

# ECRI

European Commission against Racism and Intolerance  
Commission européenne contre le racisme et l'intolérance

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## European Commission against Racism and Intolerance

### Third report on Slovakia

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## **Foreword**

*The European Commission against Racism and Intolerance (ECRI) was established by the Council of Europe. It is an independent human rights monitoring body specialised in questions relating to racism and intolerance. It is composed of independent and impartial members, who are appointed on the basis of their moral authority and recognised expertise in dealing with racism, xenophobia, antisemitism and intolerance.*

*One of the pillars of ECRI's work programme is its country-by-country approach, whereby it analyses the situation as regards racism and intolerance in each of the member States of the Council of Europe and makes suggestions and proposals as to how to tackle the problems identified.*

*The country-by-country approach deals with all member States of the Council of Europe on an equal footing. The work is taking place in 4/5 year cycles, covering 9/10 countries per year. The reports of the first round were completed at the end of 1998 and those of the second round at the end of the year 2002. Work on the third round reports started in January 2003.*

*The third round reports focus on "implementation". They examine if ECRI's main recommendations from previous reports have been followed and implemented, and if so, with what degree of success and effectiveness. The third round reports deal also with "specific issues", chosen according to the different situations in the various countries, and examined in more depth in each report.*

*The working methods for the preparation of the reports involve documentary analyses, a contact visit in the country concerned, and then a confidential dialogue with the national authorities.*

*ECRI's reports are not the result of inquiries or testimonial evidences. They are analyses based on a great deal of information gathered from a wide variety of sources. Documentary studies are based on an important number of national and international written sources. The in situ visit allows for meeting directly the concerned circles (governmental and non-governmental) with a view to gathering detailed information. The process of confidential dialogue with the national authorities allows the latter to propose, if they consider it necessary, amendments to the draft report, with a view to correcting any possible factual errors which the report might contain. At the end of the dialogue, the national authorities may request, if they so wish, that their viewpoints be appended to the final report of ECRI.*

***The following report was drawn up by ECRI under its own and full responsibility. It covers the situation as of 27 June 2003 and any development subsequent to this date is not covered in the following analysis nor taken into account in the conclusions and proposal made by ECRI.***

### ***Executive summary***

Since the publication of ECRI's second report on Slovakia in June 2000, progress has been made in a number of the fields highlighted in the report.

An Action Plan for the Prevention of Discrimination, Racism, Xenophobia, Anti-Semitism and Intolerance was put in place for the years 2000-2001 and extended to 2002-2003.

Criminal provisions to combat racism have been extended, while the problem of racially-motivated crime has been the subject of different initiatives on the part of the authorities. A draft anti-discrimination law has been prepared and the Office of Ombudsman set up. Different projects have been implemented in various fields of life to address the problems faced by the Roma minority, including a number of successful initiatives such as the appointment of Roma assistants in some classes.

However, progress made in dealing with the problems of racism, intolerance and discrimination remains limited in many respects. Racially-motivated violence, including serious acts of police brutality, continues and too frequently meets with impunity, due to an insufficient application of the law. The Roma minority remains severely disadvantaged in most areas of life, particularly in the fields of housing, employment and education. Various strategies and measures to address these problems have not led to real, widespread and sustainable improvements, and the stated political, priority given to this issue has not been translated into adequate resources or a concerted interest and commitment on the part of all the administrative sectors involved. Public opinion towards the Roma minority remains generally negative.

In this report, ECRI recommends that the Slovak authorities take further action in a number of fields. It calls, *inter alia*, for a strengthened implementation of criminal law provisions against racism and the rapid adoption and introduction of the draft anti-discrimination law. ECRI recommends a stronger response to incidents of police mistreatment of members of minority groups. It stresses that the stated political will to tackle the problems faced by the Roma community must be translated into concrete, widespread and sustainable improvements, notably in the fields of education, housing and employment, with a genuine involvement of the Roma community itself. In this respect, the new policy orientation involving the introduction of special equalising measures to permit the Roma to participate on an equal footing with other members of society, should be put into practice, accompanied by intensified awareness raising among society to encourage its commitment to such an approach.

Finally, ECRI calls for a full, transparent and impartial investigation into the recent allegations concerning sterilisations of Roma women without their full and informed consent.

## I. FOLLOW-UP TO ECRI'S SECOND REPORT

### International legal instruments

1. In its second report on Slovakia, ECRI recommended that Slovakia ratify the Revised Social Charter and the European Charter for Regional or Minority Languages. It recommended the signature and ratification of the European Convention on the Legal Status of Migrant Workers and the Convention on the Participation of Foreigners in Public Life at Local Level.
2. ECRI is pleased to learn that Slovakia ratified the European Charter for Regional or Minority Languages in September 2001; the Charter entered into force in Slovakia on 1 January 2002. The authorities identified nine languages which would be covered by the provisions of the Charter. It is reported, however, that as regards the Romany language, which is one of the languages identified, implementation of the Charter is proving difficult (see below, paragraphs 8 and 51).
3. Slovakia has not yet ratified the Revised Social Charter or Protocol No 12 to the European Convention on Human Rights, nor has it signed or ratified the European Convention on the Legal Status of Migrant Workers, the Convention on the Participation of Foreigners in Public Life at Local Level, or the Additional Protocol to the Convention on Cybercrime concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems.

#### ***Recommendations:***

4. ECRI reiterates its recommendation that Slovakia ratify without delay the Revised Social Charter, the European Convention on the Legal Status of Migrant Workers and the Convention on the Participation of Foreigners in Public Life at Local Level.
5. ECRI furthermore urges Slovakia to ratify Protocol No 12 to the European Convention on Human Rights, and to sign and ratify the Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist or xenophobic nature committed through computer systems.

### Constitutional provisions and other basic provisions

#### - ***Law on the Use of National Minority Languages***

6. In its second report on Slovakia, ECRI recommended that the full implementation of the Law on the Use of National Minority Languages, which came into force in September 1999, be ensured. It also encouraged the Slovakian authorities to continue to work on the issue of the use of minority languages in various fields of life.
7. The Slovak Republic is currently preparing its first report on the implementation of the European Charter of Regional or Minority Languages in the Slovak Republic.

8. As regards the Law on the Use of National Minority Languages, some minority groups - particularly the Hungarian minority - are making use of the possibility of using their own language in contacts with the district administrations in which they form at least 20% of the population. However, as regards the Roma minority, the Law is underused. One barrier to its implementation is that the official figures for persons who have identified themselves as Roma in the last census widely under-estimate the real size of the Roma population; another is that the Romany language exists in a number of dialects in Slovakia, is not codified and is not spoken by all Roma.

#### **Recommendations:**

9. ECRI recommends that further steps be taken to ensure that the Law on the Use of Minority Languages is implemented for all minority groups wishing to use their mother tongue in their contacts with the authorities. It urges the authorities to take the necessary legislative and other steps to allow for the full implementation of the European Charter for Regional or Minority Languages.

#### **Criminal law provisions**

10. In its second report on Slovakia, ECRI recommended measures to ensure the full implementation of criminal law provisions in the field of combating racism and discrimination. ECRI specified that such action should include clear guidelines and instructions to police and the prosecuting authorities and a public commitment from the authorities to tackling the problems of racism and intolerance. Moreover, ECRI called for intensified training in the field of combating racism and intolerance for police officers and for officials working in other branches of the criminal justice system, such as the prosecuting authorities and judges. ECRI also recommended awareness-raising measures concerning the legislation in force among the general public and measures to improve the confidence of victims and potential witnesses in the criminal justice system. Finally, ECRI specified that the authorities should put in place a system of collection and publication of accurate data and statistics on the number and outcome of racist and xenophobic offences that are reported to the police.
11. Since the publication of ECRI's last report, some changes have been introduced into the provisions of the Criminal Code relating to racism and xenophobia. In particular, a new ground has been introduced under Article 196 which punishes the use of violence against an inhabitant or group because of race, nationality, political convictions or religion: now the ground of "belonging to an ethnic group" is also included under this Article. This addition was included to ensure that attacks against Roma would be taken into account as racially-motivated by the courts, as some judges had previously considered that Roma, as a part of the Slovak population, were not covered by the provision. Furthermore, an amendment to Section 261 of the Criminal Code added the possibility to prosecute public negation, doubts, acceptance or justification of fascist crimes or other similar movements. Finally, amendment no 421/2002 Coll. added in section 89 the possibility of prosecuting criminal offences perpetrated through the Internet.
12. A new draft Criminal Code is currently under preparation, and ECRI notes that the provisions of this draft Code concerning racist offences are comparable to



those already contained in the existing Code. It is expected that the new Criminal Code will be submitted to the National Council at the end of 2003 and will enter into force in the first half of 2005.

13. Some steps have been taken to try to improve the implementation of criminal law provisions against racism. A Commission for Racially-Motivated Crime was set up in 2001 composed of members of the Presidium of the Police Force and NGOs. This Commission has taken a number of initiatives, including the preparation of a methodological manual for police officers containing guidelines on dealing with racist crimes. The Commission also has the power to request that it be kept informed of progress on relevant investigations and can ask police officers to appear before it. The authorities have stated that specialised investigators have been appointed at regional police force investigation units to focus on racially-motivated crime. However, in a force of around 22 000 police officers nationally, only 10 have been allocated to deal exclusively with the problem of racially-motivated crime.
14. Some efforts have been made to recruit Roma into the police force in order to improve relations between the police and this minority group, although numbers of Roma police remain low, with an estimated 20 Roma in the national police force and around 50 within municipal police forces. One difficulty faced by Roma in entering the police academy is the requirement that secondary education has been successfully completed, since the large majority of Roma do not complete secondary education.
15. As regards officials working in other areas of the criminal justice system, it appears that training sessions on issues of racism and discrimination have been organised for judges and candidate judges, in co-operation with international organisations and NGOs. The Prosecutor General has also instructed all prosecutions throughout the country to appoint one prosecutor at district and regional level with responsibility for matters relating to racially-motivated crime: ECRI has not received information on whether this instruction has been implemented.
16. Despite these and other measures taken, the implementation of criminal law provisions to combat racism remains problematic. ECRI notes that governmental statistics show that the number of persons convicted of racially-motivated crimes has decreased over the period 1996-2001. At the same time, numerous sources continue to report acts of violence, committed mainly against members of the Roma minority but also against members of other groups, on the part of skinheads and others, and, most alarmingly, on the part of police officers. It is widely-reported that the number of cases brought, and the small number of successful outcomes in court, is greatly under-representative of the real scale of racist crime in the country today.
17. There is visible and active participation in the skinhead movement in Slovakia: although it is reported that the movement is less organised than in some other countries, it is estimated that there are around 2 – 3 000 active members of white power organisations and more passive support among some segments of youth. The problem of racially-motivated attacks on the part of skinheads against members of the Roma community and also other visible minority groups, such as immigrants and asylum seekers, is an on-going matter for concern. Antisemitic propaganda is also disseminated by adherents of the skinhead movement. The police have made efforts to monitor the activities of

the skinhead movement, to prevent the holding of events, and to identify the persons involved.

18. One barrier to the implementation of legislation is apparently an almost total lack of access – for financial reasons - to appropriate legal assistance on the part of many victims. It seems that even though criminal cases are brought by the public prosecutor's office, the assistance of an attorney is invaluable for a successful outcome of such cases. Furthermore, the difficulty in proving racist motivation, compounded by a reluctance on the part of judges to find for racially-motivated crimes due to the harsher sentences involved, have been cited as explanatory factors for the scarcity of successful court cases in this field. It has also been noted that society in general is not particularly concerned by the issue of racist crime, and that the attitudes of the police when receiving and investigating complaints tend to reflect this societal disinterest.

#### **Recommendations:**

19. ECRI is of the opinion that further steps are needed in order to increase the effectiveness of criminal law protection against racist crimes. In particular, it urges the Slovakian authorities to ensure that the stated political will of the authorities to tackle racist violence is translated into real changes in practices on the part of the officials responsible for applying the law: police, prosecutors and judges.
20. ECRI recommends that further human and financial resources should be allocated to ensure that the investigation and prosecution of racist crimes is carried out in a thorough and systematic fashion: the designation of police officers and prosecutors with particular training and competence in this field, throughout the country, is a good practice which should be developed.
21. ECRI also recommends that victims of racist crime should be afforded wider access to free legal assistance.
22. The recruitment of members of minority groups, particularly the Roma minority, among officials responsible for law enforcement, and particularly as police officers, should also be given further impetus, and ways of overcoming barriers to the recruitment of Roma in the police academy should be identified, such as measures to permit Roma to reach the necessary educational level.
23. ECRI considers that the authorities should continue to closely monitor and combat the activities of the skinhead movement in Slovakia, and to ensure that persons involved in illegal activities in this context are brought to justice, particularly when racially-motivated crimes against other persons are committed.

#### **Civil and administrative law provisions**

24. In its second report on Slovakia, ECRI recommended that the authorities take further steps to ensure the implementation of the relevant provisions to combat discrimination in the labour market. It also called on the Slovak authorities to prepare and adopt a comprehensive body of legislation covering racism and

discrimination in different fields of life, including housing, education, access to public services etc.

25. The new Labour Code, which came into force on 1 April 2002, prohibits discrimination in its Section 13, which covers important areas such as direct and indirect discrimination, the sharing of the burden of proof, and acts of discrimination at all stages of the employment process, including recruitment policy.
26. A draft anti-discrimination law has been under preparation for some time but at the time of writing of this report had not yet been passed by Parliament, due to the opposition of one of the government coalition parties to the inclusion of the ground of sexual orientation in this law. Opinions also diverged during the preparation of the law as to the necessity of introducing a single new law as opposed to simply revising existing laws which protect against discrimination in various fields.

#### **Recommendations:**

27. ECRI again stresses the importance of ensuring that a comprehensive and clear legal framework against discrimination exists, and notes that civil and administrative law often provides the most accessible means of recourse for victims of discrimination. It therefore urges the Slovak authorities to ensure that the draft anti-discrimination law is passed without further delay.
28. ECRI hopes that the authorities will closely monitor the implementation of the anti-discrimination provision in the Labour Code, and take additional measures to raise awareness among employers and workers concerning this additional protection.

#### **Specialised bodies and other institutions**

29. In its second report, ECRI recommended that Slovakia set up a specialised body to combat racism and intolerance. It also called upon the Slovak authorities to ensure that the office of the Plenipotentiary of the Government of the Slovak Republic for Roma Communities, set up in March 1999, is given the necessary powers and resources to fulfil its task.
30. The authorities have informed ECRI that it is foreseen that the existing National Centre for Human Rights could be the body responsible for overseeing the draft legislation on anti-discrimination currently under discussion once this comes into force (see paragraph 26 above), and that the Centre would be reviewed and restructured in order to create a fully independent body in accordance with the Paris Principles<sup>1</sup>.
31. The Office of Ombudsman was set up in March 2002. The competence of this body applies to the activities of state administration bodies and local self-government bodies. The Ombudsman can receive complaints from individuals or can act on his or her own initiative. The Office has reported that to date, it

<sup>1</sup> The "Paris Principles" are principles relating to the status of National Institutions, laid down in United Nations General Assembly Resolution 48/134 of 1993.

has not received any complaints relating to racism and discrimination, although such cases would fall within its competence if they concerned actions by the state administration or local self-government bodies. As noted in other parts of this report, ECRI considers that cases do occur in which state administration bodies or local self-government bodies may act in a discriminatory manner towards members of certain minority groups.

32. The Office of the Plenipotentiary of the Government of the Slovak Republic for Roma Communities (hereafter: "the Plenipotentiary") has started to play an important role in co-ordinating governmental policy and initiatives to tackle the problems faced by the Roma community in Slovakia, and in setting priorities in this field. In particular, the Plenipotentiary has prepared a new position document ("Basic Positions of Slovak Government's Roma Communities Integration Policy"), approved by the Cabinet in April 2003, which details the concrete measures which should be taken as a priority in order to translate the stated political will to improve the situation of the Roma into reality (see paragraph 114 below).
33. However, the role of the Plenipotentiary is currently hampered by a lack of adequate funding for the office: ECRI regrets that World Bank funding for a number of staff members, which terminated at the end of 2002, has not been replaced with funding from the State budget, which has meant that the Plenipotentiary is currently having to function with an extremely limited staff. There have also been calls for a strengthening of the legal status and powers of the Office of the Plenipotentiary, notably by ensuring the continuity of this Office by establishing it in law. ECRI is pleased to learn in this context that plans are now underway to increase the staff levels in the Office of the Plenipotentiary and that a draft proposal on the strengthening of the legal status and powers of this body is in the process of adoption.

#### ***Recommendations:***

34. As foreseen in the draft legislation on anti-discrimination, ECRI recommends that a specialised body to combat racism and discrimination be set up as quickly as possible, and calls attention in this context to its General Policy Recommendation No 7 on national legislation to combat racism and racial discrimination, which advocates the setting up of such bodies, and its General Policy Recommendation No 2 on specialised bodies to combat racism, xenophobia, antisemitism and intolerance at national level, which provides guidelines concerning the organisation, responsibilities and functions of such bodies.
35. ECRI recommends that the Office of the Ombudsman accord special attention to the possible racist or discriminatory aspects of complaints and cases brought to its notice. In ECRI's opinion, such racist and discriminatory aspects are not always immediately apparent, even to the victim, and therefore particular training for staff in the Ombudsman's Office in the different ways in which racism and discrimination may manifest themselves would be most opportune.
36. ECRI furthermore urges the authorities to provide the Office of the Plenipotentiary of the Government of the Slovak Republic for Roma Communities with the necessary budgetary allocations to work effectively, and to strengthen and clarify the powers and functions attributed to this body.

## Education and awareness-raising

37. In its second report, ECRI recommended that the Slovak authorities introduce teaching on issues of racism and discrimination into the school curriculum, perhaps drawing inspiration from educational initiatives undertaken by various non-governmental organisations. It also recommended the introduction of specific training for teachers in dealing with and presenting this subject.
38. ECRI recommended that the Slovak authorities ensure that the order to withdraw the controversial history teaching book, “History of Slovakia and the Slovaks” be implemented in all schools<sup>2</sup>.
39. The authorities report that human rights are included in the school curriculum from the elementary level onwards. At the first elementary level, there is no specific subject in which this area is taught but rather human rights aspects are, according to the authorities, transversally included in all other subjects, while at the higher primary level and secondary level they are included in specific subjects (such as “civics and ethics”). Teaching on multiculturalism and anti-discrimination are included in this teaching, while information concerning the history and culture of minority groups is included in other subjects such as history, geography, music and art. Teacher training – both in initial training and in professional up-grading courses – also includes material on human rights and issues of racism and discrimination.
40. As the introduction of such subjects has taken place over the last ten years, there has not to date been a specific evaluation of their results, although assessments of the situation from some international bodies have indicated that human rights teaching in Slovakia is not yet at a satisfactory level. Some non-governmental organisations have noted that teaching on issues of racism and discrimination - which apparently are foreseen in the curriculum in a single one-hour lesson in the school year - are not sufficient. It has also been noted that in order to counter prejudice against the Roma minority there should be more specific teaching provided on the culture and history of the Roma minority.
41. It appears that although the book “History of Slovakia and the Slovaks” is not included on the list of teaching material recommended by the Ministry of Education, copies of this book may still be kept in school libraries and could be used by teachers as additional material at their own discretion.

### **Recommendations:**

42. ECRI recommends that human rights teaching in schools, and especially the way in which issues relating to racism and discrimination are taught, be evaluated on an on-going basis in order to ensure that the best possible methodology is in place, and that all schools are providing a satisfactory standard of teaching in this area. It also stresses the importance of relating teaching on racism and intolerance to the situation of minority groups living in Slovakia.

<sup>2</sup> This book had been widely-criticised by religious groups for providing a distorted justification of Slovakia’s wartime treatment and deportation of members of the Jewish and Roma communities.

43. ECRI furthermore feels that care should be taken in order to review all books and other material available in schools, particularly history teaching manuals, to ensure that they are in conformity with current best practice as regards the avoidance of stereotypes and prejudices.

## Police

44. In its second report on Slovakia, ECRI recommended that steps should be taken to investigate all alleged mispractices and mistreatment on the part of the police towards minority groups, particularly Roma/Gypsies, and to ensure that offenders be punished. It recommended that such investigations should be carried out by an independent investigatory body.
45. ECRI recommended that measures should be taken to encourage and assist victims of police mistreatment to come forward with complaints. ECRI recommended the appointment of mediators from minority groups and the increased recruitment of police officers from these groups as measures to improve the confidence of minority groups in the police force.
46. ECRI recommended that the authorities look into and take action against police practices which may discriminate against visible minorities, such as more frequent checks of the identity documents of Roma compared to the rest of the population.
47. Some steps have been taken to address the problem of police violence and mistreatment towards members of minority groups, especially Roma. Such steps include the setting-up of the Commission for Racially-Motivated Crime within the police Presidium (see paragraph 13 above), which is also looking into incidents of police violence and considering ways of improving attitudes within the police force towards minority groups, particularly the Roma. Some initiatives have also been taken to try to improve the representation of the Roma minority within the police force, although, as mentioned above, these initiatives have met with some difficulties. One interesting project has been the creation of “citizen’s watches” in some localities, where grants have enabled Roma to be employed to carry out a number of community and public order tasks within local communities: such schemes have apparently also provided a “bridge” between the police and local communities and have improved relations.
48. However, ECRI deplores that incidents of police mistreatment and violence against members of the Roma minority – including incidents leading to deaths in police custody - continue to occur. Although some investigations have been carried out and at least one criminal case brought<sup>3</sup>, it does not appear that perpetrators have been brought to justice. At present no independent investigatory mechanism such as envisaged by ECRI exists to look into allegations of police mistreatment.

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<sup>3</sup> Seven police officers were arrested and charged in connection with the death of Karol Sendrei, who was reportedly tied to a radiator at the police station and beaten in July 2001; however, no sentences have as yet been passed.

**Recommendations:**

49. ECRI recommends that further measures be taken to put an end to incidents of police misbehaviour and mistreatment towards members of minority groups, in particular Roma. In particular, it stresses the importance of setting up an independent investigatory mechanism which can carry out enquiries into allegations of police misconduct and where necessary ensure that the alleged perpetrators are brought to justice. ECRI stresses that cases of police violence which are brought to court should be dealt with as rapidly as possible, in order to transmit the message to society that such behaviour on the part of the police is not tolerated and will be punished.

**Access to education**

50. In its second report on Slovakia, ECRI recommended that the Slovak authorities continue their efforts to ensure that the right of national minorities to education in their mother tongue is secured in practice.
51. ECRI has not been made aware of major problems concerning the right of most national minorities to education in their mother tongue. However, problems exist in the implementation of this right for Roma children. As mentioned previously (see paragraph 8), one problem is the fact that different Romany dialects are spoken in Slovakia and the language is not yet fully codified; there is also a lack of teachers and textbooks. It is also unclear to what extent Roma families have been made aware by their local schools of their right to request education in the Romany language. A positive development is the preparation of some textbooks in Romany and the recruitment of Roma assistants in schools: these assistants have been granted exemption until 2010 from the requirement of a university qualification in order to work as educational staff.

**Recommendations:**

52. ECRI recommends that further measures be taken to promote the right to education in their mother tongue for Roma children. In particular, it considers that the system of Roma assistants in classes, which has proved successful, should be further expanded and developed, and that encouragement should be given to Roma to qualify as teachers.

**Roma/Gypsy community****- Employment**

53. In its second report on Slovakia, ECRI recommended more concerted and long-term efforts to improve the employment situation of Roma/Gypsies, including the effective implementation of relevant legislative provisions against discrimination in employment, and a range of policy measures such as increased access of Roma/Gypsies to education and to specific training programmes to qualify them for entry in various areas of employment.

54. The promotion of equal opportunities in employment is contained in the National Action Plan for Employment, and some schemes have been put in place to promote employment among the Roma community, such as the provision of “public benefit jobs”, attempts to improve the general economic climate in disadvantaged regions, and specific projects such as the training of members of the Roma minority as “field social workers”. Nevertheless, the employment situation of Roma remains extremely difficult, with around 80% unemployment among Roma across the country and in some settlements up to 100% unemployment. Roma women face particular difficulties in finding employment, affected by double discrimination on the basis of their gender and their ethnic origin. It has been commented by non-governmental organisations that not enough has been done to deal with long-term unemployment nor to tackle the problem of discrimination in the labour market.

***Recommendations:***

55. ECRI recommends that further efforts be made to improve the employment situation of the Roma community. It considers that, given the long-term and endemic nature of disadvantage on the labour market for Roma, special measures to place them in a position in which they can compete on an equal footing with members of the majority population in the employment market are necessary.
56. ECRI also stresses the need to ensure that the new provisions in the Labour Code prohibiting discrimination in employment are implemented, and that awareness-raising measures are carried out among employers and the population concerning these provisions.

***- Housing***

57. In its second report, ECRI recommended that the authorities take immediate action to ensure that practices aiming at segregating and isolating Roma/Gypsies in ghetto-like neighbourhoods cease.
58. ECRI is very concerned that the situation as regards housing for many Roma communities remains grave, with large numbers of Roma living in settlements lacking even the basic amenities such as water, sanitation and electricity. The conditions are so critical in some settlements that there is a real threat of health epidemics, while it seems clear that the families – and particularly children – living under such conditions cannot possibly hope to participate in society on an equal footing in other areas of life such as education and employment.
59. Indications that local communities remain hostile toward Roma settling in their villages continue, and it is reported by the non-governmental sector that active opposition to housing initiatives has proved a serious barrier to the effective use of internationally and State-funded projects in this area. Most concrete projects to carry out measures set out in the most recent Strategy for the Solution of the Problems of the Roma National Minority (hereafter: “the Strategy”) are still in the pilot phase, including urgent measures to construct social housing and improve infrastructure in the settlements. Moreover, it has been commented by the non-governmental sector that more efforts should be devoted to relocating Roma communities into the majority communities rather than improving settlements and building social housing, since this may actually perpetuate and increase segregation.



**Recommendations:**

60. ECRI recommends that urgent measures be taken to improve the housing situation of Roma, and particularly to ensure that Roma families who are currently living without access to even basic amenities are provided with a decent standard of housing and infrastructure.
61. ECRI also stresses the need to address the problem of segregation of Roma communities from the majority community, and the attitudes on the part of the majority community which have contributed to such segregation, and considers that the principle objective of housing policy should be to allow Roma communities to live as a part of majority communities.

**- Access to welfare, health and other services**

62. In its second report, ECRI recommended that the Slovak authorities investigate the situation as regards difficulties faced by Roma/Gypsies as a result of the system whereby a citizen's identity card is required in order to gain access to certain civil, political, social and economic rights, and to remedy any problems identified.
63. ECRI recommended moreover that the allocation of various forms of welfare benefits should be decided upon on an individual basis and in a non-discriminatory fashion.
64. The extent to which members of the Roma community are without identity cards is unclear. The authorities have stated that problems can exist in cases when persons move to other municipalities and then experience difficulty in obtaining registration of their permanent residence from the municipality to which they have moved. Persons living on land without property rights or housing rental agreements also experience problems in obtaining registration. The lack of permanent residence in a given municipality may lead to difficulties in obtaining social and welfare benefits and other services. A draft law was prepared in 1998 to solve the problem of identity cards: this law was passed by Parliament but its date of application has been postponed three times, as apparently it has needed to be amended in the light of reforms in the public administration service.
65. Recent changes to the way in which social benefits are allocated are said to have impacted particularly negatively on members of the Roma community. The new definitions of material hardship for "subjective" or "objective" reasons, with lower benefits allocated for "subjective" reasons, have meant that many Roma are now receiving lower levels of payment; moreover, it has been commented by the non-governmental sector that the definitions of these categories leave a wide margin of discretion for social workers and other officials, and thus may allow for discriminatory application of the regulation in force. The non-governmental sector has also reported that some social assistance offices have used the threat of stopping the payment of all benefits to deter Roma from pursuing legal cases against them with a view to securing their rights.

66. Access of Roma communities to health care remains problematic. Many settlements are located at some distance from health care facilities, while at the same time the poor conditions prevailing in such settlements mean that the health status of Roma communities is threatened. Discrimination in health care, including practices such as segregating Roma from other patients in hospitals, is also a problem.

**Recommendations:**

67. ECRI recommends that legislative or other measures should be taken to ensure that problems linked to the obtaining of residence and identity documents are resolved. It recommends that an early solution be found to the obstacle created by the uncertainty surrounding the rights to land on which Roma have settled, for example by granting such rights to the families in question.
68. ECRI recommends that an examination of the new system of allocation of welfare benefits be carried out, to assess the way in which it has impacted on different groups in society, and to ensure that it is applied in a fair, objective and non-discriminatory fashion.
69. ECRI recommends that measures be taken to ensure that Roma communities enjoy equal access to health care, including preventive health care such as vaccination programmes. ECRI also recommends awareness-raising and training among health care personnel to combat stereotypes and prejudices which can lead to discriminatory treatment of Roma patients.

- **Empowerment**

70. In its second report on Slovakia, ECRI recommended that the Slovak authorities focus on the need to empower the Roma/Gypsy community to play an active part in initiatives aimed at improving its position in society.
71. Some projects have been set up to improve the participation of Roma in initiatives involving their community. The appointment of Roma assistants in classrooms, the appointment of Roma as “citizen’s watches” in a few localities, and the intention to train Roma “field social workers” to work within Roma communities are particularly noteworthy. Other projects, such as the nomination of “Roma Advisors” at the level of regional State administrations, which was foreseen in the Strategy, have not yet been implemented throughout the country. A number of initiatives have been organised by Roma communities themselves: examples of such initiatives are the setting up of “independent social services” which carry out services to the community such as finding support families for Roma children and counselling services for addictions. Initiatives have also been taken by the non-governmental sector, for example to encourage Roma to stand for election as mayors.
72. At the same time, the participation of Roma in public affairs at the national level remains limited. No Roma political party has achieved representation in Parliament despite the large size of the community in question, while, with a few notable exceptions such as the Plenipotentiary, few Roma hold positions in governmental structures. Their representation in other important societal elites

such as the legal profession and judges is also extremely limited, although it is difficult to monitor such representation due to the prohibition of the collection of data based on ethnic origin.

73. As regards initiatives taken specifically to improve the position of the Roma, such as the Strategy, it has also been commented by the non-governmental sector that more needs to be done to ensure that Roma are consulted and involved in initiatives and projects involving them.

#### **Recommendations:**

74. ECRI recommends that further emphasis be placed on ensuring that the Roma community is involved at all stages of the planning and implementation of measures which concern them, at as local a level as possible. In particular, the preparation and appointment of persons who can act as mediators between Roma communities and the authorities could be most opportune. ECRI stresses the importance of encouraging projects and initiatives which emanate from the Roma community itself, through the on-going provision of funding and the widening of successful projects to other areas.

### **Immigration**

#### **- Asylum seekers and refugees**

75. Since the publication of ECRI's second report on Slovakia, some developments have occurred as regards asylum seekers and refugees. Numbers of asylum seekers arriving in Slovakia have increased; around two-thirds of these persons go on to other countries, while only around twenty persons per year are recognised as refugees and stay in the country.
76. The framework in place for dealing with asylum applications has recently been improved by giving district courts competence to act as the second instance body of appeal, rather than the Ministry of Interior, which has made the appeals procedure more independent. Training for the judges involved has been carried out by UNHCR and national NGOs.
77. No developed integration policy exists for recognised refugees, although some non-governmental organisations carry out small-scale efforts. Asylum seekers and refugees have been victim of racially-motivated attacks on a number of occasions.

#### **- Immigrants in an illegal situation**

78. Immigrants in an illegal situation are kept in two detention centres set up for this purpose. The maximum length of stay permitted in these centres has recently been extended from 30 days to 180 days. If persons in the detention centre claim asylum, they now remain in the centre rather than being transferred to the asylum reception centres as was previously the case: the Migration Board conducts its initial interviews within the detention centre and may apply an accelerated procedure. It has been reported by the non-governmental sector that the attitudes of staff in the detention centre are sometimes quite negative

towards the persons detained therein, and that staff of the Migration Board also display on occasion negative attitudes.

- **Trafficking in human beings**

79. A rise in trafficking of women and children through and out of the country has been reported, particularly affecting the Roma community. Alarming, there have been reports that high-interest money-lending to Roma has led to the practice of selling family members in return for debt forgiveness, which in turn has increased trafficking of Roma women. The Criminal Code contains provisions on trafficking in human beings, inter alia for sexual purposes, and there have been a number of convictions for human trafficking in recent years.

**Recommendations:**

80. ECRI recommends that further training and awareness-raising efforts be carried out among officials coming into contact with asylum seekers and other immigrants, including staff in detention centres and staff of the Migration Office. It particularly stresses the need to continue to train judges in district courts, who will now be dealing with appeal cases.
81. ECRI also recommends that the authorities put in place an integration strategy for recognised refugees, including language training, and assistance in finding housing and work.
82. ECRI recommends that further measures be taken to combat the problem of trafficking of women and children, especially including measures to curb usury affecting Roma communities and preventive and awareness-raising measures among the Roma/Gypsy community concerning this issue.

**Monitoring the situation**

83. In its second report, ECRI recommended that the Slovak authorities consider ways of monitoring the situation of the various minority groups in Slovakia, with due respect to the principles of the protection of data and of privacy, and based on a system of voluntary self-identification. ECRI also recommended that the Slovak authorities set up a system of data collection to record incidents of violence and discrimination perpetrated against members of minority groups.
84. The existence of legislation prohibiting the collection of data broken down according to ethnic origin is cited as the main reason behind the lack of concrete information which would enable the authorities to monitor the situation of various minority groups. Conversely, despite this legislation, there are allegations that certain administrations – such as some hospitals, the police and employment offices – do record the supposed ethnic origin of persons with whom they are dealing, presumably based on the assumptions of the officials dealing with the public, although these allegations are refuted by the authorities.
85. Another problem related to the collection of data is that the numbers of Roma who identify themselves as such in censi is acknowledged to largely underestimate the actual size of this population – thus in the last census in 2001 under 90 000 persons identified themselves as Roma whereas the real size of

this group is generally estimated to stand at at least 500 000 persons. This underestimation has a negative effect on the resources allocated to this group, as various minority rights are linked to the size of the population in question.

#### **Recommendations:**

86. ECRI recommends that ways be identified to measure the position of minority groups in different fields of life, stressing that such monitoring is crucial in assessing the impact and success of policies put in place to improve the situation. The monitoring should take into consideration the gender dimension, particularly from the viewpoint of possible double or multiple discrimination. It should be carried out with due respect to the principles of data protection and of privacy and should be based on a system of voluntary self-identification, with a clear explanation of the reasons for which information is collected. At the same time, an end should be put to any “informal” systems which may be in place in various administrative sectors by which persons are involuntarily identified and recorded as belonging to particular minority groups.
87. ECRI recommends that steps should be taken to monitor incidents of racist crimes and their outcome in a more systematic fashion.

#### **General climate of opinion**

88. In its second report on Slovakia, ECRI recommended specific training for officials responsible for policy implementation at all levels and in all fields, with the aim of raising awareness of the problems of racism and discrimination and providing guidance on how to tackle these issues. It also recommended awareness-raising among the Slovak population of the existence of racism and discrimination within Slovak society.
89. The Slovakian authorities adopted an Action Plan for the Prevention of All Forms of Discrimination, Racism, Xenophobia, Anti-Semitism and Intolerance for the years 2000-2001, and continued this Action Plan for 2002-2003, linking it to the follow-up foreseen for the World Conference against Racism which took place in Durban, South Africa in 2001. An important aspect of the Action Plan is awareness-raising among society and also among key groups of professionals, including police, judges, prosecutors, educational workers, prison officers and social service officials. However the Action Plan Progress Report of February 2003 noted that most of the training for concerned officials took the form of seminars and discussions, in which only a relatively small number of staff took part, due to financial and other reasons. Moreover, the authorities have been criticised for tending to rely too heavily on the non-governmental sector to carry out projects in the field of awareness-raising and anti-racism.
90. The Plenipotentiary of the Government of the Slovak Republic for Roma Communities has organised some awareness-raising public campaigns, and has also initiated contacts with the media, with a view to improving representations of the Roma population in the public consciousness. However, stereotypes and prejudices continue to be widely-held among the public concerning the Roma population. Various public expressions of hostility towards this group continue to give ECRI cause for concern. Such expressions include, for example, attempts on the part of some local communities, led by local

political representatives, to prevent Roma from settling within their municipalities, or statements against Roma made by some politicians. Among officials, stereotypical representations of Roma as unable or unwilling to manage their own affairs successfully, including in the field of childcare, money management and hygiene, mean that paternalistic approaches to addressing the problems faced by Roma communities may persist. Media representations of Roma also continue to focus principally on negative aspects.

#### **Recommendations:**

91. ECRI recommends that more systematic and wide-spread awareness-raising and training in issues of racism and discrimination be carried out among professionals. In particular, measures should be taken to combat stereotypes and prejudices concerning the Roma community, which adversely affect both the philosophy and orientation of measures put in place to address their situation, and the ways in which officials treat members of this community.
92. ECRI also recommends that the authorities step-up their awareness-raising activities among the general public, particularly in connection with the implementation of the new approaches to furthering an integrated society (see below, Specific Issues).

## **II. NEW DEVELOPMENTS**

### **Allegations of sterilisations of Roma women without their full and informed consent**

93. ECRI is very concerned by reports which came to national and international attention at the beginning of 2003<sup>4</sup> claiming that Roma women have, in recent years and on an on-going basis, been subject to sterilisations in some hospitals in Eastern Slovakia without their full and informed consent. In the past, during the Communist period, an official policy existed according to which Roma women were offered financial incentives to undergo sterilisations. This policy was discontinued in 1989 after the fall of Communism, but, according to the report, the practice of sterilising Roma women without the necessary safeguards to ensure that they are fully aware of - and in agreement with - the implications of the procedure has continued in some hospitals. According to the report, some women have been asked to sign consent forms while under anaesthesia for caesarean sections, some have been told that the sterilisation was necessary since further pregnancies would prove fatal for themselves or their babies, and some have been presented with consent forms for signature after the operation had taken place. A number of the cases mentioned in the report concerned the sterilisation of minors. The report also claims that some hospitals are practising segregation of Roma women in maternity care, for example by allocating them to separate rooms or by holding separate antenatal consultation sessions for Roma women.
94. After the publication of the above-mentioned report, the authorities opened different avenues of investigation which are underway at the time of writing.

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<sup>4</sup> "Body and Soul: Forced sterilisations and other assaults on Roma reproductive freedom in Slovakia", published by the Centre for Reproductive Rights, New York, and Poradňa, an NGO with a base in Eastern Slovakia

Since the beginning of these investigations, some steps have been taken to improve the methods used, for example by nominating female police officers responsible for collecting evidence rather than allocating this task to locally-based male police officers as was initially the case. It also appears that the initial investigation carried out in only one hospital by the Ministry of Health is being extended to other hospitals. The authorities have also made a public call for any women concerned to come forward to their local police stations. The procedures in place for regulating sterilisations are also under review with the aim of improving safeguards, for example by allowing for a 72 hour “reflection period” between consent and the operation.

95. However, a number of concerns have been raised by the authors of the report concerning the way in which the investigations have been carried out so far. They note, for example, that the only crime currently being investigated is that of genocide, which seems unlikely to lead to any prosecution; and that attention has been focused mainly on whether signed consent forms can be produced whereas the issue at stake is the extent to which women signed with full knowledge and consent of the procedure in question. It is further stated that the attitudes displayed by some police officers in questioning alleged victims have been extremely unhelpful and unlikely to encourage other women to come forward, while cases being brought by some women are being hindered by attempts to block access to hospital files for the lawyers representing the women. The possibility of bringing criminal proceedings against the authors of the report – either for spreading panic in society if the allegations are untrue or for not informing the authorities at an earlier stage and not providing more details if they are true – has also been publicly raised by the authorities. However, ECRI notes that, in May 2003, Representatives of the Office of the Prosecutor General stated that a criminal complaint has not been filed against report’s authors, that they would not be prosecuted and that they had only used their right to freedom of expression.

#### **Recommendations:**

96. ECRI is of the opinion that the possibility of sterilisations of Roma women without their full and informed consent necessitates immediate, extensive and thorough investigation. It seems clear to ECRI that in such investigations, attention should be focused not on whether a signed form can be produced, but on whether the women involved were fully informed of what they were signing and the actual implications of sterilisation. The extent to which best medical knowledge, practice and ethics have been applied in the advice given to women and procedures followed should also be closely examined. It would also be necessary to ascertain the extent to which Roma women and women from the majority community may have received differential treatment, both as regards the issue of sterilisation and in general access to health care during pregnancy and birth.
97. Given the public and serious nature of the reports concerning sterilisations of Roma women without their full and informed consent, it is necessary to ensure that the investigation is seen to be as impartial and transparent as possible: the involvement of international experts might be valuable in this respect. Particular care should be taken to ensure that women who may wish to come forward, or who have already done so, are treated with the utmost sensitivity and are in no way subjected to harassment or threats. In this context, ECRI considers that the possibility raised by the authorities that the authors of the report will face prosecution is likely to have a very negative effect on the confidence of possible victims in the justice system and

should therefore be publicly abandoned. Access to medical files and other relevant information for women and their legal representatives should be ensured. ECRI also feels that the charges which might possibly be brought in connection with the investigation should be left more open until a clearer picture of the situation has been obtained.

98. ECRI also recommends that, prior to and notwithstanding the outcome of the investigation, more adequate safeguards should be put in place to forestall any further problems or lack of certainty in this area. In fact, the authorities have acknowledged there remains at present, at the legal level, some anomalies between the law in force and specific regulations issued previously. Clear, detailed and coherent regulations and instructions should thus be issued immediately to ensure that all sterilisations are being carried out in accordance with best medical knowledge, practice and procedures, including the provision of full and comprehensible information to patients about the interventions proposed to them.

### **III. SPECIFIC ISSUES**

#### **Education of Roma/Gypsy children**

99. In its second report, ECRI recommended that the area of education of Roma/Gypsy children should be given immediate attention. It recommended that the practice of channelling Roma/Gypsy children into “special schools” be closely examined, and that it be ensured that the testing procedures used for entry into such schools are fair and fully evaluate the true capacities of each individual child. ECRI recommended that the Slovak authorities should vigorously combat all forms of school segregation towards Roma/Gypsy children. Steps should also be taken to raise awareness among Roma/Gypsy parents of the educational possibilities open to their children and the relevance of education for empowerment, in order to encourage them to play an active part in their children’s schooling at the earliest possible age.
100. ECRI moreover recommended that there should be increased possibilities for Roma/Gypsy children to study the Roma language in the early years of schooling.
101. ECRI recommended that steps be taken to ensure that Roma/Gypsy children enjoy the same opportunities in practice as majority children to succeed in secondary and further education.
102. The system of Roma assistants in some classes and “zero classes” intended to prepare Roma children for entry into school, have generally been viewed as positive steps forward.
103. However, ECRI is extremely concerned to learn that high proportions of Roma children are still being channelled into special schools and that in fact in some settlements, there is no other school available. In some areas, up to 80% of Roma children attend special schools. Moreover, Roma parents are not always fully-informed concerning the different educational possibilities open to their children and may therefore concur with decisions to send their children to special schools believing that it is in the best interests of their child. The authorities have acknowledged that the tests and criteria used to determine which children should attend special schools are not satisfactory and that



individual inspectors may be taking decisions which are not justified, and work is currently underway to devise new assessment techniques which are culturally-sensitive.

104. Prejudice and discrimination on the part of parents and teachers which may lead to Roma children being educated in segregated classes continues to pose a problem. The decentralisation of the school system has made it more difficult for control to be exerted from the central level on how schools are organised in the different regions.
105. Participation of Roma children in education beyond the basic level remains extremely limited, with extremely few Roma completing the secondary level or entering universities. As mentioned elsewhere in this report, the provision of teaching in the Romany language is also lacking in almost all schools.

#### **Recommendations:**

106. ECRI recommends that immediate steps should be taken to end the over-representation of Roma children in special schools, including the preparation and implementation of culturally-fair assessment measures, training for teachers and other persons involved in assessment to ensure that they are making correct decisions, the integration of Roma children currently in special schools into the mainstream school system, and the provision of other schools in settlements where only special schools exist.
107. ECRI recommends that further steps be taken to combat prejudice and discrimination in the school-setting, including specific training for headteachers and teachers, who should then be responsible for countering any hostility or prejudices among majority parents.
108. ECRI recommends that further measures should be taken to encourage the participation of Roma children in education at the secondary and tertiary level. Such measures should include financial provision to ensure that children from poorer families are able to continue their studies, and awareness-raising among Roma communities of the importance of education for their children, supported by the increased provision of positive role models such as Roma assistants in classes at various levels of the school system.

#### **Implementation of new approaches to furthering an integrated society**

109. Although different measures and strategies have been conceived over recent years to try to improve the situation of the Roma minority in Slovakia, ECRI deplores that a large proportion of the Roma community continue to be gravely disadvantaged in most key areas of life. As outlined elsewhere in this report, Roma are often confined to segregated settlements which lack the basic amenities for a decent life, with serious consequences for their health and their capacity to improve their situation in other areas. Roma children continue to suffer enormous disadvantage in education, while most Roma are unable to integrate the employment market. Attitudes towards Roma within mainstream society remain negative and often find their expression in acts of discrimination and violence.

110. It is not clear to what extent the different strategies and measures adopted by the authorities in recent years have actually changed the situation of the Roma minority in terms of long-term, widespread and sustainable improvements. In particular, ECRI is concerned that the over-arching goal of providing the Roma with the opportunity to participate on an equal footing within an integrated society still seems far from being realised.
111. Approaches to dealing with the disadvantages faced by Roma in society appear to date to have been too piecemeal and scattered, with a lack of an overall vision and a lack of a co-ordinated approach between the different administrative sectors responsible for implementing policy. Although the area has been stated for some years as a priority for the authorities, and has given rise to various detailed Strategies, this stated political will has not been translated into a sufficient allocation of responsibilities and budgetary funding. Commitment to implementing the measures foreseen has varied among the different administrative sectors involved; it has been commented that taking an interest in improving the situation of Roma, both at the political level and in the daily work of the various ministries, is not a popular choice.
112. It is starting to be openly recognised among the relevant circles that there is a real need for special measures, which are necessary to permit the Roma to enjoy equal opportunities in everyday life. However, to date such special measures have not been introduced: the authorities report that this is due to a perception that such measures might constitute discrimination towards the majority population and would not be accepted by society in general.
113. ECRI is of the opinion that tangible and swift improvements in the situation of the Roma minority are of the utmost urgency. In particular, it considers it unacceptable that a new generation of Roma children risk growing up excluded from society, due to early and severe disadvantages in housing, health and education.
114. ECRI is pleased to learn that the recently-adopted document on “Basic Positions of Slovak Government’s Roma Communities Integration Policy” is intended to translate into short, medium and long-term measures the political will expressed in the Strategy. This document also aims, inter alia, to improve inter-ministerial co-ordination and to ensure that adequate human and financial resources are made available to implement the measures foreseen. Importantly, it also addresses the issue of the need to introduce special “equalising” measures in various fields in order to bring the Roma community to a level at which it can genuinely enjoy equal opportunities with the rest of society.

#### ***Recommendations:***

115. Welcoming the new approach contained in the “Basic Positions of the Slovak Government’s Roma Communities Integration Policy” as a positive step forward, ECRI urges the authorities to ensure that the detailed proposals contained therein are implemented rapidly, with a sufficient and on-going allocation of human and financial resources. It should be ensured that all parts of the administration – at national, regional and local level - responsible for the different sectors covered, are fully-committed to implementing the proposals: in this respect, the co-ordinating role currently played by the Plenipotentiary of the Government of the Slovak Republic for Roma Communities should be further developed and strengthened, to give the Plenipotentiary real powers to guide and influence action in the different ministries.

116. ECRI stresses the need to put into practice the new approach involving a range of special measures in different fields to permit the Roma to enjoy genuine equal opportunities with the rest of the population. ECRI stresses the importance of raising awareness among persons responsible for implementing policies, and among society at large of the philosophy behind the measures taken and of the need to include Slovakia's Roma minority as an equal and integrated part of society. ECRI also stresses the need to evaluate the actual results of the new approach on a regular basis, and to closely-involve the Roma communities themselves in its further development, fine-tuning and implementation.

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62. Slovak cabinet approves Romani assistance programmes, RFE/RL, 13.12.2002
63. Hot line against racism introduced, RFE/RL Newslines, 27.09.2001
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65. Slovakia face fan ban over racism, BBC News, 14 October 2002

## APPENDIX

### **The following appendix does not form part of ECRI's analysis and proposals concerning the situation in Slovakia**

ECRI wishes to point out that the analysis contained in its third report on Slovakia, is dated 27 June 2003, and that any subsequent development is not taken into account.

In accordance with ECRI's country-by-country procedure, ECRI's draft report on Slovakia was subject to a confidential dialogue with the Slovakian authorities. A number of their comments were taken into account by ECRI, and integrated into the report.

However, following this dialogue, the Slovakian authorities requested that the following viewpoints on their part be reproduced as an appendix to ECRI's report.





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**View-Point to the**  
**„Draft Third Report on Slovakia“**  
**of the European Commission Against Racism and Intolerance**  
**(ECRI)**

*The Slovak Republic appreciates constructive dialogue with ECRI as well as experiences and professional knowledge of its experts who visited Slovakia in April 2003. The visit of ECRI experts was a significant contribution to the process of application of measures aimed at combating racism, racial discrimination and intolerance in Slovakia. The Slovak Republic approach the issues presented in the draft Third Report of ECRI on Slovakia (hereinafter referred as the Report) with a great attention and consider them in carefully. The Slovak Republic is devoted to meet those objectives to which the Council of Europe attaches its long-term attention while combating racism and intolerance. The Slovak Republic is interested in, and we anticipate that ECRI is also interested in the Report reflecting real facts and being an objective picture of the present day situation in a fight against racism and intolerance.*

*These are the comments of Slovak authorities to particular parts of the ECRI's report:*

***Criminal law provisions (New Code of Criminal Procedure)***

*One of the main objectives of the new conception of the criminal procedure (the re-codified draft of the Code of Criminal Procedure) is to strengthen the position of a victim in a justice system (ECRI Recommendation No.10). Under the currently valid Code of Criminal Procedure a victim has a right, under certain circumstances, for a reimbursement of legal charges in the procedure. Victim can claim also damages within criminal proceedings. The claim should be brought at the beginning of the court session and the victim has the right to appeal against the decision on damages. The Act No. 255/1998 Coll. provides for financial compensation to persons who suffer bodily harm as a result of a violent criminal offence. (ECRI Recommendation No.21).*

***Civil and administrative law provisions (Anti-discrimination Law)***

*The Slovak Republic welcomes the interest of ECRI to support introducing a comprehensive and clear legal framework against discrimination in Slovakia and hopes that this aim will be achieved soon. However, we do not consider necessary to strictly determine a way (ECRI Recommendation Nr. 27) how to secure anti-discrimination legislation (e.g. process of approving the new draft Anti-discrimination Law in the Slovak Parliament).*

***Roma/Gypsy community***

*The Government of the Slovak Republic is fully aware of the seriousness of all problems faced by members of the Roma national minority living in Slovakia. Solution of these problems has become one of the priorities of the Slovak Government's policy and its need was stipulated in the Policy Statement of the Government issued after the election in 1998 and also after the last election in 2002. The policy of forced assimilation of Roma in a period of communism had influenced this community in a very negative way causing disruption of its social*

structure and consequential aggravation of a relationship between majority and minority population. Improving the situation and fighting deeply rooted prejudices is not an easy task. It requires a sensitive and comprehensive approach in a long time period and is often limited by lacking financial resources in a transitional country economy.

The Government of the Slovak Republic admits that a high percentage of members of the Roma national minority are currently not at the same level as the majority population is and therefore considers necessary to take measures in different areas in order to reach equality of opportunities. The Basic Positions of Slovak Government's Roma Communities Integration Policy adopted in April 2003 create a set of concrete steps reflecting stated political will. The principle of affirmative action has become an inevitable basis for improving the situation of Roma in the most sensitive areas: education; employment and social issues; housing; health-care; human rights; cultural development. Furthermore, the Basic Positions introduce a conceptual approach leading to equal participation of Roma on political, social and economical life in the country. A long-term aim of this conception should be a radical change in a negative perception of the Roma minority by majority population.

#### **Monitoring the situation**

In the last census in 2001 89 920 persons identified themselves as Roma. However, the real size is estimated to fluctuate from 350 000 to 380 000 persons. An independent Institute for Public Issues has confirmed this figure after carrying out a demographic assessment recently.

According to the Constitution of the Slovak Republic everyone has the right to freely decide on his or her nationality. In spite of this the Slovak Government is aware of the fact the majority of Roma do not use this opportunity because of their fear from discrimination and also because of their lacking awareness of Roma cultural and national identity. Owing to this situation the most of the project activities concerning Roma issues do not come out from official statistics but rather from estimated figures or from an exact number of Roma settlements in Slovakia.

#### **Access to welfare, health and other services**

The Slovak Government is aware of existing shortcomings in Slovak legislation including those laws regulating the system of social benefits. An extensive social reform is currently under way in Slovakia, which has also tackled allocation of welfare benefits. The new law on material hardship has been recently approved by the Slovak Parliament and will take effect on 1 January 2004. It replaces the definition of material hardship for "subjective" or "objective" reasons and changes the system of social benefits based on a philosophy of "punishment" to a system of a philosophy of "motivation" (it favours those looking for a job actively, improving their professional qualification and skills, etc.).

#### **New developments**

Slovakia is a democratic country consistently promoting and protecting human rights including the rights of persons belonging to national minorities. Any reports on breaches of these rights are reason for a serious concern. After publishing "Body and Soul" report the Slovak Government immediately started a thorough and impartial investigation using all lawful mechanisms. An independent district prosecutor overviewed a criminal investigation led by a carefully established team of investigators. The Prosecution General of the Slovak Republic was also involved. Because of a social seriousness of allegations contained in the report the criminal

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investigation was led into a crime of genocide. A parallel investigation in form of an expert control in hospitals was also held under a supervision of the Ministry of Health of the Slovak Republic. None of these investigations has confirmed a legitimacy of allegations published in the "Body and Soul" Report. The criminal investigation was closed on 24 October 2003 proving that no crime of genocide had been committed in Slovakia. However, both investigations disclosed several shortcomings in Slovak medical legislation and in some cases also procedural mistakes of particular doctors and medical facilities concerning the issue of informed consent.

The Slovak Government acknowledges a need of improvement of stamped weaknesses. It took note of the report on a development in case of forced sterilizations and measures taken on 29 October 2003. Furthermore the Government approved the Statement concerning the issue of sterilizations and related Resolution in which the Plenipotentiary for Roma Communities and relevant ministries are instructed to take specific measures. These measures concern amending different laws and drawing consequences in cases of procedural mistakes. They also emphasize evaluation of the access of marginalized groups to health-care and apply to some aspects of human rights education and awareness. A noteworthy fact is that the Ministry of Health of the Slovak Republic was instructed to carry out an in-depth inspection and analysis at all healthcare establishments focused not only on examination of the accusation of involuntary sterilizations but also on identification of discriminatory practices against members of the Roma minority. It should also concentrate on the observance of procedures for obtaining voluntary and informed consent of patients.

#### **Constitutional provisions and other basic provisions**

As far as the implementation of the European Charter of Regional or Minority Languages is concerned the Slovak Republic does not consider a current level of implementation of the Charter in Slovakia to be the final stage. Pursuant to the conclusions of the Committee of Experts and in terms of the decision of the Committee of Ministers of the Council of Europe, which will be due after evaluation of the first report on implementation of the Charter in Slovakia, the Slovak Government is prepared to take adequate measures if necessary.

Ratifying the European Charter of Regional or Minority Languages the Slovak Republic accepted 49 provisions for Roma language. The right to education in mother tongue for persons belonging to national minorities is also stipulated in the Constitution of the Slovak Republic. It is nevertheless difficult to secure using this right for the Roma minority in a short time perspective, mainly because of lack of qualified teachers and also because of the fact that Roma language has not been yet codified. For a horizon of 2004 - 2010 the Ministry of Education of the Slovak Republic has been instructed to ensure a preparation of a sufficient number of qualified teachers and to create, using the principle of affirmative action, a conception of integrated education for Roma children and youth.

Bratislava, November 14th 2003





