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Language Use Is Policed and Punished

Slovakia Curtails Free Speech through Restrictive Language Law National Minorities Singled Out

Imagine you are in your homeland, purchasing a ticket at the local train station. You walk up to the ticket counter and ask for a ticket in your own language. The clerk replies in your language, but the railroad company is fined 5,000 Euro (\$7,075) for this “crime.” Is this an Orwellian nightmare? Unfortunately, no. As of September 1, this is a realistic scenario in Slovakia--a member of NATO and the European Union, a country located in the heart of Europe.

On September 1, Slovakia took another major step in the downwards spiral of democratic values. Since the rogue regime of Prime Minister **Robert Fico**’s Socialist SMER party took power in July 2006, deteriorating rule of law and bias has characterized the country. The new measure is the latest in a barrage of anti-minority, anti-democratic measures introduced by the SMER party and its coalition partners—the ultra-nationalist Slovak National Party (SNS) headed by **Ján Slota** and the post-communist Movement for a Democratic Slovakia (HZDS) headed by **Vladimir Meciar**.

Ignoring months of international and domestic pleas to reconsider, on June 30 the Slovak National Council (parliament) passed amendments¹ to the 1995 Language Law² that on September 1 transformed Slovakia into the **only country worldwide to punish people for using their own language**. The internationally unprecedented restrictions and punishments on native-language use directly target Slovakia’s 15 percent minority inhabitants, specifically the largest, 573,000-strong Hungarian-speaking community, comprising 11 percent. The new law effectively bans minority languages from the broadly-defined “public” realm, and intrudes into the private sphere as well since the division between the two is blurred. Despite last minute ameliorating motions in the Slovak Parliament, warnings from European bodies and attempts at dialogue by the Hungarian government, Slovak President **Ivan Gasparovic** signed the law on July 17.

Slovakia Ignores International Community

Already in 2007, the Committee of Ministers of the Council of Europe issued **Recommendation RecChL (2007)1** “on the application of the European Charter for Regional or Minority Languages by Slovakia” to review and remove restrictions, improve, accelerate and promote minority and regional languages. Then, in 2008, the European Commission Against Racism and Intolerance (**ECRI Report on Slovakia, adopted December 19, 2008**) specifically urged the authorities to:

117. “... take a more robust stance against negative political discourse against ethnic minorities in general, and the Hungarian minority in particular...” and

118. “...take measures to resolve the above-mentioned issues with members of the Hungarian minority in a spirit of cooperation and mutual respect.”

¹ Official text of amendments can be found at [http://www.hhrf.org/sdoc/2009 Official Slovak Language Law.pdf](http://www.hhrf.org/sdoc/2009%20Official%20Slovak%20Language%20Law.pdf)

² Law No. 270/1995, dated November 15, 1995, already decreed Slovak as the State Language and declared its dominance over other languages. It is only after the Vladimir Meciar-led era ended in 1999 (and the Hungarian Coalition Party became part of the country’s governing coalition) that the law was somewhat modified to cancel certain penalties and supplemented by Law 24/2007 allowing for other language use in certain court proceedings. When the Fico-Slota-Meciar coalition assumed power, its nationalistic rhetoric (“*the language law was necessary to protect Slovaks living in southern Slovakia,*” said President Gasparovic on July 17) made it clear that overturning any latitude in minority-language use would be a top priority.

HHRF believes these changes to the State Language Law should immediately be repealed and the legislation brought into compliance with existing bilateral and multilateral agreements and standards governing the language rights of minorities to which Slovakia is a signatory.³ Slovakia's aggressive disregard of these norms four square threatens the survival of its Hungarian and other linguistic minorities, as well as foments domestic and regional unrest. National, ethnic and linguistic communities have lived on the territory of Slovakia for centuries and should be guaranteed freedom from discrimination and the broadest possible use of their own languages in both public and private.

Close examination of the law reveals that it codifies inequality between and discriminates among Slovakia's citizens. The underlying premise and vocabulary of the law is that minorities are inferior, and its punitive provisions foster fear in non-ethnic Slovak citizens. The bans on language use restrict freedom of speech and increase government control over peoples' everyday lives. The law imposes fines of between 100 and 5,000 Euros for incorrectly using Slovak and for unauthorized use of minority languages. The law will be enforced by what will in effect be language police, with citizens encouraged to report suspected infractions to the authorities. Under the law, the supervising office, not the individual, is subject to punishment, adding new burdens to the employer-employee relationship. Punishable offenses could include:

- a fireman responding in Hungarian to a call for help by a person in a burning building
- a civil servant discussing job opportunities with an unemployed Roma in Romany
- holding a German book club discussion in German without first introducing it in Slovak
- a conductor addressing a passenger in Hungarian on a train from Slovakia to Hungary
- a radio station broadcasting in English without Slovak translation
- failure to re-carve a 50 year-old grave marker

The vague and at times contradictory definition of punishable offenses introduces the elements of uncertainty and fear into everyday communication, denying the citizen a clear understanding of his rights and inviting arbitrary interpretation by the authorities.

Codifying Linguistic Imperialism

Hungarian Coalition Party (HCP) President Pál Csáky aptly sums up the law as “linguistic imperialism”—pervasive, arbitrary and punitive.

The legislation overtly establishes the supremacy in Slovakia of the Slovak language, and thus the Slovak people (Art. 1, ¶ 1). By explicitly placing the Slovak language above all others, ***the law promotes inequality among citizens*** and is nothing less than ***officially-sanctioned discrimination against minorities***. In fact, the very purpose of the law is to “protect” the state language from the “threat” of minority languages. The law violates Slovakia's own constitutional guarantee to equality (Article 12 of the Constitution), a fundamental right enshrined in all of Slovakia's bilateral and multilateral legal obligations.

Only Slovak speakers are guaranteed unconditional language rights, speakers of minority languages are not. Instead, they are burdened with extra obligations and liabilities. All cultural/educational “public” meetings, gatherings and other forms of communication—vaguely defined by the government—must be introduced in the state language, whether it is needed, warranted or wanted.

Thus, a Hungarian-language cultural event, organized by and for the community, must be introduced in the Slovak language. All public announcements (oral and written), signs, advertisements, commercials; inscriptions on monuments, memorials and commemorative plaques ***must all*** be in Slovak and ***may*** be followed by a minority-language translation. (Art. 5, ¶ 3, Art. 8, ¶ 6) The new language law also afflicts minority-language educational institutions, because it requires schools to keep all *internal* documentation in Slovak as well. (Art. 4, ¶ 3)

³ A detailed comparison of Slovak law to international standards can be found at [http://hhrf.org/sdoc/Violations in the Slovak Language Law4.doc](http://hhrf.org/sdoc/Violations%20in%20the%20Slovak%20Language%20Law4.doc)

An ethnic Hungarian is not able to refer to the capital city of his/her own country (Bratislava) by its centuries-old Hungarian name (Pozsony), because the city is not 20 percent or more Hungarian inhabited (Art. 3a). What other possible motive than the deliberate intent to alter the historical record, the presence and heritage of the country's minorities can be behind the provision requiring that centuries-old family memorials be re-carved in order to comply with the law? (Art. 5, ¶ 7. National monuments are exempt from the re-carving requirement, but the Slovak Law on National Monuments⁴ does not define family gravestones as national monuments.)

With the new law, Slovakia denies citizens belonging to national and ethnic minorities equal access to public services. Not only are civil servants working in public administration not required to know the given minority languages, but the supervising office can be specifically sanctioned for communicating in them. (Art. 8, ¶ 4) These regulations create an internal legal contradiction, because the law governing the use of minority languages⁵ does allow native-language use in public administration under certain circumstances.

Doctors and patients are required to speak in Slovak, except under certain limited circumstances. Thus, the law and government ***give primacy to the state language over its citizens' well-being and rights to equal access to health and human services.*** Members of the armed forces, police, firefighters, and other armed units must use the state language in "the performance of their duties." (Art. 3, ¶ 2: Art. 6, ¶'s 1, 2) The possible complications to proper delivery of public health and safety services are staggering.

To reinforce that ***not all minorities in Slovakia are created equal*** in their unequal status, the laws singularly exempt Slovakia's small Czech-language community (a linguistic relative of Slovak). (Art. 3, ¶ 5 and Art. 5, ¶ 6)

Language Police and Fines on the Horizon

Proponents of the law obliquely refer to language legislation in other European countries to justify their extremism. However, while some states do establish an official language, no other European country actually punishes or harasses its own citizens for using their own language, and none are as intrusive or broad in scope. In some countries, the law defines more than one official language to *include* a minority language. But none identify specific standards for language usage, or come even close to making "incorrect grammar" a punishable offense as in Slovakia.

The law paves the way for de facto language police to monitor and enforce compliance. The Ministry of Culture must review and approve the text of public signs and inscriptions on all monuments, memorials and commemorative plaques. Additionally, the Ministry can only authorize text that matches with specific Ministry-approved language manuals (such as *Krátky slovník slovenského jazyka/Concise Dictionary of the Slovak Language* or *Morfológia slovenského jazyka/Morphology of the Slovak Language*), which are posted on its website for immediate availability (Art. 2, ¶ 3) To rub salt into the wound of the fundamental rights violation, an "offender" (say, the restaurant owner of the "Nevada Pub") must bear the financial burden of the name change (because "pub" is not an approved word).

The mechanisms for meting out the draconian fines, ranging from 100 to 5,000 Euros, are ill-defined (Art. 9a), thus allowing ample opportunities for subjective enforcement and corruption. Most importantly, with such unrestrained authority, the incentive and opportunity for government censorship rises dramatically.

Curtailing Free Speech, Imposing Government Control

The official supervision of language use is to occur under the guise of "*protecting the purity of the Slovak language.*" And the cost? The citizen's freedom. In fact, the Slovak National Party openly argued that "*protecting the state language is legitimate grounds for infringing upon freedom of speech and private life.*" (As quoted by Csaba Sogor, Member of the European Parliament on July 15, 2009)

⁴ http://www.hhrf.org/sdoc/act_protection_of_monuments.pdf

⁵ Law No. 184/1999 can be found at <http://hhrf.org/sdoc/SlovakMinorityLanguageLaw1999.pdf>

The law curtails the freedom of expression in individual, social, business, cultural and community life. What other country in the world would fine its citizens for using a “dialect” of its language, or announcing Shakespeare’s “Much Ado about Nothing” in English, without first printing the title in Slovak using larger typeface.? Inhibition, fear and self-censorship in public and private communication seem the purpose and likely outcome of the law. Perhaps, a near-total silencing of the population, or of a particular group, is precisely the government’s anticipated result.

If a town council wants to place a plaque honoring a local personality it must first obtain approval from the Ministry of Culture. If the town does not like the Ministry’s text, there is no defined legal recourse. If the town in question is 75 percent ethnic Hungarian inhabited, and the historical figure was a Hungarian, the plaque must still read in Slovak first and then an exact Hungarian translation of the text may appear underneath but only in identical- or smaller-sized letters (Art. 5, ¶ 7).

The restrictions on local governments arbitrarily limit their spheres of authority (rendering them no longer able to conduct business in the local language(s) as needed) and obviously weaken the principles of decentralization and subsidiarity. (Art. 1, ¶ 5; Art. 2, ¶ 1)

Flagrant Violation of Domestic and International Standards

The adopted language law disregards provisions for freedom of expression and freedom from language discrimination that bind Slovakia in all relevant bilateral and multilateral legal instruments. (See also: detailed comparison of Slovak law to international standards at footnote No. 3.) Most prominent of these are the two European standard-bearers on the issue: the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages. The supremacy of European Union Law inextricably binds Slovakia to its fundamental pillars of equality and tolerance. Nevertheless, the authorities wholly ignored the two most recent appeals by the competent European authorities (see sidebar on page 1), which asked Slovakia to bring its laws and practices into compliance with their obligations.

Slovakia Must Respect Human Rights

The new Slovak State Language Law is a radical statement on the relationship between the state and its citizens. It enacts into law the concept that it is not citizens who form a state, but a state that has citizens. This state can then rightfully subordinate its citizens’ fundamental rights because it—legitimately or not—perceives threats against its own self-interest.

Linguistic imperialism in Slovakia endangers the freedom of all citizens in the European Union, unless the EU and the international community succeed in reversing this precedent for legalizing ethnic superiority.

HHRF has repeatedly called attention to the abusive conduct of the Fico-Meciar-Slota government during the past three years:

July 9, 2006: “New Slovak Government Embraces Ultra-Nationalists, Excludes Hungarian Coalition Party” with attachments: A Selection of Public Statements by Ján Slota, President of the Slovak National Party (SNS) and Hungarian Coalition Party Statement on the 2006 Parliamentary Election

September 5, 2006: “Ethnically-Motivated Attacks Increase against Minorities in the Wake of New Slovak Government Formed with Extremist Party”

September 20, 2006: “HHRF Statement: Slovak Prime Minister Assails 23 Year-Old Victim”

October 10, 2007: “Scapegoating of Hungarian Community in Slovakia Deepens: Slovak Parliament Adopts Inviolability of Infamous Post-World War II Benes Decrees, Legitimizes Deprivation of the Rights of the Hungarian and German Minorities” with attachments: Hungarian Coalition Party Statement: We Wish Reconciliation and 5-Party Hungarian Parliamentary Statement Urging Slovak-Hungarian Dialogue

October 17, 2007: Letter by Congressman Tom Lantos, Chairman, House Foreign Affairs Committee to Prime Minister Robert Fico, deploring hate crime against Hedwig Malina; calling upon Slovakia to publicly disavow the Benes Decrees, a post-war relic, and to ensure that ethnic Hungarians are treated as equal citizens in Slovakia.

October 18, 2007: “Victim of Hate Crime Indicted: Hedvig Malina’s Ordeal in the Slovak Legal System”