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**ADVISORY COMMITTEE ON THE FRAMEWORK CONVENTION FOR
THE PROTECTION OF NATIONAL MINORITIES**

**COMMENTS OF THE GOVERNMENT OF THE SLOVAK REPUBLIC
ON THE THIRD OPINION OF THE ADVISORY COMMITTEE ON THE
IMPLEMENTATION OF THE FRAMEWORK CONVENTION FOR THE
PROTECTION OF NATIONAL MINORITIES
BY THE SLOVAK REPUBLIC**

(received on 18 January 2011)

**Comments on the Third Opinion
on the Implementation of the Framework Convention
for the Protection of National Minorities
in the Slovak Republic**

The Slovak Republic presented its Third Report on the Implementation of the Framework Convention in the Slovak Republic (hereinafter “the Implementation Report”), approved by Resolution No. 395/2009 of the Government of the Slovak Republic (hereinafter “the Government”) of 27 May 2009, in the course of the third cycle of monitoring the implementation of the Framework Convention for the Protection of National Minorities (hereinafter “the Framework Convention”). Between 30 November and 4 December 2009, experts of the Advisory Committee on the Framework Convention for the Protection of National Minorities (hereinafter “the Advisory Committee”) visited Bratislava, Košice and Šamorín where they obtained additional information concerning the situation in the protection of national minorities in Slovakia from the representatives of State administration, self-governing bodies and non-governmental entities. Based on this information, the Advisory Committee drew up its Third Opinion on Slovakia; the Ministry of Foreign Affairs of the Slovak Republic as the compiler of the Implementation Report presents the following comments on the above Opinion as regards the areas under its competence.

1. We highly value the work done by the Advisory Committee in examining and assessing Slovakia’s compliance with the commitments given under the Framework Convention. The outcome of this work is a comprehensive and detailed opinion. We gratefully acknowledge the recognition of the efforts of the State to improve the situation of national minorities and of the progress achieved, and we also take note of certain critical views concerning continued shortcomings and outstanding problems in this field.

2. The Advisory Committee’s findings, presented in considerable detail, and the Committee’s assessment of the fulfilment of individual provisions of the Framework Convention will be subjected to a scrutiny and examination and will serve as a basis for adopting positions and/or implementing suggestions and recommendations by the competent State authorities and, where applicable, other entities during the next monitoring period. In our view, concrete substantive suggestions and observations should be tested over a longer term in confrontation with the social practice and should be addressed in an on-going dialogue with relevant international institutions. In general, these comments are made in response to principal findings and concluding observations, i. e. primarily those of the first and the third part of the Opinion.

3. The requisite transparency of evaluation carried out within the monitoring process will be ensured by simultaneously publishing the Third Opinion of the Advisory Committee and the related Comments of the Slovak Republic and, later on, by publishing the Resolution on the Implementation of the Framework Convention in Slovakia immediately after its adoption by the Committee of Ministers. These documents will not only bring to conclusion the third monitoring cycle but, alongside the publication of the Resolution, will mark the beginning of the fourth monitoring cycle where all stakeholders and the public will be urged and encouraged to engage more broadly in the monitoring process. The Government will deliberate on the Committee of Ministers’ Resolution and, on the basis thereof and on the basis of the Advisory Committee’s Opinion, will adopt a resolution defining the tasks for State administration bodies and formulating recommendations for self-governing authorities with a view to the continued implementation of the Framework Convention and elimination of the existing shortcomings.

4. Notwithstanding our positive perception of the Opinion, we consider it necessary to note that certain findings and assessments by the Advisory Committee are marked by a formal approach and application of general, conventional, and sometimes even inappropriate criteria and yardsticks. In general, we would welcome a more balanced approach to information and data provided by State institutions on the one hand and non-governmental sources on the other. Moreover, the Opinion expresses statements and views that transcend the scope of the Framework Convention and would be more appropriate for the assessment of the implementation of the European Charter of Regional or Minority Languages.

5. We consider the special focus placed by the Advisory Committee on the Roma national minority to be correct because the problems faced by this minority are more serious and more acute than those of other national minorities – both for the Roma and for society at large. However, rather than being limited to the given minority, these are complex problems, often affecting society as a whole. While the Advisory Committee's approach to these problems is quite understandably focused on the aspect of protection of the national minority, the State approaches their definition and resolution from the aspect of respecting Roma both as the citizens of the Slovak Republic and as persons belonging to a national minority. The comprehensive approach and consideration of all relevant aspects of this issue (economic, social, health and others) are not limited to the specific area of national minority protection. The Government is aware of the urgency of addressing problems of the Roma and places this agenda among its key priorities.

Comments to the main findings of the Opinion:

6. The current Slovak governmental coalition created after the parliamentary election in 2010 comprises once again a political party representing the interests of national minorities. Key priorities of the Slovak Government also include consistent implementation of fundamental rights and freedoms, including the rights of persons belonging to national minorities. Also this fact underlies extensive changes made in the scope of competence of the Deputy Prime Minister for Human Rights and National Minorities. The competences of the Deputy Prime Minister were strengthened by a law effective from 1 November 2010, in particular as regards the management and coordination of tasks in the area of human rights, the rights of persons belonging to national minorities, equal treatment and gender equality, and joint responsibility for the fulfilment of tasks related to education and training, including education and training of national minorities, implementation of tasks involving support for national minority cultures, and of tasks related to the redistribution of financial resources allocated for enforcement and observation of human rights, and for the culture of national minorities and gender equality. The competence for supporting national minority cultures that formerly belonged to the Ministry of Culture has also been shifted to the Deputy Prime Minister. The Deputy Prime Minister will, in his official capacity, take part also in the implementation of tasks related to television and radio broadcasting of programmes in national minority languages.

7. Moreover, the Deputy Prime Minister for Human Rights and National Minorities will chair a new body – the newly constituted Government Council on Human Rights, National Minorities and Gender Equality – mandated to address legislative initiatives and implementation of Slovakia's international human rights commitments. At the same time, the existing Government Council on National Minorities and Ethnic Groups is undergoing a reform aimed at strengthening the status and powers of this body, making it a truly representative body of national minorities that reflects the structured character of national minorities and creates the space for their effective participation in running their own affairs.

8. As regards the language rights of persons belonging to national minorities, the Government pledged in its Manifesto that it would apply the principle of effective equality of all citizens of the Slovak Republic also through amending the State language act, the act on the use of languages of national minorities, the act on geodesy and cartography, and the act on displaying the names of municipalities and other related legal acts. According to its Manifesto, the Government will consistently implement the recommendations of the European Charter of Regional or Minority Languages, with special emphasis on addressing the problems pointed out in assessment reports.

9. In this connection, a mention should be made of the approval by the Government on 24 September 2010 of draft amendment to Act No. 270/1995 Coll. on the State language of the Slovak Republic as amended, removing from the law several restrictions on the use of the languages of national minorities. The draft amendment is in the pipeline and is currently under consideration by the National Council of the Slovak Republic. The amendment has been drafted in a manner ensuring full respect for human rights and the rights of persons belonging to national minorities, guaranteed by the Constitution of the Slovak Republic and by international conventions binding on the Slovak Republic, protection and development of the State language and strengthening of the status of the State language as a means of communication and integration of society in conformity with the non-discrimination principle, the rights of members of national minorities at the level of the year 2006, and removing unnecessary restrictions from legal provisions on national minorities. The amendment to the State language act remedies certain deficiencies in the wording of the State language act that caused interpretation problems in the practical application of the act, especially as regards the use of languages of national minorities under separate legislation, and repeals obligations added to the act under its 2009 amendment, affecting also members of national minorities. Furthermore, the amendment mitigates certain demands arising from the State language act, especially insofar as they are related to the languages of national minorities. The proposed changes to the State language act pursue the objective of making the State language act capable of meeting its basic goal, i. e. protection of the State language and, at the same time, guaranteeing the right of members of national minorities to use their own language at the extent defined by generally valid legal regulations. The amendment to the State language act strengthens legal certainty of citizens belonging to national minorities living in the territory of the Slovak Republic. The amendment repeals several obligations introduced under the 2009 amendment: *inter alia*, it annuls the obligatory use of the State language in official communications in case of municipal police and of transport, post and telecommunications employees; the keeping of additional selected bilingual documentation in the school system; the obligation of a builder to request a binding opinion from the Ministry of Culture on whether the inscription on a memorial complies with the law; the order of texts on memorials and notice boards written in the State language and in a minority language in the municipalities where more than 20% of persons belong to a national minority is no longer prescribed, and municipal chronicles can be kept in a minority language as the original language. The order of bilingual texts is not prescribed in advertisements, either. Occasional printed matters issued in a minority language no longer need to contain an identical text in the State language – an outline in the State language is sufficient. The most important change has been introduced in relation to fines. The amendment allows imposing fines only in very specific cases when no improvement had been achieved in the previous proceedings. According to the amendment, no fine can be imposed on a legal person, a self-employed natural person or on other natural person (even under the current legislation, no fine can be imposed on ordinary natural persons) for breaching the provisions of the act, except where a person discloses important information about endangerment of lives, health or property of citizens without making this information available also in the State language. Besides these extreme cases, it will be possible to impose fines only on public administration bodies, but even there only when a public administration body fails to publish information designed for the public also in the State

language and refuses to respect the instruction from the Ministry of Culture to publish important information concerning all inhabitants also in the State language.

10. In accordance with the Government Manifesto, the Deputy Prime Minister for Human Rights and National Minorities is drafting an amendment to Act No. 184/1999 Coll. on the use of languages of national minorities, which is currently under a public discussion. The draft amendment has the aim of eliminating the dichotomy between provisions on the use of the State language and provisions on the use of the languages of national minorities, and extending the use of languages of national minorities in official communications and in other areas, both at the vertical and horizontal level.

The most important commitments related to human rights and the rights of persons belonging to national minorities presented in the Governmental Manifesto:

11. The Government will consistently fulfil its international obligations with respect to human and minority rights, including its reporting duties towards treaty and monitoring bodies of international organisations and building on international human rights treaties and conventions to which the Slovak Republic is a State party. In the implementation of its human rights obligations, the Government will strengthen mutual cooperation and coordination among individual central government bodies and other relevant bodies and institutions.

With respect to this task, as well as with respect to the implementation of other segments of the state human rights policy, the Government will closely cooperate with non-governmental not-for-profit human rights organisations and bodies of international organisations operating in the Slovak Republic.

The Government will create conditions for citizens, including minority members and individuals with permanent residence in the territory of the Slovak Republic, to exercise their right to effective participation in public governance.

This right must include their right to access information and the right to effectively influence decision-making processes that substantially affect them.

The Government sees large room for improvement in the area of human rights education and training.

It will improve human rights education at schools of all levels. It will support human rights education of employees in all sectors of the State and public administration who are in direct contact with citizens.

In addition, it will strengthen awareness-raising activities on human rights and freedoms and support projects aimed at increasing citizens' knowledge of their rights, freedoms and duties.

It will introduce a modern concept of citizenship and human rights into the preparation of school curricula.

12. The Government recognises and appreciates the importance and contribution of cultures of traditional national minorities living in Slovakia to its cultural heritage, spiritual values and cultural diversity. On that account, the Government will create the best possible conditions for national minority members to exercise their right of expression, preservation and development of their own identity. This principle will also be strictly taken into account during methodological and organisational preparations for a population census to be carried out in May 2011.

The state must actively support preservation and further development of culture and knowledge of its national minorities. In order to accomplish this task and to enhance social cohesion in Slovakia, the Government will prepare a long-term policy on the protection and promotion of culture and school systems of national minorities, including the Roma minority, as well as a long-term policy on inter-ethnic cooperation, inter-ethnic dialogue and intercultural

training and education, including necessary institutional and financial mechanisms. The Government will promote creating appropriate room for an intercultural dialogue and exchange of positive information content in the work of public media and, if possible, of other media, too. The Government will mainly focus on improving intra-state Slovak-Hungarian relations and relations between the majority population and the Roma community, and will seek inclusive understanding and practicing of citizenship.

As its priority, the Government will draft a bill on the protection of and support for the preservation and development of national minority cultures which will enact their integral position in the context of cultural wealth and diversity of the state and set out the rules for their financing. In managing and financing national minority schools, in methodological assistance and preparation of curricula, the Government will pay increased attention to the actual needs and interests of national minority members.

13. The Government has established the post of a Deputy Prime Minister for Human Rights and National Minorities, with stronger managing and decision-making powers in the area of national minority culture and education. When performing his/her tasks, the Deputy Prime Minister will closely cooperate and consult with national minority representatives. In order to ensure the exercise of co-decision making powers of the Deputy Prime Minister for Human Rights and National Minorities, the Government will restructure the education ministry so that the co-decision making powers could be exercised in the inspection of national minority schools and in their research and development activities within the system of a methodology and pedagogical centre, utilizing the capacities of the universities in Komárno, Nitra and Prešov.

14. With respect to the education system, the Government will encourage improvements in the quality of teaching mother languages of national minorities, as well as the quality and effectiveness of teaching the Slovak language at schools that have a minority language as their teaching language. The Government will support innovation in teaching methods at minority schools, including the supply of up-to-date and modern textbooks, and strengthen cooperation among schools having Slovak as their teaching language and schools teaching in minority languages. The Government will continue supporting Ukrainian minority schools. In regions with a Ruthenian minority population, the Government will ensure that Ruthenian language and culture classes are taught at primary and secondary schools. The Government intends to also address the aforementioned systemic issues concerning the development of the minority school system by amending the existing School Act.

The Government will support consistent implementation of a constitutional right of national minority members to address the issues related to the identity of national minorities.

The Government will amend the statute of the Government Council for National Minorities so as to make this body a representative and functioning forum for the national minorities living in the Slovak Republic that will give them room for effective participation in governing their own affairs.

In addition to amending the State language act, adopting a new act on the protection of and support for the preservation and development of national minority cultures and amending the school act, the Government will also implement the principle of effective equality of all Slovak citizens through an amendment to the act on the use of minority languages, the act on geodesy and cartography and the act on displaying names of municipalities in minority languages, and other related regulations. The Government will consistently apply recommendations under the Charter for Regional or Minority Languages; in doing so, it will focus on addressing the problems identified in opinions.

The Government will set up a group of experts in order to prepare a background paper for the Government concerning the possibilities of, and alternatives to, drafting an act on the position and rights of national minorities, which could possibly be adopted during its current term.

The Government will ensure and assign necessary personnel capacities and financial resources to the Office of the Deputy Prime Minister for Human Rights and National Minorities in order to accomplish the objectives set out under the human and minority rights policy.

15. Special attention will be given to the status, integration and development of the Roma community, which represents a crosscutting issue. In order to accomplish the said objective, the Government will strengthen the position and powers of the Government Plenipotentiary for Roma Communities and of the Plenipotentiary's office.

A large population of the Slovak Roma remain one of the weakest and most vulnerable social and economic groups, affected by poverty and social exclusion which they are unable to overcome on their own. Social exclusion is a crucial, society-wide problem because, in addition to its negative impact on the development potential of regions, it also undermines relations among citizens, escalates tensions with the majority population, and increases the risk of rising extremism.

The Government will endorse full participation of Roma in social, cultural and political life on the basis of their national minority status, as well as with respect to addressing key problems related to socially excluded Roma communities. Necessary measures will be implemented by the Government through targeted long-term and coordinated policies, whose impact could be measured objectively and designed to accomplish the effective equality of all citizens.

Approaches to be adopted by the Government will respond to actual needs and priorities of municipalities, regions and the Roma themselves; they will be comprehensive and balanced with respect to addressing the social situation of the Roma and respect for human rights on the one hand, and to strengthening the principle of individual responsibility of the Roma on the other. Social inclusion measures will be designed in such a way that they lead to the observance of social standards and values. The Government will particularly focus on the application of the following principles:

- effective application of anti-discrimination laws, combating racial and ethnic discrimination in education, employment, housing, health and social services;
- increased engagement of self-governing regions and affected municipalities to make special temporary measures more effective and better targeted;
- support to the participation of Roma in public and political life and increasing their individual responsibility;
- enforcing comprehensive approaches in the utilisation of EU funds for the development of municipalities with Roma communities and preserving the continuity of proven and successful programmes.

Implementing the aforementioned principles, the Government wishes to contribute to a higher level of social cohesion among the citizens of the Slovak Republic, members of the majority Slovak population and all minorities. The Government wishes that cultural and ethnical diversity is not seen as a burden but, quite the contrary, as an element enriching the State, an impetus to make minorities feel at home in Slovakia, and augmenting the human, civic, cultural and economic capital which will reinforce the quality of democracy and strengthen Slovak society as an active component of the European democratic community embodied by the EU.

Comments on certain relevant paragraphs of the Advisory Committee's Opinion:

16. With regard to paragraph 21, the language rights of persons belonging to national minorities are guaranteed in article 34 of the Constitution of the Slovak Republic, and the possibility to use minority languages in concrete areas of official communications is laid down in Act No. 184/1999 Coll. on the use of languages of national minorities as amended by Act No. 318/2009 Coll., in Act No. 245/2008 Coll. on education and training (the school act) and on amending and supplementing certain other acts as amended, in Act No. 191/1994 Coll. on displaying the names

of municipalities in the languages of national minorities as amended by Act No. 318/2009 Coll., in new Act No. 532/2010 Coll. on Radio and Television of Slovakia and in other generally binding legal regulations. As stated above, several laws related to linguistic rights are currently being amended. The special status of the Slovak language as the State language of the Slovak Republic is guaranteed in article 6, paragraph 1 of the Constitution, which stipulates that the State language in the territory of the Slovak Republic is the Slovak language. Legislative protection of the State language is ensured mainly by means of the State language act. Public authorities take care of the State language by protecting the Slovak language as an important component of the national cultural heritage, strengthening the status of the Slovak language as the State language of the Slovak Republic, and ensuring its problem-free use in all areas of public life, where it plays the role of a uniform and universal means of communication.

The Venice Commission confirmed in its opinion that State authorities are perfectly entitled to promote the knowledge and use of the official language and to ensure its protection. As regards the case law of the European Court of Human Rights, Judgment 59894/00 of 11.9.2007 states: “In adopting the national language, the State undertakes, in principle, to guarantee its citizens the right to use that language both to impart and to receive information, without hindrance not only in their private lives, but also in their dealings with public authorities... In other words, implicit in the notion of an official language is the existence of certain subjective rights for the speakers of that language.” Consequently, it is possible to accept in most cases that a measure aimed at the protection and promotion of the State language amounts to the protection of “the rights and freedoms of others” pursuant to article 8, paragraph 2 of the Convention for the Protection of Human Rights and Fundamental Freedoms.

17. We state, with regard to paragraph 22, that besides the protection of the State language, which is the main purpose of the State language act, the act also regulates the relationship between the State language and the languages of national minorities in those areas of official communication that fall within the scope of the State language act and of separate regulations governing the use of minority languages. In the legal system of the Slovak Republic, the relationship between the State language and the languages of national minorities is regulated in a manner ensuring that the compulsory use of the State language does not preclude the use of the languages of national minorities and that persons belonging to national minorities in municipalities where they live in substantial numbers can use, besides the State language and as appropriate, their mother tongue in basic areas of official communication.

For instance, under the amendment to the State language law that is currently under deliberations by the National Council of the Slovak Republic, members of municipal police who are persons belonging to national minorities will be allowed to use their minority language in official and internal service communication in municipalities where their minority represents at least 20% of the population. The amended law will also allow communication in the languages of national minorities in healthcare and social care facilities where a staff member has the command of a minority language even in municipalities where the number of persons belonging to a national minority does not reach the 20-percent threshold.

18. Paragraph 23 states that the possibility of imposing fines “in relation to the use of minority languages is not compatible with the Framework Convention” and paragraph 124 notes that the Advisory Committee is “deeply concerned” by the fact that the State language act allows imposing fines “for using a minority language”. In our view, concerns expressed by the Advisory Committee in this connection are totally unfounded since the State language act does not allow imposing fines for using a minority language. This is clearly evident from the wording of section 9a on fines, according to which a fine may be imposed only for non-fulfilment of obligations laid down in the State language act. The Ministry of Culture could thus impose a fine only for the

failure to use the State language as required by the State language act, and even then not before the concerned entity has failed to respond to a written notice and request to remedy the situation from the Ministry of Culture. Simultaneous use or not of minority languages is not relevant under provisions related to sanctions, because the fines that can be levied under the State language act have no relationship whatsoever with the use or not of minority languages.

19. Paragraph 96 of the Advisory Committee's Opinion notes that the Broadcasting Council (hereinafter "the Council") is empowered to receive complaints about negative portrayal and stereotyping of national minorities in the electronic media and that the Advisory Committee received information according to which several complaints have been lodged with the Council for negative portrayal of the Roma and the Hungarian minorities in broadcasting media.

According to the provisions of section 4 of Act No. 308/2000 Coll. on broadcasting and retransmission and on amending and supplementing Act No. 195/2000 Coll. on telecommunications as amended, the Broadcasting Council oversees compliance with legal provisions governing broadcasting, retransmission and provision of audiovisual media services on demand, and carries out state administration in the area of broadcasting, retransmission and provision of audiovisual media services on demand within the scope of the Act. With regard to human dignity and protection of minorities pursuant to section 19 of the Act, audiovisual media services, programme services and their constituent parts may not interfere, through their presentation and content, with human dignity and fundamental rights and freedoms of others, promote violence and openly or covertly incite hatred, denigrate or defame persons on the grounds of gender, race, skin colour, language, faith or religion, political or other beliefs, national or social origin, or belonging to a national minority or ethnic group.

In the opinion submitted by the Council to the Ministry Culture on 26 February 2010 in connection with drafting the Report on the State of Implementation of Human Rights in the Slovak Republic in 2009, the Council dealt in 2009 with 8 complaints related to the portrayal of minorities and ethnic groups or of other specific groups of the population, 3 of which concerned national minorities (2 complaints were related to the Roma minority, 1 complaint to the Jewish minority). The Council found all complaints to be unjustified.

20. The Advisory Committee notes in paragraph 97 of its Opinion that the Press Council, a self-regulatory body for print media, is entitled to receive complaints for violations of the Code of Ethics of Journalists of 1990. However, the Code of Ethics does not contain any specific reference to minorities, nor does it incorporate any provision aimed at preventing the prejudice against persons belonging to minorities. The Advisory Committee welcomes the Press Council's decision to introduce provisions on the portrayal of national minorities in print media in the revised Code of Ethics.

On 5 November 2010, the 9th Congress of the Slovak Syndicate of Journalists adopted a new Code of Ethics that entered into effect on 1 January 2011. The aim of the Code of Ethics is to lay down binding rules of conduct for members of the Slovak Syndicate of Journalists and of other professional organisations, publishers, broadcasters, press agencies, providers of information service, Internet portals, editorial boards or individuals who decide to accede to the Code, and to serve as a guideline for other professional and amateur journalists, commentators, editors, cameramen, photographers, graphic artists, bloggers or other authors who take part in the creation of media content in television, radio, printed media or on the Internet, and to inform the public about the principles of journalistic work. According to the Code of Ethics, "A journalist shall not incite hatred or discrimination based on race, world outlook, religious belief, ethnic origin, age, social status, gender or sexual orientation. Information about a person's belonging to a minority shall be given only where such information is relevant in the context of the given material."

21. The Advisory Committee notes with satisfaction in paragraph 102 that there is a lively minority print and broadcast media scene in the Slovak Republic, both at the central and local levels. Moreover, the Advisory Committee notes that although State subsidies are awarded for publications produced by national minorities, as well as for the production and distribution of audiovisual programmes devoted to national minorities, including programmes in minority languages, many representatives of minorities consider that the subsidies allocated to minority print and broadcast media are insufficient. However, no subsidies are granted in the Slovak Republic for the broadcasting of commercial electronic media (irrespective of the language of broadcasting), as financial support is provided only for the production of programmes and audiovisual works.

Act No. 516/2008 Coll. on the Audiovisual Fund and on amending and supplementing certain other acts, which sets up the Audiovisual Fund as a public service institution for the promotion and development of audiovisual culture and industry, entered into effect on 1 January 2009. The main purpose of the Fund is to promote audiovisual culture and industry in the Slovak Republic, design the strategy and devise plans for the audiovisual field, and to accord co-production status in conformity with the European Convention on Cinematographic Co-Production.

In accordance with article 5, paragraph 2 of the Statute of the Audiovisual Fund, the Board of the Audiovisual Fund published a binding Structure of Support Activities for 2010, Programme 1 of which is devoted to the support for the development, creation and production of Slovak audiovisual works. Out of the total volume of financial resources allocated to support activities under the Audiovisual Fund in 2010, 85 % are allocated for Programme 1.

Programme 1 also includes support for the development and production of documentary audiovisual works dealing with the subjects of minorities and disadvantaged groups. Maximum amount of support for the development is 85 thousand Euros per project, and maximum amount of support for the production is 1.2 million Euros per project.

As of 1 December 2010, the numbers of periodical press titles published in minority languages in the Slovak Republic were as follows: 47 periodical press titles in the Hungarian language, 1 title in the Polish language, 3 titles in the Ruthenian language and 2 titles in the Ukrainian language, 5 titles in the German language and 3 titles in the Czech language. In addition to these titles, 60 periodical press titles are published in the Slovak-Hungarian combination, 29 titles in the Slovak-Czech combination, and 1 title each in the combination of Slovak with Ruthenian, Ukrainian, Roma and Bulgarian.

22. We state with regard to private television broadcasters (paragraph 107), that section 5, paragraph 1 of the State language act clearly stipulates that a broadcaster broadcasting in other than the State language may either use subtitles or may (by his own decision) broadcast the entire programme in the State language instead of using subtitles. The option of broadcasting the entire programme in the State language is intended to meet the needs of broadcasters who possess both language versions of the programme (i.e. the State language and the minority language versions) and who thus do not have to subtitle the programme in the State language.

The Opinion presents the views of the representatives of the Hungarian minority concerning the legal obligation imposed on local and regional television broadcasters, including private ones, to re-broadcast minority language programmes in the State language which, in their view, has had a negative impact on the development of such programmes, and states that the costs of programmes in minority languages are reportedly around 30% higher than those made in the Slovak language only. It goes on noting that “licenses are attributed to minority media on the basis of their capacity to re-broadcast minority programmes in the State language.” The Advisory Committee also considers that further efforts are needed to support television programmes in minority languages, including at the local level.

With regard to television programmes in minority languages and attributing licences for television broadcasting:

According to section 5 of Act No. 270/1995 Coll. on the State language as amended, radio programme service and television programme service in the territory of the Slovak Republic are broadcast in the State language. Exceptions to this rule are, among others, foreign-language television programmes subtitled in the State language or immediately re-broadcast in the State language, and live transmissions with simultaneous interpretation into the State language in case of foreign-language programmes. It follows from the above that the broadcaster of a minority language programme may subtitle the programme and does not need to produce a separate programme in the State language. No provision of Act No. 308/2000 Coll. on broadcasting and retransmission and on amending and supplementing Act No. 195/2000 Coll. on telecommunications as amended makes the attribution of a licence for radio or television broadcasting conditional on the ability to broadcast programmes in the State language. According to section 47 of the Act, when the Broadcasting Council is deciding on awarding a licence, it must examine and consider such criteria as is the safeguarding of pluralism of information and media contents, transparency of ownership relations of licence applicants, transparency and credibility of financial resources for financing the broadcasting, balanced programme schedule proposed by licence applicants in relation to the existing offer of broadcasting programme services on the territory to be covered by the broadcasting, contribution of licence applicants to the broadcasting and production of programmes in general interest; it must also take care not to allow licence applicants to obtain a dominant position on the relevant market, to ensure adequate property stake of Slovak persons and their representation in company bodies if the licence applicant is a legal person – foreign joint venture.

With regard to the support for television programmes in minority languages:

No subsidies are granted in the Slovak Republic for the broadcasting of commercial electronic media (irrespective of the language of broadcasting), and financial support is provided only for the production of programmes and audiovisual works. Comments concerning the support for audiovisual works and programmes are given above – with regard to paragraph 102 of the Opinion.

23. In paragraph 110 of its Opinion, the Advisory Committee notes that “the Broadcasting Council is entrusted with the monitoring of the implementation of the use of the State language in the broadcast media. In this respect, the Broadcasting Council is empowered to impose fines ranging from 99 to 6,638 Euros for infringements of legal provisions in this domain. The Advisory Committee is concerned that there are no clear guidelines on the application of sanctions, which may open the door to abuse.” The provisions of section 5 of Act No. 270/1995 Coll. on the State language as amended, which define the requirements for the use of the State language and the languages of national minorities, are unequivocal, clear, and intelligible, and there had and has been no need to issue the guidelines on their application; neither do they create the possibility of abuse. In this regard, Act No. 308/2000 Coll. on broadcasting and retransmission and on amending Act No. 195/2000 Coll. on telecommunications as amended lays down the detailed procedure of imposing sanctions and also the amount of sanctions for the breach of obligations in the use of the State language.

24. In paragraph 114, the Advisory Committee states that it considers it important that clear guidelines on the application of fines in the media sector are put in place and a mechanism is set up to monitor their implementation in practice. It is not clear from this Advisory Committee’s observation which part of the “media sector” it has in mind. Clear and precise rules for the area of broadcasting, audiovisual media services on demand and retransmission are laid down in Act No. 308/2000 Coll. on broadcasting and retransmission and on amending Act No. 195/2000 Coll. on telecommunications as amended; a clear and precise mechanism of imposing fines for the

breach of obligations in the area of periodical press and press agencies is set out in Act No. 167/2008 Coll. on periodicals and agency news service and on amending and supplementing certain other laws (the press act). The competence for the imposition of sanctions is vested with relevant supervisory authorities; contentious cases are decided by court.

25. Regarding paragraph 117, the latest information is that under the currently considered amendment to the State language act, it will be possible to impose sanctions only in those cases where information provided by public administration bodies and information relating to endangerment of life, health, security or property of the citizens of the Slovak Republic is not published in the State language, and that the maximum and minimum amounts of fines were considerably reduced.

26. With regard to paragraph 20, we present statistical information from the Institute of Information and Prognoses of Education which shows that, in spite of the still persisting problem of placement of Roma children in special schools, a progress has nevertheless been achieved in their integration into majority schools. The Slovak Government is aware of the problem and takes steps to addressing it.

Year	Special primary schools (SPS)		Special classes at primary schools (SC PS)		Total SPS and SC PC		Individual ly integrated at PS
	Total number of pupils	Number of Roma nationality pupils	Total number of pupils	Number of Roma nationality pupils	Total number of pupils	Number of Roma nationality pupils	
2001	17,356	2,462	2,294	424	19,650	2,886	1,613
2002	17,117	1,865	2,758	305	19,875	2,170	1,519
2003	16,654	1,712	3,216	289	19,870	2,001	2,212
2004	16,621	1,470	3,756	133	20,377	1,603	3,298
2005	16,474	1,287	4,459	142	20,933	1,429	3,559
2006	16,509	1,006	4,820	90	21,329	1,096	3,816
2007	16,733	857	5,273	233	22,006	1,090	3,804
2008	16,336	878	5,915	142	22,251	1,020	3,762
2009	16,192	1,005	6,236	207	22,428	1,212	3,797

27. We state with regard to paragraph 25 that schools providing instruction in the Slovak language, which are also attended by Hungarian national minority children, can adequately provide also for the teaching of the Hungarian language through school teaching programmes that fall under the competence of the school and its founder, without requiring approval by the Ministry of Education.

Conclusion

The Slovak Republic welcomes the constructive dialogue with the Advisory Committee and appreciates the expertise of the Committee. The results of the third monitoring cycle of the implementation of the commitments of the Slovak Republic will also be presented at a follow-up seminar which the Slovak Republic plans to organise after the conclusion of the present round of monitoring.