoenix [Vladimir Meciar] were again to emerge victorious from them, knowing his extraordinary ‘qualities,’ we would remain fixed in concrete in this region for an excessively long time, without any chance of getting into the last wave of the expansion of the Euro-Atlantic political and military structures. Slovakia would not be destined to survive the fourth return of Vladimir Meciar.

“The opposition, however, does not have at its disposal a democratic mechanism other than elections. Only elections can sever the Slovak Gordian knot. The democratic opposition faces an extraordinarily difficult task, almost an historic responsibility to convince Slovak citizens of the necessity of change. To convince Slovakia and to do so in Slovakia. He who has support abroad does not win elections. Elections are won at home.”<sup>157</sup>

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<sup>157</sup>Bohus Lenicky, "Who Will Defeat the Phoenix?" Bratislava *Pravda* in Slovak (July 19, 1997, p. 4); translation by FBIS, July 22, 1997.

## EXCERPTS FROM SELECT OSCE DOCUMENTS<sup>158</sup>

### Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE (1990)

[ . . . ]

[The participating States] recognize that pluralistic democracy and the rule of law are essential for ensuring respect for all human rights and fundamental freedoms, the development of human contacts and the resolution of other issues of a related humanitarian character. They therefore welcome the commitment expressed by all participating States to the ideals of democracy and political pluralism as well as their common determination to build democratic societies based on free elections and the rule of law.

#### I

- (1) The participating States express their conviction that the protection and promotion of human rights and fundamental freedoms is one of the basic purposes of government, and reaffirm that the recognition of these rights and freedoms constitutes the foundation of freedom, justice and peace.
- (2) They are determined to support and advance those principles of justice which form the basis of the rule of law. They consider that the rule of law does not mean merely a formal legality which assures regularity and consistency in the achievement and enforcement of democratic order, but justice based on the recognition and full acceptance of the supreme value of the human personality and guaranteed by institutions providing a framework for its fullest expression.
- (3) They reaffirm that democracy is an inherent element of the rule of law. They recognize the importance of pluralism with regard to political organizations.
- (4) They confirm that they will respect each other's right freely to choose and develop, in accordance with international human rights standards, their political, social, economic and cultural systems. In exercising this right, they will ensure that their laws, regulations, practices and policies conform with their obligations under international law and are brought

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<sup>158</sup>Slovakia joined the Organization for Security and Cooperation in Europe as an independent country on January 1, 1993, and accordingly agreed to be bound by all OSCE documents. The excerpts of OSCE commitments included here those which are particularly relevant to the human rights problems discussed in this report.

into harmony with the provisions of the Declaration on Principles and other CSCE commitments.

- (5) They solemnly declare that among those elements of justice which are essential to the full expression of the inherent dignity and of the equal and unalienable rights of all human beings are the following:
- (5.1) - free elections that will be held at reasonable intervals by secret ballot or by equivalent free voting procedure, under conditions which ensure in practice the free expression of the opinion of the electors in the choice of their representatives;
  - (5.2) - a form of government that is representative in character, in which the executive is accountable to the elected legislature or the electorate;
  - (5.3) - the duty of the government and public authorities to comply with the constitution and to act in a manner consistent with law;
  - (5.4) - a clear separation between the State and political parties; in particular, political parties will not be merged with the State;
  - (5.5) - the activity of the government and the administration as well as that of the judiciary will be exercised in accordance with the system established by law. Respect for that system must be ensured;
  - (5.6) - military forces and the police will be under the control of, and accountable to, the civil authorities;
  - (5.7) - human rights and fundamental freedoms will be guaranteed by law and in accordance with their obligations under international law;
  - (5.8) - legislation, adopted at the end of a public procedure, and regulations will be published, that being the condition for their applicability. Those texts will be accessible to everyone;
  - (5.9) - all persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law will prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground;
  - (5.10) - everyone will have an effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity;
  - (5.11) - administrative decisions against a person must be fully justifiable and must as a rule indicate the usual remedies available;

- (5.12) - the independence of judges and the impartial operation of the public judicial service will be ensured;
  - (5.13) - the independence of legal practitioners will be recognized and protected, in particular as regards conditions for recruitment and practice;
  - (5.14) - the rules relating to criminal procedure will contain a clear definition of powers in relation to prosecution and the measures preceding and accompanying prosecution;
  - (5.15) - any person arrested or detained on a criminal charge will have the right, so that the lawfulness of his arrest or detention can be decided, to be brought promptly before a judge or other officer authorized by law to exercise this function;
  - (5.16) - in the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone will be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law;
  - (5.17) - any person prosecuted will have the right to defend himself in person or through prompt legal assistance of his own choosing or, if he does not have sufficient means to pay for legal assistance, to be given it free when the interests of justice so require;
  - (5.18) - no one will be charged with, tried for or convicted of any criminal offence unless the offence is provided for by a law which defines the elements of the offence with clarity and precision;
  - (5.19) - everyone will be presumed innocent until proved guilty according to law;
  - (5.20) - considering the important contribution of international instruments in the field of human rights to the rule of law at a national level, the participating States reaffirm that they will consider acceding to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and other relevant international instruments, if they have not yet done so;
  - (5.21) - in order to supplement domestic remedies and better to ensure that the participating States respect the international obligations they have undertaken, the participating States will consider acceding to a regional or global international convention concerning the protection of human rights, such as the European Convention on Human Rights or the Optional Protocol to the International Covenant on Civil and Political Rights, which provide for procedures of individual recourse to international bodies.
- (6) The participating States declare that the will of the people, freely and fairly expressed through periodic and genuine elections, is the basis of the authority and legitimacy of all government. The participating States will accordingly respect the right of their citizens to

take part in the governing of their country, either directly or through representatives freely chosen by them through fair electoral processes. They recognize their responsibility to defend and protect, in accordance with their laws, their international human rights obligations and their international commitments, the democratic order freely established through the will of the people against the activities of persons, groups or organizations that engage in or refuse to renounce terrorism or violence aimed at the overthrow of that order or of that of another participating State.

- (7) To ensure that the will of the people serves as the basis of the authority of government, the participating States will
- (7.1) - hold free elections at reasonable intervals, as established by law;
  - (7.2) - permit all seats in at least one chamber of the national legislature to be freely contested in a popular vote;
  - (7.3) - guarantee universal and equal suffrage to adult citizens;
  - (7.4) - ensure that votes are cast by secret ballot or by equivalent free voting procedure, and that they are counted and reported honestly with the official results made public;
  - (7.5) - respect the right of citizens to seek political or public office, individually or as representatives of political parties or organizations, without discrimination;
  - (7.6) - respect the right of individuals and groups to establish, in full freedom, their own political parties or other political organizations and provide such political parties and organizations with the necessary legal guarantees to enable them to compete with each other on a basis of equal treatment before the law and by the authorities;
  - (7.7) - ensure that law and public policy work to permit political campaigning to be conducted in a fair and free atmosphere in which neither administrative action, violence nor intimidation bars the parties and the candidates from freely presenting their views and qualifications, or prevents the voters from learning and discussing them or from casting their vote free of fear of retribution;
  - (7.8) - provide that no legal or administrative obstacle stands in the way of unimpeded access to the media on a non-discriminatory basis for all political groupings and individuals wishing to participate in the electoral process;
  - (7.9) - ensure that candidates who obtain the necessary number of votes required by law are duly installed in office and are permitted to remain in office until their term expires or is otherwise brought to an end in a manner that is regulated by law in conformity with democratic parliamentary and constitutional procedures.

- (8) The participating States consider that the presence of observers, both foreign and domestic, can enhance the electoral process for States in which elections are taking place. They therefore invite observers from any other CSCE participating States and any appropriate private institutions and organizations who may wish to do so to observe the course of their national election proceedings, to the extent permitted by law. They will also endeavour to facilitate similar access for election proceedings held below the national level. Such observers will undertake not to interfere in the electoral proceedings.

[ . . . ]

**Document  
of the Moscow Meeting of the Conference on  
the Human Dimension of the CSCE  
(1991)**

[ . . . ]

The participating States emphasize that issues relating to human rights, fundamental freedoms, democracy and the rule of law are of international concern, as respect for these rights and freedoms constitutes one of the foundations of the international order. They categorically and irrevocably declare that the commitments undertaken in the field of the human dimension of the CSCE are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned. They express their determination to fulfil all of their human dimension commitments and to resolve by peaceful means any related issue, individually and collectively, on the basis of mutual respect and co-operation. In this context they recognize that the active involvement of persons, groups, organizations and institutions is essential to ensure continuing progress in this direction.

[ . . . ]