

OFFICE OF THE COMMISSIONER FOR HUMAN RIGHTS



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REPORT
BY MR ALVARO GIL-ROBLES,
COMMISSIONER FOR HUMAN RIGHTS,
ON HIS VISIT TO THE SLOVAK REPUBLIC
14 - 16 MAY 2001

for the Committee of Ministers and the Parliamentary Assembly

I. Introduction

Czechoslovakia, which became a member of the Council of Europe in 1992, subsequently ratified a number of Council of Europe conventions, including the European Convention on Human Rights (hereafter referred to as the ECHR) on 18 March 1992. Less than a year later the Czechs and the Slovaks peaceably agreed to separate on friendly terms, and on 1 January 1993 two new sovereign states, the Czech Republic and the Slovak Republic, were established. This is the only example in XXth century European history of a state breaking up in a non-violent manner with two new international law entities being set up as a result.

As a sovereign state, the Slovak Republic became a member of the Council of Europe on 30 June 1993. During the period of transition, the two new republics informed the Secretary General of the Council of Europe that they considered themselves bound by a number of European treaties, including the ECHR¹, which Czechoslovakia had ratified. As of 29 May 2001 the Slovak Republic had signed or ratified 70 Council of Europe conventions and benefited from a number of co-operation programmes such as Demosthenes, Themis or LODE.

Since 1998 the coalition government of the Slovak Republic has made considerable efforts to rapidly reform its political and social system. From the international standpoint, it has succeeded in bringing its country out of isolation and has made sustained efforts to join the European Union² and the North Atlantic Treaty Organisation³. During this period the Slovak Republic has had better relations with its neighbours than at any time since it came into existence.

It was in the context of this “political, economic and legal revolution”⁴ that the Slovak government invited me to visit the Slovak Republic from 10 to 16 May 2001. I accepted this invitation and visited Bratislava and Kosice accompanied by Mr Fernando Mora, a member of my office.

I would first like to thank the President of the Slovak Republic, Mr Rudolf Schuster, and his government for their assistance in connection with my visit to Slovakia, and especially for the helicopter in which I was able to travel from Bratislava to Kosice. I would also like to thank the Permanent Delegation of the Slovak Republic to the

¹ The first two judgments handed down by the European Court of Human Rights against Slovakia date back to September 1998. Since the entry into force of Protocol No. 11 on 1 November 1998, however, the Court has ruled on a much larger number of cases against the Slovak Republic: over the past two years there have been 15 judgments, 8 leading to a finding of violation and 7 to a friendly settlement. The great majority of the judgments concern the excessive length of proceedings. The number of cases awaiting the Court’s decision has also risen: there are currently 400.

² Slovakia submitted its application for membership on 27 June 1995.

³ Since 1993 the Slovak Republic has pursued its policy of NATO membership.

⁴ This is how Slovak politicians and diplomats in post in Slovakia describe the current situation.

Council of Europe and the Slovak authorities for their readiness to help and for their co-operation throughout the preparation and conduct of this visit. Finally, I would like to express my gratitude to the non-governmental organisations I met in Bratislava and Kosice.

First of all, I would like to briefly describe the general human rights situation (II); then I would like to talk in greater detail about a number of subjects specific to the present situation in the country (III). Finally, I will comment on issues that have not been addressed in this report (IV) and, last but not least, I will present my conclusions and recommendations (V).

II. General human rights situation

I would like to begin by congratulating the Slovak government on the efforts it has made over the past three years to improve the institutional human rights framework. The National Council (Parliament) has set up a committee responsible for addressing human rights issues, minorities and regional development (hereafter referred to as the Human Rights Committee). Within the government, a deputy prime minister is responsible for the same questions and there is a Council of National Minorities and Ethnic Groups. The Roma/Gypsy community is represented at all these levels⁵. Finally, there is also a Human Rights Centre in Bratislava.

As regards legislation, Parliament amended the Constitution in February 2001 to bring it into line with the international standards which Slovakia had undertaken to respect. The new Constitution will come into force on 1 July 2001. Moreover, a series of draft laws, in particular the draft law on combating discrimination and the law on setting up the Ombudsman's Office, will be tabled in Parliament before the end of the year.

Despite these efforts there are still difficulties, particularly as regards the situation of ethnic minorities and the Roma/Gypsy community. The situation of women, children, prisoners and asylum-seekers is also a source of concern. Finally, there is much disagreement in civil society about the functioning of justice and the police.

III. Specific problems relating to the present situation

In this section, I would like to take a close look at the situation of ethnic minorities, especially that of the Roma/Gypsy community (1), the situation of other vulnerable groups (women, children, asylum-seekers, etc) (2) and the attitude of the police, public prosecutors and judges (3), not forgetting the important issue of the effective application of laws (4) and the functioning of the Human Rights Centre (5). Finally, I will draw your attention to the Ombudsman institution (6).

⁵ Four days before our visit, the member of the Deputy Prime Minister's Cabinet who had been responsible for Roma/Gypsy questions for the past three years or so was removed from office by the Deputy Prime Minister himself. On 21 June 2001, Parliament appointed Ms Klara Orgovanova, a Roma/Gypsy, to this post.

1. National minorities and ethnic groups

The Slovak Republic has 11 national minorities⁶, spread throughout the country. Geographically speaking, none of them occupies a whole region. This figure clearly shows that the co-existence of minorities is of vital importance for the development of Slovak society from both the social and economic standpoints. The Slovak government took a big step in the right direction when it ratified the European Charter on Regional and Minority Languages on 19 June 2001⁷.

Although the situation of Roma/Gypsies is of great importance, it is also necessary to pay careful attention to the development of other national minorities and ethnic minorities and to take action as early as possible to prevent any discrimination, *de facto* or *de jure*, favouring one minority or race to the detriment of the others. It therefore seems to me that the opinion issued by the Advisory Committee on the Framework Convention for the Protection of National Minorities takes on its full significance in this context, since a better legal framework must be rapidly introduced in order for the constitutional rights granted to national minorities and ethnic groups to be implemented and subsequently incorporated into existing legislation⁸.

a. The Roma/Gypsy community

The Roma/Gypsy community⁹ is the one hardest hit within Slovakian society. A few figures will give an idea of the situation, but these are only estimates and there are significant differences between the figures supplied by the National Statistics Office of the Slovak Republic and those provided by the Roma/Gypsy community and national or international organisations.

At the 1991 census, only 80 000 people said they belonged to the Roma/Gypsy community, whereas it actually comprises between 400 000 and 500 000 persons. It is the poorest community and the one with the highest rate of unemployment: whereas the national rate of unemployment is approximately 20%, it can be as high as 100% in the Roma/Gypsy community in some regions. The Roma/Gypsy community is also the least educated: in some regions 80% of the children are placed in specialised institutions; only 3% get as far as secondary school and 8% as far as secondary

⁶ Slovaks, 85.7%, Hungarians, 10.6%, Roma/Gypsies, 1.6%, Bohemians, 1%, Ruthenians, 0.3%, Ukrainians, 0.3%, Germans, 0.1%, Moravians and Silesians 0.1%, Croatians, 0.07%, Jews, 0.06%, Polish, 0.05% and Bulgarians, 0.05%; (National Statistics Office of the Slovak Republic, 1991; The Slovak Helsinki committee, Report on the implementation of the Framework Convention of the Council of Europe on the Protection of Minorities in the Slovak Republic, September 1999).

⁷ The government recognises 9 minority languages. The Jewish and Moravian communities have not asked for official recognition of their languages.

⁸ Advisory Committee on the Framework Convention for the Protection of National Minorities, Opinion on Slovakia, adopted on 22 September 2000.

⁹ Appendix II

technical school. It is also the community which has the highest birth and death rates - the latter caused mainly by very poor living conditions (no running water, electricity or hygiene in some regions). This community accounts for the highest rate of dependency (80%) on the welfare services and accounts for the largest number of detainees.

In both Bratislava and Kosice (in East Slovakia), talks with the authorities and the Roma/Gypsy population showed me that the distrust between the Roma/Gypsy community and the authorities on the one hand and between this community and the rest of civil society is very long-standing. There are prejudices on all sides, making it impossible to pursue a policy of integration and participation. While the authorities claim that the Roma/Gypsies are very nonchalant about working, taking care of their homes and sending their children to school, to give but a few examples, the Roma/Gypsy community protests at the policy of discrimination from which it suffers at all levels of society. There is only one alternative to these two opposing positions: to work together to improve the socio-economic situation of this national minority¹⁰. In this connection, it is essential that the authorities and civil society do their utmost to facilitate the integration of the Roma/Gypsy community and that the latter commit itself fully to this process.

To take one example: the school in the Roma/Gypsy neighbourhood in Kosice, Lunik IX, is being extended. Although I am neither a building contractor nor an architect, I could see that there was work to be done on a large scale. The mayor of Lunik IX told me that out of the 120 Roma/Gypsies who had applied for work on the site, only about 4 would actually be given a job. The Kosice authorities present at the meeting said that the number was bigger but still not more than 20. This was confirmed by Mr Toth, a member of the parliamentary Human Rights Committee, who, during our interview, stressed the need for a neighbourhood policy and for greater efforts at local level. Mr Toth is himself a Roma/Gypsy and Mayor of Kolarovo in South-East Slovakia, a town with a Hungarian, Slovak and Roma/Gypsy population. The Slovak authorities should perhaps be encouraged to set up concrete projects, even if only on a small scale, and submit them to the Council of Europe's Development Bank for funding.

b. The 1991 and 2001 censuses

While on the subject of Roma/Gypsy participation in society, let me say a few words about the population census which took place in 1991 and link it to the one which took place this year (the results of which may be available in the course of the year). According to the results of the 1991 census, the Roma/Gypsy community made up 1.6% of the population. Everyone in Slovakia agrees that this figure is wrong and that if, in 1991, only a very small number of Roma/Gypsies said they belonged to this

¹⁰ Interviews with Mr Ladislav Fizik, President of the Roma/Gypsy Parliament, which represents 132 associations and 16 political parties, the Roma/Gypsy Mayor of Lunik IX and members of its Council, as well as with representatives of the government in Kosice and Bratislava.

community, it was because most of them were afraid of being discriminated against and therefore falsely claimed to be Hungarian or Slovak. There is however an important issue here, because grants are made to the minorities according to the percentage of the population they represent.

The present government has, however, become aware of this problem and has made funding available for an awareness-raising campaign¹¹. It has also trained Roma/Gypsy census officers and printed forms in their language. The Roma/Gypsy community for its part told me that this policy was inadequate as the money earmarked for the campaign was only 50 000 crowns (€ 1162.79) and that the involvement of this community as census officers had been minimal, not to say ridiculous. It is true that the authorities seem to have made insufficient effort to employ Roma/Gypsies as census officers or commissioners¹².

In this connection, the Slovak government explained to me that the National Statistics Office had organised the census and local mayors had selected the “census commissioners” from among the local population. The government as such had therefore not been responsible for organising the census. I took note of this, but I remain sceptical nevertheless. It is central government’s duty to ensure that its policy in favour of national minorities and ethnic groups is applied at all levels of the administration. The method and manner in which is this done is admittedly the responsibility¹³ of its officials, but central government must ensure that they comply with the relevant legislation.

2. Other vulnerable groups

It very quickly became clear to me during my visit that women, children, asylum-seekers and the homosexual community, to give only some examples, are subject to discrimination by the state. From my conversation with the NGOs and the representatives of national and international organisations concerned with these issues, it was obvious that insufficient resources were being made available to protect these vulnerable groups.

a. Children, women and domestic violence

I was struck by the unanimity of the views expressed by associations and national and international NGOs active in the protection and promotion of human rights in general and of the rights of women and children in particular¹⁴. One woman out of five is said

¹¹ The Roma/Gypsy newspaper *Romano l’il Nevo* produced a special issue to explain the importance of the census to the Roma/Gypsy community. Posters and other information were published in their language (Cislo 468 – 485/2001)

¹² Mr Fizik, President of the Roma/Gypsy Parliament, said that scarcely 100 of the 22 000 census commissioners had been Roma/Gypsies, whereas the Roma/Gypsy community had trained 1 500 of its members to carry out monitoring in 612 towns.

¹³ Letter from Mr Csaky to mayors asking them to take account of national minorities and ethnic groups when selecting census commissioners.

to be beaten by her husband. Children are abused both physically and sexually¹⁵ and the institutions in which some of them are placed cannot help them because they are dilapidated and incapable of educating and socially rehabilitating children owing to the lack of trained staff.

a.a. Causes of domestic violence

The organisations dealing with domestic violence do not consider alcoholism to be the cause of this phenomenon. They consider it more likely that society's indifference to the problem and the authorities' reluctance to change things give some men the feeling that they can do whatever they like in the home. Women and children also feel isolated and are ashamed to report ill-treatment. As a result, women seek help from NGOs and not from the authorities. Indeed there is deep distrust of the authorities, as illustrated by the attitude of the police, public prosecutors and judges when confronted with this problem.

Mr Carnogursky, the Minister of Justice, and Mr Pipta, Director General of the Police, explained to me, for example, that the police do not act to deal with violence between spouses because the problem is one of individuals' privacy. The police can therefore only take action if the woman lodges a complaint. According to the representatives of civil society, however, if the police do intervene only the man's arguments carry any weight and the woman's point of view is completely ignored. When the custody or upbringing of children is at stake, the woman has to prove that she is capable of bringing them up whereas the man does not need to do so. The situation is also very worrying as regards child abuse. A child who reports an adult on grounds of physical or sexual abuse must confirm the allegations in the presence of the person concerned, and the authorities take no account of the child's age. The situation is the same as regards women. In both cases, 90% of women and children withdraw their complaints and the legal proceedings go no further.

a.b. The role of the NGOs in dealing with the problem of violence

In view of the situation, NGOs are endeavouring to bring about legislative and institutional improvements, both by proposing draft laws and taking part in working groups and by setting up refuges for battered wives and children in distress. Their work is crucial in the present circumstances, which I saw for myself when I visited the FENESTRA emergency centre for battered women and children in Kosice. At least

¹⁴ Slovak Helsinki Committee, Fenestra, UNICEF, Amnesty International, Smile as a gift, Romany Found, Aspekt, Representatives of the Roma/Gypsy Parliament and Council and the Women's Union in Bratislava and Kosice.

¹⁵ Smile as a gift, UNICEF, and confirmed by other associations and NGOs which took part in interviews and conversations in Bratislava and Kosice. See The Slovak Foundation for Civil Society on this subject. In 1999 UNICEF was contacted by 131 children claiming that they had been subjected to psychological abuse, 332 to physical abuse, 427 to sexual abuse and 113 claiming they had been intimidated. In 2000, 115 cases of psychological abuse, 410 or physical abuse, 633 of sexual abuse and 184 cases of intimidation were reported to UNICEF.

2000 women have sought the support of NGOs in instituting proceedings against violent husbands. In February 2001, 14 women died as a result of this type of violence.

a.c. Position of the authorities

Mr Lauko, Deputy to the Principal State Prosecutor, Mr Carnogursky, the Minister of Justice, and Mr Pipta, Director General of the Police, explained to me that when they were informed of this type of violence they intervened within their own legal framework. They also said that the government services were always there to help children and women in distress when they were brought face to face with their tormentors.

Mr Csaky, Deputy Prime Minister for Human Rights, Mr Nagy, Chair of the parliamentary Human Rights Committee, and Mr Migas, Speaker of Parliament, admitted that the situation of women and children had to be improved. It was necessary to amend the laws concerning them in order to transform or at least modify the institutions responsible for helping them. Mr Nagy stressed the determination of the Human Rights Committee to take action whenever a complaint or an application came to its notice.

b. Asylum-seekers

The situation of asylum-seekers arriving in the Slovak Republic is also worrying. I would like to highlight two fundamental aspects of this situation. The first concerns the procedure for acquiring refugee status, and the second the acquisition of nationality.

My conversations with NGOs and associations that work to promote and protect the rights of asylum-seekers revealed that the procedure for acquiring refugee status lacks transparency and is very long. At each new stage of the procedure, the application is considered solely in the light of the initial evidence provided by the applicant. Therefore, if a person is refused refugee status, he or she is entitled to appeal to the Minister of the Interior but cannot submit additional information. If the Minister rejects the appeal, new court proceedings can be instituted, but once again there is little transparency in the proceedings, which means that the asylum-seeker cannot provide further details. The whole procedure takes at least 3 years.

As regards acquisition of nationality, no one with refugee status was granted Slovakian nationality either last year or this year. The same criticism applies to this procedure: it lacks transparency and is too long - at least 5 years. Mr Fogas, Deputy Prime Minister for Legislation, says that he is aware of the difficulties encountered by refugees in obtaining nationality. He therefore thinks that the law on the acquisition of nationality should be amended. He pointed out that, following the entry into force on 1 March 2000 of the European Convention on Nationality, which had been ratified by the Slovak Republic on 27 May 1998, it was in Slovakia's interest to undertake a reform in keeping with its commitments as soon as possible.

3. The attitude of the police, public prosecutors and judges

The attitude of the police, public prosecutors and judges was often mentioned during my conversations with representatives of civil society working in the human rights field. I was very surprised by accounts of the authorities' alleged indifference to domestic violence, their attitude to Roma/Gypsies and also their role in political affairs. In short, the whole of Slovakian society is eagerly awaiting reforms on these points. Quite specific criticism was made of Mr Ladislav Pittner, the Minister of the Interior, who, during my visit, resigned from his post and was replaced, *ad interim*, by the Minister of Justice, with whom I had the opportunity to discuss these issues. I will come back to this later.

a. The behaviour of the police

There are many reports and statements condemning the behaviour of the police - on the street, in police stations or in other circumstances in which they come into contact with the population. In most cases the action they take is considered to be inappropriate and excessive, whether it concerns the Roma/Gypsy community (it appears that police violence against Roma/Gypsies has not decreased and is one of the main reasons for which the Minister of Justice and the Director General of the Police are criticised) or other vulnerable groups¹⁶. Although most complaints concern the police's misuse of force, their failure to understand the need to ensure that citizens can effectively exercise their rights is also mentioned.

b. The behaviour of public prosecutors

Their role is recognised as being *vital* throughout the criminal proceedings, but there are many complaints about their failure to act. The strongest criticism is that the population expects to be protected, to some degree, by the prosecutors, not only from police action but also during proceedings, so that they are given a hearing and can submit their evidence or give their version of the facts. The NGOs believe it is essential that central government oblige public prosecutors to change their attitude to citizens' rights.

c. The behaviour of judges

The strongest criticism comes from associations and NGOs, which condemn judges' complacent attitudes to court cases involving politicians and the failure of these judges to rule on certain cases and to enforce their decisions.

The Minister of Justice pointed out that both the law on judges and lay judges and the Constitution had been amended over the past two years. This ought to make judges more independent and improve the application of the law. The new laws will also

¹⁶ Interviews with the Good Fairy Kesaj Foundation in Kosice, Amnesty International, Slovak Helsinki Committee, UNICEF, the Roma/Gypsy Parliament, the Women's Union, FENESTRA, Forum Institute, Aid to Refugees, Smile as a gift and ASPEKT. See also **Appendix II**.

give new generations of legal experts the opportunity to take up such posts and thus breathe fresh life into the administration of justice.

Lastly, the Minister of Justice and the Director General of the Police pointed out that, when they were informed of abuse of authority by the police, public prosecutors or judges, an enquiry was instigated and if the person was found guilty, he or she was removed from office. By way of example, the Minister of Justice said that 163 indictable offences had been committed by the police in 1999 and 177 in 2000, of which 69 and 70 respectively were cases of abuse of authority¹⁷.

d. Other points of view

I had talks with the Deputy Prime Minister for Human Rights, the Deputy Prime Minister for Legislation, the Speaker of Parliament and the members of the parliamentary Human Rights Committee. Their reaction reassured me: they all recognised the need to “pinpoint problems and try to find solutions”. Difficulties have to be recognised before solutions can be sought, said Mr Nagy, Chair of the Human Rights Committee. These senior officials and elected representatives consider the laws being drafted or those already in force to be a step in the right direction, but that is not enough, which takes me straight on to my next point: the effective application of laws in the Republic of Slovakia.

4. Effective application of laws

Since 1998, there has been a veritable law-making marathon. When I raised various subjects with the Slovak authorities concerning the full exercise of human rights, in a large number of cases the reply was that the situation would be improved after the entry into force of such-and-such a new law or the amendment of another law. This was true of reform of the police, the role of public prosecutors and judges, the institutions dealing with women and children, the rights of asylum-seekers, the fight against racism, etc.

I am aware of these efforts and appreciate them, but it is essential that the machinery for implementing the laws that have come into force be set in place as soon as possible and that adequate, accessible and applicable protection machinery be set up in those areas where legislation is still at the preparatory stage. This legislative frenzy, which is of course laudable in itself, should not be detrimental to the full exercise of human rights, nor should it serve as an alibi solely in the country's diplomatic interests: the Slovak Republic is quite familiar with the machinery for the protection of human rights, and it is high time it was made fully available to civil society.

¹⁷ The NGOs pointed out that there was no machinery for the independent monitoring of the police.

5. Human Rights Centre

The Human Rights Centre was set up, on the initiative of the UN Human Rights Commission, the Netherlands and the Slovak Republic, under the 1993 Paris Agreement. This centre is one of the main links in the strategy for promoting and

ensuring respect for human rights devised by the government, but its current status, the composition of the executive council, the number of members, etc, are currently the subject of lively debate¹⁸.

Although the discussion is currently in the political arena in the Slovak Republic, I insist that it is essential to promote, study, discuss and exchange ideas for improving the human rights situation in the Slovak Republic. The Human Rights Centre can provide the necessary framework, and I encourage all those involved in this debate to co-ordinate their efforts to enable it to continue its work and develop human rights promotion activities.

6. The ombudsman institution

By getting Parliament to amend Article 151 (a) of the Constitution, the Slovak government has established the legal basis for drafting the law which will enable it to set up an ombudsman. During my talks, I had the opportunity to talk about the setting up of this institution with the Slovak authorities, the representatives of civil society and NGOs.

I was told that the Slovaks did not fully approve of instituting an ombudsman, which they thought would be just one more institution that could be used either for sidelining political figures in disgrace, or by the different political parties for their own ends. Moreover, the existing institutions and new ones distrust each other. For example, in the present case, the ombudsman would be given powers which are currently exercised by public prosecutors and this might give rise to discontent.

To alleviate these difficulties, the government has consulted members of the administration and in particular the Principal State Prosecutor's office. The latter has been asked to submit proposals during discussion of the project. These comments and the draft legislation will subsequently be submitted to Parliament. Mr Migas, Speaker of the Slovak Parliament, said he was convinced that it was important to set up this institution. The NGOs appear to be optimistic and stressed their commitment to establishing such an institution.

According to aforementioned Article 151 (a), concerning the ombudsman, it is clear that his or her main duty will be to protect the rights and freedoms of the entire population and of all persons residing on its territory. The ombudsman will be elected by Parliament for a 5-year term of office and should not belong to any political party or movement. According to the Slovak government, the draft legislation on this institution will be ready by mid-July of this year, so we must wait and see.

¹⁸ Documents submitted by Ms Tothova; The Slovak Helsinki Committee/Commissioner for Human Rights, 25th May 2001.

IV. Subjects not dealt with in depth during my visit

You may be wondering why I wish to mention matters that I have not dealt with in this report. The answer is simple: I believe it is important to tell people who gave me some of their time or opened their doors to me that I am not indifferent to the difficulties they encounter and that I have not forgotten our conversations. Not in the least.

The situation of the mentally ill and the homosexual and lesbian community, the situation in prisons¹⁹, that of Slovakian refugees returning to the Slovak Republic²⁰ and the problem of the right of ownership would undoubtedly have been worth examining in greater detail.

For example, I visited a centre for mentally ill children in Bratislava run by the Slovakian Red Cross, which is making a major financial and human effort to keep it open and give the inmates the care they need. I was given to understand that the financial resources for this sort of institution come from private rather than public funds. It is essential that the government assist these institutions.

Although I was able to gather some information, I was unfortunately unable to discuss it in sufficient detail either during my visit or during my talks with the representatives of civil society, so that it was impossible for me to present detailed arguments or information during my conversations with the Slovak authorities. I nevertheless ask them to also take account of the concerns of the above-mentioned categories of persons.

V. Conclusions and recommendations

The Slovak Republic has made considerable efforts over the past ten years, and clearly tribute should be paid to its work. All the reforms undertaken show the government's willingness to meet its political and international commitments.

From the political and social standpoint, both the government and civil society are clearly very concerned by all of these changes. Non-governmental organisations appear to be the best partners to help the government carry out its reforms.

As far as respecting and promoting human rights is concerned, I think it is extremely important to carry out more regular work so that society as a whole shares a sense of responsibility and has a better understanding of its rights and duties.

From the talks which I had, I have reached the conclusion that everyone agrees that improving the situation of the Roma/Gypsy community deserves special attention.

¹⁹ Reports by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on the situation in Slovakia in 1995 and 2000.

²⁰ Programme for Return and Counselling Assistance to Asylum Seekers from the Czech Republic, Romania and Slovakia, currently living in Belgium, Finland and The Netherlands (International Organization for Migration, report and evaluation report 2000 and 2001).

Recommendations

It is essential that the Slovak Republic complete its institutional and legislative reforms as soon as possible, and take the necessary steps to give effect to human rights at all levels of society.

While Roma/Gypsies must put a great deal of effort into training and educating the members of their community to play an active part in the relevant institutions, the government must take all necessary measures to ensure their integration into Slovak society.

The Slovak authorities ought to devise practical projects, even if only on a small scale, and submit them to the Council of Europe's Development Bank for funding and so help the Roma/Gypsy community.

The political and law-making authorities are invited to amend the legislation and support institutions which look after women and children in distress so that they can meet the needs of these vulnerable groups.

The authorities should, as soon as possible, also take all necessary steps to ensure that the procedure for acquiring Slovak nationality is in keeping with its international commitments under the European Convention on Nationality.

The Minister of Justice and the Minister of the Interior should set in motion the necessary reforms for guaranteeing the sound administration of justice and effective respect of citizens' rights by the police.

The Slovak authorities are encouraged to do their utmost to ensure that the office of ombudsman is set up in the Slovak Republic in the very near future.

APPENDIX I

VISIT OF H. E. ALVARO GIL-ROBLES,
COUNCIL OF EUROPE COMMISSIONER FOR HUMAN RIGHTS

Bratislava and Kosice, Slovak Republic, 14 -16 May 2001

Accompanied by *Mr. Fernando Mora*, Adviser, Office of the Commissioner for Human Rights

Monday, 14 May**Interpreter: Ms. Andrea Záborská****11.45 Arrival to Vienna, Schwechat Airport***Ms. Miriam Rafajova, Protocol Department of Ministry of Foreign Affairs***12.45 Arrival to Hotel Bôrik, Bratislava**

Na Bôrik 15, Bratislava

13.00 NGO's meeting (human rights, women, children, minorities and Roma/Gipsy issues)

reception Room No.2

16.00 H. E. Rudolf Schuster, President of the Slovak Republic

Hodžovo nám. 2, P. O. Box 128, 811 04 Bratislava 1

*Mr. Milan Cigán, Director of Protocol Department***16.45 Mr. Pál Csáky, Vice-Prime Minister, For Human Rights, Minorities and Regional Development** Government Office, Saloon No.027, Bratislava, Nam.Slobody 1. Also present: **Mr. Péter Miklósi**, Advisor and Spokesman, **Ms.****Jana Kvičinská**, General Director, Section for Human Rights and Minorities*Ms. Ildikó Haraszti, Personal Secretary to Mr. Csáky**Anna Mikulíková, Protocol Department***18.10 Press Conference****19.30 Dinner offer by Mr. Lubomír Fogaš, Vice-Prime Minister for Legislation and EU integration, Hotel Bôrik. Mr. Stanislav Masar, Director of the Office Mr; Milan Matlak, Director of the Office of the Deputy Prime Minister for European Integration**

Tuesday, 15 May

Interpreter: *Ms. Iveta Šechnyová, Simulta*

- 8h30 Mr. László Nagy, Chairman of the Parliamentary Committee on Human Rights and Minorities**
Office of the Committee, **Mr Imrich Toth**, (SDL') Chairman of Subcommittee for the Roma Minority, **Mr Dusan Slobodnik** (HZDS) member
Protocol Department, Secretary: Ms. Eleonóra Sándor
- 10.30 Mr. Martin Lauko, Deputy of the Prosecutor General**
Address: Župné nám. 13, 812 85 Bratislava 1
Protokolárne oddelenie, Dr Dagmar Papcunová
- 11.15 Lunch offer by Mr. Ján Carnogurský, Minister of Justice**
Mr. Peter Vrsansky, **Representative of the Slovak Republic to the European Court of Human Rights**, Mr *Július Fekiac, Director of Office*
Mr. Peter Banas, General Director,
Section of International Law and European Integration
Contact in the office of the CE Representative: Ms. Pecníková
- 14.00 Mr. Josef Migas, Chairman of the National Council of the Slovak Republic**
National Council of the Slovak Republic
Mudronova 1, Bratislava
Mr. Marek Estok, Director, Protocol Department
- 15.00 Visit to Centre for Children with Mental Illness**
Mileticova 59, Bratislava
Územný spolok SCK, Bratislava II
Mr. Bohdan Telgársky, General Secretary, Slovak Red Cross
- 17.00** Press conference
- 17.00 Mr Ján Carnogurský, Minister of Justice and ad interim of interior and, Mr. Pipta, General Directot of Police, Ministry of Justice**
- 20.00 Private dinner organised by the Swiss Ambassador, H.R. Thomas WERNLY**

Wednesday, 16 May**07.30 Flight by helicopter MI 8 to Kosice**

Airport of M. R. Stefanika, Bratislava

09.30 Arrival to Kosice

Host: Ms Rozalia Mudra, Deputy Head of Regional Office

Car to be provided by the Kosice Branch of the Government Office :

Mr. Jaroslav Pohl

10.00 Visit to LUNIK IX, Roma/Gipsy area

Mayor and Council and another's national's authorities

12.15 Visit of a hospital

Fakultna nemocnica

Rastislavova 43

Dr. Vladimir Pramuk

14.0 FENESTRA, Center for Tortured Women

Fenestra

Tomasikova 19

040 01 Kosice

Ph. Dr. Monika Grochova

16.30 Flight back from Kosice to Bratislava**19.0 Bratislava to Vienna by car**

Accompanied by: Ms. Miriam Rafajova, Protocol Department of Ministry of

Foreign

Affairs

20.00 Arrival to Vienna. Departure to Strasbourg on 17 May at 7h45

APPENDIX II

Sources documentaires sur la minorité Rom/Tsigane

Specialist Group on Roma/Gypsies Housing, urban planning and poverty: problems faced by Roma/Gypsy communities with particular reference to central and eastern Europe, report by V. Macura (MG-S-ROM (99)); Economic and Employment Problems Faced by Roma/Gypsies in Europe (MG-S-ROM (99) 5 rev. 2); The situation of Roma/Gypsy Women in Europe by N. Bitu (MG-S-ROM (99) 9); Memorandum on problems facing Roma/Gypsies in the field of housing (MG-S-ROM (2000) 3) www.erc.org Activities on Roma/Gypsies, April 2000, www.social.coe.int/en/cohesion/action/roms.htm

Congress of Local and Regional Authorities of Europe: Roma (Gypsies) in the Municipalities: what provision for education, culture, social problems, training and employment? Texts adopted: Resolutions 125 (1981), 249 (1993) on the role and responsibility of local and regional authorities in regard to the cultural and social problems of populations of nomadic origin; Recommendation 11 (1995) and Resolutions 16 (1995), 44 (1997) on “Towards a tolerant Europe: the contribution of Roma (Gypsies)”.

Comité des Ministres et Assemblée parlementaire, 15 Resolution (75) 13, of the Committee of ministers containing recommendation on the social situation of nomads in Europe; Recommendation N. R (83) 1 of the Committee of Ministers to members states on stateless and nomads and nomads undetermined nationality; Recommendation 1203 (1993) of the Parliamentary Assembly on Gypsies in Europe;

Autres sources: European Roma Rights Center, Second Report on Slovakia, December 1999 and, Racial Discrimination and Violence against Roma in Europe, Statement submitted by the European Roma Rights Center, August 15 – 16, 2000; education projects for Roma children in Levoca, 1994/2000, Swiss Helsinki Association; Seminar on Roma in the OSCE Area, 14 – 15 June 2000, Bratislava; Social and Economic situation of potential asylum seekers from Slovak Republic, IOM, June 2000; Regular report from the Commission on Slovakia’s progress towards accession, 8 november 2000; Rapports du Comité européen pour la prévention de la torture et des peines ou traitements inhumains et dégradants, CPT, sur la situation en Slovaquie des 1995 et 2000, www.cpt.coe.int The White Book, The Good Romany Fairy Kesaj Foundation, Kosice. Amnesty International, report 2001, p. 214; The Slovak Foundation for Civil society in Slovakia. Meeting of governmental official responsible for policies towards Roma/Gypsies, Budapest, 23-24 March 2001; International Helsinki Federation for Human Rights, Report 2001, p. 266 s The Economist, Special report Gypsies, May 12th 2001, p. 29 -30.