

Migration and new minorities in Slovakia after 1989

The process of the legal and political recognition of minorities

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ABSTRACT

The paper first describes the situation of minorities and migration in Slovakia and then deals with the legal regulation of national and ethnic minorities, with a special focus on the process of the recognition of officially recognised minorities. In Slovakia, constitutional regulation and the law taxonomically named recognised national minorities only in the socialist period between 1960 and 1990. The granting of official minority status has otherwise been mostly implicit. The post-1992 situation is further complicated by the fact that Slovakia does not have a comprehensive law on minorities that would regulate the recognition process in some form. Formal recognition is therefore de facto achieved by a community being invited to join a National Minority Council created by the Slovak Government. However, this no longer confers any special rights other than representation, because this process is linked to community numbers or other legal aspects. The situation is most similar to that in the Czech Republic, except that the Czechs have had a minority law since 2004. So far, three new migrant minorities in Slovakia have managed to obtain this type of recognition – the Russians, the Serbs, and the Vietnamese. Recognition of the Moravian minority is unique and is due more to the complicated Czech-Slovak relations of the 1990s than to any significant migration processes.

KEYWORDS

act, constitution, migration, minority, recognition, Slovakia

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1. INTRODUCTION

The study deals with the history and present of minority issues primarily from the point of view of migration processes. In particular, it deals with the process of the recognition of new (mostly migrational) minority communities in the present, in a context where the Slovak Republic has not adopted a comprehensive minority law. The main issue is the new minority recognition process. However, the situation is complicated by the fact that this process is currently not legally regulated, so there is no really normative approach to the issue. Rather, it involves political decisions by the government, which, however, have material and symbolic dimensions. This solution is currently accepted and even considered appropriate by both parties – that is, the recognizing government and the minorities recognised by it. The main aim of the study is to present the respective historical development, the current legal and political situation in Slovakia, and the theoretical and practical problems arising from the lack of regulation of the issue.

The concrete legal taxation of state-recognised minorities was not typical of previous historical periods, with the exception of socialist Czechoslovakia (1960–1989), which implemented taxation directly at the constitutional and legal level. At present, therefore, legal documents of a different nature and level are relied upon.

Gradually, in Slovakia, as well as in the Czech Republic, the practice developed whereby the invitation of representatives of a given minority to the government's advisory body on national minorities is interpreted as its official recognition. However, this process has no legal basis and is rather a custom or a new tradition. At the same time, it is not clear what this act actually means for the minority in question and what rights it guarantees them (naturally, apart from the possibility of representing their own community interests to the government). The new – mostly small – minorities have accepted this process. Therefore, this solution seems to suit the majority of stakeholders at the moment.

After the Second World War, Slovakia (as a part of former Czechoslovakia) was the only country in Central Europe that retained its visibly multi-ethnic character. This was mainly due to the fact that the complete transfer (expulsion) of the Hungarian minority had failed, and the bilateral (Czechoslovak-Hungarian) population exchange policy in 1946/1947 had only limited results.¹ This policy affected 'only' approximately 20% of the Hungarian population of Slovakia.² At this time, Czechoslovakia also resorted to the policy of deporting Hungarians to the industrial borderlands of Bohemia and Moravia. An unexpected consequence of this restrictive state policy was the establishment of a Hungarian minority in the Czech Republic.³ The decline in the number of Hungarians in Slovakia is a trend that has been a feature of the whole of the last century. Nevertheless, the latter are still the most populous minority in the country.⁴

¹About this restrictive anti-German and anti-Hungarian policy and repressions, see Šutaj (ed) (2004).

²'Re-slovakization' was an additional form of anti-Hungarian repression, but it was superficial and formal, and many re-Slovakized citizens reverted to their Hungarian identity in the 1950s. Until 1948, the country 're-Slovakized' more or less 200,000 persons.

³Tretera and Horák (2016) 169.

⁴About their demography, see Gyurgyik (2004) 141–44.

The already significant Roma community of Slovakia grew dynamically under socialism. This trend was significant mainly in cities and in Eastern Slovakia. The legal position and social position of this minority were very specific before 1989. Neither the former Hungarian nor the later Czechoslovak legislation treated this community as a classic national or ethnic minority. The state authorities generally saw a social and public security problem in this community (especially regarding ‘travelling or wandering gypsies’), which they tried to address mainly through administrative and police means.

Hungarian legislation in this area prior to 1918 was somewhat more lenient than in the western part of the dualist monarchy.⁵ In the Czechoslovak period, uniform legislation was introduced, but mostly in the same spirit. In 1927, the law on ‘travelling/wandering Gypsies’ was passed. At the same time, some positive steps were taken. They included an attempt to establish properly funded Roma schools in Subcarpathia and Eastern Slovakia.⁶

Unfortunately, this did not become general. Some improvement in the social situation of the Roma occurred during the years of socialism. At the time, the authorities strongly supported the migration of poor Roma from Eastern Slovakia to the Czech parts of the unified state.⁷ Even then, they were not really recognised as a national or ethnic minority. The closest they came to this achievement was in 1968, but the Czechoslovak Federal Minorities Act adopted at that time did not include them among the recognised national minority communities.⁸

Although the majority of the German population disappeared from Slovakia after 1945, some settlements (e.g. Medzev) avoided their total transfer and retained their German character. This was mainly due to the antifascist past of these settlements.⁹ The revitalisation of moderate German public and cultural life in Slovakia only started after 1968. An example is the town of Medzev, which introduced bilingual (Slovak-German) signs on its streets.

The local Polish and Ukrainian/Rusyn populations in Northern Slovakia were not affected by the post-war punitive reprisals. Perhaps the position of Ukrainians was better because the Soviet Union supported their ambitions. From 1945 to 1948, their interests were represented by the Ukrainian National Council of Prjaševčina (Prešov), which was – without official recognition – a partner of Czechoslovak and Slovak organisations. Ukrainians participated in the work of the post-war parliament and the Slovak National Council (in fact, the Slovak regional parliament). During the complicated post-war years (1945–1948), only this group had the opportunity to demand minority rights, and only for themselves. After 1948, however, they too had to adapt to the conditions of the Stalinist dictatorship and reduce their activities. Moscow clearly preferred the Ukrainian identity and the Orthodox denomination, while the Ruthenian identity, together with the Greek-Catholic religion, was completely eclipsed or officially eliminated.¹⁰

Most tragic of all was the fate of the Jewish community in Slovakia, which was a victim of the Holocaust between 1942 and 1945. The identity of this community was very complicated.

⁵Petráš (2009b) 369.

⁶Petráš (2009b) 368.

⁷Petráš (2011) 132–35.

⁸Pavelčíková (2009) 128–31.

⁹E.g. Medzev had a communist majority in the city council, also in the interwar period, and the local German population did not support the pro-Nazi German Party in Slovakia. See Majchrák (2010).

¹⁰Petráš (2009a) 102 and 106.

In the years between the two world wars, only a part of the latter defined itself on national-ethnic grounds. The Zionist movement was stronger here than in the Czech lands. After 1945, this community had completely different problems from the revitalization of national life. The majority of those with national sentiments emigrated to Israel, while a significant number of those who remained stayed 'submerged' and tried to assimilate as much as possible.¹¹

Thanks to the common state, the Czech population continued to grow between 1945 and 1989. Slovakia was also affected by the repatriation of members of the Czech and Slovak diaspora living abroad.¹² Internal migration was very strong in Czechoslovakia at this time. However, no large international migrant communities arrived in the country. Socialist Czechoslovakia received thousands of left-wing Greek refugees after 1948, but most of them did not settle in Slovakia.¹³ The impact of external migration on the ethnic makeup of Slovakia was very limited in these decades.

2. CHANGES AFTER 1989, MIGRATIONS AND THE CURRENT DEMOGRAPHIC SITUATION

The situation changed very gradually after the collapse of the communist regime in 1989 and during the democratic transition. According to the latest census data in 2021, more than 15% of the population in the country,¹⁴ which gained independence in 1993, still identify themselves as belonging to a national or ethnic community. In addition, in 2021, it was possible to declare a multiple ethnic identity. As many as 83.8% of the population declared themselves to be of Slovak nationality, which represents around 4.6 million people. More than 422,000 people identified themselves as Hungarian and 67,200 as Roma. Other relevant minorities are Czechs (29,000) and Rusyns (23,700). The share of other minorities is less than 0.2%.¹⁵

Different minorities have appeared in Slovakia at various times. Poles, Germans, Croats and Ukrainians/Rusyns have been statistically identifiable for several centuries. Bulgarians, on the other hand, appeared in the country more as a result of the migration processes of the late nineteenth and early twentieth centuries. Persons of Russian origin arrived mainly in the period between the two World Wars during the wave of anti-Bolshevik emigration following the Russian civil war (1917–1921). This emigration also involved the Ukrainian and Belorussian peoples.¹⁶

Later, international migration also played a limited role in shaping the ethnic profile of Slovakia. Surprisingly, socialist Czechoslovakia also had direct experience of organised and work-based (contract) migration. This involved not only Polish workers but also workers from

¹¹Petrás (2009a) 102.

¹²Tretera and Horák (2016)

¹³Petrás (2011) 127.

¹⁴But in the early 1990s, this proportion was more or less 20%.

¹⁵Link1; Link2.

¹⁶Serapionova (1995) 19–21 and 49–51.

Cuba and Vietnam. However, these trends affected mainly the more industrial Czech lands inside Czechoslovakia.¹⁷ A more visible Vietnamese community existed at this time only in Bratislava, associated with its chemical industry. Workers from Cuba were employed in several textile factories in Slovakia.

Nevertheless, until recently, Slovakia was more of a country of origin for migrants. Its migration balance was therefore negative. It is well known that at the turn of the nineteenth and twentieth centuries, many Slovaks from the Hungarian Kingdom emigrated to North America.¹⁸ This emigration mainly had an economic and social background. Many Slovak workers went to the mines and factories of Belgium and France, also during the two World Wars.¹⁹ After the Second World War, there was significant emigration to the Czech Republic, although this was then considered internal migration. The politically motivated waves of emigration after 1945, 1948 and 1968/1969 should also be remembered.²⁰

Politics has not played a major role in emigration since 1989, but the process has been no less intense. The main direction of emigration was again to Western Europe and North America. EU accession also facilitated economically motivated emigration. Nevertheless, EU membership and improved economic performance gradually made Slovakia more attractive to foreign migrants. Slovakia has become one of Europe's main car manufacturing countries, and other industrial firms have emerged with relatively large labour requirements. Some firms therefore started to fill the shortage of Slovak labour with Romanian, Serbian and Ukrainian guest workers. After the transition, the Vietnamese re-emerged in Slovakia (and in Czechoslovakia) and set up their own businesses. Over time, their shops became part of everyday life in Slovakia.²¹

3. MINORITY LEGISLATION IN SLOVAKIA BEFORE 1990

The first modern and comprehensive law on national minorities that also covered the territory of Slovakia was the Hungarian Minority Act of 1868, which was passed after the signing of the Austro-Hungarian compromise in 1867.²² Although this law did not satisfy the federalist demands of the Slovak national movement, its invocation was later an important tool in the hands of the Slovak National Party.²³ The problem was that the public authorities of the time did not comply adequately with the provisions, which led to serious grievances among Slovaks. Despite constituting almost 10% of the total state population, Slovaks were subject to serious pressure to assimilate as Hungarians. The Minority Act did not list in a taxative way who it recognised as a national minority, but in practice it applied to the following communities: Romanians, Slovaks,

¹⁷ Martinková and Pechová (2011) 210–11.

¹⁸ Bielik (1953) 505.

¹⁹ Bielik (1953) 519–20.

²⁰ Petráš (2011) 125–26.

²¹ Martinková and Pechová (2011) 211. The situation in the Czech Republic and Slovakia was similar, but the Vietnamese immigration to the richer Czech Republic was far greater.

²² Hungary adopted the first minority legal norm at the end of the liberal revolution in the summer of 1849, but it no longer had time for its implementation. In addition, it reacted more to the conditions of the Romanian and Serbian communities in Hungary.

²³ Abrahám (2020) 125–40.

Serbs, Germans, Slovenians and Russians. Croatia had considerable territorial autonomy, so the situation was different for those with Croat nationality. Jews were considered at that time a religious denomination only.²⁴

The situation of Slovaks changed radically after 1918. Although Slovakia did not receive any serious legal-political autonomy within Czechoslovakia, Slovak became a version of the official Czechoslovak language. The official state doctrine was based on the assumption that a united Czechoslovak nation with two official languages was the primary state-building factor of the new state. During these years, the Slovak University, a national theatre and a quality secondary school network were born. Immediately after the adoption of the new constitution, the Czechoslovak Constituent Assembly negotiated a complex language law, which came into force in 1920. This law allowed the official use of minority languages in places where the proportion of minority inhabitants reached 20%. In Slovakia, this specifically applied to Hungarians, Poles and Russians, who at the time followed different national orientations (separate Rusyn, Ukrainian and Russian). However, the legislation did not list in a taxative way who was recognised as an official national minority.²⁵

The independent Slovak state during the Second World War (1939–1945), which operated under the auspices of Nazi Germany, represents an interesting period in the history of minority legislation in Slovakia. Slovakia then made a sharp break with the liberal and democratic traditions of the past, seeking instead to define itself on a Christian-conservative-national basis, drawing inspiration mainly from the fascist and corporatist-conservative models of southern Europe (Italy or Portugal).²⁶ Its constitution, adopted in 1939, tended to reflect these influences. However, the Hlinka Slovak People's Party elite of the time operated under German dependency, which mainly influenced the radicals associated with the regime. Therefore, a hybrid solution was born, which had southern influences, German influences, and even, to some extent, those of earlier Czechoslovak administrative and political traditions.²⁷

The German influence was mainly felt in foreign policy and in the handling of the Jewish community. The Italian-Portuguese influence was stronger in the field of constitutional law, and the Czechoslovak influence in the day-to-day running of the administration and judiciary. Under the new system, each nation was represented by a single party, but the constitution recognised the existence of national minority communities. Privileged Germans, as well as tolerated Hungarians and Ukrainians/Russians, were allowed to have their own parliamentary representation. In practice, only Germans and Hungarians were allowed to form their own parties. The Germans were also represented at the government level by a state secretary and could have armed units. The others were not allowed to do this. The worst off were the Jews, also treated as a national (and racial) minority, who were gradually disenfranchised and deported to the death camps in 1942.²⁸

The Constitution devoted its entire Chapter XII to national minority groups, granting them the right to a free identity, the use of languages, the possibility of political and cultural

²⁴Szarka (1995) 16–28.

²⁵Petrás (2009b) 310–19.

²⁶Podolec (2014) 32–34.

²⁷Kamenec (1993) 33–34.

²⁸Kamenec (1993) 44.

organisation and relations with the motherland. The last, 95th paragraph of the minority chapter introduced a reciprocity clause, but this only applied to Hungarian-Slovak relations.²⁹ The Constitution also provided for the registration of minority citizens in their own national register. However, the constitution did not list which nationalities it officially recognised. This was left to other laws. However, at that time, there was no specific national minority code.

After liberation in 1945, the German and Hungarian populations were left in a lawless position. This was a consequence of the so-called Czechoslovak Beneš-decrees. The Polish minority in several northern villages did not represent a relevant factor. The Jewish community was almost completely destroyed by the Holocaust and wartime persecution. Many survivors chose to leave for Israel. Many of those who remained, suffering under the impact of the trauma they had experienced, tried to blend in completely with the surrounding majority society and go unnoticed.³⁰

Only the Ukrainian and Ruthenian communities were in a favourable situation. Although Czechoslovakia had lost Subcarpathia (from the Ukrainian point of view: Transcarpathia) to the Soviet Union, there were still tens of thousands of people in north-eastern Slovakia who identified themselves as Ukrainian or Ruthenian. The protection of their interests was a goal of the Ukrainian National Council of 'Prjašivčiny' (the Prešov region in the Ukrainian language) (UNCP), which was born as a regional organisation in 1945 in Eastern-Slovakian Prešov. This Council had no legal basis in existing Czechoslovak laws and post-war political documents, but the Czechoslovak state authorities and the Slovak National Council, which functioned as an official autonomous parliament in Bratislava, were forced to negotiate with it.³¹ The UNCP in Prešov was also supported by the Soviet Union, which supported at this time the Ukrainian orientation of the local Orthodox population.³²

The Czechoslovak Communist Party, which traditionally enjoyed strong support in Eastern Slovak Ukrainian-Rusyn regions, also had strong positions in this body, which, on the one hand, supported the political and social changes of the time, and on the other hand, wanted to achieve territorial autonomy for the Ukrainian-Russian population of Eastern Slovakia.³³ This legally tolerated organisation survived the communist takeover of Czechoslovakia in February 1948. However, its further independent operation became increasingly unlikely in the years of the emerging Stalinist dictatorship, and the Soviet Union saw little use for it. Finally, the Council was suspended in September 1950 and soon ceased to exist.³⁴

The new constitution of Czechoslovakia, adopted in May 1948, did not contain any specific minority rights (or at most in a very implicit way) and did not mention Ukrainians. However, minorities were allowed to establish their own social and cultural organisations, which could fertilise Ukrainian (Ruthenian) community life under the circumstances of the current political

²⁹Kamenec (1993) 38–39.

³⁰Petráš (2009a) 102 and 106.

³¹Petráš (2009a) 102.

³²Gajdoš and Konečný (2014) 54–55.

³³Gajdoš and Konečný (2014) 55.

³⁴Gajdoš and Konečný (2014) 63.

system. It became the Ukrainian Workers' Cultural Association (KZUP), which could, of course, only operate within the framework of the communist regime.³⁵

Similar rules and stronger political expectations applied to this organisation as to Csemadok, which was founded in 1950 and represented the much larger Hungarian minority of more than half a million Hungarians.³⁶ The legal position of this community, which represented the biggest national minority in post-war and communist Czechoslovakia, improved after 1948. The new communist government had other priorities and needed consolidation in Southern Slovakia. Many communist activists of Hungarian origin returned to the state Communist Party of Slovakia and were appointed to positions in administration, police, and the courts at the local and regional levels. To summarise, in the 1950s, there were two recognised national minorities in Slovakia (the Hungarian and the Ukrainian, including the population with Rusyn identity).³⁷

In the 1950s, the new communist authorities began to relax national minority policies, with the exception of the German community, and allowed Hungarian, Polish and Ukrainian workers to form their own national minority organisations.³⁸ These were strictly controlled, obviously, but their creation was a major step forward. The new socialist constitution, adopted in 1960, went further and, in Article 25, declared in constitutional terms that it guaranteed Hungarian, Ukrainian and Polish workers a mother tongue education and cultural rights.³⁹

Another important turning point came in 1968, when Czechoslovakia was transformed into a federal state. In this context, in the autumn, the Prague Parliament adopted Constitutional Law No. 144 of 1968 on the Status of Nationalities. At that time, the Germans had already acquired minority status, and after two decades of strongly preferring a Ukrainian identity, the possibility of assuming a Ruthenian identity reappeared in the legislation. Admittedly, the adjective 'Ruthenian' only followed 'Ukrainian' and was contained in brackets, but it was already in the law.⁴⁰

The Roma were not specifically mentioned at that time. However, this taxative listing did not automatically mean that other minorities had no rights. The freedom of every citizen to choose his or her own nationality also applied to other national or ethnic groups, as did the anti-discrimination clause that the assumption of one's own nationality should not adversely impact anyone in political, economic or social life. However, the more important minority rights were explicitly associated with the listed, i.e. state-recognised, minorities. It is interesting to note that the principle of proportional representation is applied in principle to all nationalities, but in practice only to recognised minorities. Accordingly, in 1986, the Federal Assembly included 19 Hungarian, 4 Ukrainian, 2 Polish and 1 German representatives. The Slovak National Council, as the parliament of the Slovak Socialist Republic, included 16 Hungarian and 3 Ukrainian

³⁵Petrás (2009a) 124–25.

³⁶Tóth (2004) 260–61.

³⁷Petrás (2009a) 114–15.

³⁸The largest and most well-known was Csemadok (Cultural Union of Hungarian Workers). The Polish Cultural and Educational Union (PZKO) represented the Polish minority. Ukrainians had the Cultural Union of Ukrainian Workers (KSUP), and the German minority organised the Cultural Union of Citizens of Czechoslovakia of German origin. See Gronský (2007) 216 footnote No. 110.

³⁹Gronský (2007) 29.

⁴⁰Gronský (2007) 216.

(Rusyn) representatives at this time. The German and Polish minorities did not have representation in the Slovak parliament before 1989.⁴¹

4. THE MINORITY ISSUE AND LEGISLATION AFTER 1990

The minority issue was a serious political problem for a long time in the democratising Slovakia. The proportion of national and ethnic minorities within the country was still so large that political parties reacted to it. Slovak nationalists, for example, were afraid of the aspirations of the Hungarian minority and took advantage of the anti-Roma sentiment of the population. The Roma community found itself in an increasingly difficult social situation. This fact was also a consequence of the new capitalism. These anti-Hungarian, anti-Roma and anti-autonomy attitudes influenced the 1992 constitution and minority legislation. For example, the text of the Slovak constitution still forbids positive discrimination on ethnic grounds. This has subsequently had a negative impact on legislation in this area.⁴²

The constitutional preamble also puts the Slovak nation first, only then the minorities, but this has no major concrete consequences. The constitution defines a political (civic) community as an entity created by the Slovak nation and minorities.⁴³ However, the current constitution has a separate chapter on national minorities, which includes the usual rights of minorities common in the Central European region. However, due to the above concerns and mistrust, until recently, no comprehensive minority rights code has been adopted.

In this respect, Slovakia is now alone among the Visegrad countries. This is despite it being home to one of the most populous and best-organised national minorities in the Central European region. The Hungarian minority has a dominant position in many places at the local level and has strong positions at the regional level in Southern Slovakia. However, the fact is that since 2020, no party with minority ties has been represented in the national parliament.⁴⁴ Incidentally, traditional minorities would have been satisfied in the early 1990s if the 1968 Czechoslovak Minorities Act had remained in force.

This law was adopted immediately after the country's federal transformation, listed precisely which communities it applied to, and explicitly included the principle of the proportional representation of minorities. However, in 1991, the majority of the Czechoslovak political elite decided to repeal this law and adopt the Charter of Fundamental Rights and Freedoms instead. This had minority rights implications, but paradoxically, it provided less than the legislation of the socialist era.

The absence of a complex Minorities Act also means that there is no legal definition of minorities in Slovakia and no taxative list of state-recognised minorities. The legal system also lacks formal regulation of the minority recognition process. The situation is similar to that in the neighbouring Czech Republic, which has a complex law on minorities.

⁴¹Gronský (2007) 216 footnote No. 109.

⁴²Mészáros (2004) 130–31.

⁴³Mészáros (2004) 130.

⁴⁴The Hungarian minority achieved its historical minimum in September 2023. Only one MP who identifies as Hungarian is currently representing the Hungarian minority. Another three or four MPs speak Hungarian. The Roma community currently has seven representatives in parliament. See Czímer (2023).

In both countries, one of the yardsticks of minority status and recognition has become, *via facti*, whether the minority concerned is represented in a representative minority committee attached to the government.⁴⁵ The Commission for National Minorities and Ethnic Groups operates alongside the Council for Human Rights, National Minorities and Gender, which is appointed by the Slovak government.

Each relevant and recognised minority community in Slovakia has its own representative on this committee. The Hungarian community has the largest number of members, five in total, followed by the Roma with four delegates. Czechs, Ukrainians and Ruthenians also have two representatives each. The other communities (Bulgarians, Croats, Poles, Moravians, Russians, Serbs and Jews) have only one delegate.

5. THE ISSUE OF THE MORAVIAN MINORITY IN SLOVAKIA

Interestingly, Slovakia is unique in the world in considering Moravians as a separate nationality, and this does not cause any tension regarding the traditionally good Czech-Slovak relations.⁴⁶ In fact, the two communities in Slovakia, the Czechs and the Moravians, can cooperate well. One of the first additions to the minority list took place in the 1990s. Vladimír Mečiar was the controversial head of government in Slovakia (1990–1991, 1992–1994 and 1994–1998), and it was under his authoritarian and nationalist policies that the division of federal Czechoslovakia and the creation of an independent Slovakia took place. This took place under peaceful conditions, and Czech-Slovak relations remained good after the ‘velvet divorce’.⁴⁷

At the same time, Vladimír Mečiar’s government decided to invite representatives of the Moravian minority to participate in its governmental Minority Council, knowing that the recognition of such a nationality would not be welcomed by Czechs, who feared further separatist moves. Moravia is a historic province in the eastern part of the Czech Republic. A significant proportion of its inhabitants have a strong regional identity, which, although it does not conflict with Czech national identity for the most part, has strong political potential.

In the 1991 Czechoslovak census, more than 1,300,000 people in Moravia identified themselves as Moravian. In the parliament, the Moravian regionalist movement, which called for a regional transformation of the federal state (or at least the Czech Republic), also had seats.⁴⁸

However, when the next census in Slovakia was being prepared, the chairman of the Minority Council of the Czech government wrote a letter to the Slovak minister without portfolio for minorities and human rights in 2000, objecting to the possibility of declaring Moravian nationality.⁴⁹ The identity of the sender and the addressee is very interesting. The Czech official was the former Marxist dissident Petr Uhl, who had taken Slovak citizenship at the time of the separation in protest against the strict Czech citizenship policy. The Slovak minister (deputy prime minister) was the Hungarian minority politician Pál Csáky. Finally, in the 2001 census in

⁴⁵In Slovakia, this is how the Russians, the Serbs and, in June 2023, the Vietnamese recently gained minority status.

⁴⁶[Link3](#).

⁴⁷Zelinová and Muráňová (2020) 21–30.

⁴⁸About the Moravian movement, see Pernes (1996).

⁴⁹[Link4](#). See also letter of Peter Uhl to Pál Csáky from 26th July 2000. [Link5](#).

Slovakia, there was indeed no entry for Moravian nationality. It could only be listed under other nationalities. This fact, incidentally, led to a decrease in the number of members of the Moravian nationality.⁵⁰

The representatives of the community protested against this. In the next census, in 2011, the Slovak Statistical Office again included the Moravian nationality in the census. However, the Moravians were not deprived of their membership in the Minority Council of the government, where they remain to this day, in close symbiosis with the Czech minority in Slovakia.⁵¹ In their own way, Moravians living in Slovak villages along the Czech-Slovak border may feel more like an indigenous minority than Czechs living in Slovakia, who were typically brought to Slovakia as a result of migratory movements during the existence of Czechoslovakia.⁵²

6. THE MINORITY ACT PROJECT FROM THE PERIOD 2020–2023

It is worth noting here that the Slovak government of 2020 included in its programme the adoption of a complex minority law, and a concrete draft was prepared in the office of the government commissioner for national minorities, László Bukovszky. However, the complexity of Slovak politics and the collapse of the government coalition prevented the adoption of the law. The ministries most opposed to the law were the Foreign Ministry and the Justice Ministry.⁵³

The draft text is influenced by several minority laws in the region. The Czech, Hungarian and Serbian laws were particularly influential. This draft law was also based on the idea that minority status is linked to citizenship in Slovakia. The draft included the following communities: Bulgarian, Czech, Croatian, Hungarian, Moravian, German, Polish, Roma, Ruthenian, Russian, Serbian, Ukrainian and Jewish. It also took into account developments over the last decade and a half.⁵⁴

The legislator wanted to make this list extendable to the communities that had submitted an application for it, which would then be subject to the opinion of the Slovak Academy of Sciences and the competent state body. The application would have to be accompanied by at least 500 signatures of support from persons who belong to the minority and are over the age of 18. The application itself could be submitted by a registration committee of at least five people. However, inclusion on the list of recognised minorities can be revoked. This happens if the minority in question fails to have at least 500 members over the age of 18 in two consecutive censuses.⁵⁵

⁵⁰Zelinová and Muráňová (2020) 21–30.

⁵¹Zelinová and Muráňová (2020) 21–30.

⁵²Group of Gorals from the Polish-Slovak borderland also declared their national minority ambitions after the census in 2022, but they did not succeed. Maybe the Gorals are in a similar 'interethnic' position to the Moravians. [Link6](#).

⁵³Bukovszky (2023) 151–57.

⁵⁴Bukovszky (2023) 151–57.

⁵⁵Bukovszky (2023) 151–57.

7. THE CURRENT LIST OF MINORITIES AND THE RECOGNITION OF NEW MINORITIES

Current Slovak legislation deals with the listing of minorities in several places, either directly or indirectly. The current Constitution understandably does not mention national and ethnic minorities. Perhaps the most important piece of national legislation is Act No. 184 of 1999 on the use of minority languages,⁵⁶ which in its Article 1, Paragraph 2, mentions the following minority languages: Bulgarian, Czech, Croatian, Polish, Hungarian, German, Roma, Ruthenian and Ukrainian. For these, the use of a minority language in official matters is therefore possible once the community in question reaches the threshold of 15% (originally – in 1999 – 20%) in the municipality in two consecutive censuses. However, only Slovak citizens who are permanently resident in the municipality are counted in the census.

According to the register of settlements in Slovakia published by the government in early 2023 regarding Government Decree No 35 of 2023, only the Hungarian, German, Roma, Ruthenian and Ukrainian minorities reach 15% in any settlement. In the case of the Germans, there are only two relevant villages in total.⁵⁷

These languages are also mentioned in the Ministry of Foreign Affairs' proclamation concerning the European Charter for Minorities and Regional Languages.⁵⁸ The Charter itself entered into force in Slovakia on 1 January 2002. However, in the course of its practical implementation, the Ministry of Foreign Affairs set up three subgroups to which it applied certain provisions of the Charter in a differentiated manner. The first group comprised Bulgarian, Czech, Polish, German and Romany (with some restrictions in the case of Romany), the second group included Ruthenian and Ukrainian, and the third group was made up of the largest minority, the Hungarian.⁵⁹

None of the documents above mentions a Jewish nationality. This community is not defined by language. Nor is there any mention of a Moravian nationality, which is difficult to separate linguistically from the Czech. The other interesting point is the nationality classification of the Jewish community, which was not preceded by a serious theoretical debate. That minority does not have a migrational character and is not defined by language. Its legal position is more or less a consequence of the positive and liberal (compensative) government policy from the early 1990s.

It is interesting that the language rights of national minorities (Russians, Serbs, Vietnamese) recognised after 2005 are not included in the text of the above-mentioned legal act in the form of amendments, although in 2015 the Slovak government decided to include the Russian and Serbian languages among the minority languages. Prior to that, the representative of the Russian minority had already been included in the Council of National and Ethnic Minorities attached to the government in 2005 and the Serb representative in 2010. Both communities started pushing

⁵⁶The Slovak Parliament adopted this act in the period when the Hungarian Coalition Party (MKP or HCP) was a member of the Slovak government, but the Hungarian Coalition Party did not support this act, which they found restrictive. *Mészáros (2004)* 139.

⁵⁷[Link7](#); [Link8](#).

⁵⁸*Mészáros (2004)* 139.

⁵⁹[Link9](#).

for the official recognition of their languages in 2012. The matter was finally taken up by Robert Fico's (second) government, which instructed the foreign minister to notify the Secretary General of the Council of Europe of the two new minority languages.⁶⁰

The emergence of these communities is in some way linked to modern migration processes and movements. The recent draft law on minorities did not particularly reflect the migration challenges either. Together with the Russian, Serb and (later) Vietnamese minorities, there were a total of 14 recognised national minorities or ethnic groups (i.e. those mentioned in one of the legal norms) in Slovakia in June 2023.

According to the 2011 census, there were 1997 Slovak citizens of Russian origin and 698 Serbs living in Slovakia. In both cases, these were small communities whose roots are traceable to the migration processes of the past decades. Their recognition was probably also linked to good bilateral relations. Slovakia traditionally has good relations with these states.⁶¹

Recognition of the Vietnamese community, which is more visible in Slovak cities but has origins further away, took longer. In this process, the influence of the Czech Republic's example cannot be ruled out, as representatives of this community were invited to the Minority Council of the Czech government almost a decade earlier.⁶² The Vietnamese community was officially recognised as a minority by the resolution of the Slovak government at its meeting on 7 June 2023. This step was preceded by several years of negotiations.⁶³ There is an approximately 10,000-person-strong Vietnamese community in Slovakia, but according to the census of 2021, only 2,793 persons with Slovak citizenship or permanent residency declared their Vietnamese ethnic nationality. Additionally, 489 persons declared a parallel Vietnamese identity. This group means mainly consists of children from ethnically mixed marriages.⁶⁴

The initiators of the process of recognition were mainly Vietnamese civil society organisations, but Vietnamese embassies usually support such efforts.⁶⁵ Officially, the Vietnamese community asked for legal recognition in 2022. The Slovak government based its decision on the statement of the Governmental Council for Human Rights, National Minorities and Gender Issues and in parallel on the opinion of the Slovak Academy of Sciences. The decision of the Governmental Council was made on 28 November 2022 on the basis of a supporting professional-scientific opinion of the Institute of Ethnology of the Slovak Academy of Sciences.⁶⁶

This opinion noted the good integration of the Vietnamese community into Slovak society. This community has lived in Slovakia for approximately 70 years, i.e. practically for three generations. The Slovak Academy of Sciences also emphasised the harmony between the general criteria for national and ethnic minorities and the characteristics of the Vietnamese community.⁶⁷

⁶⁰Link10.

⁶¹Link11.

⁶²About this process, see Sulitka (2011) 219–25.

⁶³Link12.

⁶⁴Link13.

⁶⁵Link14.

⁶⁶Link15.

⁶⁷Link15.

Government recognition has at least three consequences. First, the community in question may have a representative on the Nationalities Committee of the Government's Human Rights and Nationalities Council. Second, the officially recognised Vietnamese minority will be entitled to special support from the State Fund for Minority Cultures.⁶⁸ For this reason, a few amendments to the Slovak regulations are still pending. Third, the delegates of the Vietnamese community with consultative rights on regional and local advisory boards⁶⁹ can participate in the process of forming the minority policies in the future.⁷⁰

The Slovak government, led by Prime Minister Robert Fico, was the last to recognise the Goral minority at the beginning of 2025. This is interesting because professional literature, political journalism, and the majority of the Slovak population have so far regarded them more as an intermediate ethnographic (but not independent ethnic) group living along the Polish-Slovak ethnic border (mountainous region in Northern Slovakia). It is true that Poles treat them as part of the Polish nation, Slovaks as part of the Slovak nation, and their spoken dialect lies somewhere between the two languages. Their number is estimated at a few tens of thousands, but according to the latest census in Slovakia, only 537 people declared themselves to be of Goral nationality. In comparison, 4,736 people indicated their Goral identity. This governmental act provoked criticism from a renowned (non-nationalist) Slovak historian, Dušan Škvarna, who, before 1993, worked in the government office responsible for the Slovak diaspora. He mainly objected to the suddenness and lack of preparation for the move. Indeed, neither political nor professional debate has taken place about this recognition. The historian also fears that this step will put the Slovak minority living in Poland in a difficult situation because the official Polish doctrine considers the Gorals to be part of their nation.⁷¹

8. FINAL REMARKS

Slovakia does not have a legal mechanism or procedure to regulate exactly how new minorities should be recognised. Nor does it have a clear list of communities with minority recognition in the country. More specifically, Slovakia lists national and ethnic minorities in several legal documents. Therefore, historical tradition and legal practice play an increasingly important role in this area. In practice, membership of special advisory-consultative bodies of the Slovak government has become the main criterion for minority recognition. In this respect, the situation is similar to that in the Czech Republic.

This is particularly important in the case of smaller communities, where the right to use their own language does not play such an important role as in the case of larger and historically more embedded 'territorial' communities. Over the last two decades, a kind of informal procedure seems to have developed, involving an initiative from the community, followed by a professional opinion from the Slovak state and/or academic bodies, and finally recognition in a government decision. This government decision may relate mainly to membership in advisory-consultative bodies (specifically, the Council for National Minorities attached to the Slovak Government),

⁶⁸But the perspective of this Fund has become problematic after the Slovak elections in 2023.

⁶⁹These boards can work on the local and regional level of Czech self-governments.

⁷⁰[Link16](#).

⁷¹Škvarna (2025) 1–9.

as well as eligibility for state cultural subsidies. In some cases, it means recognition of the minority character of the specific language.

This construction is similar to the solution contained in the draft of the Slovak Law on National Minorities, which was drafted during the 2020–2023 electoral cycle, but not adopted. A good example is the issue of academic supporting opinions. For example, academic opinions played a role in the recognition of the Vietnamese community. The above-mentioned project on the Minority Act probably tried to draw on the practice of the past years, or in the last decision (the recognition of the Vietnamese community), the practice itself was adapted to unrealised legal ideas. Specific political considerations cannot be ruled out in the case of the recognition of individual national communities.

The Slovak solution that has developed in practice is associated with advantages and disadvantages. The absence of specific legal regulations strengthens subjective elements during the assessment of minority status and expands the government's political room for manoeuvre, manipulation and manoeuvrability. For governments, this is mostly an advantage because they can make gestures towards certain ethnic communities. There may be various foreign and domestic policy reasons behind government decisions. This was manifested, for example, in the recognition of Russian, Serbian and Vietnamese minorities. These recognitions may be interpreted as more or less positive gestures. Previously, this also applied to the recognition of Moravian national identity in Slovakia, but it did not represent a positive message toward the Czech government.

The other side of the coin, however, is that this subjective, sometimes even voluntaristic solution can easily lead to ill-considered and incompletely thought-out steps. According to some, for example, this happened last time the Goral minority was recognised. Such recognitions may lead to the strengthening of subnational identities linked with old traditions in Slovakia. For smaller and politically non-problematic minority communities, however, this solution is not bad and may even facilitate their legal and political emancipation. The problem is that the procedure used in practice does not provide many guarantees. Legal recognition always provides stronger protection than an invitation from the government. So far, there has been no revocation (annulment) of minority status by the government in Slovakia, but in the current legal environment, it could happen.

It is also true that, so far, no recognition process has triggered major political and ideological debate. Slovak society seems not to have noticed this. Indeed, the large national and ethnic minority communities (the Hungarians, the Roma, etc.) that have stirred up emotions and possibly political concerns within the Slovak majority society have long been recognised as minorities. The migration crisis of 2015, which triggered negative feelings towards people arriving from outside Europe, was not linked to the Vietnamese community. The members of this community have lived in Slovakia for many years; their small shops and business units have become 'traditional' elements of the regular design of Slovak cities. The economically integrated Vietnamese community currently does not pose a social or security threat to the Slovak majority. This fact has played an important role in the process of their official recognition.

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