



ACFC/SR/II(2005)001
Appendices 8 to 18

**SECOND REPORT SUBMITTED BY THE SLOVAK REPUBLIC
PURSUANT TO ARTICLE 25, PARAGRAPH 1
OF THE FRAMEWORK CONVENTION FOR
THE PROTECTION OF NATIONAL MINORITIES**

(Received on 3 January 2005)

Annex No. 8

NATIONAL COUNCIL OF THE SLOVAK REPUBLIC

ACT 270

of 15 November 1995

on the State Language of the Slovak Republic

Amended: No. 260/1997 Coll., No. 5/1999 Coll., No. 184/1999 Coll.

The National Council of the Slovak Republic, following from the fact that the Slovak language is the most important feature of the individuality of the Slovak nation, the most precious value of its cultural heritage and the expression of sovereignty of the Slovak Republic and the universal communication mean of its citizens, that ensures their freedom and equality in dignity and rights 1) on the territory of the Slovak Republic, has adopted the following law:

Section 1
Introductory provision

- (1) The state language on the territory of the Slovak Republic is the Slovak language.2)
- (2) The state language has preference over other languages used on the territory of the Slovak Republic.
- (3) Law does not treat usage of liturgical languages. The usage of these languages is treated by regulations of churches and religious communities. 3)
- (4) Law does not treat the usage of languages of national minorities and ethnic groups. The usage of these languages is treated by special laws. 4)

Section 2
State language and its protection

- (1) The state
 - a) creates in school, scientific and information systems such conditions that each citizen of the Slovak Republic may acquire and use the state language in word and in writing,
 - b) takes care for scientific research of the state language, its historical development, research of local and social dialects, codification of the state language and increase of the language culture.
- (2) The codified form of the state language is stated by the Ministry of Culture of the Slovak Republic (hereafter only "the Ministry of Culture") on the proposal of special Slovak linguistic workplaces.
- (3) Any intervention into the codified form of the state language in discrepance with its causalities is not allowable.

Section 3 Usage of the state language in official contacts

(1) State bodies and state organizations, bodies of territorial self-administration and bodies of public and legal institutions 5) (hereafter only „public organs“) use obligatorily the state language while performing their duties on the whole territory of the Slovak Republic. Showing of adequate knowledge of the state language in word and in writing is the condition of acceptance to work or to a similar labour relation and the assumption of performing the agreed-upon work in determined working activity in public organs.

(2) Employees and functionaries of public organs, transport and communication employees as well as members of armed forces, armed security corps, other armed corps and fire corps use the state language in official contacts.

(3) In the state language

a) laws, governmental acts and other general binding legal regulations including regulations of organs of the territorial self-administration, decisions and other public deeds are published,

b) negotiations of public organs are conducted,

c) entire official agenda (registers, minutes, resolutions, statistics, registers, balances, official records, information determined for public, etc.) and agenda of churches and religious communities determined for public is conducted,

d) official names of municipalities and their parts, denomination of streets and other public spaces, other geographical names as well as data on state map works including cadaster maps are stated; denomination of municipalities in other languages is treated by a special law, 6)

e) chronicles of municipalities are written. Possible other-language wording is translation from the state language.

(4) Public organs and organizations established by them are obligated to use the state language in all information systems and in mutual contacts.

(5) Written presentations of citizens determined for public organs are presented in the state language.

(6) Each citizen of the Slovak Republic has the right to free adjustment of his name 7) and surname into Slovak spelling form.

Section 4 Usage of the state language in schools

(1) Learning of the state language is obligatory at all primary and secondary schools. Other than the state language is the instructional language and examining language to extent determined by special regulations. 8)

(2) Pedagogical workers at all schools and in school facilities on the territory of the Slovak Republic with the exception of foreign pedagogues and lecturers are obliged to speak and use the state language in word and in writing.

(3) The entire pedagogical documentation is conducted in the state language.

(4) Textbooks and instructional texts used in the education process in the Slovak Republic are published in the state language besides textbooks and instructional texts for study in the language of national minorities, ethnic groups and other foreign languages. Their publishing and use is treated by special regulations. 9)

(5) Provisions of paragraphs 1, 2 and 4 do not refer to usage of the state language in study at universities, in study of other languages or in education in other than the state language 8) nor for using textbooks and instructional texts in study at universities.

Section 5

Usage of the state language in mass information media at cultural events and public gatherings

- (1) Broadcasting on radio and television is performed in the state language on the whole territory of the Slovak Republic. Exceptions are
- a) other language radio programmes and foreign language television programmes consisting of audiovisual works and other sound and pictorial recordings with subtitles in the state language or otherwise fulfilling the requirement of basic understandability from the point of view of the state language,
 - b) foreign language broadcasting of Slovak radio for foreign countries, television and radio language courses and programmes with similar orientation,
 - c) music programmes with original texts.
- Broadcasting in languages of national minorities and ethnic groups are treated by special regulations. 10)
- (2) Other language audiovisual works determined for children up to 12 years must be dubbed into the state language.
- (3) Operators of radio and television broadcasting, announcers, moderators and editors are obligated to use the state language in broadcasting.
- (4) Broadcasting of regional or local stations, radio stations and radio facilities is performed, in principle, in the state language. Other languages may be used before a particular programme is broadcast in the state language.
- (5) Periodical and non-periodical publications are published in the state language. Publishing of different language print is treated by the special regulation, 11)
- (6) Occasional print determined for public, catalogues of galleries and museums, libraries, cinema, theatre, concert and other cultural event programmes are published in the state language. In case of need, they may contain translations into different languages.
- (7) Cultural and educational events are performed in the state language, or in another language if they fulfill the requirement of basic understandability from the point of view of the state language. The exception is formed by cultural events of national minorities, ethnic groups, foreign artists appearing as guests and music works with original texts. Accompanying presentation of programmes will first be expressed in the state language.
- (8) Each participant of a gathering or lecture on the territory of the Slovak Republic has the right to present his speech in the state language.

Section 6

Usage of the state language in armed forces, in armed corps and in fire corps

- (1) The state language is used in official relations in the Army of the Slovak Republic, in the forces of the Ministry of the Interior of the Slovak Republic, in the Police Corps, in the Slovak Information Service, in the Corps of Prison and Justice Guard of the Slovak Republic, in Railway Police of the Slovak Republic and in municipal police.
- (2) The entire agenda and documentation of armed forces, armed security corps, other armed corps and fire corps is carried in the state language.

(3) Provision of paragraph 1 does not refer to air forces during flight operation and on international activities of armed corps.

Section 7

Usage of the state language in court and administrative proceedings

(1) Mutual contact of courts with citizens, court proceedings, administrative proceedings, decisions and minutes from courts and administrative organs are carried and published in the state language.

(2) Rights of persons belonging to national minorities and ethnic groups or rights of foreigners who does not speak the state language, following from special regulations 12) remain untouched.

Section 8

Usage of the state language in economy, services and health system

(1) In the interest of the consumer, the usage of the state language is obligatory in marking the contents of domestic or imported goods, in instructions for usage of goods, especially groceries and medicaments, in guarantee conditions and other information for consumers. 13)

(2) Written legal acts in public and legal relation or in similar labour relations are made in the state language.

(3) Finance and technical documentation, Slovak technical standards, statutes of associations, groups, political parties, political movements and trade companies are made in the state language.

(4) The entire agenda of health facilities is made in the state language. Contacts of health personnel with patients is usually made in the state language; if a citizen or foreigner does not speak the state language, also in the language in which it is possible to communicate with the patient.

(5) In proceedings before public and legal bodies on contracts treating binding relations, only wording in the state language is acknowledged.

(6) All notices (signs), advertisements and announcements determined for informing the public, especially in shops, at sports centres, in pubs, in streets, along roads and above them, at airports, in bus stations and railway stations, in rail wagons and in mass transport vehicles must be stated in the state language. They may be translated into other languages, but different language texts follow after the equally large text in the state language.

Section 9

Supervision

The Ministry of Culture supervises over the keeping of duties following from this law. If it finds out any shortcomings, it warns legal entities and physical persons, in which activities the shortcomings have been found out, and it is authorized to require removal of the anti-legal state.

Section 10

Fines (cancelled)

Section 11
Common and temporary provisions

- (1) Usage of common other languages names, special concepts or denominations of new facts, on which there is not so far a proper equivalent expression, is not touched by this law.
- (2) All heads of public and legal organs and other legal entities and physical persons are responsible for keeping the provisions of this law (Section 10 paragraph 1).
- (3) Costs of all adjustments of information tables, names and other texts according to this law are covered by particular offices and other legal entities and physical persons. These adjustments will be done up to one year from the day of effect of this law.
- (4) The state language is for purposes of Section 2 paragraph 1 letter a) and b), Section 3 paragraphs 1, 2 and paragraph 3 letter a), c), d) and e), Section 4, Section 5 paragraphs. 5 and 8, Section 6 paragraph 2 and Section 8 paragraphs 1 to 5 understood to be the Slovak language in its codified form (Section 2 paragraph 2).

Section 12
Provisions of repeal

Law of the Slovak National Council No. 428/1990 Coll. on the official language in the Slovak Republic will be repealed.

Section 13

This law comes into effect on January 1, 1996 with the exception of Section 10, which comes into effect on January 1, 1997.

Michal Kováč in his own hand
Ivan Gašparovič in his own hand
Vladimír Mečiar in his own hand

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- 1) Art. 12 paragraph 1 of Constitution of the Slovak Republic.
 - 2) Art. 6 paragraph 1 of the Constitution of the Slovak Republic.
 - 3) Law No. 308/1991 Coll. on freedom of religious faith and position of churches and religious communities.
 - 4) E.g., Law No. 141/1961 Coll. on criminal court proceedings (Criminal Order) in the wording of subsequent regulations, Civil Court Order, Law No. 81/1966 Coll. on periodical print and other mass information media in the wording of subsequent regulations, Law No. 29/1984 Coll. on the system of primary and secondary schools (school law) in the wording of subsequent regulations, Law of the Slovak National Council No. 254/1991 Coll. on Slovak Television in the wording of subsequent regulations, Law of the Slovak National Council No. 255/1991 Coll. on Slovak Radio in the wording of subsequent regulations, Law of the National Council of the Slovak Republic No. 191/1994 Coll. Laws on denomination of municipalities in the language of national minorities.
 - 5) E.g., Law of the Slovak National Council No. 254/1991 Coll. in the wording of subsequent regulations, Law of the Slovak National Council No. 255/1991 Coll. in the wording of subsequent regulations, Law of the National Council of the Slovak Republic No. 273/1994

Coll. Laws on health insurance, financing of health insurance, on establishing of the General Health Insurance Company and on establishing of departmental, branch, business and civic health insurances in the wording of subsequent regulations, Law of the National Council of the Slovak Republic No. 274/1994 Coll. Laws on the Social Insurance Company in the wording of subsequent regulations.

6) Law of the National Council of the Slovak Republic No. 191/1994 Coll. Laws.

7) Section 7 paragraph 1 of Law of the National Council of the Slovak Republic No. 300/1993 Coll. Laws on name and surname.

8) Section 3 and 3a of Law No. 29/1984 Coll. in the wording of Law No. 171/1990 Coll. and Law of the National Council of the Slovak Republic No. 230/1994 Coll.

9) Section 40 of Law No. 29/1984 Coll. in the wording of subsequent regulations. Regulation of the government of the Slovak Republic No. 282/1994 Coll. Laws on using textbooks and instructional texts.

10) Section 3 paragraph 3 of Law of the Slovak National Council No. 254/1991 Coll. in the wording of subsequent regulations.

Section 5 of Law of the Slovak National Council No. 255/1991 Coll. in the wording of subsequent regulations.

11) Law No. 81/1966 Coll. on periodical print and other mass information media in the wording of subsequent regulations.

12) Section 18 of the Civic Court Order. Section 2 paragraph 14 of Law No. 141/1961 Coll., Law No. 36/1967 Coll. on experts and interpreters. Decree of the Ministry of Justice No. 37/1967 Coll. on execution of law on experts and interpreters in the wording of subsequent regulations.

13) Section 9 paragraphs 1 and 2 and Section 11 of Law No. 634/1992 Coll. on consumer protection. Law of the National Council of the Slovak Republic No. 152/1995 Coll. Laws on groceries.

Annex No. 9

List
of municipalities, where citizens of the Slovak Republic belonging to the Hungarian
national minority constitute at least 20 % of the population according to the results of
the census of 26 May 2001

Region	District	Municipality	
Bratislava	Senec 20,4	1. Senec	22,1
		2. Boldog	70,3
		3. Hamuliakovo	55,6
		4. Hrubá Borša	31,7
		5. Hrubý Štúr	74,3
		6. Kalinkovo	37,1
		7. Kostolná pri Dun.	68,8
		8. Malinovo	50,6
		9. Nová Dedinka	28,7
		10. Reca	44,1
		11. Tomášov	55,4
		12. Tureň	77,0
		13. Veľký Biel	41,4
		14. Vlky	77,4
Trnava	Dunajská Streda 83,3	1. Dunajská Streda	79,7
		2. Báč	67,2
		3. Baka	92,5
		4. Baloň	94,0
		5. Bellova Ves	45,1
		6. Blahová	52,1
		7. Blatná na Ostrove	87,9
		8. Bodíky	96,5
		9. Boheľov	97,8
		10. Čakany	86,3
		11. Čenkovce	90,9
		12. Čiližská Radvaň	95,4
		13. Dobrohošť	91,4
		14. Dolný Bar	82,6
15. Dolný Štál	94,2		
16. Dunajský Klatov	93,9		
17. Gabčíkovo	90,4		
18. Holice	96,0		
19. Horná Potôň	93,9		
20. Horné Mýto	97,2		
21. Horný Bar	89,2		
22. Hubice	77,2		
23. Hviezdoslavov	45,1		
24. Jahodná	94,0		
25. Janíky	90,3		
26. Jurová	94,1		
27. Kľúčovec	98,1		
28. Kostolné Kračany	92,8		

	29. Kľaŕovičove Krač.	90,2	
	30. Kútники	87,4	
	31. Kvetoslavov	46,0	
	32. Kyselica	78,9	
	33. Lehnice	68,9	
	34. Lúč na Ostrove	95,7	
	35. Macov	56,8	
	36. Mad	95,7	
	37. Malé Dvorníky	92,5	
	38. Medved'ov	87,3	
	39. Mierovo	82,3	
	40. Michal na Ostrove	89,0	
	41. Nový Život	85,3	
	42. Ňarad	95,1	
	43. Ohrady	95,3	
	44. Okoč	92,5	
	45. Oľdza	93,8	
	46. Orechová Potôň	93,5	
	47. Padáň	94,4	
	48. Pataš	89,7	
	49. Povoda	78,6	
	50. Rohovce	87,7	
	51. Sap	96,3	
	52. Šamorín	66,6	
	53. Štvrtek na Ostrove	82,8	
	54. Topoľníky	93,0	
	55. Trhová Hradská	94,6	
	56. Trnávka	81,3	
	57. Trstená na Ostrove	93,2	
	58. Veľká Paka	55,6	
	59. Veľké Blahovo	86,0	
	60. Veľké Dvorníky	95,8	
	61. Veľký Meder	84,5	
	62. Vieska	89,9	
	63. Vojka nad Dunajom	87,7	
	64. Vrakúň	92,7	
	65. Vydrany	85,4	
	66. Zlaté Klasy	67,7	
Galanta	38,6	1. Galanta	36,8
		2. Čierna Voda	92,4
		3. Čierny Brod	90,2
		4. Dolné Saliby	78,0
		5. Dolný Chotár	93,3
		6. Horné Saliby	67,0
		7. Jánovce	33,0
		8. Jelka	68,4
		9. Kajal	70,9
		10. Košúty	60,7
		11. Kráľov Brod	83,5
		12. Matúškovo	64,1

			13. Mostová	88,1
			14. Sládkovičovo	38,5
			15. Tomášikovo	88,0
			16. Topoľnica	53,3
			17. Trstice	93,7
			18. Váhovce	77,1
			19. Veľká Mača	84,8
			20. Veľké Uľany	71,1
			21. Vozokany	83,0
Nitra	Komárno	69,1	1. Komárno	60,1
			2. Bajč	56,8
			3. Bátorové Kosihy	83,4
			4. Bodza	92,9
			5. Bodzianske Lúky	95,1
			6. Brestovec	96,3
			7. Búč	93,6
			8. Čalovec	73,0
			9. Čičov	91,5
			10. Dedina mládeže	66,6
			11. Holiare	92,9
			12. Hurbanovo	50,2
			13. Chotin	87,1
			14. Imeľ	46,5
			15. Iža	72,8
			16. Kameničná	78,6
			17. Kližská Nemá	92,2
			18. Kolárovo	80,8
			19. Kravany nad Dunajom	81,0
			20. Marcelová	88,5
			21. Martovce	90,6
			22. Moča	92,0
			23. Modrany	85,3
			24. Nesvady	59,0
			25. Okoličná na Ostrove	88,6
			26. Patince	91,4
			27. Pribeta	76,6
			28. Radvaň nad Dunajom	91,5
			29. Sokolce	91,4
			30. Svätý Peter	73,6
			31. Tôň	88,0
			32. Trávník	91,3
			33. Veľké Kosihy	85,6
			34. Virt	67,5
			35. Vrbové /Váhom	89,2
			36. Zemianska Olča	89,8
			37. Zlatná na Ostrove	90,5

Levice 27,9

Levice mesto 12,2

1. Bajka	26,7
2. Beša	40,2
3. Bielovce	91,6
4. Bory	45,6
5. Čata	68,6
6. Demnadice	32,3
7. Dolné Semerovce	59,3
8. Farná	76,8
9. Hokovce	46,6
10. Hontianska Vrbica	36,9
11. Horná Seč	23,1
12. Horné Semerovce	54,3
13. Horné Turovce	68,0
14. Horný Pial	52,2
15. Hrkovce	57,8
16. Hronovce	48,0
17. Ipeľský Sokolec	86,3
18. Ipeľské Uľany	89,2
19. Jur nad Hronom	41,8
20. Keť	93,2
21. Hrubáňovo	78,2
22. Kukučínov	32,6
23. Lontov	70,9
24. Máláš	51,4
25. Malé Ludince	82,8
26. Mýtne Ludany	45,7
27. Nýrovce	72,9
28. Ondrejovce	35,7
29. Pastovce	73,6
30. Plašťovce	69,2
31. Pohronský Ruskov	61,6
32. Sazdice	61,5
33. Sikenica	40,4
34. Slatina	56,0
35. Šahy	62,2
36. Šalov	72,6
37. Šarovce	46,0
38. Tehla	21,3
39. Tekovské Lužany	35,4
40. Tekovský Hrádok	56,4
41. Tupá	34,4
42. Turá	60,6
43. Veľké Ludince	82,6
44. Veľké Turovce	60,7
45. Výškovce nad Ipeľom	79,4
46. Vyšné nad Hronom	62,1
47. Zalaba	85,9

	48.Zbrojníky	32,1
	49.Želiezovce	51,2
	50.Žemliare	71,8
Nitra 6,7	1.Bobindol	30,4
	2.Branč	30,7
	3.Čechynce	53,7
	4.Čifáre	43,0
	5.Dolné Obdokovce	69,5
	6.Host'ová	82,5
	7.Jelenec	36,6
	8.Klasov	43,1
	9.Kolíňany	59,5
	10.Nitrianske Hrnčiarovce	32,7
	11.Pohranice	59,3
	12.Veľké Chyndice	24,9
	13.Veľký Cetín	79,7
	14.Žirany	62,2
Nové Zámky 38,3	1.Nové Zámky	27,5
	2.Andovce	66,8
	3.Bajtava	91,3
	4.Bardoňovo	38,6
	5.Belá	76,5
	6.Bešenov	80,1
	7.Biňa	89,6
	8.Bruty	90,7
	9.Dubník	64,4
	10.Dvory nad Žitavou	71,4
	11.Gbelce	74,3
	12.Chľaba	86,8
	13.Kamenica nad Hronom	78,2
	14.Kamenín	89,9
	15.Kamenný most	90,0
	16.Komoča	84,4
	17.Leľa	86,6
	18.Lubá	86,9
	19.Malá nad Hronom	93,8
	20.Malé Kosihy	97,1
	21.Mužla	84,7
	22.Nána	75,0
	23.Nová Vieska	88,0
	24.Obid	88,1
	25.Pavlová	94,8
	26.Pozba	77,0
	27.Rúbaň	85,3
	28.Salka	93,1
	29.Sikenička	92,0
	30.Strekov	88,8

		31.Svodin	77,0
		32.Šarkan	85,7
		33.Štúrovo	68,7
		34.Tvrdošovce	71,3
		35.Veľký Kýr	64,3
		36.Zemné	74,7
	Šaľa 35,7	1.Diakovce	71,5
		2.Dlhá nad Váhom	71,5
		3.Kráľová nad Váhom	83,1
		4.Neded	62,4
		5.Selice	59,4
		6.Tešedíkovo	82,8
		7.Trnovec nad Váhom	23,9
		8.Vlčany	72,4
		9.Žihárec	75,4
Banská Bystrica	Zlaté Moravce	1.Ladice	43,7
	Lučenec 27,6	1.Belina	90,4
	Lučenec mesto 13,1	2.Biskupice	77,6
		3.Boľkovce	25,3
		4.Bulhary	84,3
		5.Čakanovce	71,9
		6.Čamovce	78,1
		7.Fiľakkovo	64,4
		8.Fiľakovské Kováče	55,0
		9.Holiša	55,7
		10.Jeľšovec	34,2
		11.Kalonda	63,6
		12.Mikušovce	26,7
		13.Mučín	29,4
		14.Nitra nad Ipľom	38,5
		15.Panické Dravce	46,1
		16.Pleš	51,3
		17.Prša	90,8
		18.Radzovce	72,1
		19.Rapovce	44,4
		20.Šávoľ	84,1
		21.Šíd	72,0
		22.Šurice	89,8
		23.Trebeľovce	25,3
		24.Trenč	30,1
		25.Veľká nad Ipľom	51,0
		26.Veľké Dravce	73,3
	Poltár	1.Nové Hony	21,5
		2.Pinciná	48,3
	Revúca 22	1.Držkovce	68,8
		2.Gemer	83,1

		3.Gemerská Ves	67,5
		4.Gemerský Sad	53,8
		5.Hucin	26,5
		6.Chvalová	39,0
		7.Leváre	84,6
		8.Levkuška	79,8
		9.Licince	57,9
		10.Otročok	72,4
		11.Polina	71,7
		12.Rašice	94,3
		13.Skerešovo	46,4
		14.Tornaľa	62,1
		15.Višňové	52,7
		16.Žiar	74,1
Rimavská Sobota	41,3	1.Rimavská Sobota	35,3
		2.Abovce	66,3
		3.Barca	85,5
		4.Bátka	72,3
		5.Belín	32,6
		6.Blhovce	76,9
		7.Čakov	84,4
		8.Číž	71,4
		9.Dolné Zahorany	93,7
		10.Dražice	65,0
		11.Drňa	79,4
		12.Dubno	97,1
		13.Dubovec	82,9
		14.Dulovo	29,9
		15.Figa	43,7
		16.Gemerček	83,8
		17.Gemerské Dechtáre	96,8
		18.Gemerské Michalovce	78,4
		19.Gemerský Jablonec	89,7
		20.Gortva	55,4
		21.Hajnáčka	86,3
		22.Hodejov	64,2
		23.Hodejovec	55,0
		24.Hostice	87,0
		25.Hubovo	88,3
		26.Husiná	77,6
		27.Chanava	88,2
		28.Chrámec	66,2
		29.Ivanice	95,1
		30.Janice	96,2
		31.Jesenské	56,8
		32.Jestice	91,6
		33.Kaloša	77,5
		34.Kesovce	67,8
		35.Konrádovce	77,6

	36.Král'	69,6
	37.Lenartovce	78,0
	38.Lenka	63,9
	39.Martinová	67,8
	40.Neporadza	52,6
	41.Nová Bašta	90,3
	42.Ožd'any	26,1
	43.Paradovce	52,2
	44.Pavlovce	54,3
	45.Petrovce	96,3
	46.Radnovce	84,9
	47.Rakytník	87,8
	48.Riečka	84,1
	49.Rimavská Seč	88,5
	50.Rimavské Janovce	41,3
	51.Rumince	66,4
	53.Stará Bašta	94,2
	54.Stránske	45,2
	55.Studená	84,0
	56.Sútor	56,8
	57.Šimonovce	92,1
	58.Širkovce	86,0
	59.Štrkovec	84,6
	60.Tachy	96,1
	61.Tomášovce	74,2
	62.Uzovská Panica	63,6
	63.Valice	60,9
	64.Včelince	66,4
	65.Večelkov	95,6
	66.Veľký Blh	69,0
	67.Vieska nad Blhom	96,0
	68.Vlkyňa	96,2
	69.Vyšné Valice	87,6
	70.Zádor	83,2
	71.Žip	85,3
Veľký Krtíš	27,4	
	1.Balog nad Ipľom	87,9
	2.Bátorová	29,1
	3.Bušince	40,2
	4.Čebovce	72,0
	5.Čeláre	35,5
	6.Dolinka	96,7
	7.Ďurkovce	63,5
	8.Glabušovce	52,3
	9.Chrastince	21,3
	10.Ipeľské Predmostie	76,8
	11.Kamenné Kosihy	70,2
	12.Kiarov	73,8
	13.Kleňany	92,3
	14.Koláre	80,8

		15.Kosihovce	34,7
		16.Kosihy	85,3
		nad Ipľom	
		17.Kováčovce	66,1
		18.Lesenica	41,2
		19.Muľa	29,7
		20.Nenince	77,8
		21.Olováry	74,6
		22.Opatovská Nová Ves	70,1
		23.Sečianky	87,6
		24.Seľany	54,1
		25.Širákov	76,1
		26.Trebušovce	80,8
		27.Veľká Čalomija	66,0
		28.Veľká Ves nad Ipľom	80,9
		29.Veľké Zlievce	24,1
		30.Vinica	87,9
		31.Vrbovka	83,4
		32.Želovce	22,0
Košice	Košice-okolie 13,2	1.Buzica	63,5
		2.Cestice	47,2
		3.Čečejevce	35,7
		4.Debrat'	69,1
		5.Drienovec	33,5
		6.Dvorníky-Včeláre	68,1
		7.Háj	85,0
		8.Hosťovce	90,1
		9.Chorváty	76,3
		10.Janik	63,8
		11.Komárovce	84,3
		12.Milhošť	41,9
		13.Mokrance	35,4
		14.Moldava nad Bodvou	43,7
		15.Nižný Lánec	51,4
		16.Peder	81,2
		17.Perin-Chym	34,1
		18.Rešica	90,5
		19.Turňa nad Bodvou	43,6
		20.Turnianska Nová Ves	90,9
		21.Zádiel	86,6
		22.Žarnov	74,9
	Michalovce 11,7	1.Beša	92,6
		2.Budince	68,2
		3.Čičarovce	93,6
		4.Drahňov	58,3

	5.Ižkovce	92,5	
	6.Kapušianske Kľačany	73,6	
	7.Krišovská Liesková	78,6	
	8.Malé Raškovce	50,8	
	9.Maťovské Vojkovce	85,7	
	10.Oborin	69,3	
	11.Ptrukša	95,2	
	12.Ruská	93,7	
	13.Veľké Kapušany	57,0	
	14.Veľké Raškovce	83,6	
	15.Veľké Slemence	97,0	
	16.Vojany	70,3	
	17.Zemplínske Kopčany	36,2	
Rožňava 30,6	1.Rožňava	26,8	
	2.Ardovo	69,5	
	3.Bohúňovo	87,2	
	4.Bôrka	53,8	
	5.Bretka	81,9	
	6.Brztotín	40,0	
	7.Čoltovo	70,5	
	8.Čučma	48,8	
	9.Dlhá Ves	86,7	
	10.Drnava	71,3	
	11.Gemerská Hôrka	63,1	
	12.Gemerská Panica	46,8	
	13.Hrhov	90,1	
	14.Hrušov	88,6	
	15.Jablonov nad Turňou	86,7	
	16.Jovice	77,3	
	17.Kečovo	91,9	
	18.Kováčová	89,5	
	19.Krásnohorská Dlhá Lúka	87,7	
	20.Krásnohorské Podhradie	47,2	
	21.Kružná	81,1	
	22.Kunova Teplica	41,2	
	23.Lipovník	85,6	
	24.Lúčka	87,7	
	25.Meliata	74,4	
	26.Pašková	75,5	
	27.Plešivec	49,2	
	28.Rudná	41,8	
	29.Silica	89,0	
	30.Silická Brezová	73,4	
	31.Silická Jablonica	97,2	

Trebišov 29,3

32.Slavec	62,7
1.Bačka	96,3
2.Bara	69,9
3.Biel	75,5
4.Boľ	86,2
5.Borša	50,3
6.Bot'any	71,9
7.Brehov	43,5
8.Černocho	77,2
9.Čierna	89,6
10.Čierna nad Tisou	60,1
11.Dobrá	85,2
12.Klin nad Bodrogom	60,0
13.Kráľovský Chlmec	76,9
14.Ladmovce	86,8
15.Leles	75,5
16.Malé Trakany	87,9
17.Malý Horeš	95,6
18.Malý Kamenec	94,0
19.Poľany	83,0
21.Pribeník	78,9
22.Rad	75,9
23.Sirnik	24,1
24.Soľnička	87,6
25.Somotor	69,2
26.Strážne	92,1
27.Streda nad Bodrogom	60,0
28.Svätá Mária	87,5
29.Svätuša	95,4
30.Svinice	89,0
31.Veľké Trakany	83,0
32.Veľký Horeš	84,1
33.Veľký Kamenec	88,7
34.Viničky	62,6
35.Vojka	86,9
36.Zatin	84,1
37.Zemplín	64,2

Annex No. 10

List

of municipalities, where citizens of the Slovak Republic belonging to the Roma national minority constitute at least 20 % of the population according to the results of the census of 26 May 2001

Nitra region

District Levice:

1. Dolné Semerovce.20.0%

Banská Bystrica region

District Brezno

1. Valkovňa 34.1 %

District Revúca

1. Držkovce 22.2 %

2. Hucín 50.1%

3. Rybník 31.5 %

District Rimavská Sobota

1. Dulovo 65.2%

2. Neporadza 24.6%

3. Pavlovce 25.9%

District Veľký Krtíš

1. Čelovce 24.7%

Prešov region

District Bardejov

1. Nižný Tvarožec 25.3%

District Kežmarok

1. Jurské 84.0%

2. Malý Slavkov 21.7%

3. Podhorany 54.5%

4. Rakúsy 27.6%

5. Stráne pod Tatrami 20.3%

6. Toporec 30.5%

7. Veľká Lomnica 22.1%

District Prešov

1. Červenica 31.2%

2. Hermanovce 21.3%

3. Mirkovce 61.2%

4. Svinia 27.1%

District Sabinov

1. Olejníkov 37.8%

2. Ostrovany 43.9%

District Stropkov

1. Miková 27.7%

District Svidník

1.Kružlová 21.0%

District Vranov nad Toplou

- 1.Banské 23.1%
- 2.Čaklov 31.3%
3. Čičava 48.8 %
4. Hlinné 21.5 %
- 5 .Prosačov 41.5%
- 6.Sol' 22.7%

Košice region

District Gelnica

- 1.Nálepko 27.6%
- 2.Richnava 26.3%
- 3.Závadka 22.3%

Košice II

1.Luník IX 44.0%

Košice surroundings

- 1.Háčava 28.2%
- 2.Kecеровce 61.8%
- 3.Nižný Lanec 24.9%
- 4.Veľká Ida 31.6%
- 5.Vtáčkovce 50.8%

District Michalovce

- 1.Budince 23.4%
- 2.Ľňačovce 31.8%
- 3.Laškovce 42.1%
- 4.Pavlovce nad Uhom 23.5%

District Rožňava

- 1.Bôrka 32.3%
- 2.Henckovce 20.4%
- 3.Krásnohorské Podhradie 28.1%

District Spišská Nová Ves

- 1.Arnútovcе 29.1%
- 2.Letanovce 20.5%
- 3.Poráč 23.8%
- 4.Žehra 26.3%

District Trebišov

- 1.Egreš 24.3%
- 2.Lastovce 37.7%
- 3.Zbehňov 26.7%

Annex No. 11

List
of municipalities, where citizens of the Slovak Republic belonging to the Ruthenian
national minority constitute at least 20 % of the population according to the results of
the census of 26 May 2001

District, municipality	Persons with permanent residence total	Ruthenian nationality	
			%

District Bardejov

Becherov	274	133	48.5
Chmelová	405	166	41.0
Jedlinka	86	29	33.7
Mikulášová	153	50	32.7
Ondavka	37	18	48.6
Regetovka	14	8	57.1
Šarišské Cierne	345	73	21.2
Vyšná Polianka	124	45	36.3
Vyšný Tvarožec	136	61	44.9

District Humenné

Nechválova Polianka	135	36	26.7
Nižná Jablonka	180	37	20.6
Pritulany	67	55	82.1
Ruská Kajna	150	34	22.7
Ruská Poruba	285	178	62.5
Vyšná Jablonka	84	32	38.1
Závada	84	60	71.4

District Medzilaborce

Brestov nad Laborcom	68	49	72.1
Čabalovce	349	150	43.0
Čabiny	430	195	45.3
Čertižné	421	273	64.8
Habura	497	308	62.0
Kalinov	312	126	40.4
Krásny Brod	405	234	57.8
Medzilaborce	6,741	2 303	34.2
Ňagov	431	356	82.6
Olka	351	202	57.5

Oľšinkov	41	16	39.0
Palota	183	64	35.0
Radvan nad Laborcom	602	139	23.1
Repejov	173	87	50.3
Rokytovce	191	119	62.3
Roškovce	237	48	20.3
Sukov	153	54	35.3
Svetlice	175	46	26.3
Valentovce	42	24	57.1
Volica	347	98	28.2
Výrava	144	72	50.0
Zbojné	214	59	27.6
Zbudská Belá	161	99	61.5
District Snina			
Čukalovce	143	82	57.3
Hostovice	378	85	22.5
Kalná Roztoka	630	172	27.3
Klenová	535	176	32.9
Osadné	233	58	24.9
Parihuzovce	28	11	39.3
Pcoliné	621	167	26.9
Runina	91	62	68.1
Ruská Volová	139	66	47.5
Topola	226	94	41.6
Ubla	881	176	20.0
Ulic	1,078	227	21.1
District Stará Lubovna			
Čirc	1,118	373	33.4
Ruská Vola nad Popradom	115	32	27.8
Stránany	207	51	24.6
Údol	431	121	28.1
District Stropkov			
Brusnica	351	112	31.9
Bystrá	38	18	47.4
Havaj	406	144	35.5
Jakušovce	58	14	24.1
Kožuchovce	67	20	29.9
Malá Polana	121	57	47.1
Miková	173	66	38.2
Potôcky	75	19	25.3
Staškovce	281	59	21.0
Vladica	75	40	53.3
Vojtovce	116	32	27.6
District Svidník			
Belejovce	18	11	61.1

Cigla	88	19	21.6
Dobroslava	41	14	34.1
Dubová	243	69	28.4
Havranec	10	4	40.0
Jurkova Vola	84	34	40.5
Keckovce	230	56	24.3
Korejovce	70	19	27.1
Krajná Bystrá	335	72	21.5
Krajná Porúbka	58	40	69.0
Krajné Cierno	84	34	40.5
Medvedie	62	21	33.9
Mirola	85	17	20.0
Nížná Jedlová	80	32	40.0
Nížná Pisaná	98	23	23.5
Nížný Mirošov	249	66	26.5
Nížný Orlík	260	71	27.3
Nová Polianka	62	17	27.4
Pstriná	70	29	41.4
Roztoky	294	69	23.5
Šarbov	9	4	44.4
Vagrinec	134	30	22.4
Vápeník	52	24	46.2
Vyšná Jedlová	173	87	50.3
Vyšná Pisaná	80	41	51.3
Vyšný Mirošov	604	185	30.6

Annex No. 12

List
of municipalities, where citizens of the Slovak Republic belonging to the Ukrainian
national minority constitute at least 20 % of the population according to the results of
the census of 26 May 2001

District, municipality	persons with permanent residence total	Ukrainian	
		nationality	%

District Bardejov

Ondavka	37	9	24.3
Šarišské Čierne	345	93	27.0

District Medzilaborce

Oľšinkov	41	16	39.0
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District Snina

Runina	91	23	25.3
Ruský Potok	161	39	24.2

District Stará Ľubovňa

Jarabina	834	243	29.1
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Annex No. 14

Overview of the schools and school facilities where languages of nationalities were taught in the school year 2003/2004

1. Nursery schools		
Number of children by nationality:		
Czech, Moravian, Silesian		50
Slovak		137283
Ukrainian		111
Ruthenian		99
Hungarian		11581
Polish		17
German		13
Roma		1192
Other		133
Aliens		239
Total		150718
Total number of children in NS:		150718

2. Primary Schools			
a) State			
Language of instruction	Number of schools	Number of classes	Number of pupils
Slovak	1980	23854	516227
Hungarian	248	1978	36520
Slovak-Hungarian	35		
Ukrainian	6	45	458
Slovak-Ukrainian	2		
German	1	4	44
Total	2272	25881	553249
b) Private			
Language of instruction	Number of schools	Number of classes	Number of pupils
Slovak	10	34	414
Other	1	8	89
Total	11	42	503
c) Church			
Language of instruction	Number of schools	Number of classes	Number of pupils
Slovak	92	1123	24189
Hungarian	12	71	1070
Total	104	1194	25259
Total primary schools	2387	27117	579011
Primary school pupils by nationality			
Czech, Moravian, Silesian		858	
Slovak		527495	
Ukrainian		490	
Ruthenian		239	
Hungarian		45352	
Polish		49	
German		77	
Roma		3072	
Other		472	
Aliens		907	
Total		579011	
Total - pupils in primary schools:		579011	

3. GYMNASIA			
a) State			
Language of instruction	Number of schools	Number of classes	Number of students
Slovak	120	2512	77674
Slovak - bilingual	18		
Hungarian	11	196	5243
Slovak-Hungarian	8		
Ukrainian	1	7	155
Total	158	2715	83072
b) Private			
Language of instruction	Number of schools	Number of classes	Number of students
Slovak	15	131	3077
Slovak - bilingual	2		
Hungarian	1	5	114
Other	1	4	49
Total	19	140	3240
c) Church			
Language of instruction	Number of schools	Number of classes	Number of students
Slovak	37	422	13033
Slovak - bilingual	4		
Hungarian	5	31	712
Total	46	453	13745
Total - Gymnasia	223	3308	100057
Students of gymnasia by nationality:			
Czech, Moravian, Silesian		280	
Slovak		91918	
Ukrainian		125	
Ruthenian		101	
Hungarian		7219	
Polish		16	
German		45	
Roma		5	
Other		125	
Aliens		223	
Total		100057	
Total – students in gymnasia:			100057

4. SECONDARY VOCATIONAL SCHOOLS			
a) State			
Language of instruction	Number of schools	Number of classes	Number of students
Slovak	215	2894	83656
Slovak-Ukrainian	1	4	71
Hungarian	4	145	3797
Slovak-Hungarian	16		
Total	236	3043	87524
b) Private			
Language of instruction	Number of schools	Number of classes	Number of students
Slovak	27	141	3112
Hungarian	4	19	324
Slovak-Hungarian	1		
Total	32	160	3436
c) Church			
Language of instruction	Number of schools	Number of classes	Number of students
Slovak	11	87	2393
Total	11	87	2393
Total secondary vocational schools	279	3290	93353
Students of SVS by nationality:			
Czech, Moravian, Silesian		204	
Slovak		86508	
Ukrainian		77	
Ruthenian		45	
Hungarian		6226	
Polish		3	
German		18	
Roma		114	
Other		46	
Aliens		112	
Total		93353	
Total – students of SVS:			93353

5. SECONDARY APPRENTICE SCHOOLS AND APPRENTICES			
a) State			
Language of instruction	Number of schools	Number of classes	Number of students
Slovak	227	2869	70 042
Hungarian	2	20	407
Slovak-Hungarian	18	227	4 551
Total	247	3116	75 000
b) Private			
Language of instruction	Number of schools	Number of classes	Number of students
Slovak	11	121	2 981
Hungarian	5	58	1 127
Total	16	179	4 108
c) Church			
Language of instruction	Number of schools	Number of classes	Number of students
Slovak	5	42	1 045
Total	5	42	1 045
Total SAS and apprentices	268	3 337	80 153
Students SAS and apprentices by nationality:			
Czech, Moravian, Silesian		151	
Slovak		73 632	
Ukrainian		51	
Ruthenian		25	
Hungarian		6 157	
Polish		3	
German		9	
Roma		53	
Other		16	
Aliens		56	
Total		80 153	
Total – students of SAS and apprentices:			80153
Total – students of secondary schools:		273563	
Total – pupils of primary schools:		579011	
Total – pupils and students of primary and secondary schools:	852574		

6. SPECIAL SCHOOLS			
a) State			
Language of instruction	Number of schools	Number of classes	Number of pupils
Slovak – nursery, primary	315	2875	24864
Slovak – secondary	82	564	5177
Hungarian-nursery, primary	12	166	1408
Slovak-Hungarian – nursery, primary	18		
Hungarian – secondary	1	7	71
Slovak-Hungarian – special	2		
Total	430	3612	31520
b) Private			
Language of instruction	Number of schools	Number of classes	Number of pupils
Slovak – nursery, primary	2	5	46
Slovak – secondary	1	1	6
Total	3	6	52
c) Church			
Language of instruction	Number of schools	Number of classes	Number of pupils
Slovak – nursery, primary	9	59	467
Total	9	59	467
Total - special schools	442	3677	32039
Pupils in special schools by nationality:			
Czech, Moravian, Silesian		56	
Slovak		27734	
Ukrainian		6	
Ruthenian		0	
Hungarian		2019	
Polish		3	
German		0	
Roma		2190	
Other		13	
Aliens		18	
Total		32039	
Total – pupils in special schools:		32039	

Annex No. 15

**Agreement
between the Governments of the Slovak Republic and of the Republic of Hungary
on Cooperation in the Areas of Culture, Education, Science, Sports and Youth**

The Governments of the Slovak Republic and of the Republic of Hungary (hereinafter referred to as the Contracting Parties),

- *in accordance with* the Treaty on Good Neighbourliness and Friendly Cooperation between the Slovak Republic and the Republic of Hungary signed in Paris on 19 March 1995, and having regard to recommendations of the relevant mixed commissions set up with a view to facilitating the implementation of the Treaty,
- *convinced* that the development of relations in the areas of culture, education, science, sports and youth facilitates better understanding between the nations and promotes permanent cooperation between the States,
- *desirous* to strengthen mutual understanding, friendship and trust between the two States, their nations and national minorities through culture, science, education and sports,
- *in accordance with* the objectives and principles laid down in international instruments adopted by the two States, in an effort at bringing their nations closer together and fostering cultural integration of Europe through cooperation in the areas of culture, education, science, sports and youth, preservation of common cultural heritage and its further development,
- *driven* by the effort to ensure comparable full-fledged preservation and development of the life of the Hungarian national minority in the Slovak Republic and of the Slovak national minority in the Republic of Hungary, attaching special importance to balanced reciprocal satisfaction of spiritual, educational and cultural needs of the minorities,

have agreed as follows:

Article 1

The Contracting Parties shall develop and strengthen direct and comprehensive cooperation comprising regular exchanges of experience and information in the areas of culture, art, education, science, information and the use of mass media, physical education and sports, as well as contacts among young people.

To promote more effective cooperation, the Contracting Parties shall promote the already existing direct relationships and facilitate the establishment of further relationships at the level of State and non-State entities, self-government, churches and in other areas.

Article 2

The Contracting Parties shall promote better mutual knowledge of cultural and artistic heritage of their countries, cooperation and exchanges in all fields of culture, public education, professional or amateur art, pursuing mutual interests and benefits.

The Contracting Parties shall support:

- 1) cooperation between art institutions and agencies, unions and organisations of publishers and distributors of books, libraries, houses of culture, museums, art galleries, monument protection institutions, performing artists, experts on arts and public education, non-governmental organisations active in the areas falling within the scope of this Agreement and, furthermore, exchanges of specialists, experience and documents in all areas of culture,
- 2) exchanges of professional and amateur artists, soloists, artistic ensembles, choirs, orchestras, theatre and other companies on a non-commercial and/or commercial basis, participation of their representatives in cultural festivals, competitions, conferences, international meetings, art events, creative workshops organised by the other Contracting Party and in the juries of international competitions organised in the other State,
- 3) exchanges of exhibitions of photographic documents, periodical and non-periodical art publications, films and other information carriers, musical scores, audio and audio-visual media between cultural institutions,
- 4) cooperation between publishing houses and distribution companies,
- 5) organisation of joint cultural events on mutually agreed themes,
- 6) presentation of dramatic, musical, vocal, dance, audiovisual and visual arts in the relevant institutions of the State of the other Contracting Party on a commercial and/or non-commercial basis,
- 7) translations and publishing of major literary and scientific works by authors from the State of the other Contracting Party.

Article 3

The Contracting Parties shall support the activities of the Slovak Institute in Budapest and of the Cultural Institute of the Republic of Hungary in Bratislava. They shall conclude a separate agreement on the activities of the two centres.

Article 4

The Contracting Parties shall support cooperation between institutions securing the preservation, protection, research into and presentation of cultural heritage of the two States. The Contracting Parties shall examine mutual requests for returning or exchanging cultural heritage items.

The Contracting Parties shall cooperate with a view to preventing illegal exports, imports or possession of cultural heritage items.

Article 5

The Contracting Parties shall promote further familiarisation with cultural values of the State of the other Contracting Party and shall cooperate in the area of the protection of copyright and further improvement of the system of dissemination of cultural values.

Article 6

The Contracting Parties shall promote cooperation between archives, museums, art galleries and libraries and shall ensure access for scientists and researchers from the State of the other Contracting Party to the holdings and collections of these institutions.

Article 7

The Contracting Parties shall promote cooperation on a commercial and/or non-commercial basis in the area of audiovisual art between film archives, distributors, film production and cinematographic institutions, in the development of co-production projects, film exchanges, reciprocal participation in international festivals organised in the State of the other Contracting party, or in the exchange of film posters, professional journals and publications.

Article 8

The Contracting Parties shall support mutual cooperation in the area of audiovisual broadcasting through exchanges of radio and television programmes, exchanges and accreditation of radio and television commentators and reporters.

The Contracting Parties shall mutually facilitate the creation of more opportunities for presenting the Hungarian national minority in the Slovak Republic and of the Slovak national minority in the Republic of Hungary, and information about one another in the public service radio and television of the two Contracting Parties, with a view to improving the knowledge, understanding and trust between the two States and their citizens.

Article 9

The Contracting Parties attach special significance to the satisfaction of spiritual, educational and cultural needs of the Hungarian national minority in the Slovak Republic and of the Slovak national minority in the Republic of Hungary and shall, to this effect:

- 1) promote mutual exchanges of information concerning the situation of and conditions for the development of culture, education, identity and languages of minorities living in States of the two Contracting Parties,
- 2) *reciprocally provide for the development of educational and study opportunities for the Hungarian national minority in the Slovak Republic and of the Slovak national minority in the Republic of Hungary in their mother tongues and the teaching of their mother tongues; they shall reciprocally take necessary legal, administrative and other measures to enable these national minorities in their States to learn and receive education in their mother tongues within the system of State and non-State educational and cultural institutions of the two States, without prejudice to the teaching of the State language and/or the official language, providing instruction in that language,*
- 3) promote the creation of educational and cultural organisations and institutions, foundations and associations of the abovementioned national minorities and provide, within their possibilities, financial support for their activities and operation, including from the State budget,
- 4) support the activities of civil organisations and national minority associations that are conducive to the enhancement of cultural relations between the two States,
- 5) involve the representatives of legitimate organisations of national minorities in the two States in the discussions concerning the issues of national minority education and culture.

Article 10

- 1) The Contracting Parties shall promote, within their respective systems of education and instruction, the activities and operation of schools and educational establishments that teach or provide instruction in the language of the Hungarian national minority in the Slovak Republic and in the language of the Slovak national minority in the Republic of Hungary, and the activities and operation of the respective minority cultural institutions.
- 2) The Contracting Parties shall organise, within their respective systems of education and instruction and in the languages of both national minorities, the training and further training for teachers of schools providing instruction in the Hungarian language in the Slovak Republic, the teachers of schools providing instruction in or teaching the Slovak language in the Republic of Hungary, as well as the training of specialists for the professions that serve to preserve identity of the two national minorities.
- 3) The Contracting Parties shall reciprocally promote the safeguarding and upgrading of cultural traditions, monuments, memorable sites, cultural values and cultural monuments of the Hungarian national minority in the Slovak Republic and of the Slovak national minority in the Republic of Hungary.
- 4) The Contracting Parties agree that minority schools and cultural institutions operating on the territory of their States be provided teaching, methodological and scientific materials, teaching aids, audio and video carriers, scientific literature and fiction by the other Contracting Party in the form of a gift.

Article 11

The Contracting Parties shall support the establishment, operation and activities of a research and documentation institution dealing with the way of life and culture of the Hungarian national minority in the Slovak Republic and the activities and operation of the Slovak Research Institute at Escaba that studies the way of life and culture of the Slovak national minority in the Republic of Hungary.

Article 12

The Contracting Parties shall conclude a separate agreement on scientific and technological cooperation.

Article 13

The Contracting Parties shall promote cooperation and exchange of experience in the area of education, in particular through:

- 1) agreements on cooperation directly concluded between universities, schools and educational establishments,
- 2) reciprocal exchanges of specialists in the field of school management at all levels,
- 3) reciprocal exchanges of pupils and students aimed at the study or further education and organisation of study stays, language courses and specialised seminars,
- 4) reciprocal exchanges of university teachers and researchers in the form of study stays, consultation trips with a view to working on joint projects, participation in conferences, specialised seminars and lectures,

- 5) reciprocal assistance in setting up and running of branches of Hungarian universities in the Slovak Republic and in setting up and running of branches of Slovak universities in the Republic of Hungary,
- 6) reciprocal exchanges of textbooks, university texts and other educational aids, use of teaching programmes and methods that are successfully applied in the school institutions of the other Contracting Party.

Article 14

The Contracting Parties shall pay special attention to the activities and needs of the Hungarian language and literature departments and of the Slovak language and literature departments at their universities. They shall reciprocally send lecturers and visiting professors of language and literature, participants of summer language and literature courses, to the State of the other Contracting Party, mainly from among teachers and students. They shall exchange information concerning publications and professional literature, necessary for the teaching of language and literature in the State of the other Contracting Party.

The Contracting Parties shall support the idea of setting up a centre of Hungarian studies at a selected university in the Slovak Republic and of a centre of Slovak studies at a selected university in the Republic of Hungary.

Article 15

The Contracting Parties shall promote the process of objectifying and harmonising those parts of the texts of textbooks published in the two States, which deal with the issues of culture, history, geography and ethnography of the two States and nations. To this end, they shall create a mixed specialised commission which will formulate recommendations, in harmony with scientific knowledge, with a view to safeguarding mutual understanding and trust between the two nations.

Article 16

The Contracting Parties shall promote close cooperation in getting involved in the activities and participation in international educational, scientific, cultural, youth and sports organisations, and regular exchange of relevant experience. Furthermore, they shall promote joint participation in the programmes of the European Union and of the Council of Europe in the relevant fields, and in other international programmes.

Article 17

The Contracting Parties shall promote cooperation and expand exchanges in the area of working with young people under agreements concluded between the respective organisations carrying out these exchanges.

Article 18

The Contracting Parties shall promote the overall development of cooperation in the area of physical education, sports and tourism under agreements concluded directly between relevant organisations.

Article 19

Competent authorities of the Contracting Parties shall prepare sectoral cooperation programmes with a view to implementing provisions of the present Agreement, specifying the forms of cooperation, the manner of their implementation and financing.

Article 20

This Agreement is subject to approval in conformity with national legal provisions of both State parties, and shall enter into force on the 60th day after the exchange of diplomatic notes concerning its approval.

Article 21

The entry into force of this Agreement shall, in the relationship between the Slovak Republic and the Republic of Hungary, result in the termination of the Agreement between the Government of the Czechoslovak Socialist Republic and the Government of the People's Republic of Hungary on Cultural and Scientific Cooperation signed in Budapest on 22 October 1986.

Article 22

The Contracting Parties undertake to respect all the provisions of this Agreement in good faith and in harmony with their national legislation and international obligations.

Article 23

This Agreement is concluded for an indefinite period and either Contracting Party may terminate the Agreement with a six (6) month notice.

In the event of termination of this Agreement, unfinished exchange programmes, joint events or projects agreed on the basis thereof shall continue running for the entire period agreed.

Done in *Budapest* on *16 January 2003* in two original copies, each in the Slovak and the Hungarian languages, both texts being equally authentic.

For the Government
of the Slovak Republic

For the Government
of the Republic of Hungary

Agreement

between the Government of the Slovak Republic and the Government of the Republic of Hungary concerning mutual support for national minorities in the fields of education and culture

The Government of the Slovak Republic and the Government of the Republic of Hungary (hereinafter the "Parties")

Guided by efforts to contribute to preservation and development of cultural and linguistic identity of persons belonging to national minorities living in the Slovak Republic and the Republic of Hungary;

In compliance with the Treaty on Good Neighbourliness and Friendly Co-operation between the Slovak Republic and the Republic of Hungary signed on 19 March 1995 in Paris;

Building upon the Agreement between the Government of the Slovak Republic and the Government of the Republic of Hungary concerning co-operation in the fields of culture, education, science, sports and youth signed on 16 January 2003 in Budapest;

Within the meaning of the Joint Declaration of the Ministers of Foreign Affairs of the Slovak Republic and the Republic of Hungary made in Bratislava on 19 July 2003;

Recalling the report of the European Commission for Democracy through Law (the Venice Commission) of 22 October 2001;

Bearing in mind the fundamental principles of the European Union, namely the principle of prohibition of discrimination

Have agreed as follows

Article 1

The Parties agree that the Slovak Republic may support the preservation and development of linguistic and cultural identity of the Slovak national minority living in the territory of the Republic of Hungary and that the Republic of Hungary may support the preservation and development of linguistic and cultural identity of the Hungarian national minority living in the territory of the Slovak Republic.

Article 2

(1) The Slovak Republic may provide support for the financing of the educational process in school and educational institutions providing instruction of Slovak language or in Slovak language, or instruction of Slovak culture in the territory of the Republic of Hungary.

(2) The Slovak Republic may provide grants that will assist in the preservation and development of cultural and linguistic identity of persons belonging to the Slovak national minority to university students studying in the territory of the Republic of Hungary.

(3) The Republic of Hungary may provide support for the financing of the educational process in school and educational institutions providing instruction of Hungarian language or in Hungarian language, or instruction of Hungarian culture in the territory of the Slovak Republic.

(4) The Republic of Hungary may provide grants that will assist in the preservation and development of cultural and linguistic identity of persons belonging to the Hungarian national minority to university students studying in the territory of the Slovak Republic.

Article 3

1) The Slovak Republic may provide support to educationists instructing Slovak language or in Slovak language, or Slovak culture at primary, secondary schools and at universities in the territory of the Republic of Hungary for the participation in accredited and regular further education organised by Slovak institutions in the territory of the Republic of Hungary.

2) The Republic of Hungary may provide support to educationists instructing Hungarian language or in Hungarian language, or Hungarian culture at primary, secondary schools and at universities in the territory of the Slovak Republic for the participation in accredited and regular further education organised by Hungarian institutions in the territory of the Slovak Republic.

Article 4

(1) The Parties ascribe particular importance to the support of national minorities in the field of culture, with special emphasis on the development of the cultural needs and preservation of cultural and linguistic identity of the Slovak national minority in the Republic of Hungary and the Hungarian national minority in the Slovak Republic.

(2) The Parties agree that social organisations established in their territory, whose operation is directed toward the objectives specified under (1) of this Article, may receive support for their activities from the other Party, in compliance with the legal order of the state of registration.

Article 5

(1) The support defined under Article 2 (1) and (2) shall be, with respect to the nationals of the Republic of Hungary, provided in accordance with the legal order of the Republic of Hungary through the Zväz Slovákov v Maďarsku Foundation.

(2) The support defined under Article 2 (3) and (4) shall be, with respect to the nationals of the Slovak Republic, provided in accordance with the legal order of the Slovak Republic through the Pázmány Péter Alapítvány Foundation.

Article 6

The application of the Agreement shall be assessed by the Joint Slovak-Hungarian Commission for Minority Issues once a year in accordance with the legal orders of the Parties.

Article 7

Should any dispute arise with respect to the interpretation or application of this Agreement, the Parties shall proceed in accordance with Article 21 of the Treaty on Good Neighbourliness and Friendly Co-operation between the Slovak Republic and the Republic of Hungary signed on 19 March 1995 in Paris.

Article 8

This Agreement shall enter into force by exchange of diplomatic notes on the day of elaboration of the second diplomatic note confirming the approval of the Agreement by the governments.

Article 9

This Agreement is concluded for an indefinite period of time and each contracting Party can terminate the Agreement by giving a six (6) month's notice.

Done at Brussels, 12 December 2003, in two original copies in the Slovak and Hungarian languages, both texts being equally authentic.

For the Government of
the Slovak Republic

For the Government of
the Republic of Hungary

Annex No. 17

365
ACT

of 20 May 2004

**on Equal Treatment in Certain Areas and Protection against Discrimination, amending
and supplementing certain other laws (Antidiscrimination Act)**

The National Council of the Slovak Republic has agreed to enact the following Act:

Article I

§ 1

Scope

This Act provides for the application of the principle of equal treatment and lays down the means of legal protection in case of violation of this principle.

Basic provisions

§ 2

(1) Compliance with the principle of equal treatment shall consist in the prohibition of discrimination on any grounds, in the exercise of rights and responsibilities in compliance with good morals, and in the adoption of antidiscrimination measures insofar as the adoption of such measures is necessary in view of the specific circumstances and possibilities of the person who has an obligation to comply with the aforesaid principle.

(2) Discrimination shall mean direct discrimination, indirect discrimination, harassment; and victimisation; discrimination shall also mean an instruction to discriminate and incitement to discrimination.

(3) Direct discrimination shall mean any action or omission where one person is treated less favourably than another person is, has been or would be treated in a comparable situation.

(4) Indirect discrimination shall mean an apparently neutral instruction, provision, decision or practice that would put a person at a disadvantage compared with other persons, unless such instruction, provision, decision or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.

(5) Harassment shall mean such treatment of a person which that person can justifiably perceive as unpleasant, inappropriate or offensive and

- a) the purpose or effect of which is or could be violating the dignity of a person and of creating a hostile, degrading or offensive environment, or
- b) the suffering of which a person may consider to constitute a precondition for a decision or for the exercise of rights and obligations resulting from legal relationships.

(6) An instruction to discriminate shall mean the conduct consisting in the abuse of subordinate position of a person for the purpose of discriminating against a third person.

(7) Incitement to discrimination shall mean persuading, affirming or inciting a person to discriminate against a third person.

(8) Victimisation shall mean any action or omission which has adverse consequences for a person and is directly connected with

- a) seeking legal protection against discrimination for oneself or on behalf of another person, or
- b) making a deposition, providing an explanation or is connected with other involvement of a person in a matter concerning the violation of the principle of equal treatment.

(9) Discrimination against a legal entity shall mean the failure to observe the principle of equal treatment with respect to this entity on grounds set out in Section 6 paragraph 1 with respect to its members, associates, shareholders, members of its bodies, employees, persons acting on its behalf or persons on behalf of which such legal entity is acting.

(1) State bodies, bodies of territorial self-government, bodies of interest self-government, natural persons and legal entities shall be obliged to comply with the principle of equal treatment in areas laid down with this Act; this shall not apply when compliance in a particular case would be or could be in contradiction to measures provided for under separate provisions¹⁾ needed for ensuring ensure security, internal order, crime prevention, health protection or the protection of rights and interests protected by law and freedoms of persons.

(2) To determine whether discrimination has occurred or not, no account shall be taken of whether the underlying reasons were based on facts or on erroneous assumptions.

(3) The principle of equal treatment shall be enforced in conformity with the provisions of this Act and those of separate acts insofar as the latter lay down prohibition of discrimination on other grounds.

§ 4

(1) This Act shall not apply to

- a) differences of treatment resulting from the requirements for entry and stay of aliens in the territory of the Slovak Republic, including the treatment of these aliens provided for under separate provisions²⁾,
- b) differences of treatment based on disability or age, resulting from separate provisions³⁾ regulating the service of customs officers, members of armed forces, armed security services, armed services, National Security Office, Slovak Intelligence Service and Fire and Rescue Service.

(2) The provisions of this Act shall not prejudice the freedom of association or the right to establish trade unions.

§ 5

Principle of equal treatment in social security, healthcare, provision of goods and services, and in education

¹ For instance, Constitutional Statute No. 227/2002 Coll. on State Security in the Time of War, State of War, State of Emergency, and State of Crisis, Act No. 387/2002 Coll. on the Management of State in Crisis Situations Other Than Time of War and State of War as amended by Act No. 515/2003 Coll., Act No. 319/2002 Coll. on the Defence of the Slovak Republic as amended, Act of the National Council of the Slovak Republic No. 46/1993 Coll. on Slovak Intelligence Service as amended, Act of the National Council of the Slovak Republic No. 198/1994 Coll. on Military Intelligence as amended by Act No. 166/2003 Coll.).

² For instance, Act No. 48/2002 Coll. on the Stay of Aliens and on amending and supplementing certain other laws as amended, Act No. 480/2002 Coll. on Asylum and on amending and supplementing certain other laws as amended by Act. 606/2003 Coll.

³ Act No. 200/1998 Coll. on State Service of Customs Officers and on amending and supplementing certain other laws as amended.

Act No. 370/1997 Coll. on Military Service as amended.

Act No. 73/1998 Coll. on State Service of Members of the Police Force, Slovak Intelligence Service, Corps of Prison and Court Guard of the Slovak Republic and Railroad Police as amended.

Act No. 315/2001 Coll. on Fire and Rescue Service as amended.

(1) In conformity with the principle of equal treatment, discrimination on the grounds of sex, racial, national or ethnic origin shall be prohibited in social security, healthcare, provision of goods and services, and in education.

Deleted:

(2) The principle of equal treatment under paragraph 1 shall apply only in combination with the rights of persons laid down in separate laws regulating access to and provision of

- a) social assistance, social insurance, state social support⁴⁾ and social advantages,
- b) health care,⁵⁾
- c) education,⁶⁾
- d) goods and services including housing provided to the public by legal entities and natural persons - entrepreneurs.⁷⁾

(3) Discrimination on grounds of one's relationship with a person of certain racial, national or ethnic origin shall be also deemed to constitute discrimination based on racial, national or ethnic origin.

(4) For the purposes of this Act, social advantage shall mean a discount, exemption from a fee, benefits in cash or kind provided independently on social security benefits directly or indirectly to a certain group of natural persons who, as a rule, have a lower income or higher living costs than other natural persons.

Principle of equal treatment in employment and other similar legal relations

§ 6

(1) In conformity with the principle of equal treatment, any discrimination shall be prohibited in employment relations, similar legal relations and related legal relations on grounds of sex, religion or belief, racial, national or ethnic origin, disability, age and sexual orientation.

(2) The principle of equal treatment under paragraph 1 shall apply only in combination with the rights of natural persons provided for under separate legal provisions regulating

- a) access to employment, occupation, other gainful activities or functions ("employment" hereinafter), including recruitment requirements and selection criteria and modalities,⁸⁾
- b) employment and conditions of work including remuneration, promotion and dismissal,
- c) access to vocational training, professional upgrading and participation in active labour market policy programmes including access to vocational guidance services⁹⁾ ("vocational training" hereinafter), or
- d) membership and activity in employees' organisations, employers' organisations and organisations associating persons of certain occupations, including the benefits that these organisations provide to their members.

(3) Discrimination on grounds of

- a) pregnancy or maternity, and discrimination based on sexual or gender identification,

⁴ For instance, Act No. 195/1998 Coll. on Social Assistance as amended, Act No. 461/2003 Coll. on Social Insurance as amended.

⁵ For instance, Act of the National Council of the Slovak Republic No. 277/1994 Coll. on Healthcare as amended.

⁶ For instance, Act No. 131/2002 Coll. on Higher Education as amended, Act No. 386/1997 Coll. on Further Education, amending Act of the National Council of the Slovak Republic No. 387/1996 Coll. on Employment as amended by Act No. 70/1997 Coll. as amended by Act No. 567/2001 Coll.

⁷ For instance, Act No. 634/1992 Coll. on Consumer Protection as amended.

⁸ For instance, Labour Code, Act No. 312/2001 Coll. on Civil Service and on amending and supplementing certain other laws as amended.

⁹ For instance, Act No. 5/2004 Coll. on Employment Services and on amending and supplementing certain other laws as amended by Act No. 191/2004 Coll.

- shall be also deemed to constitute discrimination based on sex,
- b) one's relationship with a person of certain racial, national or ethnic origin shall be also deemed to constitute discrimination based on racial, national or ethnic origin,
 - c) one's relationship with a person of certain religion or belief, or discrimination against a natural person without religion, shall be also deemed to constitute discrimination based on religion or belief,
 - d) previous disability or discrimination against a person who, because of external symptoms, may appear to have a disability shall be also deemed to constitute discrimination based on disability.

§ 7

(1) Refusal or omission of the employer to take appropriate measures to enable a person with a disability to have access to employment, to the work of certain type, to promotion or other advance or to training shall be also deemed to constitute indirect discrimination based on disability; this does not apply if the adoption of such measures would impose a disproportionate burden on the employer. (2) To determine whether the measures referred to in paragraph 1 give rise to a disproportionate burden, account shall be taken of

- a) the benefit that the adoption of the measure would mean for the disabled person,
- b) financial resources of the employer, including the possibility of obtaining funding or any other assistance for the adoption of the measure, and
- c) the possibility of attaining the purpose of the measure referred to in paragraph 1 in a different, alternative manner.

(3) The measure shall not be considered as giving rise to disproportionate burden if its adoption by the employer is mandatory under separate legal provisions.¹⁰⁾

Deleted: ¶

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Admissible different treatment

§ 8

(1) Differences of treatment shall not constitute discrimination if they are objectively justified by the nature of occupational activities or the circumstances under which such activities are carried out, provided that the extent or form of such differences of treatment are legitimate and justified in view of these activities or circumstances under which they are carried out.

(2) In case of registered churches, religious societies¹¹⁾ and other legal entities whose activities are based on the religion or belief, differences of treatment based on age, sex, religion or belief and ascertainment of sexual orientation shall not constitute discrimination where they are related to employment by or to carrying out activities for such organisations. Registered churches, religious societies and other legal entities whose activities are based on the religion or belief may require the individuals who are employed by them or carry out activities for them to act in conformity with their religion or belief and with the principles of their religion or belief.

(3) Differences of treatment on grounds of age shall not be deemed to constitute discrimination if they are objectively justified by a legitimate aim and the means of achieving

¹⁰ For instance, Act No. [5/2004](#) Coll. as amended by Act No. 191/2004 Coll., Section [143](#) paragraph [1](#) subparagraph [d](#)) of Act No. [50/1976](#) Coll. on spatial planning and building order (the Building Act) as amended.

¹¹ For instance, Act No. 308/1991 Coll. on freedom of religious faith and the position of churches and religious societies as amended by Act No. 394/2000 Coll.

that aim are appropriate and necessary. Differences of treatment on grounds of age shall not be deemed to constitute discrimination if they consist in

- a) the fixing of a minimum or maximum age as a recruitment criterion,
- b) the setting of special conditions on access to employment and vocational training, and special conditions on employment, including remuneration and dismissal, for persons of a certain age bracket or persons with caring responsibilities, where such special conditions are intended to promote vocational integration or ensure the protection of such persons,
- c) the fixing of minimum conditions of age, professional experience or seniority in service for access to employment or to certain advantages linked to employment.

(4) With regard to occupational social security schemes, differences of treatment on grounds of age shall not be deemed to constitute discrimination where they consist in the fixing of age limits for entitlement to certain benefits in the context of such schemes including the fixing of different age limits in such schemes for employees or groups of employees, and the use of age criteria in actuarial calculations, provided this does not result in discrimination on the grounds of sex.

(5) Differences of treatment on grounds of disability shall not be deemed to constitute discrimination where, by reason of the nature of employment or occupational activities, access to such employment or occupational activities is made conditional on meeting the health requirements.

(6) Differences of treatment on grounds of age or disability in the provision of insurance services shall not be deemed to constitute discrimination where such treatment results from different levels of risk, verifiable by statistical or similar data, and where the terms of insurance services adequately reflect such risk.

(7) Objectively justified differences of treatment on grounds of sex shall not be deemed to constitute discrimination

- a) where they consist in the fixing of different retirement age for men and women,
- b) where their purpose is the protection of pregnant women and mothers.

(8) With a view to ensuring full equality in practice and compliance with the principle of equal treatment, specific positive actions to prevent disadvantages linked to racial or ethnic origin may be adopted.

Legal protection and proceedings in matters concerning the violation of the principle of equal treatment

§ 9

(1) Under this Act, every person shall be entitled to equal treatment and protection against discrimination.

(2) Every person who consider themselves wronged in their rights, interests protected by law and/or freedoms because the principle of equal treatment has not been applied to them may pursue their claims by judicial process. They may, in particular, seek that the person violating the principle of equal treatment be made to refrain from such conduct and, where possible, rectify the illegal situation or provide adequate satisfaction.

(3) Should adequate satisfaction prove to be not sufficient, especially where the violation of the principle of equal treatment has considerably impaired the dignity, social status and social functioning of the victim, the victim may also seek non-pecuniary damages in cash. The amount of non-pecuniary damages in cash shall be determined by the court, taking account of the extent of non-pecuniary damage and all underlying circumstances.

(4) This Act shall not prejudice the entitlement to damages or other compensations

pursuant to separate provisions¹²⁾).

§ 10

(1) Parties to the proceedings concerning the violation of the principle of equal treatment may also be represented by legal entities

- a) who have such authority under a separate law, or
- b) whose activities are aimed at or consist in the protection against discrimination.

(2) If a legal entity takes up representation pursuant to paragraph 1, it shall assign one of its members and/or employees to act on behalf of the person represented.

§ 11

(1) Proceedings concerning the violation of the principle of equal treatment shall be initiated by petition from a person who feels wronged by the violation of the principle of equal treatment (the "plaintiff" hereinafter). In the petition, the plaintiff is obliged to identify the person that has allegedly violated the principle of equal treatment (the "defendant" hereinafter).

2) The defendant has the obligation to prove that there was no violation of the principle of equal treatment if the evidence submitted to court by the plaintiff gives rise to a reasonable assumption that such violation indeed occurred.

(3) The proceedings concerning the violation of the principle of equal treatment shall be governed by the Code of Civil Procedure unless this Act provides otherwise.

§ 12

This Act transposes legal acts of the European Communities and the European Union, specified in the Annex.

§ 13

Transitory provision

Employers and relevant trade union bodies who concluded collective agreements under a separate provision are obliged to bring the provisions of collective agreements in compliance with this Act within six months from the date of entry into effect of this Act; this obligation shall also apply to internal regulations employers are competent to issue.

Article II

Act of the National Council of the Slovak Republic No. 308/1993 Coll. on establishing the Slovak National Centre for Human Rights as amended by Act No. 136/2003 Coll. shall be amended and supplemented as follows:

1. Section 1 paragraph 2 shall read:

“(2) The Centre shall carry out the tasks in the area of human rights and fundamental freedoms, including the rights of the child¹⁾ (“human rights“ hereinafter). To this end, the Centre shall, in particular

¹² For example, Section [41](#) paragraph [9](#) of the Labour Code.

- a) monitor and review compliance with human rights and compliance with the principle of equal treatment under a separate law^{1aa)},
- b) collect and provide upon request information on racism, xenophobia and anti-Semitism in the Slovak Republic,
- c) conduct research and surveys necessary for the provision of data concerning human rights, collect and disseminate information in this field,
- d) develop educational activities, take part in information campaigns with a view to increasing tolerance of the society,
- e) arrange legal aid to victims of discrimination and of expressions of intolerance,
- f) prepare expert opinions concerning compliance with the principle of equal treatment upon request from natural persons or legal entities or of its own initiative under separate provisions^{1aa)},
- g) provide library services and
- h) provide services in the area of human rights.“.

Footnote to reference 1aa shall read as follows:

“^{1aa)} Act No. 365/2004 Coll. on equal treatment in certain areas and protection against discrimination, and on amending and supplementing certain other laws (Antidiscrimination Act)“

2. A new paragraph 3 shall be inserted in section 1 after paragraph 2, reading as follows:

“(3) The Centre shall have the authority to represent parties in the proceedings concerning violation of the principle of equal treatment.^{1aa)}“.

The current paragraph 3 shall be called paragraph 4.

3. In Section 1 paragraph 4 the words “including the child rights¹⁾” shall be repealed.

4. Section 1 shall be added paragraph 5 reading as follows:

“(5) Upon request by the Centre, courts, prosecution authorities, other state bodies, bodies of territorial self-governments, bodies of interest self-governments and other public law institutions have the obligation to provide information on compliance with human rights within the required deadline; this shall be without prejudice to their right to give information on compliance with human rights gathered through their own activities to other entities. The Centre may also ask non-governmental human rights organisations to provide information and agree with them on the manner in which such information will be provided.“.

5. In Section 2 paragraph 4 the words “For managing” shall be replaced with “For management inspection”.

6. In Section 3a paragraph 6 a new sub-paragraph c) shall be inserted after subparagraph b), reading as follows:

„c) shall charge another employee of the Centre with performing the function of the executive director when the office of the executive director lapsed (Section 3b paragraph 5) till a new executive director is elected; the scope of this authorisation shall be defined in a resolution by the Board,“.

Current subparagraphs c) to f) shall be called subparagraphs d) to g).

7. In Section 3a paragraph 6 a new sub-paragraphs h) to k) shall be inserted after

subparagraph g), reading as follows:

- “h) approve the report on the state of human rights compliance in the Slovak Republic,
- i) approve annual report on the activities of the Centre,
- j) approve the final accounts of the Centre,
- k) approve the annual financial report of the Centre.“.

8. In Section 3b paragraph 1 the words “members of the Board” shall replace the words “persons listed in Section 3a paragraph 1”.

9. In Section 3b paragraph 2 the words “has reached the age of 35 years” in the first sentence shall be repealed.

10. In Section 3b paragraph 4 subparagraph d) the words “including the child rights¹⁾” shall be repealed.

11. In Section 3b paragraph 6 subparagraph d) the words “including the child rights¹⁾” shall be repealed.

Article III

Act No. 311/2001 Coll. the Labour Code as amended by Act No. 165/2002 Coll., Act No. 408/2002 Coll., Act No. 413/2002 Coll., Act No. 210/2003 Coll., Act No. 461/2003 Coll. and Act No. 5/2004 Coll. shall be amended as follows:

1. Section 13 reads:

„§ 13

(1) In labour relations the employer has the obligation to treat employees in compliance with the principle of equal treatment laid down for the area employment in a separate Act on Equal Treatment in Certain Areas and Protection against Discrimination, and on amending and supplementing certain other laws (Antidiscrimination Act).

(2) In conformity with the principle of equal treatment, any discrimination shall be prohibited also on grounds of marital and family status, colour, language, political and other opinion, trade union involvement, ethnic or social origin, property, lineage or other status.

(3) Exercising rights and obligations resulting from a employment relations must be in compliance with good morals. No person may abuse such rights and obligations to the detriment of another party to employment relation, or of co-workers. No person shall be persecuted or otherwise adversely treated at the workplace in the context of employment relations performance as a reaction to a complaint, legal petition or petition to start criminal proceedings against another employee or the employer.

(4) An employee shall have the right to submit a complaint to the employer in connection with the infringement of the principle of equal treatment stated in paragraphs 1 to 2; the employer shall be obliged to respond to such a complaint without undue delay, perform retrieval, abstain from such conduct and eliminate the consequences thereof.

(5) An employee who considers themselves wronged in their rights or interests protected by law because the principle of equal treatment or the conditions stated in paragraph 3 have not been applied to them may go before a court and seek legal protection provided for under a separate Act on Equal Treatment in Certain Areas and Protection against Discrimination, and on amending and supplementing certain other laws (Antidiscrimination Act).“.

2. In Section 47 paragraph 2 the words “on the principle of equal treatment” shall replace

the words “governing prohibition of discrimination.”.

Article IV

Act No. 312/2001 Coll. on Civil Service and on amending and supplementing certain other acts as amended by Act No. 131/2002 Coll., Act No. 143/2002 Coll., Act No. 185/2002 Coll., Act No. 411/2002 Coll., Act No. 667/2002 Coll., Act No. 139/2003 Coll., Act No. 267/2003 Coll., Act No. 453/2003 Coll., Act No. 550/2003 Coll. and Act No. 551/2003 Coll. shall be amended as follows:

1. Section 3 paragraphs 2 to 4 shall read:

“(2) Rights laid down by this Act shall be guaranteed equally to all citizens when joining and serving in the civil service in conformity with the principle of equal treatment in employment and similar legal relations laid down in a special act.^{3b)} In conformity with the principle of equal treatment, any discrimination shall be prohibited also on grounds of marital and family status, colour, language, political and other opinion, trade union involvement, ethnic or social origin, property, lineage or other status.

(3) Citizens who consider themselves wronged in their rights or interests protected by law because the principle of equal treatment has not been applied to them when joining the civil service may go before a court and seek legal protection provided for under a separate Act.^{3b)}

(4) Civil servants who consider themselves wronged in their rights or interests protected by law because the principle of equal treatment has not been applied to them may go before a court and claim legal protection provided for under a separate Act,^{3b)} or they may go to the competent authority under Section 126. In proceedings before a competent authority the Service Office (Section 7) shall prove that the principle of equal treatment has not been breached.”

Footnote to reference 3b shall read as follows:

“^{3b)} Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination, and on amending and supplementing certain other laws (Antidiscrimination Act)“

2. In Section 15 paragraph 5 the second sentence shall read: “The principle of equal treatment must be observed in selection procedures.^{3b)}“.

Article V

Act No. 552/2003 Coll. on works performed in public interest shall be amended as follows:

In Section 5 paragraph 2 the second sentence shall read: “The principle of equal treatment in employment and other similar legal relationships provided for under separate provisions must be complied with in selection procedures.^{12a)} In conformity with the principle of equal treatment, any discrimination shall be prohibited also on grounds of marital and family status, colour, language, political and other opinion, trade union involvement, ethnic or social origin, property, lineage or other status.”

Footnote to reference 12a shall read as follows:

“^{12a)} Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination, and on amending and supplementing certain other laws (Antidiscrimination Act)“

Article VI

Act No. 200/1998 Coll. on state service of customs officers and on amending and supplementing certain other laws as amended by Act No. 54/1999 Coll., Act No. 337/1999 Coll., Act No. 417/2000 Coll., Act No. 328/2002 Coll., Act No. 664/2002 Coll., Act No. 251/2003 Coll. and Act No. 464/2003 Coll. shall be amended as follows:

Section 2a shall be inserted after Section 2 and it reads as follows:

„§ 5a

(1) Rights laid down by this Act shall be guaranteed equally to all citizens when joining and serving in the civil service and to customs officers when performing civil service in conformity with the principle of equal treatment in employment and similar legal relations provided for under separate provisions.^{1a)} In conformity with the principle of equal treatment, any discrimination shall be prohibited also on grounds of marital and family status, colour, language, political and other opinion, trade union involvement, ethnic or social origin, property, lineage or other status.

(2) The exercise of rights and obligations resulting from a service relation must be in compliance with good morals. No person may abuse such rights and obligations to the detriment of another person. No customs officer shall be persecuted or otherwise adversely treated in the context of civil service performance as a reaction to a complaint, legal petition or petition to start criminal proceedings against another customs officer or a superior.

(3) Citizens when joining civil service or customs officers who consider themselves wronged in their rights or interests protected by law because the principle of equal treatment has not been applied to them when joining civil service may go before a court and claim legal protection provided for under separate provisions.^{1a)}

(4) The Service Office or the superior may not impose any sanctions or disadvantage on a customs officer who exercise their rights resulting from their service relation.“

Footnote to reference 1a shall read as follows:

“^{1a)} Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination, and on amending and supplementing certain other laws (Antidiscrimination Act)“

Article VII

Act No. 370/1997 Coll. on military service as amended by Act No. 10/2000 Coll., Act No. 400/2000 Coll., Act No. 263/2002 Coll., Act No. 320/2002 Coll., Act No. 321/2002 Coll., Act No. 512/2002 Coll. and Act No. 545/2003 Coll. shall be amended and supplemented as follows:

1. Section 4a shall be inserted after Section 4 and it reads as follows:

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„§ 4a

(1) Rights provide for under this Act shall be guaranteed equally to all citizens when starting military services and to soldiers while performing military service in conformity with the principle of equal treatment in employment and similar legal relations provided for under separate provisions.^{9a)} In conformity with the principle of equal treatment, any discrimination shall be prohibited also on the grounds of marital and family status, colour, language, political and other opinion, trade union involvement, ethnic or social origin, property, lineage or other status. This shall be without prejudice to Sections 5 to 7.

(2) Citizens when joining military service or soldiers while performing military service who consider themselves wronged in their rights or interests protected by law because the principle of equal treatment has not been applied to them may go before a court and seek legal protection provided for under separate provisions.^{9a)}“

Footnote to reference 9a shall read as follows:

“^{9a)} Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination, and on amending and supplementing certain other laws (Antidiscrimination Act)“

2. In Section 181 paragraph 2 the words “Section 15” shall be replaced with “Sections 13, 15”.

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3. In Section 181 paragraph 2 the words “Section 15” shall be replaced with “Sections 13, 15”.

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Article VIII

Act No. 73/1998 Coll. on state service of members of the Police Force, Slovak Intelligence Service, Corps of Prison and Court Guard of the Slovak Republic and Railroad Police as amended by Act No. 58/1999 Coll., Act No. 181/1999 Coll., Act No. 356/1999 Coll., Act No. 224/2000 Coll., Act No. 464/2000 Coll., Act No. 241/2001 Coll., Act No. 98/2002 Coll., Act No. 328/2002 Coll., Act No. 422/2002 Coll., Act No. 659/2002 Coll., Act No. 212/2003 Coll., Act No. 178/2004 Coll. and Act No. 201/2004 shall be supplemented as follows:

Section 2a shall be inserted after Section 2 and it reads as follows:

„§ 2a

1) Rights provided for under this Act shall be guaranteed equally to all citizens when joining civil service and police officers while performing civil service in conformity with the principle of equal treatment in employment and similar legal relations provided for under separate provisions.¹⁾ In conformity with the principle of equal treatment, any discrimination shall be prohibited also on grounds of marital and family status, colour, language, political and other opinion, trade union involvement, ethnic or social origin, property, lineage or other status.

(2) The exercise of rights and obligations resulting from a service relation must be in compliance with good morals. No person may abuse such rights and obligations to the detriment of another person. No police officer shall be persecuted or otherwise adversely treated in the context of civil service performance as a reaction to a complaint, action or petition to start criminal proceedings against another police officer or a superior.

(3) Citizens when joining civil service or police officers who consider themselves wronged in their rights or interests protected by law because the principle of equal treatment has not been applied to them may go before a court and seek legal protection provided for under separate provisions.¹⁾

(4) The Service Office or the superior may not impose any sanctions or disadvantage on police officers on ground of exercising their rights resulting from their service relation.“

Footnote to reference 1 shall read as follows:

“¹⁾ Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination, and on amending and supplementing certain other laws (Antidiscrimination Act)“

Current reference 1 and footnote to reference 1 shall be called reference 1a and footnote to reference 1a.

Article IX

Act No. 315/2001 Coll. on Fire and Rescue Service as amended by Act No. 438/2002 Coll., Act No. 666/2002 Coll., Act No. 424/2003 Coll., Act No. 451/2003 Coll. and Act No. 462/2003 Coll. shall be amended and supplemented as follows:

1. Current text of Section 16 shall be marked as paragraph 1 and paragraphs 2 to 5 reading as follows:

“(2) Rights provided for under this Act shall be guaranteed equally to all citizens when joining civil service and officers while performing civil service in conformity with the principle of equal treatment in employment and similar legal relations provided for under separate provisions.^{10a)} In conformity with the principle of equal treatment, any discrimination shall be prohibited also on grounds of marital and family status, colour, language, political and other opinion, trade union involvement, ethnic or social origin, property, lineage or other status.

(3) Exercising rights and obligations resulting from a service relation must be in compliance with good morals. No person may abuse such rights and obligations to the detriment of another person. No officer shall be persecuted or otherwise adversely treated in the context of performing civil service as a reaction to a complaint, action or petition to start criminal proceedings against another officer or a superior.

(4) Citizens when joining civil service or officers who consider themselves wronged in their rights or interests protected by law because the principle of equal treatment has not been applied to them may go before a court and seek legal protection provided for under separate provisions.^{10a)}

(5) The Service Office or the superior may not impose any sanctions or disadvantage on a customs officer on grounds of exercising their rights resulting from their service relation.“

Footnote to reference 10a shall read as follows:

“^{10a)} Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination, and on amending and supplementing certain other laws (Antidiscrimination Act)“

2. In Section 20 paragraph 2 the second sentence shall read: “The principle of equal treatment must be complied with in selection procedures.^{1a)}“.

3. In Section 193 words “Section 13“ followed by a comma are inserted after words “provisions shall be applied as appropriate”.

Article X

Act No. 455/1991 Coll. on licensed trades (Small Business Act) as amended by Act No. 231/1992 Coll., Act No. 600/1992 Coll., Act of the National Council of the Slovak Republic No. 132/1994 Coll., Act of the National Council of the Slovak Republic No. 200/1995 Coll.,

Act of the National Council of the Slovak Republic No. 216/1995 Coll., Act of the National Council of the Slovak Republic No. 233/1995 Coll., Act of the National Council of the Slovak Republic No. 123/1996 Coll., Act of the National Council of the Slovak Republic No. 164/1996 Coll., Act of the National Council of the Slovak Republic No. 222/1996 Coll., Act of the National Council of the Slovak Republic No. 289/1996 Coll., Act of the National Council of the Slovak Republic No. 290/1996 Coll., Act No. 288/1997 Coll., Act No. 379/1997 Coll., Act No. 70/1998 Coll., Act No. 76/1998 Coll., Act No. 126/1998 Coll., Act No. 129/1998 Coll., Act No. 140/1998 Coll., Act No. 143/1998 Coll., Act No. 144/1998 Coll., Act No. 161/1998 Coll., Act No. 178/1998 Coll., Act No. 179/1998 Coll., Act No. 194/1998 Coll., Act No. 263/1999 Coll., Act No. 264/1999 Coll., Act No. 119/2000 Coll., Act No. 142/2000 Coll., Act No. 236/2000 Coll., Act No. 238/2000 Coll., Act No. 268/2000 Coll., Act No. 338/2000 Coll., Act No. 223/2001 Coll., Act No. 279/2001 Coll., Act No. 488/2001 Coll., Act No. 554/2001 Coll., Act No. 261/2002 Coll., Act No. 284/2002 Coll., Act No. 506/2002 Coll., Act No. 190/2003 Coll., Act No. 219/2003 Coll., Act No. 245/2003 Coll., Act No. 423/2003 Coll., Act No. 515/2003 Coll., Act No. 586/2003 Coll. and Act No. 602/2003 Coll. shall be amendeded as follows:

Section 5a shall be inserted after Section 5 and it reads as follows:

„§ 5a

(1) Rights provided for under this Act shall be guaranteed equally to all persons in conformity with the principle of equal treatment in employment and similar legal relations provided for under separate provisions.^(24f) In conformity with the principle of equal treatment, any discrimination shall be prohibited also on the grounds of marital and family status, colour, language, political and other opinion, trade union involvement, ethnic or social origin, disability, age, property, lineage or other status.

(2) Persons who consider themselves wronged in their rights or interests protected by law because the principle of equal treatment has not been applied to them may go before a court and seek legal protection provided for under separate provisions.^(24f)

(3) The Small Business Office may not impose any sanctions or disadvantage on a person on grounds of exercising their rights resulting from this Act.“

Footnote to reference 24f shall read as follows:

“^(24f) Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination, and on amending and supplementing certain other laws (Antidiscrimination Act)“

Article XI

Act No. 154/2001 Coll. on prosecutors and prosecutor candidates as amended by Act No. 458/2003 Coll., Act No. 462/2003 Coll., Act No. 561/2003 Coll. shall be amended and supplemented as follows:

1. In Section 20 paragraph 3 the second sentence shall read: “The principle of equal treatment in employment and other similar legal relationships provided for under separate provisions^(14a) must be complied with in selection procedures.

Footnote to reference 14a shall read as follows:

“^{14a} Act No. .../2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination, and on amending and supplementing certain other laws (Antidiscrimination Act)“

2. In Section 20 paragraph 3 the following sentence shall be added at the end: “In conformity with the principle of equal treatment, any discrimination shall be prohibited also on the grounds of marital and family status, colour, language, political and other opinion, trade union involvement, ethnic or social origin, property, lineage or other status.”

Article XII

Act No. 5/2004 Coll. on employment services amending and supplementing certain other laws as amended by Act No. 191/2004 Coll. shall be amended as follows:

Section 14 including its heading shall read:

„§ 14

The right to access to employment

(1) The right to access to employment is the right of a citizen who wants to work, can work and looks for a job, to services providing assistance in

- a) search for appropriate employment,
- b) education and training for the labour market as needed for being successful in the labour market.

(2) Citizens shall have the right to access to employment without any restrictions in conformity with the principle of equal treatment in employment and similar legal relations provided for under separate provisions.^(20a) In conformity with the principle of equal treatment, any discrimination shall be prohibited also on the grounds of marital and family status, colour, language, political and other opinion, trade union involvement, ethnic or social origin, disability, age, property, lineage or other status

(3) Exercising rights and duties resulting from the right to access to employment must be in compliance with good morals. No person may abuse such rights and obligations to the detriment of another citizen. No person shall be persecuted or otherwise adversely treated in the context of exercising their right to the access to employment as a reaction to a complaint, action or petition to start criminal proceedings against another persons or authority.

(4) Citizens shall have the right to submit a complaint to the authority in connection with the violation of rights and duties laid down in paragraphs 1 to 3; the authority shall be obliged to respond to such a complaint without undue delay, perform retrieval, abstain from such conduct and eliminate the consequences thereof.(5) The authority may not impose any sanctions or disadvantage on citizens on grounds of exercising their rights resulting from their right to access to employment.“

(6) Citizens who consider themselves wronged in their rights or interests protected by law because the rights under Sections 1 to 5 have not been applied to them may seek legal protection under the special act on legal protection before a court.^{20a)}

(7) Citizens have the right to choose their employment freely and they may perform it in the whole territory of the Slovak Republic or they may arrange for their employment abroad.“

Footnote to reference 20a shall read as follows:

“^{20a} Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination, and on amending and supplementing certain other laws (Antidiscrimination Act)“

Article XIII

Act No. 131/2002 Coll. on higher education as amended by Act No. 209/2002 Coll., Act No. 401/2002 Coll., Act No. 442/2003 Coll., Act No. 465/2003 Coll. and Act No. 528/2003 Coll. shall be amended as follows:

In Section 55 new paragraphs 2 to 5 shall be inserted after paragraph 1, reading as follows:

“(2) Rights provided for under this Act shall be guaranteed equally to all applicants and students in conformity with the principle of equal treatment in education laid down in separate provisions.^(35a) In conformity with the principle of equal treatment, any discrimination shall be prohibited also on the grounds of gender, religion or belief, marital and family status, colour, language, political and other opinion, trade union involvement, ethnic or social origin, disability, age, property, lineage or other status”

(3) Exercising rights and obligations resulting from this Act must be in compliance with good morals. No person may abuse such rights and obligations to the detriment of another applicant or person. No applicant or student shall be persecuted or otherwise adversely treated in the context of exercising their rights as a reaction to a complaint, action or petition to start criminal proceedings against another applicant, student, teacher, researcher or artist or other university staff.

(4) Applicants or students who consider themselves wronged in their rights or interests protected by law because the principle of equal treatment has not been applied to them may go before a court and seek legal protection provided for under separate provisions.^{35a)}

(5) The university or a school of the university must not impose any sanctions or disadvantage on an applicant or student on grounds of exercising their rights resulting from this Act.“

Footnote to reference 35a shall read as follows:

“^{35a)} Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination, and on amending and supplementing certain other laws (Antidiscrimination Act)“

Current paragraphs 2 and 3 shall be called paragraphs 6 and 7.

Article XIV

Act No. 386/1997 Coll. on further education and on amending Act of the National Council of the Slovak Republic No. 387/1996 Coll. on employment as amended by act No. 70/1997 Coll. as amended by act No. 567/2001 Coll. shall be amended as follows:

In Section 1 paragraph 2 the following sentence shall be added at the end:

“Clauses of a special provision on the application of the principle of equal treatment shall be applied to the access to further education as appropriate.^{1a)}“

Footnote to reference 1a shall read as follows:

“^{1a)} Section 55 paragraphs 2 to 5 of Act No. 131/2002 Coll. on higher education as amended.“

Article XV

Act No. 29/1984 Coll. on the system of primary and secondary schools (the School Act as amended by Act No. 188/1988 Coll., Act No. 171/1990 Coll., Act No. 522/1990 Coll., Act of

the National Council of the Slovak Republic No. 230/1994 Coll., Act of the National Council of the Slovak Republic No. 231/1994 Coll., Act No. 6/1998 Coll., Act No. 5/1999 Coll., Act No. 229/2000 Coll., Act No. 216/2001 Coll., Act No. 416/2001 Coll., Act No. 506/2001 Coll., Act No. 334/2002 Coll., Act No. 408/2002 Coll., Act No. 553/2003 Coll. and Act No. 596/2003 Coll. shall be amended as follows:

1. In Section 2 paragraph 2 the first sentence shall read: “Schools specified in paragraph 1 with the exception of primary schools, primary schools with kindergartens, special primary schools, practical schools, vocational schools, apprentice training centres and general secondary schools (gymnasium) can be merged into a joined secondary school upon founder’s proposal.

2. Section 4b shall be inserted after Section 4 and it reads as follows:

„§ 4b

“(1) Rights laid down by this Act shall be guaranteed equally to all applicants and pupils in conformity with the principle of equal treatment in education provided for under separate provisions.^{1da)} In conformity with the principle of equal treatment, any discrimination shall be prohibited also on the grounds of gender, religion or belief, marital and family status, colour, language, political and other opinion, trade union involvement, ethnic or social origin, disability, age, property, lineage or other status.

(2) Exercising rights and obligations resulting from this Act must be in compliance with good morals. No person may abuse such rights and obligations to the detriment of another applicant or pupil. No applicant or pupil shall be persecuted or otherwise adversely treated in the context of exercising their rights as a reaction to a complaint, action or petition to start criminal proceedings against another applicant, pupil, teacher or other school staff under section 2 or Section 33a.

(3) Applicants or pupils who consider themselves wronged in their rights or interests protected by law because the principle of equal treatment has not been applied to them may go before a court and seek legal protection provided for under separate provisions.^{da)}

(4) The primary or secondary school must not impose any sanctions or disadvantage on an applicant or pupil on grounds of exercising their rights resulting from this Act.“

Footnote to reference da shall read as follows:

“1da) Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination, and on amending and supplementing certain other laws (Antidiscrimination Act)“

3. Section 7 paragraph 5 shall read:

„(5) Education and training shall also be given at joined secondary schools formed as the result of a merger between secondary technical schools and secondary vocational schools having, usually, the same or similar content of technical education with the aim of effective educational process management, improvement of technical education and better use of human and technical resources of these schools.“

4. Section 10 shall be repealed.

5. In Section 19 paragraph 2 the word “as a rule” shall be omitted.

6. New Sections 32a, 32b, 32c shall be inserted after Section 32 and they, including the titles, read as follows:

“Forms of integrating pupils with special educational and training needs into primary and secondary schools

§ 32a

School integration and forms of school integration

(1) School integration shall mean educating and training pupils with special educational and training needs (Section 3 paragraph 2) in school classes, except classes in special schools, under this Act.

(2) Forms of school integration shall include:

- a) integration in special classes at a primary or secondary school where pupils with special educational and training needs learn in separate classes. Some lessons may take place together with other pupils of the school; teachers of both classes shall be present during the lesson. The pupil may attend some subjects outside the special class.
- b) individual integration where the pupils with special educational and training needs are attending classes and groups with other pupils of the schools and they are educated according to an individual educational and learning plan with curricula and methodology adjusted to their needs.

(3) Usually, special classes at primary schools and special classes at secondary schools are opened for pupils with special educational and training needs who have the same type of disability.

§ 32b

(1) An integrated pupil shall mean a pupil with special educational and training needs admitted to a primary or secondary school on the basis of written statement made by a specialised educational counselling institution^{4c)} after diagnostic tests made by this institutions. Pupils with learning or behavioural developmental disorders may also be registered and reported as integrated upon a written statement made by an educational and psychological counselling institution.^{4d)}

(2) Upon written request by the representatives at law, written opinion by the specialised educational counselling institution^{4c)} the headmaster of the school shall issue a decision on the admission of the pupil to a primary or secondary school after thoroughly studying pupil's diagnosis and prognosis, after discussion with teachers who will teach the pupil, after deliberations in the educational board of the school and after arranging necessary material, technical and human resources.

(3) Prior to pupil's admission the headmaster of the school shall in cooperation with the school special education teacher^{4e)} or specialised educational counselling institution^{4c)} create conditions for integrated education of the pupil, make adjustments in the classroom and the school, arrange for compensatory devices, or take other measures in order to ensure the required level of integrated education and training for the pupil.

(4) An individual educational training plan of a pupil with special educational and training needs drafted and continuously updated by the classroom teacher in cooperation with the school special education teacher or specialised educational counselling institution^{4c)} shall be a part of obligatory documentation of an individually integrated pupil.

(5) Individual educational and training programmes shall include basic information on the pupil, the specific effect of his diagnosis and prognosis on the educational and training process, requirements for changes in the classroom environment, teaching procedures,

organisation of the education and training process, curricula and plans, compensatory devices and special teaching aids and personal assistance.

(6) The headmaster of the school, in cooperation with the school special education teacher^{4e)} and/or specialised educational counselling institution^{4c)}, shall ensure that in case of integrated pupils no groundless reduction of requirements occurs and that requirements put on the pupils are matching their capacities.

(7) When evaluating or classifying the results and behaviour of integrated pupils their possibilities resulting from their diagnosis shall be considered.

(8) The regulations and rules applied to integrated education in special classes at primary schools and secondary schools shall be identical with the ones applied to education and training at relevant special schools.

(9) The content of education of individually integrated pupils with mental handicap is based on curricula for a special primary school for pupils with mental handicap.

§ 32c

The rights and duties of participants in school integration

(1) Pupils with special educational and training needs shall have the right to individual approach in education and training respecting their capabilities and health status, to instructions by a teacher having the necessary specialised and teaching skills,^{4f)} to education and training in safe and healthy environment, to respect for them and to ensured protection against physical and mental violence.

(2) Integrated pupil's exercise of rights may not restrict the rights of other participants in the education and training process.

(3) Integrated pupil's representative at law shall consult the education concerning the integrated pupil with the classroom teacher, the school special education teacher,^{4e)} and/or or specialised educational counselling institution^{4c)} on a regular basis.

(4) The headmaster of the primary school or the secondary school, in cooperation with the school special education teacher,^{4e)} and/or or specialised educational counselling institution^{4c)}, shall inform the relevant school staff on the consequences and possible effects of integrated pupil's diagnosis on the educational and training process, on the individual educational and training programme, the need of compensatory and other devices the pupil is going to use in school and shall ensure their availability and appropriate room for their storage.“.

7. In Section 33 the title “Special School for Mentally Handicapped” shall be repealed.

Notes to footnotes 4c to 4f shall read:

^{4c)} Section 22 of Act No. 279/1993 Coll. on school facilities as amended.

^{4d)} Section 21 of Act No. 279/1993 Coll. as amended.

^{4e)} Section 25 paragraph 2 of Act No. 2 Coll. on school facilities as amended.

^{4f)} Decree of the Ministry of Education of the Slovak Republic No. 41/1996 Coll. on professional and educational competence of education staff as amended

8. Section 34 shall be added paragraph 6 reading as follows:

“(6) The Ministry of Education shall cover the training of the education staff for children and youth under paragraph 1 technically, organisationally, methodologically and financially.“.

9. In Section 58a the current text shall be named paragraph 1 and it shall be added a paragraph 2 that reads as follows:

“(2) No activity directed to or directly inciting racial and ethnic hatred, ethnic and religious intolerance as well as influencing sexual orientation that is contradictory to human dignity and traditional values of European culture and incitement to xenophobia shall be allowed at primary schools, primary schools of arts, apprentice training centres, secondary schools, special schools and school facilities in the framework of and also outside educational activities.“.

Article XVI

Act No. 461/2003 Coll. on social insurance as amended by Act No. 551/2003 Coll., Act No. 600/2003 Coll., Act No. 5/2004 Coll., Act No. 43/2004 Coll. and Act No. 186/2004 Coll. shall be amended as follows:

In Section 6 paragraphs 3 to 4 shall read:

“(3) Policyholders shall have rights in the exercise of social insurance in compliance with the principle of equal treatment in social security provided for under separate provisions.^{23a)}

(4) Policyholders who consider themselves wronged in their rights or interests protected by law because the principle of equal treatment has not been applied to them may go before a court and seek legal protection provided for under separate provisions.^{23a)}

Footnote to reference 23a shall read as follows:

“^{23a)} Act No. 356/2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination, and on amending and supplementing certain other laws (Antidiscrimination Act)“

Article XVII

Act No. 195/1998 Coll. on social assistance as amended by Act No. 389/1998 Coll., Act No. 155/1999 Coll., Act No. 450/2000 Coll., Act No. 416/2001 Coll., Act No. 507/2002 Coll., Act No. 534/2002 Coll., Act No. 724/2002 Coll., Act No. 453/2003 Coll., Act No. 599/2003 Coll., Act No. 45/2004 Coll. and Act No. 141/2004 Coll. shall be amended as follows:

Section 4a shall be inserted after Section 4 and it reads as follows:

„§ 4a

(1) Rights provided for under this Act shall be guaranteed equally to all citizens in conformity with the principle of equal treatment in social security provided for under separate provisions.^{6a)}

(3) Persons who consider themselves wronged in their rights or interests protected by law because the principle of equal treatment has not been applied to them may go before a court and seek legal protection provided for under separate provisions.^{6a)}

Footnote to reference 6a shall read as follows:

“^{6a)} Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination, and on amending and supplementing certain other laws (Antidiscrimination Act)“

Article XVIII

Act No. 328/2002 Coll. on social security of police officers and soldiers and on amending and supplementing certain other acts as amended by Act No. 447/2002 Coll., Act No. 534/2002 Coll. and Act No. 463/2003 Coll. shall be amended as follows:

In Section 113 paragraphs 5 to 6 shall read:

“(5) Police officers, professional soldiers, soldiers in preparatory service shall have rights in the exercise of social security in compliance with the principle of equal treatment in social security provided for under separate provisions.^{47a)}

(6) When police officers, professional soldiers, soldiers in preparatory service consider themselves wronged in their rights or interests protected because the principle of equal treatment has not been applied to them may go before a court and seek legal protection provided for under separate provisions.^{47a)}

Footnote to reference 47a shall read as follows:

“^{47a)} Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination, and on amending and supplementing certain other laws (Antidiscrimination Act)“

Article XIX

Act of the National Council of the Slovak Republic No. 277/1994 Coll. on health care as amended by Act of the National Council of the Slovak Republic No. 98/1995 Coll., Act of the National Council of the Slovak Republic No. 110/1996 Coll., Act of the National Council of the Slovak Republic No. 222/1996 Coll., Act No. 140/1998 Coll., Act No. 241/1998 Coll., Act No. 80/2000 Coll., Act No. 416/2001 Coll., Act No. 553/2001 Coll., Act No. 118/2002 Coll., Act No. 131/2002 Coll., Act No. 219/2002 Coll., Act No. 450/2002 Coll., Act No. 457/2002 Coll., Act No. 138/2003 Coll., Act No. 445/2003 Coll., Act No. 528/2003 Coll. and Act No. 578/2003 Coll. shall be amended as follows:

The current text of Section 4 shall be marked as paragraph 1 and it is supplemented with paragraphs 2 to 5 reading as follows:

“(2) The right to health care provision shall be guaranteed equally to every person in conformity with the principle of equal treatment in health care provided for under separate provisions.^{2aa)} In conformity with the principle of equal treatment, any discrimination shall be prohibited also on grounds of gender, religion or belief, marital and family status, colour, language, political and other opinion, trade union involvement, ethnic or social origin, disability, age, property, lineage or other status.

(3) Exercising rights and obligations resulting from this Act must be in compliance with good morals. No person may abuse such rights and obligations to the detriment of another person. No person shall be persecuted or otherwise adversely treated in the context of exercising their rights as a reaction to a complaint, action or petition to start criminal proceedings against another person, health care staff, medical doctor, health care facility or other facility in the health care system.

(4) Persons who consider themselves wronged in their rights or interests protected by law because the principle of equal treatment has not been applied to them may go before a court and seek legal protection provided for under separate provisions.^{2aa)}

(5) Health care providers may not impose any sanctions or disadvantage on a person on grounds of exercising their rights resulting from this Act.“

Deleted: farby pleti, jazyka, národného alebo sociálneho pôvodu, majetku, rodu alebo iného postavenia.

Footnote to reference 2aa shall read as follows:

“2aa) Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination, and on amending and supplementing certain other laws (Antidiscrimination Act)“

Article XX

Act of the National Council of the Slovak Republic No. 273/1994 Coll. on health insurance, health insurance funding, on establishing the General Health Insurance Company and on establishing sectoral, branch, company and civic health insurance companies as amended by Act of the National Council of the Slovak Republic No. 374/1994 Coll., Act of the National Council of the Slovak Republic No. 58/1995 Coll., Act of the National Council of the Slovak Republic No. 98/1995 Coll., Act of the National Council of the Slovak Republic No. 231/1995 Coll., Act of the National Council of the Slovak Republic No. 304/1995 Coll., Act of the National Council of the Slovak Republic No. 376/1996 Coll., Act of the National Council of the Slovak Republic No. 386/1996 Coll., Act No. 202/1997 Coll., Act No. 332/1997 Coll., Act No. 124/1998 Coll., Act No. 11/1999 Coll., Act No. 56/1999 Coll., Act No. 151/1999 Coll., Act No. 242/2000 Coll., Act No. 245/2000 Coll., Act No. 448/2000 Coll., Act No. 233/2001 Coll., Act No. 505/2001 Coll., Act No. 553/2001 Coll., Act No. 118/2002 Coll., Act No. 291/2002 Coll., Act No. 457/2002 Coll., Act No. 534/2002 Coll., Act No. 671/2002 Coll., Act No. 138/2003 Coll., Act No. 442 /2003 Coll. and Act No. 578/2003 shall be amended as follows:

Section 26 shall be supplemented paragraph 5 and 6 reading as follows:

“(5) Policyholders shall have rights in the exercise of health insurance in compliance with the principle of equal treatment in health care provided for under separate provisions.^{13hi)}

(6) Policyholders who consider themselves wronged in their rights or interests protected by law because the principle of equal treatment has not been applied to them may go before a court and seek legal protection provided for under separate provisions.^{13hi)}

Footnote to reference 13hi shall read as follows:

“^{13hi)} Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination, and on amending and supplementing certain other laws (Antidiscrimination Act)“

Article XXI

Act No. 634/1992 Coll. on consumer protection as amended by Act of the National Council of the Slovak Republic No. 220/1996 Coll., Act No. 137/1998 Coll., Act No. 310/1999 Coll., Act No. 128/2002 Coll., Act No. 414/2002 Coll., Act No. 529/2002 Coll. and Act No. 469/2003 Coll. shall be amended as follows:

1. Section 6 paragraph 1 shall read: “(1) When providing goods and services to consumers the seller has the obligation to comply with the principle of equal treatment provided for under separate provisions.^{7b)} The seller shall mainly not refuse to sell the consumer products displayed or otherwise prepared for selling or to refuse to provide a services within his capacity; the seller may also not tie product selling or provision of services to selling of other products or provision of other services unless it is a restriction identical for all cases and usual in commercial relations. This shall not apply to cases when the consumer fails to comply with requirements that must be satisfied under separate provisions.^{7b)“}

Footnote to reference 7b shall read as follows:

“^{7b)} Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination, and on amending and supplementing certain other laws (Antidiscrimination Act)“

2. Section 6 shall be added paragraph 4 reading as follows:

(4) Consumers who consider themselves wronged in their rights or interests protected by law because the principle of equal treatment has not been applied to them may go before a court and seek legal protection provided for under separate provisions.^{7b)}“

Article XXII

Act No. 596/2003 Coll. on state administration in the school system and school self-government and on amending and supplementing certain other acts shall be amended and supplemented as follows:

A new paragraph 7 shall be inserted in section 8 after paragraph 6, reading as follows:

“(7) Provisions applicable to reimbursing travel costs of a primary school pupil’s representative at law under paragraph 6 can also be applied to pupils of special primary schools.“

The current paragraph 7 shall be called paragraph 8.

Article XXIII

This Act shall come into effect on 1 July 2004.

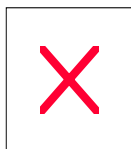
Rudolf Schuster
President of the Slovak Republic

Pavol Hrušovský
President of the National Council of the Slovak Republic

Mikuláš Dzurinda
Prime Minister of the Slovak Republic

**The list of transposed legal acts of the European Communities
and the European Union**

1. Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (Official Journal of the European Communities L 180, 19/07/2000).
2. Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (Official Journal of the European Communities L 303, 02/12/2000).
3. Council Directive 96/97/EC of 20 December 1996 amending Directive 86/378/EEC on the implementation of the principle of equal treatment for men and women in occupational social security schemes (Official Journal of the European Communities L 046, 17/02/1997).



GOVERNMENT OF THE SLOVAK REPUBLIC

Constitutional Court of the Slovak Republic

**Hlavná 72
042 65 Košice**

Bratislava, 14 September 2004

Proposal

in accordance with Article 125 (1) a) of the Constitution of the Slovak Republic

Submitter: The Government of the Slovak Republic
represented by JUDr. Daniel Lipšic,
Deputy Prime Minister of the Government of the Slovak Republic
and Minister of Justice of the Slovak Republic

to commence proceedings
on the compliance of a legal regulation

In accordance with Article 125 (1) a) of the Constitution of the Slovak Republic (hereinafter referred to as the "Constitution") and § 37 (1) of National Council of the Slovak Republic Act No. 38/1993 Coll. on the Organisation of the Constitutional Court of the Slovak Republic, Proceedings Before the Constitutional Court and the Status of its Judges as amended, the Government of the Slovak Republic (hereinafter referred to as the "Submitter")

is submitting a proposal to commence proceedings on the compliance of

§ 8 (8) of Act No. 365/2004 Coll. on Equal Treatment in Certain Areas, Protection from Discrimination and on Amendment and Supplementation of Certain Laws (Antidiscrimination Act) (hereinafter referred to as the "Antidiscrimination Act")

with **Article 1 (1) of the Constitution**

and

Article 12 (1), first sentence, and (2) of the Constitution, in conjunction with Article 35 (1) through (3), Article 36, Article 37 (2), Article 39 (1) and (2), Article 40 and Article 42 of the Constitution.

I.

Objection against the incompliance of § 8 (8) of the Antidiscrimination Act with Article 1 (1) of the Constitution.

According to Article 1 (1) of the Constitution

The Slovak Republic is a sovereign, democratic state governed by the rule of law. It is not bound to any ideology or religion.

§ 8 (8) of the Antidiscrimination Act reads as follows:

In order to ensure equality of opportunities in practice and adherence to the principle of equal treatment, special positive actions can be adopted to prevent disadvantages related to racial or ethnic origin.

In the opinion of the Constitutional Court of the Slovak Republic:

"One of the defining principles of a state governed by the rule of law is legal certainty. Legal certainty requires that the laws in a state governed by the rule of law are sufficiently understood and enable their addressees to have at least an idea of their legal situation. Unclarity, ambiguity and vagueness of a term ... creates a state of legal uncertainty, thereby coming into conflict with Article 1 of the Constitution.

...

The requirement that generally binding legal regulations meet the criteria of comprehensibility, in particular if they prohibit certain forms of behaviour, constitutes an important factor for the elimination of the possibility of their arbitrary, deliberate, inconsistent or other undesired interpretation and application by the relevant public power authorities (a legal regulation should define precisely the behaviour of the entities that it intends to regulate)."

(Finding of the Constitutional Court of the Slovak Republic Ref. PL. ÚS 19/98 published in the Collection of Laws of the Slovak Republic under no. 318/1998 Coll. on 23.10.1998).

§ 8 (8) of the Antidiscrimination Act breaches the principle of legal certainty in a number of respects.

A) The formulation of § 8 (8) of the Antidiscrimination Act fails to make clear the purpose of the special positive actions and clearly define the conditions under which special positive actions can be adopted.

The relevant provision makes it possible to adopt special positive actions, if their adoption provides for or can provide for "ensuring equality of opportunities in practice" and "adherence to the principle of equal treatment". These are cumulative conditions on the basis of which special positive actions can be adopted and which simultaneously define the "purpose" for which special positive actions can be adopted.

The first condition for the adoption of these actions is that they pursue "ensuring equality of opportunities in practice". By making "ensuring equality of opportunities in practice" a condition as well as the purpose for the adoption of these actions, § 8 (8) of the Antidiscrimination Act implies that equality of opportunities has two levels – theoretical (defined by the law) and practical (in the application or use of the law). Since the Antidiscrimination Act fails to define equality of opportunities in practice and hence fails to define when this equality is broken, we can conclude that **§ 8 (8) of the Antidiscrimination Act provides for the possibility, in a concrete situation, on the basis of free consideration, with no regulatory criteria and for an unknown recipient (person who will apply or use § 8 (8)), to decide that equality of opportunities is not ensured in practice and adopt measures with unclear content in order to eliminate "inequality of opportunities in practice" or ensure "equality of opportunities in practice".**

"Ensuring the adherence to the principle of equal treatment" is the second condition for the adoption of special positive actions. Under § 3 (1) of the Antidiscrimination Act, every natural person or legal entity is obliged to observe the principle of equal treatment in areas defined by the law (areas under §§ 5 and 6 of the Antidiscrimination Act). This obligation is explicitly expressed by the Antidiscrimination Act and the act defines the means of legal protection for cases of breaches thereof in §§ 9 through 11. Based on the definition of the principle of equal treatment (§ 2 (1)), the Antidiscrimination Act also lays down the obligation of prevention (adoption of actions for protection from discrimination). **However, besides the means of legal protection, § 8 (8) of the Antidiscrimination Act enables an unknown addressee to adopt actions with unclear content in order to ensure that the principle of equal treatment is adhered to, without making it clear whether these are measures adopted because this principle was breached or preventive measures.**

The aim of the Antidiscrimination Act is to ensure that, if the obligation to observe the principle of equal treatment was breached, the court rules that such breach has occurred and imposes the obligation to rectify it (within the scope of § 9 (2) and (3)). **This means that under the Antidiscrimination Act only courts are allowed to rule, in proper proceedings where evidence has to be provided for the breaches, that the principle of equal treatment has been breached. § 8 (8) of the Antidiscrimination Act authorises an unknown addressee to prejudge or decide, without any criteria, that the principle of equal treatment could be or has been breached, thereby intervening in the authority of courts and the "remedy and penalties" regime envisaged by the law for the event that the principle is breached.**

Ensuring equality of opportunities in practice and adherence to the principle of equal treatment are cumulative conditions for the adoption of the special positive actions. However, the above shows that it is not clear when these conditions are fulfilled and who and according to what criteria will decide on "inequality of opportunities in practice" and the "failure to adhere to the principle of equal treatment". **This means that the potential addressees of this regulation will decide without clear criteria, therefore inconsistently, since § 8 (8) leaves the decision on a matter as serious as potential intervention in fundamental rights and freedoms to the free will and consideration of persons applying this provision.**

B) The addressee, i.e. the person entitled to adopt the special positive actions under § 8 (8) is not clear.

One of the requirements placed on laws and individual regulations contained in a law is that the content of its provisions and above all the target of the law or its regulations are comprehensible and clear. § 8 (8) of the Antidiscrimination Act fails to meet this requirement because it does not define the authorised person. The expression "special positive actions can be taken" gives this authorisation to everyone and no one at the same time – the formulation of the relevant provision suggests that the special positive actions can be taken by any natural person or legal entity.

Such specification, or non-specification of persons entitled to adopt the special positive actions is inadmissible, especially because this may, and in the majority of cases probably will, concern public power authorities – territorial self-government authorities as well as state authorities. Pursuant to Article 2 (2) of the Constitution, these authorities may act solely on the basis and within the scope of the Constitution and their actions shall be governed by procedures laid down by a law. **It is not possible to authorise a public power authority to adopt actions, in particular actions in the area of fundamental rights and freedoms under Title Two of the Constitution, without clearly specifying which authority and under what conditions can take the special positive actions.**

C) The scope, and consequently the content, of the special positive actions are not clear.

"Legal certainty requires that the laws in a state governed by the rule of law are sufficiently understood and enable their addressees to have at least an idea of their legal situation." (Finding of the Constitutional Court of the Slovak Republic Ref. PL. ÚS 19/98 published in the Collection of Laws of the Slovak Republic under no. 318/1998 Coll. on 23.10.1998).

Equally, a law must be terminologically accurate and consistent. Only the correct terms, commonly used in the legal system, and accurate legal terminology can be used in laws. New terms and their content need to be defined in the legal regulation.

§ 8 (8) of the Antidiscrimination Act uses the expression "special positive actions", which is neither defined in the Antidiscrimination Act nor in any other law – it is an expression whose content is not known. We can derive from the definition of the objective to be achieved by these actions that they should be actions that should eliminate disadvantages related to racial or ethnic origin, while the content of these actions remains unclear.

The unclarity and absence of a definition of this expression, and absence of at least a demonstrative list or indication of the content and limits of these special positive actions, **place the persons who will adopt these actions in a state of legal uncertainty, since it is**

not clear from the interpretation of this expression what the content of the "special positive actions" can be and how they should be applied.

The unclarity, ambiguity and vagueness of the expression "special positive actions" therefore create a state of interpretation uncertainty, which is at variance with the principle of legal certainty laid down in Article 1 (1) of the Constitution. **What makes the unclarity and vagueness of the expression even more serious is that the areas, in which special positive actions are envisaged, fall within fundamental rights and freedoms under Title Two of the Constitution. For this reason, it is necessary to clearly define the content and scope, as well as the conditions under which special positive actions will be adopted, since the adoption of these actions can restrict or modify fundamental rights and freedoms of other persons.**

The persons entitled to adopt special positive actions under the Antidiscrimination Act will include public power authorities, which, in conjunction with Article 2 (2) of the Constitution, requires that these authorities act solely on the basis and within the scope of the Constitution and their actions be governed by procedures laid down by law. **With a view to the requirement under Article 2 (2), it is necessary that the law sets out the conditions, method of adoption and content of the special positive actions, as well as the persons entitled to adopt these actions, clearly and unambiguously, without allowing for inconsistent and deliberate interpretation.**

The situation that has arisen due to the fact that § 8 (8) of the Antidiscrimination Act fails to define the expression "special positive actions" and thereby fails to specify the conditions for the adoption of the actions and what can be considered as such actions is in conflict with the principle of legal certainty. In this situation, the authorised persons, including public power authorities, are unable to act in a manner and within the scope laid down by law when adopting special positive actions, since the law does not define any such method or scope. It is apparent that **§ 8 (8) of the Antidiscrimination Act leaves it to the authorities, including public power authorities, to act on the basis of their own consideration and own decision, which is at variance with the principle of legal certainty.**

"A situation enabling a state authority to act outside the framework of law according to its own consideration and own decision or use procedures other than those specified by law does not correspond with legal certainty, which is an integral part of a state governed by the rule of law according to Article 1 of the Constitution." (Resolution of the Constitutional Court of the Slovak Republic Ref. I. US 3/98 published in the Collection of Laws of the Slovak Republic under no. 49/1998 Coll. on 24.02.1998).

At the same time, by failing to define the content of the special positive actions, the conditions for adopting them and what can be considered as special positive actions, § 8 (8) of the Antidiscrimination Act opens up room for inconsistent decision-making in cases of identical type. **The vagueness and interpretation unclarity of the respective provision makes it possible to take different special positive actions in cases of identical type or take these actions in one case and not in another case of identical type.**

No law should give room for different action in cases of identical type. It should contain only provisions that relate equally to all cases of identical type, as was concluded by the Constitutional Court of the Slovak Republic: *"The constitutional provision, under which*

'legal restrictions of fundamental rights and freedoms shall be applied equally in all cases meeting the specified conditions', must be respected by legislative bodies when adopting laws and thoroughly followed by all public administration entities within the framework of their decision-making and application practice. Therefore, laws can only contain restrictions that equally relate to all individual (specific) cases of identical type." (Finding of the Constitutional Court of the Slovak Republic Ref. PL. ÚS 36/95 of 3 April 1996, published in the Collection of Laws of the Slovak Republic under no. 131/1996)

D) The criteria, or conditions, specifying the objective of the special positive actions as well as, in essence, the group of persons in favour of whom special positive actions can be taken are unclear, vague and undefined.

Under § 8 (8) of the Antidiscrimination Act, the objective of special positive actions is to prevent disadvantages related to racial or ethnic origin.

The Constitutional Court of the Slovak Republic has concluded that *"Article 12 (2) of the Constitution ensures the universality of equality in fundamental rights and freedoms for everyone, regardless of differences in person and status. The differences that the Constitution accepts with respect to preserving equality in fundamental rights and freedoms concern sex, colour of skin, language, belief and religion, political affiliation or other conviction, national or social origin, nationality or ethnic origin, property, descent or other status. These need to be respected in each specific case in the effort to avoid infringing the principle of universality of equality. The individual facts that may constitute a reason for natural inequality between people are therefore defined in the Constitution by means of examples and provide room for ensuring that no one is harmed, preferred or discriminated against on these grounds. ... Article 12 (2) of the Constitution is often described as a provision establishing the prohibition of discrimination and, on the other hand, the prohibition of the provision of advantages in a specific fundamental right and freedom to anyone entitled to this right."* (Finding of the Constitutional Court of the Slovak Republic Ref. PL. ÚS 37/95 of 12 September 1996, published in the Collection of Laws of the Slovak Republic under no. 286/1996)

The attributes of race, nationality or ethnic origin can therefore constitute a reason for natural inequality between people. However, the Constitution forbids that they constitute a reason for harming, discriminating against or preferring persons who have these attributes over persons who do not have them. In individual areas falling within its jurisdiction, this is also declared by the Antidiscrimination Act, because it establishes the obligation to observe the principle of equal treatment in the relevant areas. This concerns securing of universal equality, regardless of the above reasons for natural inequality. **Since one of the basic objectives of the Antidiscrimination Act is to ensure that racial or ethnic origin is not a reason for discriminating against or preferring persons, the special positive actions have no purpose with respect to ensuring universal equality.**

One possible explanation of the objective of the positive actions, as implied by § 8 (8) of the Antidiscrimination Act, is that there are certain objective disadvantages linked to racial or ethnic origin, which automatically disqualify persons of a certain race or ethnic origin from access to or exercise of individual rights and the special positive actions should serve to enable them to exercise their rights in areas specified by law. But if we accepted this objective of the relevant provision, then we would come into conflict with Article 12 (1), first sentence, of the Constitution, which states that "people are free and equal in dignity and rights." **Such objective of the special positive actions would simultaneously imply that an unknown**

addressee can decide, on the basis of unclear and vague criteria, that persons of a certain race or ethnic origin are "inferior" or unequal to persons of another race or ethnic origin. The general principle of equality, however, expresses equality of all people in dignity and rights regardless of their race or ethnic origin.

As the Submitter stated above, § 8 (8) of the Antidiscrimination Act suggests that the objective of the special positive actions is to prevent disadvantages related to racial or ethnic origin. This implies that the recipients of the special positive actions will be persons of a certain racial or ethnic origin, who are discriminated against precisely and solely due to their racial or ethnic origin.

Pursuant to Article 12 (3), everyone has the right to freely decide their nationality and it is forbidden to exert any influence on this decision. This means that everyone has the right to decide about their nationality at any time. In the Submitter's opinion, Article 12 (3) needs to be interpreted extensively, i.e. that everyone has the right to also decide which ethnic group they belong to. Since the term "nationality" is narrower than the term "ethnicity", each nationality group is part of a certain ethnic group. **Hence, if special positive actions are taken for persons of a certain ethnic group, no one who identifies him- or herself with the given ethnic group can be excluded from these actions. In other words, such special positive actions would relate to everyone, because no one can be prohibited to identify him- or herself with a certain ethnic group.** The criterion of ethnic affiliation is therefore futile as regards the granting of certain rights, since this criterion will probably not serve the purpose intended by the legislator.

This means that the legislator has specified a group of persons, on the basis of an undefined criterion and consequently unclear specification, in favour of whom special positive actions can be taken and who, due to their race or racial origin or due to belonging to an ethnic group or their ethnic origin, will be entitled to enjoy these actions or assert rights and advantages arising therefrom.

E) The requirement that generally binding legal regulations meet the criteria of comprehensibility is an important factor for the elimination of the possibility of their arbitrary, deliberate, inconsistent or other undesired interpretation and application (a legal regulation should precisely define the behaviour of the relevant entities).

As the above suggests, § 8 (8) of the Antidiscrimination Act is incomprehensible and unclear. The formulation of this provision creates a situation allowing for inconsistent and deliberate interpretation, thereby creating a state of legal uncertainty. **Moreover, this unclarity of interpretation and legal uncertainty will exist in an area as sensitive and critical as fundamental rights and freedoms undoubtedly are,** which further amplifies the need for a clear and comprehensible formulation, not allowing for inconsistent and deliberate interpretation.

With a view to the above, the Submitter is of the opinion that it is not possible to create a state of legal certainty for the addressees of the above legal regulation with respect to what behaviour will fulfil or will not breach its contents, even if the general rule of interpretation, i.e. Article 152 (4) of the Constitution, is applied. Therefore, in the Submitter's opinion, § 8 (8) of the Antidiscrimination Act is at variance with Article 1 (1) of the Constitution.

II.

Objection against the in compliance of § 8 (8) of the Antidiscrimination Act with Article 12 (1), first sentence, and (2) of the Constitution in conjunction with Article 35 (1) through (3), Article 36, Article 37 (2), Article 39 (1) and (2), Article 40 and Article 42 of the Constitution

Article 12 (1) and (2) of the Constitution read as follows:

"(1) People are free and equal in dignity and rights. Basic rights and freedoms are undeniable, inalienable, imprescriptible and irrevocable.

(2) Fundamental rights and freedoms are guaranteed to everyone in the territory of the Slovak Republic regardless of sex, race, colour of skin, language, belief and religion, political affiliation or other conviction, national or social origin, nationality or ethnic origin, property, descent or other status. No one may be harmed, preferred or discriminated against on these grounds."

The section of the Antidiscrimination Act, where § 8 (8) is included, indicates the nature of the special positive actions. § 8 concerns admissible unequal treatment, i.e. exemptions from the prohibition of discrimination. This relates to such unequal treatment, which could be taken as discrimination but is allowed for by the Antidiscrimination Act in certain areas and for specific reasons, providing that this is justified in the given case by a legitimate aim and appropriate for achieving this aim.

The inclusion of special positive actions in § 8 suggests that they are an exemption from the prohibition of discrimination (admissible preferences) justified by the cumulative fulfilment of vague conditions for ensuring equality of opportunities in practice and adherence to the principle of equal treatment, **while this unequal treatment (preferences) is admissible only on the grounds of racial or ethnic origin, without the requirement to meet the condition that they are appropriate and legitimately justified in the specific situation.**

There is, however, an internal contradiction here, because the provisions under § 8 (1) through (7) of the Antidiscrimination Act represent exemptions from the principle of equal treatment, not provisions aimed at achieving equal treatment. On the contrary, § 8 (8), besides being an exemption from the principle of equal treatment, first of all provides for the possibility of taking special positive actions, through the application of which the very objective of the act – adherence to the principle of equal treatment and equality in rights – should be achieved.

In other words, § 8 (8) says that in order to ensure that persons of a certain race or ethnic origin are treated equally as other persons, special positive actions can be taken in certain situations (which are not defined by the Antidiscrimination Act). **This means that the provision implies that persons of a certain race or ethnic origin, in certain cases, upon fulfilment of certain conditions (which the act fails to define) and for objective reasons, are disqualified and do not or would not have access to and exercise their rights, including the fundamental rights stated below, without the positive actions.** Hence, § 8 (8) goes against the principle of equality of people in dignity and rights, because it says that this equality will only be achieved if special positive actions are taken.

Special positive actions can therefore be regarded as a certain special right, the recipients of which are not specific persons with specific disadvantages in a specific situation, but certain racial or ethnic groups regardless of whether their individual members or persons meeting the race or ethnic origin criterion are in fact discriminated against or not. The formulation of § 8 (8) of the Antidiscrimination Act, which says that "special positive actions can be taken to prevent disadvantages related to racial or ethnic origin", makes it possible to use the criterion of race or ethnic origin as a reason for "unequal" or preferential conditions in the access to and exercise of the respective fundamental rights. **Due to the vagueness and unclarity of § 8 (8) objected to above, possibilities open up for any advantages, whether this concerns a system of quotas or other automatic advantages.**

Article 12 (1) establishes the principle of people's equality in dignity and rights – i.e. grants equal rights to all human beings.

Article 12 (2) of the Constitution provides for the universality of equality in fundamental rights and freedoms for everyone, regardless of differences in person and status. The differences that the Constitution accepts with respect to preserving equality in fundamental rights and freedoms concern sex, colour of skin, language, belief and religion, political affiliation or other conviction, national or social origin, nationality or ethnic origin, property, descent or other status. These need to be respected in each specific case in the effort to avoid infringing the principle of universality of equality. The individual facts that may constitute a reason for natural inequality between people are therefore defined in the Constitution by means of examples and provide room for ensuring that no one is harmed, preferred or discriminated against on these grounds.

Article 12 (2) of the Constitution is often described as a provision establishing the prohibition of discrimination and, on the other hand, the prohibition of the provision of advantages in a specific fundamental right and freedom to anyone entitled to this right.

Discrimination, i.e. the situation where a person is harmed, disadvantaged or preferred (advantaged), has its reflection in such violation of equality in fundamental rights and freedoms that is linked precisely to the attribute of natural inequality and it is apparent that only this can constitute a reason for the violation of equality.

This means that under Article 12 (2) of the Constitution no one can be provided advantages in connection with fundamental rights and freedoms. *"Article 12 (2) of the Constitution has a general and declaratory nature, not the nature of a fundamental human right or freedom. Its application can be demanded only in connection with the protection of particular fundamental rights and freedoms specified in the Constitution."* (Finding of the Constitutional Court of the Slovak Republic Ref. I. ÚS 17/99 of 22 September 1999).

§ 5 (2) and § 6 (2) of the Antidiscrimination Act imply that the principle of equal treatment is only applied in conjunction with the rights established by special laws governing social relations in the areas of jurisdiction of the Antidiscrimination Act.

The formulation of § 8 (8) of the Antidiscrimination Act implies that it relates to all areas falling within the jurisdiction of the Antidiscrimination Act, which means that special positive actions can be taken in all of these areas.

In order to object to the non-compliance of § 8 (8) of the Antidiscrimination Act with Article 12 (2) of the Constitution, it is necessary to prove that § 8 (8) relates to fundamental rights and freedoms. With a view to the fact that § 8 (8) relates to all areas of jurisdiction of the Antidiscrimination Act according to §§ 5 and 6 of the Antidiscrimination Act, it is necessary to prove that these provisions also relate to rights that are fundamental rights and freedoms under Title Two of the Constitution.

All fundamental rights and freedoms that the Antidiscrimination Act concerns can be demanded under Article 51 (1) of the Constitution, within the limits of laws implementing the relevant articles of the Constitution establishing individual fundamental rights and freedoms. Therefore, below, we provide a list of fundamental rights and freedoms which the Antidiscrimination Act concerns and the special laws governing the relevant relations, i.e. the areas of fundamental rights and freedoms where special positive actions can be taken with a view to § 8 (8) of the Antidiscrimination Act.

The provisions under §§ 5 and 6 of the Antidiscrimination Act relate, *inter alia*, to the following areas:

a) the so-called "social rights" – fundamental rights under Article 39 (1) and (2) of the Constitution

- § 5 (2) a) specifies that this concerns the areas of
- i. social assistance – in accordance with Act No. 195/1998 Coll. on Social Assistance as amended,
 - ii. social insurance – in accordance with Act No. 461/2003 Coll. on Social Insurance as amended,
 - iii. state social support – for instance in accordance with Act No. 599/2003 Coll. on Assistance in Material Distress and on Amendment and Supplementation of Certain Laws and Act No. 601/2003 Coll. on Subsistence Minimum and on Amendment and Supplementation of Certain Laws.

e) the provision of and access to healthcare – fundamental rights under Article 40 of the Constitution

The area of rights described by the Antidiscrimination Act, in § 5 (2) b), as the area of the provision of and access to healthcare is for example regulated by

- i. National Council of the Slovak Republic Act No. 277/1994 Coll. on Healthcare as amended.
- ii. National Council of the Slovak Republic Act No. 273/1994 Coll. on Health Insurance, Financing of Health Insurance, the Establishment of the General Health Insurance Company and the Establishment of Sectoral, Occupational, Corporate and Civil Health Insurance Companies as amended.

f) education – together with other related rights, this concerns the fundamental rights under Article 42 of the Constitution

These rights comprise the right to free elementary and secondary education (Article 42 (2) of the Constitution), as well as the right to university education depending on the abilities of the individual and possibilities of the society (Article 42 (2) of the Constitution). In accordance with the Convention against Discrimination in Education and the definition provided by the Constitutional Court of the Slovak

Republic in its Resolution Ref. PL ÚS 5/93 of 18 May 1994, the term education refers to

- i. all types of education, namely elementary, secondary, higher, general and vocational education,
- ii. access to education and the provision of a certain standard and quality of education (so that everyone has equal access to education and is provided equal standard and quality of education without any discrimination),
- iii. the conditions, under which access to education is provided.

The area of rights described by the Antidiscrimination Act, in § 5 (2) c), as the area of the provision of and access to education is for example regulated by

- ii. Act No. 29/1984 Coll. on the System of Elementary and Secondary Schools (Schools Act) as amended,
- iii. Act No. 131/2002 Coll. on Universities as amended.
- iv. Act No. 386/1997 Coll. on Further Education and on Amendment of National Council of the Slovak Republic Act No. 387/1996 Coll. on Employment as amended.

g) labour law and similar legal relations, as well as the legal relations related to them – fundamental rights under Article 35 (1) through (3), Article 36 and Article 37 (2) of the Constitution

In § 6 (2), the Antidiscrimination Act specifies the legal relations that this concerns. They are:

- i. access to employment, occupation, other income-earning activity or post (hereinafter referred to as "employment"), including the recruitment requirements and the conditions and method of selection for employment (fundamental rights under Article 35 (1) through (3) of the Constitution)
- ii. performance of employment and labour conditions, including remuneration, promotion and redundancy (fundamental rights under Article 36 of the Constitution)
- iii. access to professional education, further professional education and participation in programmes within active labour market measures, including access to advice in the selection and change of employment (fundamental rights under Article 35 (1) and Article 42 (1) of the Constitution)
- iv. membership and activity in employee organisations, employer organisations and organisations associating persons of certain professions, including the provision of benefits that these organisations provide to their members (fundamental rights under Article 37 (2) of the Constitution).

The area described by the Antidiscrimination Act, in § 6 (2), as the area of labour law relations, similar legal relations and legal relations related to them is for example regulated by

- ii. Act No. 311/2001 Coll., the Labour Code, as amended,
- iii. Act No. 312/2001 Coll. on Civil Service and on Amendment and Supplementation of Certain Laws as amended
- iv. Act No. 552/2003 Coll. on the Performance of Work in the Public Interest
- v. Act No. 5/2004 Coll. on Employment Services and on Amendment and Supplementation of Certain Laws.

It is apparent from the above that the Antidiscrimination Act relates to a number of fundamental rights and freedoms under Title Two of the Constitution. The fundamental rights and freedoms under Article 12 (2) of the Constitution are guaranteed to everyone, regardless of, *inter alia*, race or identification with an ethnic group. This means that no one can be harmed, preferred or discriminated against in connection with access to and exercise of fundamental rights and freedoms on the grounds of race or ethnic origin. Hence, Article 12 (2) of the Constitution not only forbids negative discrimination (disadvantaging and harming) on the grounds specified therein, but also the so-called "positive" discrimination (preferences).

Article 34 of the Constitution contains certain specific rights for citizens belonging to national minorities or ethnic groups. Similarly, Article 38 contains certain special rights for women, minors and disabled persons. It can be said that these provisions represent certain specific rights, which provide for the so-called "positive" discrimination (admissible preferences), in areas explicitly defined by the Constitution, for national minorities and ethnic groups, and for women, minors and disabled persons. It can also be stated that the **Constitution knows no exemption from the prohibition of preferences in fundamental rights and freedoms on the grounds of racial origin.**

On the basis of this, we can say that Article 12 (2) of the Constitution, which, *inter alia*, forbids preferences in connection with fundamental rights and freedoms, has exemptions – provisions allowing for a certain form of preferences or special rights, however, these exemptions are explicitly defined by the Constitution.

Based on the hierarchy of legal regulations and the requirement of compliance of laws with the Constitution, a legal regulation of a lower legal force cannot establish exemptions from a ban established by the Constitution, a legal regulation of a higher legal force. It is not possible to establish further forms of the so-called "positive" discrimination or admissible preferences for reasons that are prohibited reasons for preferences, besides the exemptions specified by the Constitution, i.e. besides the forms of the so-called "positive" discrimination envisaged in the Constitution.

§ 8 (8) of the Antidiscrimination Act allows for preferences in the above mentioned fundamental rights on the basis of the criterion of racial origin, which is inadmissible under Article 12 (2) of the Constitution. Equally, § 8 (8) of the Antidiscrimination Act allows for preferences in the above mentioned fundamental rights on the basis of the criterion of identification with an ethnic group. The Constitution lays down special rights for persons belonging to ethnic groups and these rights are specified in Article 34, however, § 8 (8) of the Antidiscrimination Act allows for preferences in fundamental rights on the basis of identification with an ethnic group, which is inadmissible under the Constitution – the preferences go beyond the framework of Article 34 and are therefore prohibited pursuant to Article 12 (2).

If a legal regulation provides for different treatment for different individuals, there must be a legitimate reason for such differentiation. However, the difference lying in racial or ethnic origin is not a legitimate reason for preferential treatment. This is a reason explicitly prohibited by the Constitution. Preferential treatment a priori reinforces the common stereotypes that certain groups are unable to achieve success, or exercise their rights without special protection and special preferences based on characteristics that have no relation to the individual value of every human being. The so-called "positive" discrimination sends a signal

about the inferiority of a certain group, which "would be unable to succeed" under equal conditions. Special positive actions humiliate human dignity and the uniqueness of everyone to whom they relate. It is unfair both in principle and practice, because it divides the society and creates castes.

The Constitutional Court of the Slovak Republic presented its opinion on access to elected and other public posts (a fundamental right under Article 30 (4) of the Constitution) in Finding Ref. PL. ÚS 19/98: *"A legal regulation of any legal force or the practical application thereof by public administration authorities cannot provide preferences or disadvantages to certain groups of citizens over other groups in their possibilities for access to elected and other public posts on the grounds of race, language, belief and religion, political affiliation or other conviction, national or social origin, nationality or ethnic origin, property, status etc."*. It also stated that the *"Constitution of the Slovak Republic contains no provision whose interpretation would make it possible to justify action allowing for the restriction or modification of the citizens' fundamental rights in order to improve the situation of the members of national minorities or ethnic groups."*

We are of the opinion that the same situation occurs with respect to the fundamental rights referred to in the Antidiscrimination Act. **§ 8 (8) of the Antidiscrimination Act provides preferences in access to the above mentioned fundamental rights on the grounds of racial or ethnic origin, thereby restricting or affecting the rights of other citizens, only for the reason of improving the situation of the members of national minorities or ethnic groups. On the basis of the above, the Submitter is of the opinion that § 8 (8) of the Antidiscrimination Act is at variance with Article 12 (2) of the Constitution, in conjunction with articles establishing the relevant fundamental rights and freedoms – i.e. Article 35 (1) through (3), Article 36, Article 37 (2), Article 39 (1) and (2), Article 40, and Article 42.**

III.

On the basis of the above, we propose that the Constitutional Court of the Slovak Republic adopt the following

finding

§ 8 (8) of Act No. 365/2004 Coll. on Equal Treatment in Certain Areas, Protection from Discrimination and on Amendment and Supplementation of Certain Laws (Antidiscrimination Act) **does not** comply with Article 1 (1) and Article 12 (1), first sentence, and (2), in conjunction with Article 35 (1) through (3), Article 36, Article 37 (2), Article 39 (1) and (2), Article 40 and Article 42 of the Constitution of the Slovak Republic.

IV.

Simultaneously, in accordance with § 38 (2) of National Council of the Slovak Republic Act No. 38/1993 Coll. on the Organisation of the Constitutional Court of the Slovak Republic, Proceedings Before the Constitutional Court and the Status of its Judges as amended, the Submitter

proposes to suspend the validity

of § 8 (8) of Act No. 365/2004 Coll. on Equal Treatment in Certain Areas, Protection from Discrimination and on Amendment and Supplementation of Certain Laws (Antidiscrimination Act) until the Constitutional Court of the Slovak Republic decides on the matter itself.

Based on the reasons stated under I. and II. of this proposal, the Submitter **proposes that the Constitutional Court of the Slovak Republic decide to suspend the validity of § 8 (8) of the Antidiscrimination Act until it decides on the matter itself, with a view to the fact that the continued application of § 8 (8) can endanger the fundamental rights and freedoms under Title Two of the Constitution.**

As the Submitter stated above, § 8 (8) of the Antidiscrimination Act relates to and should be applied in areas that are areas of fundamental rights and freedoms under Title Two of the Constitution.

In the Submitter's opinion, § 8 (8) of the Antidiscrimination Act is at variance with the principle of legal certainty, since the formulation of this provision allows for inconsistent and deliberate interpretation. It is not possible to create a state of legal certainty for the addressees of the above legal regulation with respect to what behaviour will fulfil or will not breach its contents, even if the general rule of interpretation, i.e. Article 152 (4) of the Constitution, is applied.

The Submitter is of the opinion that without making it apparent and clear when the conditions for taking special positive actions are satisfied, who is authorised to take the actions, what is the content and scope of the actions, who can enjoy these actions and rights arising therefrom, and how the fulfilment of the conditions for access to the rights and advantages arising from these action is proved, it is not possible to adopt special positive actions and apply § 8 (8) of the Antidiscrimination Act. Otherwise, the unclarity, incomprehensibility and vagueness of § 8 (8), which relates to fundamental rights and freedoms under Title Two of the Constitution, would constitute a threat to the fundamental rights and freedoms of other persons.

In the Submitter's opinion, § 8 (8) of the Antidiscrimination Act provides preferences to certain groups of persons in access to the fundamental rights and freedoms specified in section II. of this proposal on the grounds of racial or ethnic origin, thereby restricting or affecting the rights of other citizens, only for the reason of improving the situation of the members of a certain race or ethnic group. Due to the fact that the respective provision is also unclear, vague and incomprehensible, it creates a situation allowing for the adoption of such special positive actions that will restrict or infringe the fundamental rights and freedoms of other persons.

The Submitter believes that the reasons for suspending the validity of the respective provision under § 8 (8) are made even stronger by the fact that the possibilities for effective remedy, in the case that fundamental rights and freedoms of other persons are indeed breached through the adoption of special positive actions, are very limited or even non-existent. **Special positive actions taken on the basis of the unclear, incomprehensible and vague formulation of § 8 (8), which have no legal limit or specified content, can, in specific cases, put other persons at disadvantage in access to their fundamental rights and freedoms, without the possibility of rectifying the resulting situation.**

The suspension of § 8 (8) of the Antidiscrimination Act would not render the act inapplicable. **The Antidiscrimination Act can continue to serve its objective, i.e. provide for and ensure the adherence to the principle of equal treatment, even if the validity of § 8 (8) is suspended. The Submitter is of the opinion that the fact that this will not render the Antidiscrimination Act inapplicable is another reason why the validity of § 8 (8) should be suspended** until the Constitutional Court of the Slovak Republic decides on the matter itself.