

Chapter 5

Title **The Impact of the EU Membership on the Situation of
Hungarian Minorities living in Neighbouring Countries:
The Example of Slovakia**

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In Europe, especially since the end of World War I, minority questions have always determined interstate relations within Europe and have therefore played a determinant role in the democratic stability of the continent. The completion of the enlargement to the Central and Eastern European Countries (CEECs) in 2004 and 2007 surfaced, however, not only challenges for the stability of the continent but also policy challenges for the EU. One of the most important security-related challenges with regard to Central and Eastern European enlargement was the protection of national and ethnic minorities living in this region, since minority questions have always determined interstate relations among Central and Eastern European states and have therefore been regarded as a possible threat for the political stability and the democratic consolidation of the continent.

In this region one of the most affected states by minority issues is Hungary since, as result of the Treaty of Trianon, this country lost 72% of its territory and one third of the ethnic Hungarian population was forced under foreign rule.

The aim of my study is to analyse how the enlargement (and the accession negotiations) of the European Union have changed the approach of the EU towards national minorities in Europe and, especially, in CEECs, and how this new “EU

minority policy”¹ influenced the situation of Hungarian ethnic minorities living in neighbouring countries. In my study I will take the example of the Slovak Republic to illustrate the “EU minority policy” towards CEECs countries.

The first chapter of my study will give the definition of the controversial term “minorities”, while the second will present the framework of the European minority protection system before and after 1990, with particular regard to the role of the regime change in the mutation of the “EU minority policy”. The third chapter, after a short introduction about the situation of aspirations of Hungarian ethnic minorities living in neighbouring countries, will analyse the impact of the EU membership of Hungary on the Hungarian minorities living in Slovakia.

Theoretical framework: the problem of the definition of minorities The concept of “national minority” entered the discourse of the European institutions after the collapse of the communist regime in the Central and Eastern European countries (CEECs). However, 25 years after the fall of the communism the term of “national minority” is still ambiguously defined in the scientific literature as well as in the political debate. Hence, even today there is no general definition agreed upon by the European states and the main European organisations active in the field of minority protection. The absence of a definition arises partly from two sources. Firstly, the attitude of European states towards minority is very different: there are several states (Finland, Hungary etc.) which provide a wide range of rights for national minorities, while some other states, especially France and Greece, refuse to acknowledge the existence of the minorities in its territory; secondly, the definition of “minority” is a highly sensitive issue since the inclusion or the exclusion of specific groups

1 In my study, I use the expression “EU minority policy” in quotations since the EU have no adequate minority policy, but mainly deals with minority issues in the framework of its Justice and Home Affairs policy, cultural policy and foreign policy (for the third countries’ minority issues).

from the definition is a crucial point, as it clearly delimits the addressees of a specific policy or legal instruments, and it can determine the attitude and the policy of a state towards a specific minority group. These factors make particularly difficult to find a generally accepted definition for “national minorities”, even if since the First World War, several attempts have been made.

The result of one of these attempts was the definition offered in 1977 by the Italian Professor of International Law and Special Rapporteur of the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities, Francesco Capotorti. The definition of Capotorti “*has emerged as the most widely cited by the international lawyers and policymakers*” (Abebe, 2014: 22.). This definition is also accepted and commonly used by the Council of Europe and the European Union. According to this definition of Capotorti, a minority is “*a group which is numerically inferior to the rest of the population of a State and in a non-dominant position, whose members possess ethnics, religious or linguistic characteristics which differ from those of the rest of the population and who, if only implicitly, maintain a sense of solidarity, directed towards preserving their culture, traditions, religions or language*”.

Not only the ONU, but European organisations have also tried to define the concept of “national minorities”. According to one of the definition commonly used by the Council of Europe, for the purposes of the European Convention on Human Rights, the expression “national minority” refers to a group of persons who:

1. “*reside on a territory of that state and are citizens thereof;*
2. *maintain longstanding, firm and lasting ties with the state;*
3. *display distinctive ethnic, cultural, religious or linguistic characteristics;*

4. *are sufficiently representative, although smaller in number than the rest of the population of that state or of a region of that state;*
5. *are motivated by a concern to preserve together that which constitutes their common identity, including their culture, their traditions, their religion or their language".* (Recommendation 1255 of CoE, 1995)

Further complications arise when one differentiates between national and ethnic minorities. A “national minority” is a group who lives on the territory of one state (host-state), but is simultaneously an ethnic kin of a titular nation of another, often neighbouring state (kin-state) (ex. Hungarians in Romania, Romanians in Hungary, Germans in Denmark, Danes in Germany). The term of “ethnic minority” refers to persons belonging to those ethnic communities which do not make up the majority of the population in any state and do not have a kin-state (ex. Catalans in South-Western Europe, Roma in several European countries) (Wolff, 2002).

In some European states the term “linguistic minority” is also in use referring to minorities. The term of “linguistic minority” refers to people who are a minority in their society to speak a minority language. According to the definition of the *European Charter for Regional or Minority Languages* “regional or minority languages” are “i. *traditionally used within given territory of a State by nationals of the State who form a group numerically smaller than the rest of the State’s population, and ii. different from the official language(s) of the State*”. The definition does not include either dialects of the official language(s) of the state or the languages of migrants.

The term “minorities” as used in my study refers to national (and linguistic) minorities, namely Hungarian minorities living in neighbouring countries, and hence does not include, for example, immigrant, Roma or gender and sexual minorities.

The minority policy of the European Union The European Union is the home of almost 500 million people. About 45 millions of them (9%) belong to one of the many national minorities. The rights granted to these minorities differ from one state to another. The Member States have not even found a common position with regard to the recognition of the existence of national minorities either.

In fact, it is not possible to speak about a special EU minority protection system. The main reason of this fact is that minority-related questions are considered by the Member States as internal affairs and for that reason they would not accept the interference of the European Union in such questions. Although the “old” Member States had to face minority-related issues (ex. Corsican, Basque, Alsatian, Breton ethnic minorities in France, the Catalan question in Spain, the autonomy of Scotland in the United Kingdom etc.), until the beginning of the enlargement process in the Central and Eastern European region, the European Community – on the basis of the subsidiarity principle – avoided the treatment of minority questions (Csáky, 2009: 277-278). It was only gradually developed as the European Union has become active in this field. Hence, the “minority policy” of the European Community (from 1st November 1993: European Union) can be divided in two distinct periods: the first period until 1989 and the second period from 1989, the regime change in the Central and Eastern European Countries and the perspective of the accession of the CEECs to the European Community.

The “minority policy” of the European Community: In this first period the European Community avoided the treatment of all minority-related issues. This is probably because of the failure of the different projects aimed at the creation of a political union (especially the Fouchet Plan in 1961), and also because of the political approach taken by the French President Charles De Gaulle who boycotted participation in Community institutions for a period of half a year with his “empty chair” policy, because he did not agree with the proposal related to the introduction of the new decision-making system based on voting by majority. After these two regrettable events the Community tried to avoid all the politically sensitive questions. However, the question of the protection of minorities was and is still this kind of issue mainly for France which would not acknowledge the existence of national minorities in the Constitution.

the internal affairs of the Member States (1958-1989)

Despite the fact that the European Community tried to avoid the treatment of minority-related questions, one of its institutions, the European Parliament have expressed a clear interest toward minority issues. It was the first (and the most active) EU institution which faced initiatives in the field of minority rights. This interest of the EP appears to be twofold: on the one hand, the election of the members of the European Parliament by direct universal suffrage improves the democratic legitimacy of this institution; on the other hand, the federal commitment of the EP tends to find a solution to problems that the Member States are not able to deal with.

In 1981, the European Parliament was the first institution of the European Communities to recognize the importance of minority-related issues. In this framework, the European Parliament adopted a resolution about minorities. Subsequently, until the enlargement of the EU in 2004, this institution had addressed issues on questions related to ethnic groups – mainly touching upon minority languages (Vizi, 2013: 24-31).

Among all the European institutions the European Parliament is the organ which has shown the most intensive interest in minority issues. It was the first EU institution which faced initiatives in the field of minority rights².

The “minority policy” of the European Community/ European Union after 1989: emerging “minority policy” at EU level With the regime change in the Central and Eastern European Countries and with the expansion of the European Community from an economic entity to a large political union in the 90’s, the minority issues have become more and more unavoidable. In this field, the biggest change came with the enlargement of the Community across Central and Eastern Europe.

However, at the beginning of the 1990s, the European Community made use exclusively of the minority protection system of other European organizations, first of all the human right framework of the Council of Europe and the Conference on Security and Cooperation in Europe (CSCE, Organization since 1994 – OSCE). Within the framework of these organizations important documents were born. In order to illustrate this, it is enough to mention the Copenhagen Document of the CSCE of 1990, and especially the European Charter for Regional and Minority Languages (1992) and the Framework Convention for the Protection of National Minorities (1995). The aim of the European Charter for Regional and Minority Languages is to protect and promote historical regional and minority languages in Europe. The Framework Convention for the Protection of National Minorities is the most comprehensive multilateral official document devoted to national minority rights in Europe. The EU has also used

² A range of resolutions dealing with ethnic and linguistic minorities have been approved by the European Parliament: Resolution on a “Community Charter of Regional Languages and Cultures” (1981), “Resolution on Measures in favour of Linguistic and Cultural Minorities” (1983), “Resolution on the Languages and Cultures of the Regional and Ethnic Groups I the European Community” (1987), “Resolution on Linguistic Minorities in the European Community” (1994).

its political power in order to ensure that Central and Eastern European candidate countries and “old” Member States ratify the abovementioned documents of the EU. However, several countries have not yet signed or ratified those treaties (Vizi, 2013: 20).

The treatment of human rights, and especially minority protection, became inevitable by the 1990s within the European Union as well.

The Copenhagen criteria (1993), which defined the membership conditions for Central and Eastern European candidate countries (CEECs), beyond the political criteria of the existence of democratic institutions, constitutionality and the protection of human rights, have also included the “*respect for and the protection of minorities*” (Copenhagen criteria, 1993). This provision in practice meant that candidate countries were required to prove the respect for and the protection of minorities; thus the teaching of minority languages, the use of minority languages in the public sector, in court and in other official procedures was officially granted. Consequently, almost in theory, the protection of minorities is one of the fundamental conditions without which the accession cannot be taken into consideration. Nevertheless, as practice has revealed, it is not the question of minorities which is the most important criteria of the accession for the European institutions. In other words, if a candidate country met the rest of the political and economical conditions, the criterion of the protection of minorities is not judged so strictly. The European Union takes mainly into consideration to what extent minority issues endanger the political stability of Europe (Vizi, 2002).

Since the entry into force of the Maastricht Treaty (1993), every EU citizen has had the right to submit a petition to the European Parliament, in a form of request or a complaint, on an issue that falls within the EU’s field of activity. It means, that the EU membership allows EU citizens to submit

petitions concerning the non-respect of their fundamental rights, minority-related questions included also (Petitions: 2015). The entry into force of the Charter of the Fundamental Rights as part of the Lisbon Treaty, by rising the protection of minorities at EU level, has broadened the framework of the protection of minority rights in the EU and has facilitated the use of the petitions in case of minority issues.

However, with the progress of the European integration and with the perspective of the accession of CEECs, minority issues became more and more important on the EU level. The most notable document of the EU, containing not only the fundamental rights but a reference to national minorities is the Charter of Fundamental Rights of the European Union, solemnly proclaimed on 7 December 2000. Although no separate article concerning minorities was included in this document, Article 21 (1) of the abovementioned document explicitly prohibits discrimination on the basis of membership of a national minority³. In the same way, Article 22 declares that *“the Union shall respect cultural, religious and linguistic diversity.”*

The European Union Agency for Fundamental Rights (FRA) was inaugurated on 1 March 2007. The Vienna-based agency is an EU body which is responsible for collecting and analysing data on fundamental rights. This agency is also responsible for monitoring experiences concerning national minorities. However, the FRA is not a minority protection institution. It deals with a number of issues related to fundamental rights. The FRA does not have the mandate to investigate any individual complains and the conclusions of the FRA are not bindings (Vizi, 2013: 43-44).

In the context of the enlargement in 2004 and 2007 and taking also into account the future enlargement into the Bal-

³ *“Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited.”*

kans, the Treaty of Lisbon, entered into force on 1 December 2009, includes also the matter of the protection of minorities. This treaty is the first document in EU primary law to explicitly mention persons belonging to minorities. Article 2 of the Treaty states that “*the Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities.*” However, article 2 is of very general nature and speaks about minorities without any specification: it does not add “national”, “ethnic”, “linguistic”, “religious” or “sexual” as qualifications. Therefore, the Treaty of Lisbon continues to avoid, as any other official documents of the EU, the definition of minorities. This general term is flexible and open for interpretation of the different Member States having different approach toward national minorities (Barten, 2011: 7). The Treaty of Lisbon, by raising the matter of the protection of minorities in the official treaty of the European Union, put an end to double standards existing for more than one and a half decade. (Treaty of Lisbon 2007)

The impact of the EU membership of Hungary on Hungarian minorities living in neighbouring countries In the Central and Eastern European region one of the most affected states by minority issues is Hungary. The existence of more than three million Hungarians in the Carpathian Basin is the consequence of history. These Hungarian minorities are not immigrants; their ancestors lived in the Kingdom of Hungary for over a thousand years. They were detached from Hungary by the Peace Treaty of Trianon, signed in 1920. The Treaty of Trianon closing World War I regulated the status of the independent Hungarian state and defined its borders. The victorious allies of World War I imposed to punish Hungary and the Axis powers for their participation in the war. As result of this treaty, the post-war Hungary lost 72% of its former territory (325,411 to 92,916 km²) and half of its population (20,880,487 to 8,522,230 people). The former Hungarian land was redistributed to Romania, Czechoslo-

vakia, the Serb-Croat-Slovene Kingdom and Austria. Nearly 33% of the ethnic Hungarian population was also attached to neighbouring countries.

During World War II Hungary regained some of its lost territories. These new borders reflected more accurately the geographical distribution of various ethnic groups in the region.

Nevertheless, after the end of World War II, the Treaty of Paris reimposed the territorial provisions of the Treaty of Trianon upon Hungary. Hungary lost the territories it had regained during World War II.

As a result of the peace system in 1920 and 1947, a significant part of the Hungarian population was attached to Romania, Czechoslovakia, Yugoslavia, the Soviet Union and Austria.

At present, because of the dissolution of the former Soviet Union and Yugoslavia, Hungarian minorities live in the territory of Romania, Slovakia, Ukraine, Serbia, Croatia, Slovenia and Austria (Győri Szabó, 2006: 83-88).

The Hungarians living in the territories detached from Hungary have been and are still subjected to discrimination due to the anti-discrimination policy applied especially by Slovakia, Romania, Serbia and Ukraine, where the right of national minorities to preserve their national identities, such as the education of minority languages and their use in the public sphere, is not or is only partially respected.

After 1990, the democratically elected Hungarian governments try to find a solution in order to ensure the future of Hungarian minorities living in neighbouring countries not by changing the present borders but by protecting and improving the minority rights of these Hungarian communities.

The enlargement process of the European Union with the Central and Eastern European Countries offered a new opportunity to Hungary to improve the situation of Hungar-

ian minorities living in Slovakia and in Romania and to the Hungarian minorities of the two abovementioned countries to use the fora of the European institutions in order to represent their interest in minority-related issues.

Hungarian minority in Slovakia The Hungarians of Slovakia became a minority in 1918 with the constitution of Czechoslovakia. Of the territory of Hungary 61,633 km² were attached to Czechoslovakia. The number of the ethnic Hungarians attached to Czechoslovakia was 884,000 people. The government of Czechoslovakia totally ignored its obligations assumed under the Treaty of Trianon in the field of the protection of national minorities. (multunk.hu) Following World War II, Czechoslovakia totally deprived the Hungarian population from their civic right. In 1947, under the so-called re-Slovakisation decree 327,000 Hungarians living in Slovakia were obliged to renounce their Hungarian nationality. New policies of assimilation included the progressive Slovakisation of the education system, the elimination of Hungarian place names from signs and the Slovakisation of Hungarian names, and also the ban of using Hungarian in public and in workplaces. However, Hungarians had a limited opportunity to progress their cultural life since Hungarian theatres, press and book publishing continues to flourish during this period. (Mar, 2006)

After the Velvet Revolution, nationalist sentiment surged in Slovakia. The Slovak nationalism, especially during the ultra-nationalist and strongly anti-Hungarian Vladimír Mečiar, resulted in a number of laws restricting the use of Hungarian language. The language law of 1995 imposed penalty for using minority languages in official communication without exception, regardless of the percentage of the minority group in the region. In 1995, Slovakia and Hungary signed a bilateral friendship treaty making special references to minority rights. In this treaty the contracting parties declared that they should respect the inviolability of their

common state border and each other's territorial integrity. They confirmed that they do not have territorial claim. This treaty declared that the parties feel responsibility for granting protection to minorities and to promote the preservation and the deepening of their national, ethnic, cultural, religious and linguistic identities. (Bilateral treaties, 1996)

In 1997, the traditional bilingual graduation certificates were replaced by Slovak certificates.

Since 1998, the replacement of Vladimir Mečiar the relations between Slovakia and Hungary, and also between the Slovak government and the Hungarian community, have strongly improved. In the period of 1998-2006, the Hungarian ethnic party named "Party of the Hungarian Coalition" was represented in the Slovak central government and consequently Hungarians did not face political discrimination. Pál Csáky, who belongs to the Hungarian Community Party, was appointed Deputy Prime Minister for Human Rights, National Minorities and Regional Development. In 2001 Slovakia joined the European Charter on Regional and Minority Languages. Thanks to the lobbying activity of the Party of the Hungarian Coalition, the Slovak parliament adopted the law on the foundation of a Hungarian speaking university in Komárno. The creation of this university was a symbol of the Hungarian cultural self-determination. (Győri Szabó, 2006: 352-358)

In the 2007 election, a new government, led by the Smer-Social Democratic Party in coalition with the People's Party Movement for a Democratic Slovakia and the extremely nationalist and anti-Hungarian Slovak National Party, was formed. The minority policy applied by the new government deteriorated seriously the situation of the Hungarian community. In 2009 the Slovak parliament adopted the Slovak language law, mandating preferential use of the state language, the Slovak. The use of non-state languages, Hungarian included, in public institutions (local government, police etc.) could carry a financial penalty.

Regarding the current situation of the Hungarian community, Hungarian education is and has been in poor situation state ever since World War II. The Hungarian primary and secondary schools are poorly funded, and 20% of the Hungarian speaking children are attending Slovakian-language schools. However, in this field the foundation of the Hungarian university is a really positive progress.

The accession negotiations of Slovakia Joining the European Union belonged to the priorities of the Slovak foreign policy since the establishment of the Slovak Republic as an independent state in 1993. Relations between the Slovak Republic and the European Union are based on the European Association Agreement, signed in 1993. Vladimír Mečiar, the Prime Minister of Slovakia submitted the application of the Slovak Republic into the EU on 27 June 1996 at the European Council of Cannes. (Joining the EU, 2015)

Accession negotiations started with the Slovak Republic on 13 October 1999, one and a half year after the beginning of the negotiations with Hungary and the two other Member States of the Visegrad Four, the Czech Republic and Poland.

The main condition of acquiring EU membership for all candidate countries is the implementation of the Copenhagen criteria. One of the four political criteria concerns the respect for and the protection of minorities.

Both Hungary and the Hungarian community living in Slovakia looked forward to the minority criterion in order to improve the situation of national and ethnic minorities living in Slovakia. The European Commission played a crucial role in the interpretation of the Copenhagen criteria. In the framework of yearly country reports, the European Commission evaluated the strengths, the weaknesses and the eventual progress of Slovakia in the field of minority protection.

The real enlargement started in 1997 with the conclusion of the Preliminary Country Report.

In its opinion on Slovakia's application for EU membership, the European Commission concluded that *"improvement is also required in the treatment of the Hungarian minority, which still does not benefit from the general law on the use of minority languages which the Slovak authorities have undertaken to introduce and for which there is provision in the Constitution"* (European Commission, Agenda 2000, 1997).

Between 1998 and 2002, the Commission issued every year a country report about candidate countries.

The Country Report in 1998 concerning the premiership period of Vladimír Mečiar was particularly critical on the situation of national minorities. The document noted that *"there [had] been no progress on the adoption of minority language legislation and no significant change in the protection of minorities"* (Regular report, 1998: 12). The Country Report emphasized that in spite of the criticism of the EU and the OSCE High Commissioner for National Minorities, no significant progress had been made in the field of the law regulating the use of minority languages. The document pointed out also that concerning the Slovak-language certificates significant progress had been made since, from 1998, bilingual certificates could be issued if requested by parents. However, the bilingual documents have no official validity and will have to be paid for. The document emphasized that *"the inclusion of representatives of the Hungarian minority in the new Slovak government would give a positive signal to the Hungarian minority regarding their status in Slovakia"* (Regular report, 1998: 12-13).

The Country Report in 1999 pointed out that Slovak authorities made notable advancement in the area of minority protection. According to the European Commission, one of the most important progresses in this field was the appointment of a Deputy Prime Minister for Human Rights, National Minorities and Regional Development belonging to the Hungarian Coalition Party. However, this appointment and the

coalition with the Hungarian Coalition Party was mainly the consequence of the incapacity of the Slovak Democratic Coalition to form a government without a coalition with other parties, the Hungarian Coalition Party included. The documents emphasised also that the Law on Use of Minority Languages in Official Communications provided that persons belonging to minorities were able to use their language in official communications with public administrative organs (Regular report, 1999: 16-17).

The Country Report in 2000 emphasized that in many areas national minorities did not take use of their rights granted under the law due to lack of information. Concerning the situation of Hungarian minorities, the Country Report pointed out the implementation of the basic treaty with Hungary. The document noted that considerable progress had been made in introducing the appropriate legislation, but only limited progress was observed in implementation. However, apart from these references to national minorities (4 paragraphs), the document deals mainly with the Roma ethnic minority (9 paragraphs). This fact perfectly illustrates the way of an EU institution approaching the question of minorities: the European Commission brings the less sensitive Roma questions to the fore and tries to ignore the more controversial national minority-related issues (Regular report, 2000: 20-22).

The Country Report in 2001 noted that the Slovak government had made substantial further efforts concerning national minorities. According to the Commission, one of the most important legal progresses was the ratification of the European Charter of Regional and Minority Languages. The European Commission emphasized that the *“Hungarian minority [would] benefit from the most generous provisions”* (Regular report, 2001:22-24).

The last Country Report of the European Commission in 2002 concluded that the minorities living in Slovakia have

continued to *“be comparatively well integrated in Slovak society, with the exception of Roma minority”* (Regular report, 2002: 30). The Commission welcomed the opening of the faculty for Hungarian teachers at the University in Nitra. The document quoted also the position of another European (but not EU) organisation, the Council of Europe, without any criticism. According the Committee of Ministers of the Council of Europe, *“Slovakia had made valuable efforts to support national minorities and their cultures, and improvements had been achieved in recent years in inter-community relations in particular between the Hungarian minority and other parts of the population of Slovakia”* (Regular report, 2002: 32). The quotation of the report of the Council of Europe is another characteristic of the EU minority policy: in minority questions the EU institutions tend to refer to reports of other international/European institutions rather than sending real fact-finding missions to the candidate countries (Regular report, 2002: 30-32).

As we can see, the Commission’s regular reports focused especially on the situation of Roma ethnic minority and tried to avoid the national minority-related issues, which can violate national interests.

Based on the Country Report on Slovakia from 1998 until 2002, we can observe some improvement in the field of the rights of Hungarian minorities. Despite the fact that the EU accession was only one of the external and internal factors shaping the minority policy of Slovakia, it is also evident that the impact of the EU accession was doubtless. This is not because of the regular monitoring of the minority situation by the European Commission, which was not really efficient, but mainly because of the economic and political attractiveness of the EU membership. This is so even if domestic political changes and social needs played a decisive role in the improvement of the minority policy of Slovakia.

However, the biggest problem is that after the accession of Slovakia and other CEECs, the European Commission stopped the monitoring of the minority rights in the new Member State(s).

Slovakia as a Member State of the European Union (case studies) The framework of a short study does not allow analyzing all the questions related to the Hungarian minority living in Slovakia. Therefore, this study will focus only on two of the most important questions. In this chapter, we will analyze the case of the Beneš decrees and that of the Language Law of Slovakia from the accession process until 2014.

The Beneš decrees The first most important question concerning minorities living in Slovakia on the agenda of the European Union was the issue related to the Beneš decrees.

The “Beneš decrees” refer to the decrees of the president and the ordinances of the Slovak National Council dealing with the status of ethnic Hungarians and Germans in post-war Czechoslovakia. These decrees imposed collective guilt on the Hungarian and German population of Czechoslovakia and legitimised the removal of their Czechoslovak citizenship, rights and properties after 1945 without compensation.

The question of the Beneš decrees was a recurring theme not only during the accession negotiations but also after the enlargement.

Right-wing parties in Austria, Germany and Hungary – including the then Hungarian Prime Minister Viktor Orbán – asserted that Slovakia, and also the Czech Republic, should be forced to repeal the decrees in order to obtain EU membership. The campaign of Hungary (and Austria and Germany) was conducted under the EU umbrella.

The question of the Beneš decrees was also discussed by the EU institutions in the framework of the accession negotiations. For the first time, the EU Commissioner for Enlargement, Günter Verheugen debated this topic with the

Czech Prime Minister, Milos Zeman. According to Verheugen, *“the EU Treaty requires Member States and EU institutions to judge applicant States on their present, not on their past performance. Any part of a candidate country's legal order that is still capable of producing legal effects cannot escape the scrutiny of EU/EC law”* (Joint press statement, 2002). The Commission held that the Beneš decrees were not an obstacle to Slovak and Czech accession, although European Parliament views were more ambivalent. This question was debated by the EP at the request of Sudeten German MEPs in the framework of the parliamentary debate concerning the accession of the Czech Republic. However, the case of the Beneš decrees in Slovakia was not substantially debated in the European Parliament. The main reason for this was that the people concerned (ex. Hungarians in Slovakia) was not politically represented in the EP.

Three years after the accession, on 20 September 2007, the Slovak parliament adopted a legal resolution stating that these post-war legal documents relating to conditions in Slovakia after World War II were an unalienable part of the country's law. The resolution commemorated the victims of World War II, expressed the desire to stop the reopening of questions related to World War II in the context of the EU accession, declared the importance of a good relationship with neighbouring countries, and refused the revision of post-war laws, decrees and agreements which could modify the post-war order. The Slovak government declared also that post-war decisions were not the basis of minority discrimination and could not establish legal relationship. This resolution was adopted by the coalition government and the opposition, except for the Party of the Hungarian Coalition.

The Hungarian government, the Hungarian MEPs and Slovak MEPs of Hungarian ethnicity reacted immediately to the resolution of the Slovak parliament.

Even before its adoption, on 11 September 2007, the five Hungarian parties represented in the European Parliament (Fidesz-MPSZ, MSZP, SZDSZ, MDF, KDNP) issued a common declaration even before the adoption of the resolution by the Slovak parliament to protest against the draft legal resolution concerning the Beneš decrees. Furthermore, the Party of European Socialists in the European Parliament created the Slovakia Working Group which was responsible for the examination of the legal and political impact of the decrees. This working group also sent a fact-finding delegation to Bratislava (Csáky, 2009: 130).

On 24 September 2007, in the framework of one-minute speeches⁴ at the European Parliament, the Hungarian MEP István Szent-Iványi (ALDE) characterized the Slovak Republic resolution as shameful, declaring, *“this was a shameful thing even at the time, but it is especially shameful that in the 21st century, 60 years after the events took place, a Member State of the European Union should have tabled this motion and reaffirmed it.”* Martin Ferber (EPP-ED) and Martin Schulz (PES), MEPs of Germany, the other country affected by the Beneš decrees, also criticized the act of Slovak parliament (One-minute speeches, 2007).

Kinga Gál, Hungarian MEP of the European People’s Party and European Democrats, in her speech at the plenary session of the European Parliament, called the European Union to condemn the Beneš decrees, which contrasts with the fundamental values of the European Union.

Furthermore, not only the Hungarian but also the German MEPs proposed to the EP to debate the case of the Beneš decrees. This proposal was supported by two Hungarian MEPs of Slovakia, Árpád Duka-Zólyomi and Edit Bauer. However,

⁴ For a period not more than 30 minutes during the first sitting of each part-session, MEPs may speak for maximum one minute on a matter of political importance they wish to draw European Parliament’s attention to.

Slovakia qualified the question of the Beneš decrees as an internal affair and refused the initiative (Csáky, 2009: 131).

In November, the question was also debated in the framework of the Committee of Civil Liberties, Justice and Home Affairs. Two Hungarian MEPs, Kinga Gál (EPP-ED) and Magda Kósáné Kovács (PES) drove the attention to the worsening situation of minorities in Slovakia and emphasized that the “ancestor” of the European Union, the European Coal and Steel Community was created in order to put an end to hostilities between France and the FRG securing lasting peace. The ethnic Hungarian Slovak MEP, Edit Bauer (EPP-ED) criticized the growing anti-Hungarian stance in Slovakia; however, from the Slovak side, Monika Benová (PES) judged the minority policy of the Hungarian government (Csáky, 2009: 131).

In this case, the cooperation between Hungarian MEPs of different factions was exemplary, and shows that in a matter of national importance the highly fragmented Hungarian politicians can go beyond differences.

During the 2009-2014 legislature period the MEPs of the European People’s Party and the Party of European Socialists also joined force to keep the issue on the agenda of the EP (Politics.hu, 2012).

However, the Beneš decrees, despite EP debates, are still in force. This fact shows clearly that the European Parliament, in spite of the continuous expansion of its power, is not able to put pressure on national governments, while the European Commission tries to avoid political sensitive matters, such as national minority-related questions after the accession.

In 2012, Imre Juhász, Professor at the university ELTE submitted a petition to the European Parliament. In this document Juhász protested against the validity of the decrees in Slovakia. The petition was forwarded to the Committee of Legal Affairs (JURI). There is no still decision on the matter,

and the Committee can only adopt non-binding recommendations for the Slovak government (Hirek.sk, 2014).

The Language Law of Slovakia One of the most spectacular examples of how a law is modified under the pressure of the EU accession (followed by the Commission's monitoring system) and after the accession (without the monitoring of the Commission), is the Language Law of Slovakia.

According to the first law about language use, adopted after the regime change, in communities having at least 20% minority population, the minority language can be used in the public sphere. In 1995 the government of Vladimír Mečiar created a law in order to protect the Slovak language. The law made the use of Slovak language compulsory in public communication, regardless of the percentage of the minorities in the area. This law contained the possibility of punishment for not using state language in the official communication. In 1999, after a change of government and under the pressure of EU accession, the Slovak parliament had to accept a law on minority languages use which allows the use of minority languages in official communication in areas with at least 20% minority. (origo.hu, 1999) It was the precondition for starting accession negotiations (Orosz, 2009).

In June 2009 the Slovak parliament adopted a language law mandating the preferential use of Slovak language in official communication. Use of other languages, minority languages included, could carry a financial penalty between EUR 100-5000. Under this law, minority-language schools are obliged to run their administration and documentation in Slovak and the same applies for health services. The armed forces, the police and the fire services should be monolingual Slovak, even in Hungarian-speaking areas. Public inscriptions should also be in Slovak language, even if these may also be accompanied by the translation in other languages (origo.hu, 2009).

The controversy about the law is one of the key points in Hungarian-Slovakian relations. The language law provoked criticism not only from the Hungarian government but also from the international community including the EU institutions.

In July 2009 Jerzy Buzek said that this issue was not only an affair between Slovakia and the European Union, but also *“an issue of the whole the European Union because it harms the spirit of the European integration and the principles of democracy”* (EBLUL, 2009).

Michael Gahler, MEP and Vice-Chairman of the European Parliament’s Foreign Affairs Committee also criticized the Slovak law on language use stating that Slovakia is violating *“commonly respected standards in the EU and is disregarding the recommendations of the Council of Europe which foresee the extended use of minority languages”* (euractiv.com, 2009).

On 17 and 19 November 2009, the president of the European Parliament, Jerzy Buzek visited Bratislava to participate in the 20th anniversary celebrations of the Velvet Revolution in Slovakia. At his meetings Buzek asked the Slovakian government to coordinate with the representatives of the Hungarian minorities on the implementation of the language law (Fidesz.eu, 2009).

Moreover, on 24 November 2009 MEPs debated the Slovak language law in a plenary session of the European Parliament, in the framework of agenda item *“Use of minority languages within the framework of the European cultural heritage”*. This debate permitted the ethnic Hungarian MEP of Slovakia, Edit Bauer to criticise the situation. However, Leonard Orban, the European Commissioner for Multilingualism, who was present during the plenary debate, emphasized that the European Union had very limited powers to support all the languages used in the European Union (europarl.europa/Debates, 2009).

Although in 2010, in response to international – especially EU – pressure, Slovakia diminished the ceiling of the

punishment from EUR 5000 to EUR 2500, the possibility of a sanction in case of using other languages than Slovak in the official communication is still in force.

Conclusion After the fall of socialism in Central and Eastern Europe, the former satellites of the Soviet Union, all of them affected by minority-related problems, chose to join the European Union. The aim of my study was to analyze how EU enlargement into CEECs influenced the situation of the Hungarian minority living in neighbouring countries.

Based on the example of Slovakia, we can conclude that before the start of accession negotiations and during the accession process candidate countries tried to meet the EU expectations about the protection of minorities. In the country reports of the European Commission we can discover a lot of inconsistencies: in several cases a country report raises a problem, and the following year's country report forgets this issue completely, or considers the problem still existing solved without mentioning the solutions implemented. This approach of the Commission does not increase the credibility of EU institutions in minority questions. In addition, the country reports focused especially on the situation of the Roma ethnic minority and tried to avoid the more controversial and more sensitive national minority-related issues. After the enlargement, the European Parliament is the single EU institution that continues to try to focus on minority-related issues.

We can conclude that the enlargement of the EU into CEECs has partially influenced the situation of the Hungarian minority in neighbouring countries. During the enlargement process, EU institutions could influence the minority-related legislation of candidate countries in a more efficient way, while after the enlargement the Commission tends to neglect the minority issues of "new" Member States.

This means that the “minority policy” of the EU, in its present form, is not able to guarantee the respect of minority rights in the EU. When preparing the integration of the Western Balkans, another region highly affected by minority-related problems, the EU should elaborate a more consistent and credible minority policy or should implement the minority standards of other European or international institutions (e.g. the Council of Europe) more effectively. It would also be highly desirable to create, following the recommendation of FUEN⁵ in 2009 (FUEN, 2009) and the proposal of the Party of European Socialists in 2014 (stop.hu, 2014), the position of an EU commissioner responsible for minority issues. It would also be necessary to form a special committee in the EP responsible for minority issues at EP level.

EU leaders have to understand that the respect of minority rights is one of the key elements of the stability of Europe.

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