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HUMAN RIGHTS COMMITTEE

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT**

**COMMENTS BY THE GOVERNMENT OF SLOVAKIA TO
THE CONCLUDING OBSERVATIONS OF THE HUMAN
RIGHTS COMMITTEE**

[18 November 2004]

1. Following its consideration of Slovakia's second periodic report (CCPR/C/SVK/2003/2) in 2003, the Human Rights Committee asked Slovakia to supply information, in response to the recommendations contained in paragraphs 11 and 16 to 19 of the Committee's concluding observations (CCPR/CO/78/SVK), which refers to police harassment and ill-treatment during police investigations and the results of policies adopted to eradicate discrimination and to combat racial violence and incitement.

2. The following is the information we have been asked to provide.

The State party should take measures to eradicate all forms of police harassment and ill-treatment during police investigations of the Roma, including prompt investigations, prosecutions of perpetrators and the provision of effective remedies to the victims (CCPR/CO/78/SVK, para. 11).

3. During studies at the Police Force's secondary vocational schools, as well as at the Police Force Academy, policemen are properly acquainted with their rights and obligations, and the application of means of coercion. Police harassment and ill-treatment can be avoided only if policemen know their rights and obligations arising from laws and apply them correctly.

4. Practical training for policemen at the Police Force's secondary vocational schools, which is aimed at the recognition of the possible risks associated with the conduct of actions, including tactics, technique and the logic of the execution of police actions, involves the resolution of critical incidents by policemen from the psychological standpoint. Psychological training for policemen, within the framework of police training, deals with the prevention of mental breakdown in critical incidents (including in the conduct of investigations). This is further supported by the subjects "Police Work - Ethics and Psychology" and "Police Psychology" taught at police schools.
5. In 2004, an order of the Minister of the Interior of the Slovak Republic placed an obligation on all policemen to attend a session with a psychologist on the topic "psychological support for a colleague in a life crisis". These sessions are continuously taking place, mainly at units that have their own psychologist (e.g. regional Police Force directorates).
6. Police psychologists, in cooperation with the Police Labour Union in the Slovak Republic, regularly publish articles in the *Polícia* monthly magazine on the topic of stress faced by Police Force officers and its consequences (including mental breakdown), together with practical guidelines for dealing with the problems that have arisen. The Internet web site <http://www.minv.sk/krpztt/person/psychs.php> serves a similar purpose.
7. In accordance with article 9 of Decree of the Minister of the Interior of the Slovak Republic No. 36/2004 on the system of psychological care of Police Force officers, all of the sector's psychology units in the Slovak Republic provide psychological counselling focused on the resolution of policemen's problems associated with the performance of their duties or that have arisen in off-duty time. In 2003, 1,853 sessions with clients were conducted within the framework of psychological care. In order to prevent and avoid the negative effects of mental stress on police officers, a system of post-traumatic intervention care for Police Force officers is gradually being built in accordance with article 10 of the said Decree. Two training sessions for the members of the intervention teams took place in 2004 and a total of 24 persons were trained.
8. Based on the implementation of the tasks in this area, Decree of the Minister of the Interior of the Slovak Republic No. 40/2004 on the amendment and supplementation of Decree of the Minister of the Interior of the Slovak Republic No. 3/2002 on the code of ethics of Police Force officers was issued.
9. In connection with the persistent allegations of police harassment and ill-treatment during police investigations, the Police Force Presidium elaborated the draft "Concept for the Public Order Police Service of the Police Force". One of its key objectives is to change the public perception of the activities and position of local departments of the Police Force. In order to achieve this objective, it is necessary to change the way the officers at these basic units of public order police of the Police Force perform their duties, so that they respect the honour, reputation and dignity of persons and in no case allow for unjustified harm or any intervention in their rights and freedoms beyond the level inevitable for achieving the purpose pursued by the action being conducted. The Concept for the Public Order Police Service of the Police Force is also directed at the area of personal communication of officers from the basic public order police units of the Police Force with citizens. This should be clearly dominated by assertive behaviour, which should be mainly reflected in their ability to refrain from voicing their personal opinions

and feelings about the relevant problem, refrain from any expressions of superiority, as well as the ability to control their emotions and avoid unjustified raising of voice unless necessitated by the circumstances, such as when giving orders.

10. The Police Force Presidium has responded to the proposal for further steps to ensure the continuous implementation of some of the measures specified in Resolution of the Government of the Slovak Republic No. 979 of 10 October 2001, as well as to the reply of the Government of the Slovak Republic to the Report of the European Committee for the Prevention of Torture and Inhumane or Degrading Treatment or Punishment (CPT) on its second periodic visit to Slovakia between 9 and 18 October 2000. In connection with the above, at the beginning of March 2003, the Police Force Presidium leadership adopted a measure related to the treatment of questioned, detained or arrested persons when performing duties or conducting procedures at Police Force stations without police detention cells. In this context, Decree of the Police Force President No. 10/2003 was issued, which amended Decree of the Police Force President No. 13/2002 on the uniform maintenance of administrative records by the criminal police service of the Police Force in shortened investigation proceedings (later replaced by Decree of the Police Force President No. 16/2003 on the maintenance of administrative records on the restriction of personal freedom by certain Police Force units of the judicial police, criminal police and financial police services) and Decree of the Police Force President No. 17/2003 on the operation of the basic units of public order police of the Police Force. The above decrees specify in detail the scope of information to be entered in the administrative records in connection with the questioning, detention or arrest of persons (e.g. the time when the person's personal freedom was restricted, name, surname, date of birth, reason and legal grounds for the restriction of personal freedom, the time when the person was informed of his/her rights, signs of injuries or injuries of the person, contacting of and visits by a lawyer, the time of interrogation or identification of the person, the time of release or transfer to the relevant authority, etc.).

11. When conducting criminal procedures, authorities active in criminal proceedings abide by section 52 of the Code of Criminal Procedure, under which the personality and constitutionally guaranteed rights of the persons involved must always be respected. The essence of this provision was also incorporated into Decree of the Minister of the Interior of the Slovak Republic No. 61/2003 on the procedure to be taken in criminal proceedings, which, in article 6 (1), obliges investigators and police authorities to, inter alia, abide by international treaties.

12. Every year, by 31 August, the State service inspection department of the inspection office of the Minister of the Interior of the Slovak Republic conducts inspections of the implementation of measures adopted under the reply of the Government of the Slovak Republic to the report of CPT on its second periodic visit to Slovakia. The inspection for the last inspection period confirmed that the respective measures are being fulfilled. In the period between August 2003 and 30 June 2004, the inspection office of the Minister of the Interior of the Slovak Republic did not investigate any complaint involving police harassment and ill-treatment during police investigations in relation to the Roma minority.

13. Between 1 January 2004 and 31 August 2004, the inspection service office of the Police Force received 112 complaints about cases of police harassment and ill-treatment during police investigations, of which 3 were found to be justified, which is 2.7 per cent of the total

number of complaints; 109 cases were concluded by rejection under section 159 (1) (c) of the Code of Criminal Procedure, by proposal for conditional suspension of criminal proceedings under section 166 (3) of the Code of Criminal Procedure, or proposal for suspension of criminal proceedings under section 172 (1) of the Code of Criminal Procedure. None of the eight cases of police harassment and ill-treatment during police investigations involving members of the Roma ethnic group were found to be justified.

14. On the basis of the above, it can be stated that harassment and ill-treatment of involved persons is a failure of an individual in a concrete situation, which can be, to a certain extent, provoked by the involved person. Also, persons held for questioning, suspected of disorderly conduct or fighting may attempt to blame the police for their injuries after they are released.

15. Preventive measures are being taken by the inspection service office of the Police Force in order to reduce the number of cases of police harassment and ill-treatment during police investigations. The head of the inspection service office of the Police Force regularly takes part in meetings of regional Police Force directorates, where he draws attention to the need to respect human rights, freedoms and rights of the person, adhere to the code of ethics of Police Force officers and observe the generally binding regulations and internal standards in the performance of duties by Police Force officers. The staff of the inspection service office of the Police Force organize seminars at police schools, where they acquaint the students with the issues of ethics, morality, legality, impartiality, independence and appropriate behaviour in the performance of their duties vis-à-vis all persons, regardless of racial and ethnic origin.

The State party should take all necessary measures to eliminate discrimination against the Roma, and to enhance the practical enjoyment of their rights under the Covenant. The State party should also make greater efforts to provide opportunities for Roma to use their language in official communications, to provide readily accessible social services, to provide training to Roma in order to equip them for employment, and to create job opportunities for them. The Committee would like to receive full details on policies adopted and their results in practice (CCPR/CO/78/SVK, para. 16).

Governmental policy aimed at solving problems of Roma in Slovakia

16. The search for a model of coexistence of a part of the Roma minority with the majority as well as the choice of integration procedures are a difficult problem, the solution of which is a subject of ongoing discussions also in other European countries. Roma in Europe face similar challenges as other ethnic groups. They are, however, considered an all-European specific non-territorial minority, whose specific nature reflects a different history, extermination practices in the Second World War, assimilation programmes of the communist era, as well as a residue of a non-systemic and superficial approach in the post-communist period. Poverty, dependence on the social system together with the historic legacy of the past have resulted in the current social exclusion, with elements of discrimination. Experience shows that strong assimilation pressures neglecting specific features fail to produce the desired results. A real integration and inclusion of the Roma ethnic group, and thus also an improvement of their standard of living, is needed.

17. The social exclusion of a part of the Roma population means a general disadvantaged status, mainly in the fields of education, employment, housing, health, and social care and access to services. The strategic goal in addressing the issue of poverty and social exclusion is support to the process of social inclusion through policies focused on achieving equal opportunities.

18. The Slovak Government, in order to achieve this aim, approved the Basic Positions of the Slovak Government's Integration Policy for Roma Communities in April 2003. This document presents a set of solutions and concrete steps translating the declared political will of the Government into reality. Based on temporary countervailing measures, it contains long-term (to the year 2010), mid-term (2003-2006) and short-term (2003) aims as well as methods for solving the problems faced by Roma in six major areas (human rights; education; employment and social issues; housing; culture and media; health care). Competent bodies of central State administration elaborate concrete steps and measures based upon this concept. A partnership with NGOs, the activities of which are an irreplaceable contribution to the solutions of the Roma community's situation in the Slovak Republic, is envisaged as a necessary part of the proposed policy.

19. The policy towards Roma and, in this context, also the Basic Positions are based on the belief that the key components of the problems persons belonging to the Roma minority face are perpetuated by negative stereotypes, biased information concerning this national minority, prejudice and the resulting intolerance on the part of the majority population. Therefore, the effort to change the attitude of the majority to the Roma minority is a long-term objective of the activities under this policy.

20. In 2003 and in early 2004 measures have been taken in all areas defined in the Basic Positions. The achievements were evaluated in a document, "Evaluation of the Basic Positions of Slovak Government's Integration Policy for the Roma Communities", which the Slovak Government took note of in April 2004. At the same time the Government approved the Priorities of the Government of the Slovak Republic in the Integration of Roma Communities for the year 2004, which reflects the actual development of the situation of Roma in Slovakia. The Priorities devote special attention to the social situation of marginalized groups of the population and the possibility for them to be active within a labour market. This attitude reflects also the wave of protests within some Roma communities after the introduction of another part of the social assistance benefit reform in Slovakia in February 2004.

Social assistance benefit reform in Slovakia and its impact on the Roma population

21. Within the context of paragraph 16 of the Committee's concluding observation, we consider it necessary to provide information on the social assistance benefit reform in Slovakia and its impact on the Roma population.

22. The Government composed after the 2002 elections started preparations for an extensive State social policy reform, supported by relevant international institutions, including the Organisation for Economic Cooperation and Development and the European Commission. The old system was discouraging and unfair. In some cases those who worked received a wage lower than the amount of money received by those who were receiving only benefits. A large and growing group of the population lacked work habits completely. A system of absolute dependence of a large number of people on State assistance was, thus, created.

23. The transitional element of the reform was introduced as early as 2003 but a fundamental change was implemented at the beginning of 2004. The reduction of material need benefits (before social assistance benefits) covered by the Material Need Benefits Act (coming into effect on 1 February 2004) was a part of it. However, the reduction has been at the same time compensated by a so-called “activating allowance” added to material need benefits if a concerned person participates in retraining courses or by performing smaller municipal services, or voluntary work for the municipality, NGO or a Church.

24. The amount of money allocated for benefits is not lower this year than in previous years. Only the system of its distribution has changed. The new social system remunerates people for activity and the effort to get out of the social net. The Slovak Government does not consider activating the unemployed to be a permanent solution. It is rather an intermediary step on their way to employment. The objective is for as many people as possible to be capable of finding and keeping employment and, in the case of the long-term unemployed, to reacquire work habits.

25. The Ministry of Labour, Social Affairs and Family of the Slovak Republic has adopted reform measures based on a civil rather than an ethnic principle; however, when preparing the reform the assumption was also that a part of the Roma population may have difficulties in coping with it. The Ministry of Labour has also therefore attempted to take over and implement pilot programmes prepared by the Plenipotentiary of the Government of the Slovak Republic for Roma Communities or PHARE projects (e.g. the community centres programme, social field workers programme, etc.).

26. In February 2004, when the adjusted benefits were to be paid out for the first time, the feeling of discontent and of existential threat increased among the citizens in need of social assistance from the State. In some areas the tension culminated with protest meetings and occasionally, a part of the Roma community and a few non-Roma engaged in violent responses.

27. The Slovak Government does not consider protests and looting by the poorest Roma in the eastern part of Slovakia a negative result of the reforms in the field of social policy, but views them as a premature response to the implementation of a new system of benefits paid to citizens in material need that has not yet been fully established. The Slovak Government considers the new system of material need benefits more effective than the old one and has no intention of changing its fundamental principles. However, on 26 February 2004, owing to the situation, it approved 13 measures (see annex) to increasing the effects of benefit system change on some groups of the population with a view to accelerating its implementation and increasing the level of information on possibilities that people in material need can make use of. The adopted measures are targeted mainly at the problems that emerged in a part of the Roma population.

Other measures aimed at improving the social situation of Roma in Slovakia

28. The phenomenon of ethnically specific Roma unemployment has developed within the framework of unemployment in Slovakia, the scope and social impacts of which are greater than those of the majority population who are unemployed. Since the approach to addressing the issue of unemployment is not based on an ethnic but on a civic principle, the number of registered unemployed of Roma origin is not statistically monitored. It is therefore not possible to explicitly report their participation in programmes and projects implemented as part of active

labour market policy instruments. The Ministry of Labour, Social Affairs and Family of the Slovak Republic, realizing the seriousness of the problem, deals with this population group in particular as part of certain population groups the employment of which receives increased attention, or as part of certain groups of disadvantaged job-seekers (school graduates, minors, the disabled, people over 50 and the long-term unemployed).

Action plan on social inclusion

29. Being a State member of the European Union, the Slovak Republic has joined the EU programme to combat poverty and social exclusion. The challenge of addressing the social situation of Roma communities and the priority accorded to this task has been incorporated into the National Action Plan on Social Inclusion 2004-2006, which identified Roma communities as groups most endangered by poverty and social exclusion. The first National Action Plan elaborates EU common objectives in the area of poverty and social exclusion into national objectives, measures and programmes:

- To increase the employment level and employability of all vulnerable groups of the population;
- To reduce the risk of poverty of families with dependent children;
- To overcome educational disadvantages;
- To promote integration of the Roma communities.

European Social Fund and sectoral operational programmes

Social Development Fund

30. In March 2004, the Ministry of Labour, Social Affairs and Family of the Slovak Republic set up the Social Development Fund (SDF). Its objective is to increase employment and integrate weak and socially excluded groups (geographically isolated groups of the poor - in particular Roma settlements, unemployed in less-favoured regions, etc.) in the society by providing support for micro-projects from the resources of the European Social Fund. In 2004, the SDF will use approximately €4,250,000 for the projects. The total amount of funding for the projects will reach as much as €25 million between 2004 and 2006. The SDF has announced two calls for the submission of projects for 2004. The first call focused on increasing the employment of groups affected and endangered by social exclusion; the second call focused on the development of local infrastructure. The grant conditions make it possible to use the financial resources exclusively in localities where the so-called local social inclusion partnerships (LSIPs) have been created. The LSIPs are independent local associations comprising representatives of public administration, the entrepreneurial sector, non-profit organizations and communities of the target group. The main criterion for the selection of the localities is the unemployment rate, the number of recipients of benefits for persons in material need and further indicators of the degree of poverty. The partnerships are and will continue to be established by SDF consultants, who will provide them with methodical assistance after establishment (by 1 July, LSIPs had been created in 15 localities and 3 regions).

EQUAL - the programming document for the Community initiative

31. With respect to active labour market measures, legislation was adopted with emphasis on the possibility of co-financing these measures in the form of contributions from the European Social Fund. A number of measures designed to help address the situation of Roma communities were defined in sectoral operational programmes and their complements.

32. In 2002, the Ministry of Labour, Social Affairs and Family of the Slovak Republic was appointed the managing authority for the elaboration of the Programming Document for the Community Initiative EQUAL (hereafter referred to as "PD CI EQUAL"), a financial instrument for the use of European Social Fund resources in the area of increasing and upgrading employment, in particular from the standpoint of the promotion of equal access to employment and verification of procedures suppressing discrimination and inequalities on the labour market. PD CI EQUAL contains six measures, including a measure focused on the creation of an environment promoting the exploration and creation of effective solutions for the fight against all forms of discrimination, racism and xenophobia in the labour market. One of the key target groups is the Roma minority. The call for the submission of CI EQUAL projects was officially announced in June 2004, which opened up room for the support of the realization of those project objectives whose target group will include Roma.

Sectoral operational programme - Human resources

33. The second sectoral programme dealing with the development of the Roma population's education and access to employment is the Sectoral Operational Programme - Human Resources (hereafter referred to as "SOP HR"). The Roma issue is taken into consideration horizontally within the SOP HR. The priorities in the area of employment mainly focus on the creation of equal opportunities for Roma on the labour market, with emphasis on women. The following are the specific objectives: development of retraining programmes and programmes aimed at improving skills; support for the creation of jobs for endangered groups; inclusion of mostly young Roma in voluntary work and field social work activities; and support for alternative employment services. The document was elaborated so as to be targeted at the Roma population by means of several measures. For instance, the measure Modernization, Extension and Improvement of Employment Services and Development of Activation Programmes for Job-Seekers is targeted at job-seekers who have lost their work habits, with the aim of increasing their motivation to work. In the context of this measure, the SOP HR will support new activation programmes, such as minor jobs for the municipality or voluntary work. The approach builds upon the positive changes achieved within the framework of social assistance system reform.

34. Insufficient education and limited scope of relevant skills represent two key factors increasing long-term unemployment. The measure Development of Training and Retraining of Job-Seekers in Order to Improve their Prospects in the Labour Market is aimed at eliminating these barriers. It is anticipated that groups who apparently lack skills and education the most (to a large extent this concerns Roma) will be the key target group of the measures. A pilot project is currently under way whose key goal is to ensure that unemployed job-seekers without an elementary education obtain this education and thus increase their chances of finding employment or continuing in further education.

Single Programming Document NUTS II - Bratislava Objective 3

35. The third European Social Fund programme is the Single Programming Document NUTS II - Bratislava Objective 3 (hereafter referred to as the “programming document”), whose strategic objective is to increase the employability of groups disadvantaged in the labour market and increase the level of social integration. This, for instance, concerns the measure Increasing Employability of the Groups Disadvantaged in the Labour Market and the Groups at Risk of Social Exclusion. The measure is aimed at supporting and activating long-term unemployed, persons with low qualifications and school graduates, older persons, the disabled, members of ethnic minorities, persons from families with three or more children and people at risk of social exclusion (e.g. persons released from prison, migrants, homeless persons, drug addicts, members of the Roma minority, and other persons with a low level of employability).

36. The correct and targeted application of the sectoral operational programmes should facilitate the Roma population’s access to employment and thereby improve their overall social situation.

Special projects to address the social situation of Roma

37. Special projects addressing the Roma issue were also implemented in 2003:

(a) Social field workers - the creation of 40 publicly beneficial jobs for the period of three months and 18 publicly beneficial jobs for the period of 12 months;

(b) Improvement of the situation of Roma in the Slovak Republic - 30 Roma advisers of Roma ethnic origin were trained and work contracts for a definite period were concluded at district labour offices for 30 Roma advisers; motivational advisory projects for 250 Roma; the programme “Motivation project - individual action plan” for 400 Roma; and training in incubators attended by 150 Roma. At present, 8 incubators employing 74 registered unemployed have been operating for two years on the basis of cooperation;

(c) Roma teacher assistant - retraining of 237 clients from the Roma national minority; creation of 200 publicly beneficial jobs in the position “Roma teaching assistant”;

(d) Roma paediatric assistant - creation of 19 publicly beneficial jobs for the period of 12 months.

Social Field Workers Programme and Personal Hygiene and Laundry Centres Programme

38. On the basis of knowledge about the life of a section of the population living in the territorially and socially segregated Roma communities, the Ministry of Labour, Social Affairs and Family of the Slovak Republic elaborated programmes dealing with the issue of socially excluded citizens using various forms of assistance, in particular counselling and work with the client in his natural environment. These are the Social Field Workers Programme and the Personal Hygiene and Laundry Centres Programme. In 2004, within the framework of the Social Field Workers Programme, the Ministry of Labour, Social Affairs and Family of the Slovak Republic provided a subsidy of €165,000 to 49 settlements for the creation of 76 jobs for social field workers. The introduction of the Personal Hygiene and Laundry Centres Programme

in 2004 is anticipated in 10 settlements and the sum of €300,000 has been allocated for the launch of the programme. The personal hygiene and laundry centres will serve all inhabitants of the settlements who request such service. The users will participate in part of the construction work when the centres are being built. Moreover, by using such facility, this group will prepare for a change in hygiene habits, which can have a positive effect, for instance, in the future use of rental flats, the construction of which is envisaged in the Ministry of Construction and Regional Development programme "Housing for Marginalized Population Groups" being prepared in cooperation with the Ministry of Labour, Social Affairs and Family.

Using the Roma language in official communication

39. The use of national minority languages in official contact is regulated by Act No. 184/1999 Coll. on the Use of National Minority Languages. According to paragraph 2, part 1, of this Act, "Citizens of the Slovak Republic who are members of national minorities and, by the results of the latest census, represent at least 20 per cent of the total population in the community may use the minority language in such a community in official contacts." The number of municipalities meeting the above criteria in the case of the Roma national minority was 57 in the 1991 census and 54 in the last, 2001, census.

40. However, the practical application of the provision is limited by a fact that even if the Roma language was codified in the Slovak Republic in 1971, it was based on the orthographic customs and principles of Slovak language. Since, as yet, Roma language is not taught theoretically, readers used to the language in its spoken form find the texts written in it awkward.

41. Owing to the language developments, a revision of the orthography is being prepared. It is one of the priorities of the Office of the Government's Plenipotentiary for Roma Communities. A working group was set up for this purpose - the Linguistic Commission at the Office of the Government's Plenipotentiary for Roma Communities (experts from among Roma, the Slovak Academy of Sciences, universities and secondary schools). Expert oversight of the preparations for the revision of the Romany language is provided by the Roma Culture Department of the Social Sciences Faculty at the Constantine the Philosopher University in Nitra.

42. The linguistic commission established a clear recommendation that the eastern Slovak dialect - eastern Slovak Roma language - should be used as a basis for the revision of the Roma language. Approximately 85 per cent of Roma in Slovakia use it as a spoken language.

43. The following needs to be done to carry out the formal revision of Roma language: (a) publish the grammatical rules of Romany. "*Romani čhib*", the Slovak Romany textbook by H. Šebková and "the Key" (*Kľúč*) to the textbook, which contains a basic dictionary, will serve as the grammatical basis; (b) publish a separate Romany-Slovak dictionary of the most frequent words in Romany.

The State party should take all necessary measures to combat racial violence and incitement, provide proper protection to Roma, and establish adequate mechanisms to receive complaints from victims and ensure adequate investigation and prosecution of cases of racial violence and incitement to racial hatred (CCPR/CO/78/SVK, para. 17).

44. Within the framework of the fulfilment of its basic roles under the Police Force Act, the Police Force does not pay special attention to the issue of national minorities. It does not approach persons on the basis of the ethnic principle. Nevertheless, forms, methods and approaches are sought that would involve more sensitive approaches by the police, in particular towards Roma population groups.

45. In the fight against racially motivated crime, police officers abide by the legislation in force, which is covered in a range of legal regulations. First of all, the Constitution of the Slovak Republic emphasizes that people are free and equal in dignity and rights. Fundamental rights and freedoms are undeniable, inalienable, imprescriptible and irrevocable. Fundamental rights and freedoms are guaranteed in the Slovak Republic to everyone regardless of sex, race, colour of skin, language, belief and religion, political affiliation or other conviction, national or social origin, affiliation with a national or ethnic group, property, descent or other status. No one may be harmed, advantaged, or preferred on these grounds.

46. Expressions of racial violence and incitement of racial hatred are punished under the Penal Code. This above all includes the criminal acts of violence against a group of citizens and against an individual under section 196 of the Penal Code; defamation of a nation, race or belief under section 198 of the Penal Code; incitement of national and racial intolerance under section 198a of the Penal Code; genocide under section 259 of the Penal Code; support and propagation of movements directed at the suppression of the rights and freedoms of citizens under section 260 and section 261 of the Penal Code; persecution of the population under section 263a of the Penal Code, and extended definitions of the criminal acts of murder under section 219 (1), (2) (f) of the Penal Code and battery under section 221 (1), (2) (b) and section 222 (1), (2) (b) of the Penal Code.

47. The legal guarantee of investigation and punishment of incidents of racial violence is a basic principle of criminal proceedings that obliges the prosecutor to prosecute all criminal acts disclosed to him. Exceptions are only permissible under law or a promulgated international treaty. Authorities active in criminal proceedings act out of official duty and must deal with criminal matters as promptly as possible, while fully respecting the civic rights guaranteed by the Constitution. At the same time, they act so as to appropriately identify the facts of the case to the extent necessary for their decision. Equal care must be taken to clarify evidence against as well as in favour of the accused and use evidence in both directions, without waiting for proposals from the parties. Appropriate attention is being paid to the promptness, legality and quality of investigations of racially motivated crime. When investigating this type of crime, investigators closely cooperate with the supervising prosecutor, who is obliged by law to oversee the observance of legality in preparatory proceedings. The current system of criminal proceedings provides sufficient guarantees of impartial and objective examination, investigation and assessment of criminal activities, including racially, ethnically and similarly motivated crime.

48. Within the sector of the Ministry of the Interior of the Slovak Republic, the issue of racially motivated violence is also dealt with by the Commission to Coordinate Action for the Elimination of Racially Motivated Crime and Extremism set up through Order of the Minister of the Interior of the Slovak Republic No. 61/2001. The objective of this Commission is to exchange information and knowledge about the occurrence of racially motivated crime, with emphasis on all forms of violence and coordination of joint action for the elimination of all forms of racial discrimination.

49. Based on task C.6 of the resolution of the Government of the Slovak Republic No. 278/2003, a working group to elaborate a project on police specialists for work with Roma communities was set up through Order of the Minister of the Interior of the Slovak Republic No. 21/2004. The working group prepared the “Pilot project on police specialists for work with communities”, approved at the 5 August 2004 meeting of the leadership of the Ministry of the Interior of the Slovak Republic. Bodies outside the sector, such as the Secretariat of the Plenipotentiary of the Government of the Slovak Republic for Roma Communities and the Human Rights, Minorities and Regional Development Section of the Office of the Government participated in the preparation of the project and the experience of advisers - representatives of Roma political parties and movements and non-governmental organizations dealing with Roma issues - was also used in the preparation of the project.

50. The Pilot project on police specialists for work with communities was not drawn up as a separate programme dealing with the relationship between policemen and Roma. Its objective is to be part of other sectoral programmes that are being implemented, such as the “social field work programmes”, by means of police specialized in work with Roma communities, and thereby achieve a change in the situation in Roma settlements, so that all inhabitants have equal access to all benefits and activities in the settlement. One of the project’s key objectives was the preparation of institutional conditions for the creation of the position of “police specialist for work with Roma communities” in the structure and staff of selected Police Force units.

51. The creation of the position of police specialist conforms to the concept for the Roma communities integration policy of the Government of the Slovak Republic. It should help improve communication between the police and Roma; this is, however, conditional upon the acceptance of this idea by Roma communities. Therefore, as a matter of priority, the activities of the police specialists will focus on field work in areas with an increased concentration of Roma to detect, investigate, report on and deal with offences falling within their authority committed by persons of Roma origin or minority communities, as well as on detection, reporting, and assistance to authorities responsible for criminal proceedings in the investigation of crimes committed by Roma. The police specialists will cooperate closely with the field social workers and community centres dealing with the issue of minority communities, representatives of municipal self-governments and local State administration offices in areas with an increased concentration of minority population, as well as with representatives of Roma communities in towns and settlements in their respective districts.

52. Extremism and racially motivated crime is a problem that is perceived in a very sensitive manner by the Police Force. In 2001, the Police Force Presidium issued the Methodology of Detection, Investigation and Documentation of Crime Motivated by Racial, Ethnic or Other Intolerance or Committed by Supporters of Extremist Groups. A guidance document containing a graphic representation of the symbols used by extremist groups was prepared and distributed to all basic public order police units of the Police Force in the form of a card that can easily be referred to.

53. Order of the Minister of the Interior of the Slovak Republic No. 30/2004 set up a commission focused on the acquisition and exchange of information on the occurrence of all forms of intolerance, xenophobia and expressions of extremism and racism, the provision of

information to the relevant State authorities, and coordination of joint action for the elimination of all forms of intolerance, xenophobia and expressions of extremisms and racism. This commission includes police officers from the Police Force Presidium.

54. As regards the adoption of measures for the fight against racial violence and incitement falling under the competence of the office for the fight against organized crime of the Police Force Presidium, it can be stated that institutional and legislative measures have been taken to combat racial violence and incitement more effectively, in line with the concluding observations. Within the framework of the reorganization of the Police Force, a unit to combat racism and extremism was created on 1 January 2004 at the department for the fight against terrorism at the office for the fight against organized crime of the Police Force Presidium.

55. In accordance with new Decree of the Minister of the Interior of the Slovak Republic No. 45/2004 on the procedure in the area of the fight against extremism and tasks of the monitoring centre on racism and xenophobia, which entered into force on 15 June 2004, this unit will mainly work on the detection of extremist crime and organized crime of extremists with a focus on foreign and domestic extremist groups, their representatives, organizers of events and international links between these structures. It will also ensure the implementation of measures directed at disbanding extremist groups. As the body responsible for the monitoring centre on racism and xenophobia, it will collect, record and analyse information on expressions of racism and xenophobia for units of the Ministry of the Interior of the Slovak Republic and the Police Force and pass on information to the relevant authorities if violations of the law are suspected.

56. In addition to the above activities, Police Force officers take part in seminars and conferences organized by bodies active in the area of Roma national minority issues on the issues of the Roma national minority and racially motivated crime.

57. The procedure for the submission, receipt, recording and monitoring of the processing of complaints from natural persons and legal entities is governed by Act No. 152/1998 Coll. on Complaints and Decree of the Ministry of the Interior of the Slovak Republic No. 28/2004. In criminal proceedings, the victims and accused persons can apply section 167 of the Penal Code, under which they are entitled to request the prosecutor at any time during the investigation to eliminate delays in the investigation or correct flaws in the procedure by the investigator or the police authority.

The State party should take immediate and decisive steps to eradicate the segregation of Roma children in its educational system by ensuring that any differentiation within education is aimed at securing attendance in non-segregated schools and classes. Where needed, the State party should also provide special training to Roma children to secure, through positive measures, their access to education without segregation (CCPR/CO/78/SVK, para. 18).

The issue of the placement of Roma children in special schools and methods of resolving it

58. The status of special elementary schools (originally “special schools - *osobitná škola*”) within the school system in Slovakia is defined by Act No. 229/2000 Coll. amending and supplementing Act No. 29/1984 Coll. on the System of Elementary and Secondary Schools

(Schools Act). The version of the Act in effect before 1 September 2000 made it possible to place pupils regarded as not able to successfully complete elementary school in a special school. Therefore, cases where pupils without disabilities, were placed in a special school could occur in practice. However, the amended version of the Act clearly stipulates that the special elementary school for pupils with mental handicaps is for pupils with mental handicaps or pupils with multiple disabilities in combination with a mental disability. Pupils are placed in these schools because of their handicap, not on the basis of the ethnic principle. Strict adherence to the version of the Schools Act currently in force leaves no room for cases of placement of pupils without handicaps in special schools.

59. Upon enrolment for the first grade of elementary school (the commencement of compulsory school attendance), the child's maturity for school is examined. If it is established that a child is not mature enough for school, it is referred for diagnostic assessment by an educational psychologist. On the basis of this assessment, school attendance can be postponed, the pupil can be admitted to the "zero class" of elementary school or placed in a special school; however, consent from the child's legal representative is always necessary. The transfer of a pupil to a special school or special class at an elementary school can also only be effected with the consent of the child's legal representative.

60. Despite the above, the fact remains that a large proportion of pupils placed in special elementary schools are Roma children because, although they are not mentally retarded, they are unable to pass the entry diagnostic tests. They often come to school without pre-school education and sufficient knowledge of Slovak, lack basic hygiene and cultural and working skills, have limited concentration, patience and perseverance, and have underdeveloped fine motor coordination, different experience and knowledge of the world, and different interests and felt needs.

61. With the aim of avoiding the unjustified placement of Roma children in special schools upon commencement of compulsory school attendance and reintegrating those from special schools, diagnostic tests taking cultural differences into consideration were created and tested within the framework of the PHARE project Reintegration of Socially Disadvantaged Children from Special Schools to Standard Elementary Schools. The project was completed on 25 March 2004. The results showed that the tests at present fail to take account of the cultural and social differences between children. The proposed measures to change the method of testing will be further implemented mainly by the Ministry of Education (the necessary amendments to valid laws and regulations). The differential diagnostics for Roma children from a socially disadvantaged environment should be prepared by December 2005.

62. Further programmes are being implemented in the effort to improve the educational level of the Roma population in Slovakia and increase the integration of Roma children in standard education.

63. The implementation of the 2003 PHARE project Support to Further Integration of Roma in the Educational Field with financial support of €1 million from the resources of PHARE and €110,000 from national resources will continue until 2006. The aim of the project is to prepare a training programme and special methodology for tutoring and assistance to Roma children in the last two grades of elementary school in order to prepare and motivate them for

further education at secondary schools. Within the framework of the project, secondary school training courses will also be prepared focused on the practical preparation of Roma students for the changing labour market requirements.

64. The 2002 PHARE project Further Integration of Roma Children in the Educational Field and Improved Living Conditions, which will be implemented by the Ministry of Education of the Slovak Republic until 2005, should also contribute to the improvement of the educational level of Roma children and youth. The key goal of the project is to increase the integration of Roma children in standard education. In order to achieve this goal, classes to prepare children for attendance at standard elementary schools will be created in 20 selected special elementary schools. At the same time, conditions will be created to enable these children to attend the standard school at their place of residence. The project has €1 million from PHARE resources at its disposal; national co-financing is €50,000.

65. The 2001 PHARE project Support of the Roma Minority in the Educational Field, which aims to improve the educational level of the Roma national minority and support tolerance and integration into society, is also at the implementation stage. Its key goals include: the improvement of pre-school education by involving mothers in the educational process in pre-school establishments with a high number of Roma children (50 nursery schools); improvement of conditions for the Roma national minority for completion of elementary education by introducing whole-day education and reintegration modules in the educational process (70 elementary schools, 20 special elementary schools). The financial support for the programme from the PHARE fund amounts to €1.7 million and Slovakia co-finances the programme with the sum of €675,000.

66. In May 2004, the Government of the Slovak Republic approved the Concept for the Integrated Education of Roma Children and Youth, including the Development of Secondary and University Education with the aim of creating conditions for the integrated education of Roma children and youth. Integrated education is defined as part of the existing educational system, not as its parallel or alternative. The aim of the concept is to ensure that, in the context of the transformation of the educational process in Slovakia, the educational level of Roma is upgraded by creating conditions for accepting the specificities of the Roma national minority.

67. Starting from the 2003/04 and 2004/05 school years, the Experimental Verification of the Efficiency of Romany Language and Literature Curricula in Elementary and Secondary Schools is taking place at four selected secondary and two elementary schools. Romany language and literature, the history, customs, traditions and arts of the Roma and multicultural education are taught at selected schools. The verification will continue until 2011. The teaching of certain subjects in Romany will be feasible after the experiment is completed. The conditions for opening university Romology studies courses should be created at the latest by 2006. University teachers for Romany language and literature will be trained by then.

68. In September 2004, a bilingual class in Romistics was opened at the Juraj Hronec Gymnasium in Bratislava, with a focus on public administration. The aim of the project is to open one class with the above-mentioned orientation and with national reach every year. With a view to its regional and thematic proximity with the Czech Republic, Austria, Hungary and Poland, the project has the potential to grow into an international educational institution.

69. In September 2004, an eight-year boarding gymnasium for talented Roma children and children from socially disadvantaged families was opened in Zvolen, within the framework of the "Gandhi school" project. Thirty-nine students were enrolled in the two first grade classes, of whom about 30 per cent are non-Roma. The school focuses on foreign languages and, in addition to English and German, the students will learn Romany as another language. The school teaches Roma life and culture as a separate subject. SKK 3 million were allocated in the State budget to support this project.

While appreciating the complex nature of gathering such data, the Committee urges the State party to take steps to gather, through methods compatible with principles of data protection, statistical data reflecting the current size of the Roma population, as well as the position of minorities and women in society, including in the workplace, both in the public and the private sector (CCPR/CO/78/SVK, para. 19).

70. In view of the lack of relevance of the official data on the size of the Roma population (the official data are acquired in population censuses, where Roma tend to report that they are of Slovak or Hungarian nationality), the monitoring of Roma settlements proved to be the most appropriate method of collecting statistical data on the Roma population in the country. Data of this type were already collected during the Communist regime (the most recent data from this period are from 1988, when 278 Roma settlements were reported in Slovakia). After the change of regime, the collection of such information continued until 1997 using a different methodology. Between 1997 and 2000, annual reporting forms were distributed to district State administration offices and completed by the staff of the offices. The results of the surveys materially differed from the 1988 results, due to, among other things, the absence of precise definitions. According to the 1997 annual reporting forms, there were 516 Roma settlements in Slovakia. In 1998, the total number of the settlements rose to 591. Data collection using the annual reporting forms in 2000 identified 620 Roma settlements in Slovakia of both rural and urban type.

71. As a result, it can be stated that the relevance of the data on Roma communities acquired in the said period was relatively low. The data lacked methodology and the inclusion of a municipality or Roma settlement and its population in the relevant forms was left to the arbitrary decision of the staff of the district offices or, in 2001, of municipal councils. Owing to the lack of definition and poor data collection methodology, these data failed to reflect reality.

72. In view of the need for more precise information on the Roma population in Slovakia, the Office of the Government's Plenipotentiary for Roma Communities ordered a sociographic survey of Roma settlements. The survey was conducted in the course of 2003 and 2004 by the non-profit organization S.P.A.C.E. - Social Policy Analysis Centre, the Institute for Public Affairs and the Regional Centre for Roma Issues in Prešov, with financial assistance from the Office of the Government's Plenipotentiary for Roma Communities, the Canadian International Development Agency and the World Bank.

73. Roma settlements or municipalities were taken as the basic unit for the preparation of the survey. The information was collected by means of questionnaires. The questionnaires were not completed by the respondents, but by the surveyors on the basis of interviews with the

respondents. The key respondent was the formal authority of the municipality - the mayor - and his information was supplemented by his assistants and advisers and subsequently compared with the real situation in the Roma settlement. The questionnaire was formulated so that it was easy to fill out and provided room for proposals or comments.

74. The objective of the sociographic survey in Roma settlements was to fill in the gaps in the information available in order to provide a comprehensive picture of the living conditions, position and needs of Roma in individual municipalities of Slovakia and the attitudes of local authorities to the resolution of their problems. Knowledge of the overall territorial distribution of Roma communities in Slovakia, together with the identification of the fundamental problems, is a prerequisite for the adoption of concrete measures by the Government, regional and local self-governments, and non-governmental organizations.

75. The survey provided a great deal of valuable data, which will be available to State administration authorities, self-governments and non-governmental organizations, and simultaneously confirmed the demographic estimates of 320,000 Roma living in Slovakia.

76. According to the survey's conclusions, Roma live in 1,575 settlements of various types that are perceived by the majority as "Roma". Almost 60 per cent of them (in 772 settlements) live in an integrated manner, dispersed among the majority. Out of all of the settlements, 149 settlements, which are located on the outskirts or outside of a municipality, do not have water supply and where the proportion of illegal homes exceeds 20 per cent, can be considered as segregated. Forty-six settlements, where more than 7,000 people have permanent residence status, are in a critical situation.

Annex

MEASURES ADOPTED BY THE SLOVAK GOVERNMENT IN ORDER TO DEEPEN POSITIVE EFFECTS OF SOCIAL ASSISTANCE BENEFIT PAYMENT REFORM ON SOME GROUPS OF THE POPULATION

The objective of the measures adopted by the Government of the Slovak Republic on 25 February 2004 **is to increase the positive effects of the social assistance benefit payment reform and to ensure its effective continued implementation and not to change its essential fundamental philosophy. The adopted measures are targeted mainly at the problems that emerged in a part of the Roma population.**

1. **Increasing the value of the activating allowance** from SKK 1,000 to SKK 1,500 a month for material need benefit recipients.
2. **Preventive measures against usury** - to identify communities with an extremely high occurrence of usury and to use in a targeted way the possibility of more frequent payment of social assistance benefit or the possibility of paying the whole or part of the benefit in kind via the "special recipient". In regions allegedly suffering from usury, paying social assistance benefits and allowances via municipalities as special recipients is the best preventive solution. This form was also used in the past, though only in rare cases. In regions where it is not possible to arrange granting of benefits via special recipient, the benefit will be paid at least three times a month. In order to identify more accurately suspect persons in municipalities/communities with a high rate of the crime of usury the Police Force headquarters drafted and approved the "Project for combating the crime of usury" in consultation with the Office of the Plenipotentiary of the Office of the Government of the Slovak Republic for Roma Communities. According to the project, the police shall maintain public order and protect the life, health and property of citizens at the places of social benefits payment at the time of their payment.
3. **A bonus for organizers of larger activation projects and extending expenditures covered from public funds** - the change of benefit calculation methodology for organizers of activation projects in such a way that large projects (above 100 people) are assessed separately.
4. **Increasing the motivation to employ long-term unemployed with a special disadvantage** - if an employer undertakes to employ an unemployed person who has been registered for more than 24 months, the labour, social affairs and family office shall provide training up to the value of SKK 10,000 before the person starts to work for the employer, in addition to the subsidy for which the latter is eligible.
5. **Specific responses to the problems linked with adult children by emphasizing the application of post-graduate training** - to extend the Employment Services Act so that the contribution for post-graduate training (acquiring or deepening professional skills or practical experience in case a young job-seeker is not successful in finding a regular job) covers all job-seekers up to 25 years of age (not only for a maximum of two years after graduation), to

expand the definition of post-graduate training in the law (participation in an activation activity would also be considered post-graduate training), and to increase the amount of the lump-sum allowance granted to a school graduate in the course of post-graduate training from SKK 1,000 to SKK 1,500 a month and to consider cancelling the limit for the duration of post-graduate training (six months).

6. **Consistent application of the new social laws package** - as a large part of the new legislation has been in force only a short time and the awareness of how it could be used is insufficient, the most important task is to improve the knowledge of the unemployed and those in social need of the possibilities of improving their situation; ensuring full capacity of the offices will allow the unemployed and those in social need to make use of the possibilities offered by the law. The labour, social affairs and family offices will: carry out visits to communities and Roma settlements at monthly intervals or in response to real offers of jobs for activation activity; track down entities for undertaking activation activity and post-graduate training for job-seekers; inform about counselling services by labour, social affairs and family offices; etc.

7. **Secondary schools: significant strengthening of social scholarships for secondary school students and of their material security** - the amount of the scholarship will depend on the student's performance. Considering the possibilities of funding from the European Social Fund, the Ministry of Education shall draft a national project to cover these expenses.

8. **Primary schools: meals and school aids at schools in areas with a high percentage of children in material need** - to give primary schools attended by a significant percentage of children in social need the means to ensure food, schools aids and health care, or to give a single allowance to parents to cover costs linked with the school attendance of children during a maximum of a two-month transitional period.

9. **The price structure of utilities: water, gas, electricity, heat** - to negotiate the regulation of advance payments to network industries in such a way that they do not exceed the real increase in utility prices (water, gas, electricity).

10. **Increasing access to reimbursement of travel costs when looking for work** - inform job-seekers about their entitlement to reimbursements of a part of their travel costs linked with job seeking; newly registered job-seekers about their entitlements to allowances in the framework of active measures in the labour market when entering them into the records; the recipients of material need benefits on their entitlement to allowances under active measures in the labour market. The offices shall introduce regular information days on entitlements to these allowances into their practice. Specially trained social field workers shall inform about the possibilities of Roma participation in the projects and programmes directly in the Roma settlements. The Ministry of Labour, Social Affairs and Family shall adjust relevant legislation in such a way that travel expenses over SKK 100 (originally SKK 250) be reimbursed.

11. **Repressive measures against usury** - to actively combat usury, mainly by applying Penal Code provisions on unlawful business, usury and tax defaults and active witness protection.

12. **The Social Development Fund** - to speed up the functioning of the Social Development Fund so that community partnership to address social inclusion and the work with the inhabitants of settlements on the lowest level start as quickly as possible.

13. **Finding solutions for engaging the citizens from Roma settlements in forestation works, cleaning forests and building environmental infrastructure** - extending activation activity for job-seekers to cover also activities linked with clearing old wood from forests. A part of the collected material can be used for the needs of the municipality or community.
