



**International Convention on
the Elimination of All Forms
of Racial Discrimination**

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Committee on the Elimination of Racial Discrimination

**Reports submitted by States parties under
article 9 of the Convention**

Sixth to eighth periodic reports of States parties due in 2008

Addendum

Slovak Republic* **

[7 July 2008]

* This document contains the sixth, seventh and eighth periodic reports of the Slovak Republic, due on 28 May 2008, submitted in one document. For the fourth and fifth periodic reports and the summary records of the meetings at which the Committee considered the report, see documents CERD/C/419/Add.2 and CERD/C/SR.1654 and 1655.

** In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited before being sent to the United Nations translation services.

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Introduction

1. The Slovak Republic is a Party to the Convention on the Elimination of All Forms of Racial Discrimination, signed in the name of the Czechoslovak Socialist Republic on 7 March 1966. By succession from the Czech and Slovak Federal Republic (formerly the Czechoslovak Socialist Republic/the Czechoslovak Republic), the SR became a Party to the Convention on 28 May 1993 with retroactive effect from 1 January 1993.
2. In conformity with Article 9 of the Convention on the Elimination of All Forms of Racial Discrimination, the SR submits reports on the implementation of the Convention to the UN Committee on the Elimination of Racial Discrimination. The SR submitted its fourth and fifth periodical reports in October 2003.
3. The SR hereby presents its sixth, seventh and eighth periodical reports on the implementation of the Convention on the Elimination of All Forms of Racial Discrimination (hereinafter referred to as the "Report"). The Report contains information on legislative, judicial, administrative and other measures taken with a view to the practical application of the provisions of the Convention and on the progress attained in this field in the period between 2004 and 2008.
4. The Report was prepared by the Ministry of Foreign Affairs of the Slovak Republic working in conjunction with the sectors that have substantive competence over relevant issues, in compliance with the reporting guidelines issued by the UN Committee on the Elimination of Racial Discrimination and giving recommendations on the content and form of individual periodical reports concerning the Convention on the Elimination of All Forms of Racial Discrimination (CERD/C/70/Rev.5), and with concrete recommendations contained in the Final Conclusions of the Committee on the Elimination of Racial Discrimination adopted on 9 August 2004 subsequent to the examination of the fourth and the fifth periodical reports of the Slovak Republic.

I. General part

National minorities

5. According to the data gathered in the 2001 population census¹ conducted as of 26 May 2001, 763,601 of a total of 5,379,455 inhabitants of Slovakia recognised themselves as belonging to a national minority, 12 national minorities taking up the largest shares in the ethnic structure.

¹ The latest census was conducted in Slovakia in 2001 according to Act No. 165/1998 Coll. on the Census of the Population, Houses and Flats.

Table 1
Basic statistics obtained in the 2001 population census in the Slovak Republic

Population – total	5 379 455
	Of which: women 2 766 940 (51.4%)
	men 2 612 515
Population density	110 inhabitants/km ²
Ethnic composition	85.8% Slovak 9.7% Hungarian 1.7% Roma 0.8% Czech 0.4% Ruthenian 0.2% Ukrainian 0.1% German 0.05% Polish 0.04% Moravian 0.03% Russian 0.02% Croatian 0.02% Bulgarian 0.01% Serbian 0.01% Jewish 0.1% Other 1.1% unidentified
Religion/Church	68.9% Roman Catholic Church 6.9% Evangelical Church of the Augsburg Confession 4.1% Byzantine Catholic Church 2% Reformed Christian Church 0.9% Orthodox Church 4.1% other and unidentified 13.0% without confession
Age structure of the population	18.9% pre-productive age 63.1% productive age 19.0% post-productive age
Urban population	56.1%
Rural population	43.9%

6. The Hungarian minority in Slovakia is the most numerous: 520,528 inhabitants of the Slovak Republic (9.7%) recognised themselves as belonging to the Hungarian national minority. Ethnic Hungarians live in large concentrations in the south of Slovakia.

7. Persons of Roma origin represent the second most numerous national minority in Slovakia – 89,920 persons, i.e. 1.7% of the population, recognised themselves as belonging to the Roma minority. More realistic expert estimates give their number at 320,000. This latter number was confirmed also by means of sociographic mapping of Roma settlements, carried out with the Slovak government's support and concluded in 2004; its findings have been used to ensure a more accurate targeting of policy concepts and programmes addressing persons belonging to the Roma minority. Ethnic Roma live dispersed throughout the territory of Slovakia. The greatest concentrations of persons belonging to the Roma national minority live in the east of the country and in the south of central Slovakia.

8. A total of 1,575 settlements of different types were identified in the surveys as those which the mainstream population considers to be Roma settlements. As regards settlement patterns, approximately one half of the Roma live integrated with the majority population, while 787 Roma settlements are not integrated. As far as their location is concerned, settlements of Roma communities may be characterised as rural or urban, settlements located at the edge of a village/town, and settlements separated from nearby villages or towns by a natural or an artificial barrier. Of the above number of settlements, 149 may be considered as segregated. These are the settlements located at the edge of a village/town with no access to running water, in which the share of illegal dwellings exceeds 20%.

9. The next most numerous are the Czech (44,620), Ruthenian (24,201), Ukrainian (10,814) and German (5,405) national minorities. Ethnic Ruthenians and Ukrainians live mostly in the east, Poles in the north, Germans in the Spiš region and in historic mining towns, Czechs in the border areas of western Slovakia.

Aliens

10. The status of aliens in the territory of the Slovak Republic is governed by Act No. 48/2002 Coll. on the Stay of Aliens and on amending and supplementing certain other acts (hereinafter referred to as the “Act on the Stay of Aliens”). The Act went through several amendments, the most extensive being Act No. 558/2005 Coll. amending and supplementing Act No. 48/2002 Coll. on the Stay of Aliens and on amending and supplementing certain other acts as amended, which entered into effect on 15 December 2005. With this amendment, the Act on the Stay of Aliens incorporated EU Council directives on the status and rights of nationals of the Member States of the European Union and their family members, persons with long-term residence permits, and victims of human trafficking. In general, the amendment to the Act on the Stay of Aliens may be said to have strengthened legal certainty of foreign nationals.

Table 2

Foreign nationals legally staying in the territory of the Slovak Republic in the period of 2004–2008

	2004	2005	2006	2007 as of 31 March 2008	
Permanent residence	17 003	20 927	26 028	33 258	35 145
Temporary residence	4 994	4 474	5 894	7 646	8 529
Tolerated stay	111	237	231	310	308
Total	22 108	25 638	32 153	41 214	43 982

Table 3

Foreign nationals legally staying in the territory of the Slovak Republic in the period of 2004–2008, broken down by nationality

Nationality	2004	2005	2006	2007 as of 31 March 2008	
Czech Republic	3 583	4 380	5 113	5 982	6 211
Poland	2 468	2 860	3 646	4 018	4 100
Russia	1 213	1 246	1 311	1 373	1 402
Romania	412	421	700	3 011	3 252
Hungary	1 519	1 766	2 106	2 713	2 964
Ukraine	4 007	3 719	3 927	3 811	3 969

Asylum applicants

11. In the asylum procedure, the Ministry of the Interior is bound by the Convention Relating to the Status of Refugees (Geneva, 1951) and the Protocol Relating to the Status of Refugees (New York, 1967), transposed into Act No. 480/2002 Coll. on Asylum and on amending and supplementing certain other acts as amended (hereinafter referred to as the “Asylum Act”). According to Section 8(a) of the Asylum Act, the Ministry of the Interior shall, unless otherwise stipulated by the Act, grant asylum to an applicant who has well-founded fears of being persecuted in his/her country of origin for reasons of race, ethnic origin or religion, holding a particular political opinion or membership of a particular social group, and is unable or, owing to such fear, unwilling to return to such country.

12. In the process of transposing European asylum legislation into the Slovak legal system, the Asylum Act underwent several amendments. Three latest Asylum Act amendments took place in the relevant period.

13. The amendment to the Asylum Act that entered into effect on 1 February 2005² transposed Council Directive of 27 January 2003 which lays down minimum standards for the reception of asylum seekers. This amendment introduced, for instance, the obligation to inform applicants of their rights and obligations in asylum procedure no later than 15 days after the commencement of the procedure, allows asylum applicants to enter the labour market subject to the fulfilment of certain conditions, sets out the time limit within which the Ministry of the Interior must issue the asylum seeker an applicant’s card, etc.

14. The amendment to the Asylum Act, which entered into effect on 1 January 2007,³ transposed Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection, including the content of such protection; it introduced an additional form of international protection of aliens – subsidiary protection. The Ministry of the Interior shall grant subsidiary protection to an applicant to whom it did not grant asylum provided that there are good reasons to believe that the applicant would face a real risk of serious harm if returned to his/her country of origin, unless otherwise stipulated by the Act. For the purposes of the Asylum Act, serious harm means:

- Imposition of a death penalty or its execution
- Torture or inhuman or degrading treatment or punishment, or
- Serious and individual threat to life or inviolability of a person by reason of arbitrary violence in situations of international or internal armed conflict

At the same time, the Act lays down the conditions for providing subsidiary protection for family reunification purposes and the grounds on which subsidiary protection may be denied, revoked or ended. The Act also defines new notions, such as international protection and actor of persecution, gives a new definition of the notions of persecution, specifies the grounds for persecution, and broadens the category of cases where asylum is denied or withdrawn.

² Act No. 1/2005 Coll. amending and supplementing Act No. 480/2002 Coll. on Asylum and on amending and supplementing certain other acts as amended, and on amending and supplementing certain other acts.

³ Act No. 692/2006 Coll. amending and supplementing Act No. 480/2002 Coll. on Asylum and on amending and supplementing certain other acts as amended, and on amending and supplementing certain other acts.

15. The latest amendment⁴ to the Asylum Act which entered into effect on 1 January 2008 transposed Council Directive 2005/83/EC of 1 December 2005 on minimum standards for procedures in Member States on granting and withdrawal of the status of refugee. The Act introduces new provisions concerning the grounds for rejecting asylum applications as inadmissible or manifestly unfounded, provides for the representation of parties to asylum proceedings, sets out cooperation with the Office of the UN High Commissioner for Refugees, gives a more precise definition of the type of stay of asylum applicants or aliens who were granted subsidiary protection in the territory of the Slovak Republic (an asylum applicant is considered to be an alien who has been granted a permanent residence permit, an alien granted subsidiary protection is considered to be an alien who has been granted a temporary residence permit). The Act also stipulates that persons conducting interviews with applicants must be capable of giving due consideration to the personal situation of applicants, including their origin, sex, and age, and that asylum applications must be evaluated by authorised officials of the Ministry of the Interior who have adequate knowledge of asylum matters and, in case of unaccompanied minors, also adequate knowledge of minors' special needs.

16. In 2004, the Ministry of the Interior granted asylum to 15 applicants, in 2005 to 25 applicants, in 2006 to 8 applicants, and in 2007 to 14 applicants. In 2007, the Ministry of the Interior granted subsidiary protection to 82 applicants. The most frequent countries of origin of asylum applicants coming to the territory of the Slovak Republic are India, Pakistan, Bangladesh, China, Vietnam, Afghanistan, the Russian Federation, Iraq and others.

II. Special provisions

Article 2

Legal and other measures to eliminate racial discrimination in all its forms

A. Legislative measures

Anti-discrimination Act

17. Besides general provisions on equality in the Constitution of the Slovak Republic No. 460/1992,⁵ the application of the principle of equal treatment is provided for in a comprehensive manner in the Antidiscrimination Act,⁶ which took effect on 1 July 2004. The Anti-discrimination Act transposed into the Slovak legal system relevant directives of the European Union, namely Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin and Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation.

⁴ Act No. 643/2007 Coll. amending and supplementing Act No. 480/2002 Coll. on Asylum and on amending and supplementing certain other acts as amended, and on amending and supplementing certain other acts.

⁵ The Constitution of the Slovak Republic published in the Collection of Laws under No. 460/1992 Coll.

⁶ Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and on the Protection from Discrimination, and on amending and supplementing certain other acts (the Anti-discrimination Act), as amended.

18. Although the European anti-discrimination legislation had been largely transposed into the Slovak legal system already before 2004 during the process of Slovakia's accession to the EU, its comprehensive implementation was not completed until the adoption of the Anti-discrimination Act effective from 1 July 2004. The Act also amended the provisions of other generally binding legal regulations⁷ governing the application of the principle of equal treatment (i.e. prohibition of discrimination).

19. The Anti-discrimination Act lays down the principles of equal treatment, gives the definitions of different forms of discrimination, sets out the means of legal protection and the means of redress applicable across the legal system.

20. It became apparent in the course of 2007 that the Anti-discrimination Act needed to be amended. With the first of its amendments⁸ the Slovak government responded mainly to two formal communications of the European Commission (hereinafter referred to as "the Commission") concerning incomplete or incorrect transposition of Council Directives 2000/43/EC and 2000/78/EC. The aim of the amendment was to achieve full transposition of the two Directives in the light of Commission's observations. A second amendment was simultaneously drafted, mainly with a view to the transposition of Council Directive 2004/113/EC implementing the principle of equal treatment between men and women in the access to and supply of goods and services.

21. This second amendment⁹ was drafted with due consideration to the number of demands and proposals for amending and supplementing the Anti-discrimination Act (put forward by the professional community and non-governmental organisations), reflecting their experience with practical application of the law, and required in order to achieve full transposition of other European directives¹⁰ as well. The objective pursued by the inter-ministerial expert group working on the second amendment was mainly to extend protection against discrimination on different grounds to all the areas covered by the Act (and by the Directives), modify the definition of sexual harassment, introduce the possibility of adopting temporary compensatory measures, and increase the clarity of certain procedural aspects of the protection against discrimination. Moreover, the Slovak National Centre for Human Rights was granted a new competence enabling it conduct independent enquiries into matters involving infringements of the principle of equal treatment.

⁷ The laws referred to in Art. III to XXII of the Anti-discrimination Act were amended by making a direct reference to the application of the general provisions on equal treatment principle laid down in the Antidiscrimination Act. Thus, in relation to the Anti-discrimination Act, they constitute special legislation (*lex specialis*) on the principle of equal treatment.

⁸ Act No. 326/2007 Coll., amending and supplementing Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and on the Protection from Discrimination, and on amending and supplementing certain other acts (the Anti-discrimination Act) in the wording of Finding No. 539/2005 Coll. of the Constitutional Court of the Slovak Republic.

⁹ Act No. 85/2008 Coll., amending and supplementing Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and on the Protection from Discrimination, and on amending and supplementing certain other acts (the Anti-discrimination Act) as amended, and on amending and supplementing Act No. 308/1993 Coll. on the Establishment of the Slovak National Centre for Human Rights as amended.

¹⁰ Directive 2002/73/EC of the European Parliament and of the Council of 23 September 2002 amending Council Directive 76/207/EEC of 9 February 1976 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions.
Directive 86/378/EC of 24 July 1986 on equal treatment for men and women in occupational social security schemes as amended by Council Directive 96/97/EC of 20 December 1996.

22. The inter-ministerial group created with a view to drawing up amendments to the Anti-discrimination Act, composed of the representatives of various sectors, was enlarged at the time of working on the second amendment to include the representatives of the Slovak National Centre for Human Rights, the National Bank of Slovakia, the Slovak Association of Insurers, and members of the public.

23. Additional changes were introduced to the antidiscrimination legislation in force also under a relatively extensive amendment to the Labour Code.¹¹

Criminal law

24. The process of re-codifying criminal legislation in the Slovak Republic was successfully completed with the adoption of new codes effective from 1 January 2006: Penal Code No. 300/2005 Coll. as amended and Code of Criminal Procedure No. 301/2005 Coll. as amended.

25. The Penal Code lays down criminal sanctions for, *inter alia*, violations of human rights and fundamental freedoms on racial discrimination grounds.

26. In its general part, the Penal Code defines a so-called specific motive (Section 140): a criminal offence committed for a specific motive is considered to be an aggravated criminal offence, carrying a more severe punishment than the basic criminal offence. Criminal offences committed for a specific motive are those committed for hire, for revenge, to cover up for or facilitate another criminal offence, for reasons of national, ethnic or racial hatred or hatred based on skin colour, or for sexual motives.

27. Criminal offences committed for reasons of national, ethnic or racial hatred or hatred based on skin colour are the most frequently found among typical racially motivated criminal offences such as, in particular:

- Criminal offences against life and health (premeditated murder; murder; homicide; participation in suicide; illegal removal of organs, tissues, and cells and illegal sterilisation; bodily harm; endangerment of health by illegal drugs, medical aids or devices)
- Criminal offences against liberty (human trafficking; deprivation of personal liberty; restriction of personal liberty; restriction of the freedom of stay; taking hostage; abduction with extortion; abduction abroad; robbery; racketeering; coercion; restricting freedom of religion; violation of privacy; violation of secrecy of communications)
- Criminal offences against human dignity (rape; sexual violence; sexual abuse; ill-treatment of a significant other or person in one's care; abduction)

28. However, under the Penal Code in force, specific motives for committing a criminal offence, including national, ethnic or racial hatred or hatred based on skin colour, may be found also in less frequent and/or not typical racially motivated criminal offences, such as criminal offences against youth, criminal offences against property, criminal offences endangering market economy, criminal offences against economic discipline, criminal offences against currency and fiscal criminal offences, criminal offences against industrial rights or copyright, certain other criminal offences including those causing general endangerment, environmental criminal offences and certain criminal offences against public order.

¹¹ Act No. 348/2007 Coll., amending and supplementing Act No. 311/2001 Coll. the Labour Code as amended and amending and supplementing certain other acts, as well as other provisions governing the principle of equal treatment.

29. Under the new taxonomy of the Penal Code, most criminal offences committed on explicitly racial grounds are included in Title Twelve of its separate part, which sets out criminal offences against peace, humanity and wartime criminal offences and, in particular, implements the rules of international humanitarian law. One exception is the criminal offence of violence against a group of inhabitants or an individual (Section 359) included among criminal offences against other rights and freedoms in Title Three of the separate part.

30. Also declared and considered as criminal offences against humanity are the offences of supporting and promoting groups leading to the suppression of fundamental rights and freedoms (Sections 421 and 422), defamation of a nation, race or conviction (Section 423) and incitement to national, racial or ethnic hatred (Section 424).

31. The Penal Code provides for more severe criminal penalties for the so-called aggravated criminal offences. These are the criminal offences that are committed publicly, in a particularly serious manner, or in a crisis situation. A special place among criminal offences against humanity in Title Twelve of the separate part of the Penal Code is assigned to the criminal offence of torture and other inhuman or cruel treatment (Section 420), which can be committed also for a specific motive, i.e. including national, ethnic or racial hatred or hatred based on skin colour.

32. The new Penal Code introduced and/or further clarified and refined the provisions on the punishment of perpetrators of criminal offences and, in particular, punishment for supporting or promoting a group of persons leading to the suppression of fundamental rights and freedoms of individuals through violence, threat of violence or threat of other serious harm. It also provides for the punishment of perpetrators who publicly manifest their sympathy — especially by means of banners, badges, uniforms or slogans — for movements leading to the suppression of fundamental rights and freedoms by violence, threat of violence, or threat of other serious harm, menacing an individual or a group of persons with restricting their rights and freedoms for reasons of their belonging to a nation, a national minority, a race, or an ethnic group, or for reason of their skin colour, and inciting restriction of the rights and freedoms of a nation, a national minority, a race or an ethnic group.

33. In connection with the criminal offence of ill-treatment of a significant other or a person in one's custody (Section 208), the new Penal Code lays down the punishment for the so-called economic violence committed by unjustifiably preventing a significant other or a person in one's care from having access to his/her property, thus causing suffering to that person.

34. The Penal Code also introduced a new institution of "protected persons" (Section 139), i.e. children, pregnant women, dependent persons, elderly persons, sick persons, persons enjoying protection under international law, public officers or persons performing their duties under the law, and witnesses, experts, interpreters or translators.

35. Section 127 para. 4 and 5 of the Penal Code extends the category of persons considered by the law as significant others. Thus, in addition to the relatives in direct descent, adopters, adoptees, siblings and spouses, significant others for the purposes of criminal offences of extortion (Section 189), rape (Section 199 para. 2), sexual violence (Section 200 para. 2), sexual abuse (Section 201 para. 2), ill-treatment of a significant other or a person in one's custody (Section 208), and of the criminal offence of criminal intimidation (Section 360 para. 2) include also former spouses, common-law spouses, former common-law spouses, parents of a common child or persons who are significant others in relation to the latter pursuant to para. 4, or persons living or having lived in a common household with the offender.

36. The Code of Criminal Procedure lays down general provisions on the rights of injured parties and on the filing of damage claims.

37. Pursuant to Section 46 of the Code of Criminal Procedure, an injured party is a person who suffered bodily harm, property damage, moral or other harm, or whose legally protected rights or freedoms were infringed or endangered as a result of a criminal offence. Under the aforesaid provision, the injured party has the right to file a damage claim. Section 47 para. 6 provides that after an indictment has been filed, the injured party who does not have sufficient means to bear the costs of lodging a damage claim may be appointed a lawyer by a pre-trial judge at the pre-trial stage on a prosecutor's motion, or by the presiding judge of the panel of his/her own motion at the judicial proceedings stage.

38. According to Section 49 para. 1 of the Code of Criminal Procedure, law enforcement authorities have a duty to provide injured parties, without delay, written information about their rights in criminal procedure and about organisations providing assistance to injured parties and the services thereof.

39. Both criminal codes have undoubtedly improved and facilitated the detection, investigation and punishment of perpetrators of racially motivated crimes and of all expressions of extremism (extreme left, extreme right or religious extremism). They are of great importance especially for law enforcement authorities and, subsequently, for the courts when holding trials on these types of crime.

40. Act No. 215/2006 Coll. on the Compensation of Victims of Violent Crimes, adopted on 15 March 2006 with a view to generally improving the effectiveness of the protection of crime victims, entered into effect on 1 May 2006. The Act lays down a lump-sum financial compensation for persons who suffered bodily harm as a result of an intentional violent criminal offence.

B. Other measures to suppress and eliminate racial discrimination

The Action Plan

41. The basic systemic instrument of the government of the Slovak Republic in the area of prevention and reduction of negative phenomena in the society such as racism, xenophobia, intolerance or discrimination is the "Action Plan for the Prevention of All Forms of Discrimination, Racism, Xenophobia and Other Expressions of Intolerance" (hereinafter referred to as the "Action Plan"), drawn up regularly since 2000.

42. In addition to addressing the most urgent problems of the society, the Action Plan also pursues long-term objectives of combating the abovementioned negative phenomena in the society, with the aim of increasing the level of tolerance of all the inhabitants of Slovakia, including aliens. An important component of the Action Plan are the activities performed in parallel to those of state authorities by non-governmental organisations and other entities active in this field that make an important contribution to spreading the values of tolerance, multiculturalism and non-discrimination in the society.

43. The priorities of the Action Plan in the 2006–2008 period include:

- Regular training of members of professional groups who, through the exercise of their professional duties, may influence the prevention of all forms of discrimination, racism, xenophobia, anti-Semitism and other expressions of intolerance
- Regular training and opinion-forming activities targeting professional groups and the general public in the area of preventing discrimination against migrants

- Intensification of the fight against extremism by means of drawing up legislative proposals and applying the legislation, improving the effectiveness of the detection and resolution of, conviction and punishment for criminal acts motivated by racial or other intolerance, and by means of regular training and opinion-forming activities in the field of the prevention of extremism
- Intensification of the monitoring, regular training and opinion-forming activities in the field of the prevention of anti-Semitism
- Implementation of activities aimed at addressing the needs of disadvantaged groups of the population
- Support for cultural and social science activities promoting observance of human rights and prevention of all forms of discrimination, racism, xenophobia, anti-Semitism and other expressions of intolerance
- Work of the inter-ministerial group for implementing the Action Plan for the Prevention of All Forms of Discrimination, Racism, Xenophobia, Anti-Semitism and Other Expressions of Intolerance in the 2006–2008 period

44. The Action Plan has proven to be a highly adequate instrument for ensuring cooperation between non-governmental organisations and state authorities in the pursuance of the common goal of preventing discrimination, xenophobia, racism, anti-Semitism and other expressions of intolerance, pursued through concerted efforts of all elements of the civil society.

45. Financial resources for projects of non-governmental non-profit organisations are allocated through the budget chapter of the Government Office of the Slovak Republic for funding the “Programme 06P0201 — Support Activities of the Government Office of the Slovak Republic — the Action Plan for the Prevention of All Forms of Discrimination, Racism, Xenophobia, Anti-Semitism and Other Expressions of Intolerance”. The 2007 allocation was SKK 4,500 thousand; the allocation for 2008 has been set at the level of SKK 9,500 thousand.

46. The changes introduced to the selection procedure for Action Plan projects in 2007 improved the transparency and standardisation of the conditions of and the criteria for selecting the best quality projects that meet the priorities and objectives of the Action Plan. The selection procedure consists of a call for proposals, the subsequent evaluation of projects by a professional evaluation committee on the basis of uniform rules and criteria, and the selection of the best-quality projects within the allocation limit. The new project selection and coordination methodology ensures a broader competitive participation in the attainment of Action Plan priorities, rewarding mainly the quality of projects and their positive impact from the Action Plan perspective.

47. The latest action plan was approved for a three-year period, but it needs to be annually updated by means of addenda in order to adequately reflect the current situation in the society and to effectively respond to its needs.

The European Year of Equal Opportunities for All

48. The government of the Slovak Republic is fully aware of its commitments and recommendations arising from various documents adopted at the international level in the area of the fight against racism, discrimination, xenophobia and other expressions of intolerance. Besides inevitable legislative measures, the government employs a broad range of strategic instruments to fulfil these commitments and recommendations, including the funding of programmes and initiatives. Several of them have been initiated by the EU, such as declaring the year 2007 to be the “The European Year of Equal Opportunities for All”. The National Implementation Unit for the European Year was the Slovak Government

Office, which was in charge of Slovakia's participation in the programme assigned a total budget of EUR 302,856.

49. The activities under the programme included a national antidiscrimination information and media campaign and eight projects carried out with a view to launching a broad social discussion on discrimination-related issues, increasing citizens' awareness of antidiscrimination legislation, and presenting an image of diversity which is generally beneficial for the society.

50. The objectives of the programme were successfully achieved also thanks to active participation of the representatives of the civil society, social partners and other organisations and institutions directly concerned by the fight against discrimination. Thanks to the message of the European Year, new possibilities were opened for dealing with discrimination based on gender, ethnic or racial origin, age, sexual orientation, disability, religion or belief that still exists in all the areas of life. When giving its approval for the National Plan for the Implementation of the European Year by the Slovak Republic, the European Commission evaluated it as one of the best prepared.

51. The activities organised during the European Year included wide national antidiscrimination information and media campaign carried out under the motto "Discrimination Is Illegal", and eight projects implemented by non-governmental organisations, namely:

- The Slovak National Centre for Human Rights – "Let Us Meet Diversity Together" (EUR 17,069)
- *Občan a demokracia* (the Citizen and Democracy) – "Sensitising and Strengthening the Civil Society in the Equal Treatment Area: Public Awareness Raising Towards the Development of Anti-Discrimination Policies" (EUR 38,493)
- *Iniciatíva Inakosť* (the Otherness Initiative) – "We Are Here" (EUR 38,441)
- The Slovak Family Planning Association – the "Gender Equality Counselling Centre" (EUR 33,396)
- *Eudia proti rasizmu* (People against Racism) – "Testing" (EUR 40,251)
- Amnesty International in Slovakia – "Divided by Borders, Divided by Religion" (EUR 17,960)
- The National Council of Disabled Persons – "Implementation of the Principle of Non-Discrimination, Equal Opportunities and Participation in the Formulation of Policies and Measures at the Regional Level" (EUR 10,478)
- *Inštitút pre verejné otázky* (the Institute for Public Affairs) – "Identifying Barriers to More Effective Application of Anti-Discrimination Legislation in Relation to Unemployed Persons" (EUR 9,512).

"PROGRESS"

52. The Community Programme for Employment and Social Solidarity, "PROGRESS", was established by a decision of the European Parliament and of the Council 1672/2006 of 24 October 2006 for the period of 2007–2013. The Programme consists of five areas, namely:

- (1) Employment;
- (2) Social inclusion and social protection;
- (3) Working conditions;

- (4) Antidiscrimination and diversity;
- (5) Gender equality.

53. Section (4) of the Programme, “Antidiscrimination and Diversity”, promotes effective implementation of the non-discrimination principle. According to the Decision, this objective is to be reached, *inter alia*, through: “Raising awareness, disseminating information and promoting the debate about the key challenges and policy issues in relation to discrimination and the mainstreaming of anti-discrimination in all EU policies including among NGOs in the field of anti-discrimination, regional and local actors, social partners and other stakeholders.”

54. The PROGRESS programme thus provides for the funding of projects aimed at identifying and disseminating well-tested or innovative procedures, organising professional meetings and peer training through seminars or workshops at the European, supranational or national level, taking account of individual national specificities.

55. The body designated to act as the national contact point for the PROGRESS programme in the field of antidiscrimination and diversity was the Section for Human Rights and Minorities of the Office of the Government of the Slovak Republic, nominated by a member of the PROGRESS Programme Committee, the General Director of the International Relations Section of the Ministry of Labour, Social Affairs and Family of the Slovak Republic.

56. The General Directorate for Employment, Social Affairs and Equal Opportunities of the European Commission published a restricted call for project proposals under the PROGRESS Programme in February 2007, aimed at enhancing anti-discrimination awareness (hereinafter referred to as “the EC call for proposals”), addressed to national contact points and other state or non-state organisations or institutions nominated by the national contact point. The allocation for the Slovak Republic under the EC call for proposals was a maximum of EUR 400,000.

57. Based on its past positive experience (mainly with the 2007 European Year), the national contact point decided to launch a call for projects addressed to external non-profit organisations with a long track-record of working in the non-discrimination area and, based on its results, entrust a greater number of external organisations with the responsibility for implementing and coordinating project activities. The evaluation of project activities was carried out at two separate levels: the national contact point and the European Commission, the latter deciding on the allocation of the grant.

58. On the basis of evaluation committee’s conclusions, the national contact point recommended the Commission to make the final decision on allocating funds for the project on “Towards Equal Treatment: Awareness Raising and Multi-Level Empowerment of the Civil Society and Public Actions in the Field of Anti-Discrimination” (hereinafter referred to as “the Project”) submitted by the civil association *Občan a demokracia* (The Citizen and Democracy) and its partners (civil associations Partners for Democratic Change Slovakia, *Inštitút pre verejné otázky* [the Institute for Public Affairs], and *Hlava 98*) at a total level of EUR 414,146.71.

59. The Project encompasses all grounds of discrimination set out in Article 13 of the Treaty establishing the European Communities. The Project avoids addressing individual discrimination grounds in isolation. Just the opposite, it focuses attention on the phenomenon of multiple discrimination, its specificities and expressions. The Project applies the gender aspect in all its objectives, approaches and activities.

60. The Project consists of a wide range of interrelated activities whose common objective is to expose equal treatment issues in a multidisciplinary, i. e. psychological, legal and a broader social context. An important part of the Project is a series of media activities

which, on the one hand, are aimed at informing the general public about the right to non-discrimination and, on the other hand, at launching a society-wide discussion on diversity and its benefits. The Project team is comprised of experts in the fields of law, public policy, psychology, education and communication.

61. The objectives of the Project have been defined as follows:

- Identifying the particularities of each of the discrimination grounds through studies and accompanying research activities, expert interviews, etc.
- Raising public awareness of the specificities of individual grounds for discrimination, removing stereotypes and sensitizing the general public as well as key players against expressions of discrimination
- Educating and empowering all stakeholders about the means of protection against discrimination
- Developing new innovative approaches as regards the ways to implement the principle of equality
- Sharing information, experience and good practice gained during the implementation of the project at the national and the European level

62. The scheduled duration of the Project is December 2007 to November 2008. The Project consists of the following activities:

<i>Serial No.</i>	<i>Activity</i>	<i>Target groups*</i>
1.	Publication “Commentary to the Antidiscrimination Act” (120 pages)	(2), (4)
2.	Updating and publishing the brochure “What We (Do Not) Know about Discrimination” (50 pages)	(1), (2), (4)
3.	A study on positive measures in the area of equal opportunities	(2), (4)
4.	Updating and running the website www.diskriminacia.sk	(1), (2), (3), (4)
5.	Introductory representative study	(1)
6.	Focus group discussions	(1), (2), (3), (4)
7.	National professional conference on equal opportunities with participation of local and foreign experts	(2), (3), (4)
8.	Qualitative study – in-depth interviews with stakeholders (representatives of relevant institutions, specialists on antidiscrimination, policy makers, etc.)	(2), (3), (4)
9.	Educational and action meetings for local stakeholders	(3), (4)
10.	Working group designed to formulate recommendations for local government training in non-discrimination field	(2), (3), (4)
11.	Communication campaign – posters, stickers, banners	(1)
12.	Production and broadcasting of an art documentary film	(1)
13.	Media campaign (advertisement, billboards, TV and radio spots)	(1)
14.	Trainings on application of equal treatment principle for employers	(3)

<i>Serial No.</i>	<i>Activity</i>	<i>Target groups*</i>
15.	Awarding a prize to employers for the creation of favourable conditions respecting the equal treatment principle	(3)
16.	Summer school on antidiscrimination for university students	(1), (2)
17.	Public panel discussions	(1), (2), (3), (4)
18.	Accompanying research activities	(1), (2), (3), (4)
19.	Closing conference	(2), (3), (4)

Explanatory notes: Target groups* (1) General public, (2) Professional community, (3) Entities obliged to apply the equal treatment principle, (4) Public policy makers.

C. Implementation of international human rights instruments

63. The Slovak Republic adopted the amendment to Article 8 of the Convention on the Elimination of All Forms of Racial Discrimination, addressed to the Slovak Republic by the Committee in its final recommendations adopted on 20 August 2004. (See Recommendation No. 14.)

64. By its Resolution No. 2202 of 20 April 2006, the National Council of the Slovak Republic (hereafter referred to as "Parliament") gave its approval for the amendment of Article 8 of the Convention on the Elimination of All Forms of Racial Discrimination. It decided at the same time that the Convention is an international treaty that takes precedence before national laws in conformity with Article 7 para. 5 of the Constitution of the Slovak Republic. Through adopting amendment to Article 8 of the Convention, the Slovak Republic declared its ambition to ensure a more effective functioning of the Committee that will ultimately lead to a more effective protection of human rights.

65. On 26 September 2007, President of the Slovak Republic Ivan Gašparovič signed the UN Convention on the Rights of Persons with Disabilities (New York, 13 December 2006) and the Optional Protocol to the Convention. The body that is in charge of the implementation of the Convention and of its Optional Protocol is the Ministry of Labour, Social Affairs and Family of the SR. A review is currently conducted of the compliance of legal provisions of the Slovak Republic with the commitments arising for Slovakia from the Convention. Right after the conclusion of this analysis, the body in charge of the Convention will submit a proposal of measures to implement the tasks resulting from the Convention, and it may subsequently submit a proposal for its ratification.

66. On 8 January 2008, the Slovak Republic ratified the Council of Europe's Convention on Cybercrime of 23 November 2001, and prepares to sign the Additional Protocol to the Convention on Cybercrime of 28 January 2003 concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems.

67. Furthermore, the Slovak Republic ratified on 25 August 2004 also the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime. On 27 March 2007, the Slovak Republic ratified the Council of Europe's Convention on Action against Trafficking in Human Beings. In response to the ratification of the above two conventions, the new Penal Code introduced changes to the legal provision on the criminal

offence of trafficking in persons. The extended definition of the criminal offence reflects also measures taken by the EU to combat trafficking in persons and sexual exploitation of children.

68. The criminal offence of trafficking in women as such is no longer provided for in the Penal Code, but its material elements have been incorporated into the new provision on the criminal offence of trafficking in persons. With a view to implementing the above-mentioned international legal instruments, the definition of the criminal offence has been amended to cover not only the trafficking in persons for the purpose of prostitution or other forms of sexual exploitation including pornography, but also for the purpose of forced labour or forced servitude, slavery or practices similar to slavery, serfdom, removal of organs, tissues or cells or other forms of exploitation regardless of whether they involve a woman, a man or a child.

D. Bodies authorised to act in matters involving expressions of discrimination

The Public Defender of Rights (Ombudsman)

69. The Public Defender of Rights (Ombudsman) is an independent body of the Slovak Republic which, to the extent and in a manner provided for by law, protects fundamental rights and freedoms of natural and legal persons in the proceedings before public administration bodies and other public authorities whose actions, decisions or inactivity are in conflict with applicable law. In cases provided for by law, the Ombudsman may intervene with a view to calling the officials of public authorities to accountability for violations of fundamental rights or freedoms of natural or legal persons. (See Articles 34 and 35 of the fourth and the fifth periodical reports of the Slovak Republic.)

70. In the period of 2002 to 2008, the Ombudsman found infringements of fundamental rights and freedoms of natural and legal persons in 759 cases. No violation of a fundamental right or freedom based on racial discrimination was found in any of those cases.

71. The Ombudsman examined of his own motion the events connected with Roma riots in eastern Slovakia in 2004, the mediated case of eviction of non-payers of rent, most of them of Roma origin, devoting special attention to information about the use of physical violence during the 2007 evictions at Nové Zámky. The Ombudsman was also invited to speak about this topic in a debate before the Committee on Human Rights, Minorities and the Status of Women of the Parliament. Although the findings of the Ombudsman did not prove racial discrimination, he pointed out to problems in this field, especially those of social character.

72. Since 2002, when the Ombudsman took office, his Office received more than 13,000 motions falling within the areas of his competence, and provided legal guidance in more than 26,000 cases. To be reviewable by the Ombudsman, motions need not specify the applicant's minority or ethnic affiliation. For this reason, no separate statistics have been compiled on the number of motions filed by persons belonging to national minorities or ethnic groups. However, affiliation with a national minority or ethnic group is often apparent from the content of the motion, especially where the applicant considers his/her national or ethnic status to be a factor of discrimination.

73. Approximately 100 of the total number of motions concerned discrimination, including on the grounds of belonging to a national minority. Most complaints alleging discrimination on the grounds of belonging to a national minority are filed by persons whose liberty has been restricted as a result of remand detention or serving an

imprisonment sentence. Many applicants allege that unnecessary delays in the proceedings and racial discrimination may be ascribed to their minority (especially Hungarian or Roma) status, and also lodge complaints connected with the use of their mother tongue in criminal proceedings.

74. The Ombudsman, to prevent discrimination in access to public services provided by his Office based on belonging to a national minority, carries out a project on “Improving Access of Minorities to the Activities of the Ombudsman”. To simplify the filing of applications for persons belonging to national minorities, the Office of the Ombudsman prepared an application form that meets the particulars prescribed by law.

75. The form has been translated into the languages of all national minorities in the Slovak Republic that are subject to the ratified provisions of the European Charter for Regional or Minority Languages, i. e. into Bulgarian, Czech, Croatian, Hungarian, German, Polish, Roma, Ruthenian and Ukrainian, and also into English, French, Spanish, Russian, Serbian and Arabic. The Office distributes application forms and information materials in the course of its activities in Slovakia and during visits abroad; application forms are also published on the website of the Ombudsman, www.vop.gov.sk, where they can be filled in on line and filed electronically.

76. Furthermore, the Office of the Ombudsman published an information material on the activities of the Ombudsman, his scope of authority, competencies, frequently asked questions, and contact addresses. Also this document was translated into all the abovementioned languages. The documents are published on the website of the Ombudsman.

The Slovak National Centre for Human Rights

77. The Slovak National Centre for Human Rights (hereinafter referred to as the “Centre”) performs specific tasks in the area of the protection of human rights and observance of the principle of equal treatment as prescribed by law.¹² The activities of the Centre, which is also designated as the National Human Rights Institution and the Equality Body, cover mainly monitoring and research, provision of legal service, and/or training and dissemination of information.

78. The scope of competence of the institution was expanded in 2004 in connection with the transposition of the European antidiscrimination legislation,¹³ as a result of which the Centre became a national institution for the implementation of antidiscrimination legislation. A project, supported by the Transition Facility of the European Union, was carried out in the course of 2007 with the aim of strengthening administration capacities of the Centre through creating seven regional offices whose staff, together with external experts, is to constitute a regional-level advisory and monitoring network. Regional offices of the Centre are thus in operation since April 2007 at Rimavská Sobota, Humenné, Kežmarok, Dolný Kubín, Kysucké Nové Mesto, Zvolen and Nové Zámky.

79. Between 2004 and 2008, the Centre processed more than 1,300 written submissions from natural persons, most of them alleging discrimination in employment relationships and in similar legal relationships, in the provision of goods and services, in education, in healthcare and in social security. More than 700 persons paid a personal visit to the Centre

¹² Act No. 308/1993 Coll. on the Establishment of the Slovak National Centre for Human Rights as amended.

¹³ By Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and on the Protection from Discrimination, and on amending and supplementing certain other acts (the Antidiscrimination Act) as amended.

in Bratislava over the relevant period, and another at least 330 persons visited its 7 regional offices in 2007. Moreover, the Centre provided legal aid and counselling by telephone to more than 1,450 persons. As a separate category, the Centre dealt with 150 submissions alleging infringements of the rights of children.

80. Research activities of the Centre in 2004–2005 included mainly the “Field Research on the Respect for the Rights of Children of Roma Communities with Special Regard to Their Discrimination and Specific Problems”. The objective of the research was to gather data concerning respect for children’s rights laid down in the Convention on the Rights of the Child, to identify violations of those rights in case of children from Roma settlements taking account of their specific problems, and to gain knowledge about (non)respect for the rights of this vulnerable group of children (identification of the current situation and its underlying causes by the professionals who come into contact with this group in the performance of their duties).

81. The Centre presented its findings and recommendations on 28 April 2005 to invited experts on human rights, education and training, and to the representatives of state institutions and non-governmental organisations.¹⁴

82. The research focused on the dimensions that were chosen on the basis of the analysis of reports of UN committees and of the European Commission against Racism and Intolerance and their recommendations. It thus devoted special attention to the areas identified in these reports as problematic as regards the respect for the rights of children from Roma communities, namely their socio-economic situation, healthcare, education, career opportunities, ways of spending their leisure time, physical harm, infringement of rights by the media. Study methods and techniques reflected the actual possibilities of the research, and included focus groups of experts in the field (education and healthcare workers, field and institutional social workers, Roma activists, third-sector activists), field observations, and a secondary analysis of data on Roma settlements.

83. In 2005, the Centre carried out the monitoring of compulsory vaccination of children in connection with the on-going reform of healthcare provision, with special emphasis on the vaccination of Roma minority children, and the monitoring of placing children in special schools with special emphasis on placing Roma minority children in these schools.¹⁵

84. Another area where the Centre plays an important role is the drawing up of expert opinions on the matters of equal treatment either based on the requests from natural or legal persons, or of its own initiative. These opinions represent an important tool for identifying and eliminating discrimination.

85. For example, the Centre issued an opinion on a request from the Committee on Human Rights, Minorities and the Status of Women of the Parliament received in April 2007. The Committee asked the Centre to give its expert opinion concerning allegations of indirect discrimination of Roma mothers who, because of leaving the hospital and their newborn children without prior consent of their attending physician, lost their entitlement to childbirth allowance.¹⁶

¹⁴ The Centre published its final report on the research under the title “Observance of the Principle of Equal Treatment of Children from Roma Settlements” also on its website www.snslp.sk.

¹⁵ The results of these monitoring activities are part of the Report on the Observance of Human Rights in the Slovak Republic in 2005 and are published on the website of the Centre: www.snslp.sk.

¹⁶ The conclusion of the opinion is that the challenged derogation from the childbirth allowance entitlement under Section 3 para. 5 of Act No. 676/2006 Coll. on Childbirth Allowance pursues a legitimate goal, but that it is neither adequate nor inevitable in relation to the pursued goal.

86. Among its human rights services, the Centre started to offer mediation in 2007 as a service provided free of charge in case of extrajudicial settlement of disputes involving equal treatment. Its activities in this area are concentrated mainly on identifying cases suitable for mediation, and on preparing and providing mediation to the clients of the Centre. The Centre has so far worked on six mediation cases involving equal treatment. All of them are connected with discrimination in employment relationships. One of these cases was successfully resolved through mediation, while the parties in the remaining ones did not reach an agreement on resolving their dispute through mediation, or mediation proceedings are still pending.

Article 3

Prohibition of racial segregation and of apartheid

87. The Slovak Republic is a party to the International Convention on the Suppression and Punishment of Apartheid signed on 30 November 1973 in New York.¹⁷ In the new Penal Code, apartheid is prohibited under the criminal offence of “inhuman act”. The Penal Code has taken over a verbatim description¹⁸ of such acts from the previous legal text. The criminal offence of “inhuman act” is a so-called blanket crime, i.e. it directly refers to the Rome Statute of the International Criminal Court¹⁹ whose Article 7 defines the crime of apartheid as a crime against humanity.

Article 4

Legal, administrative and other measures to eliminate all propaganda based on racial superiority, hatred and discrimination

88. The new Penal Code follows up on the previous legislative provisions and transposes in detail international commitments of the Slovak Republic, in particular its commitment to criminalise racially motivated acts and to declare as unlawful any organisation and propaganda promoting and inciting racial discrimination, or participation

The pursued legitimate goal could and should be attained also by other and milder means that, in the final account, would not cause indirect discrimination of, on the one hand, the newborn child only because it was left by its mother in the hospital without the consent of the attending physician and, on the other hand, the child’s mother who behaved in the above manner. The applicable legal provisions do not ensure effective protection and real exercise of the rights guaranteed under the Constitution of the Slovak Republic and relevant international instruments on human rights and fundamental freedoms in the manner requested in the case law of the Constitutional Court. In keeping with the opinion, the Centre recommended:

- To initiate an amendment to the provision in question
- To include, into the envisaged Programme for Health Promotion of Disadvantaged Communities, measures to improve communication between healthcare staff and Roma patients, to use more effective means to convey health information to this patients and to modify the procedure of discharging post-delivery patients from hospitals, in the light of the above quoted recommendation of the Committee of Ministers of the Council of Europe

¹⁷ Published in the Collection of Laws of the Slovak Republic under No. 116/1976 Coll.

¹⁸ Section 259 (b) of repealed Penal Code No. 140/1961 Coll. (criminal offence “crime against humanity”).

¹⁹ Communication No. 333/2002 Coll. on the Adoption of the Rome Statute of the International Criminal Court.

in such organisations. It also lays down the existing commitments of the state not to allow national or local public authorities or institutions to promote or incite racial discrimination.

89. The Penal Code also criminalises the dissemination of information which incites hatred for a race, nation or ethnic group or their defamation through the Internet. According to Section 122 para. 2, a criminal offence is deemed to have been committed publicly when committed through the content of a written text, or through dissemination using printed materials, films, radio, television, computer network or other similarly effective means, or before more than two persons present at the same time.

90. The Penal Code continues to apply the criterion according to which the assaulted person needs not be of a different race. This amendment means that assaults against a person of the same race may also be prosecuted as assaults committed on racial grounds (e.g. if the perpetrator is a significant other). It also ensures the protection of persons who may be potential victims of such assaults because of their antiracial advocacy.

91. In comparison with the preceding legislation, the Penal Code broadens the definition of the criminal offence of supporting and promoting movements leading to the suppression of rights and freedoms. It criminalises not only public expressions of sympathies for neo-Nazism or other movements that demonstrably lead to the suppression of rights and freedoms of persons, including the questioning or denial in public of such rights or freedoms, but also the questioning, denial, approval or justification of the Holocaust.

92. There has been an overall increase in the sentencing rates for aggravated criminal offences committed against the so-called protected persons (Section 139) or committed on the basis of national, ethnic or racial hatred or hatred based on skin colour or other particular ground (Section 140), and for criminal offences committed in a particularly serious manner (Section 138). Higher sentencing rates were introduced also in respect of criminal offences which have more severe consequences or whose perpetrators are members of dangerous groups, such as criminal or terrorist groups.

93. The Penal Code also ensures the protection of children against illegal adoptions and/or use for child labour or other purposes, including various forms of sexual exploitation, by means of prosecuting and punishing the criminal offence of trafficking in children (Section 180).

94. In general, the principles governing the prosecution of and punishment for racially motivated criminal offences and for combating racial discrimination continue to apply also in the new legislation that has introduced more severe penalties for perpetrators of domestic violence, while providing protection to their victims. They include, in particular, the principle that no consent of the injured party with prosecution is required in order to open investigation into a criminal offence involving a significant other. Similarly, the perpetrator of a criminal offence of violence against an individual, or extortion, rape, sexual violence or sexual abuse against a significant other or a person in one's custody, shall be punished more severely than if committing that offence against a stranger. Sentencing rates for the commission of these criminal offences were also increased.

95. A Commission on Coordinating Actions Aimed at Eliminating Racially Motivated Crime and Extremism was created to intensify cooperation between the Police Force and the representatives of non-governmental organisations and extremism.²⁰ Its role is to gather information about the incidence of all forms of intolerance, xenophobia, expressions of

²⁰ In conformity with Order No. 30/2004 of the Minister of the Interior of the SR of 18 June 2004 on the Creation of a Commission on Coordinating Actions Aimed at Eliminating Racially Motivated Crime and Extremism and Regional Commissions on Coordinating Actions Aimed at Eliminating Racially Motivated Crime and Extremism.

extremism and racism, and to coordinate concerted efforts for the fight against them, also through the commissions created for the same purpose at the level of regional Police Force directorates. The Commission may initiate the verification of the suspicions of racially motivated crimes and extremism, request the feedback from the competent units of the Ministry of the Interior and the Police Force, and forward notifications of the incidence of racially motivated crimes and extremism to other state administration authorities, law enforcement authorities or, where appropriate, entities outside of the sector.

96. However, for more than the last two years, the Commission created at the central level of the Interior Ministry has failed to fulfil its tasks, mainly those that call for coordination at national level. Notwithstanding, certain members of the Commission continue to act as lecturers for Police Force officers or help the commissions created at the level of regional Police Force directorate to perform some of their important tasks.

97. The Policy Concept of the Fight against Extremism, approved by Slovak Government's Resolution No. 368 of 3 May 2006, is the first integral document on the area of extremism. It gives an overview of the existing situation in the fight against extremism in the Slovak Republic and outlines the main directions for improving its effectiveness. It gives a comprehensive picture of this area. The objective of the Concept is to develop an effective system of measures and activities aimed at protecting citizens and the society from antisocial acts of extremist individuals, groups and movements until 2010.

98. A Multidisciplinary Integrated Group of Experts on racially motivated crime and extremism created within the interministerial Expert Coordination Body for Combating Crime has continued in the work of the Commission on Coordinating Actions Aimed at Eliminating Racially Motivated Crime and Extremism.

99. Its members include the representatives of the Ministry of the Interior, the Ministry of Justice, the Ministry of Culture, the Ministry of Labour, Social Affairs and Family, the Ministry of Health, the Ministry of Defence, the Ministry of Transport, Post and Telecommunications, the Ministry of Finance, the General Prosecution Office of the Slovak Republic, the Slovak Intelligence Service, the Human Rights and Minorities Section of the Government Office, the Slovak National Centre for Human Rights, and the representatives of non-governmental organisations *Ludia proti rasizmu* (People against Racism), *Občan a demokracia* (The Citizen and Democracy), and *Liga aktivistov pre ľudské práva* (League of Human Rights Advocates).

100. The Group held its first meeting on 20 September 2007. Its tasks include, in particular:

- Proposing systemic measures to relevant entities aimed at protecting the society from antisocial acts of racially biased and extremist individuals, groups and movements, and eliminating expressions of racism and extremism
- Adopting measures to eliminate expressions of racism and extremism under its own competence
- Proposing and implementing, in conformity with the legislation in force, appropriate and effective exchange of information concerning expressions of racism and extremism
- Ensuring collection and exchange of information on the forms, methods, and ways of committing racially motivated crime and extremism
- Gathering and providing information and data from information systems in conformity with legislation in force
- Cooperating in the preparation and implementation of projects in the area of prevention

- Cooperating in the development and implementation of educational and training programmes and courses for workers of organisations engaged in the fight against racism and extremism, and in the preparation and distribution of publications and aids dealing with racism and extremism

101. An Analysis and Coordination Group for Racially Motivated Crime and Extremism was created to assist in the execution of tasks involving the detection and clarification of racially motivated crimes and extremism and in the identification, collection and evaluation of information on the crime situation and coordination of efforts aimed at its elimination in the Slovak Republic.²¹ The Group is composed of Police Force specialists on racially motivated crime and extremism, who are assigned to various units at the Police Force Presidium and regional Police Force directorates.

102. Racial discrimination cases are currently monitored also in keeping with the instruction issued by the President of the Police Force²² on the introduction of measures to promote the activities and effectiveness of the Police Force in the fight against extremism. According to this instruction, the President of the Police Force must be informed on a daily basis of cases of extremism and of the measures adopted on the previous day.

103. To ensure the implementation of tasks in the area of combating extremism, a police officer has been designated within every judicial and criminal police department of district Police Force directorates and within every judicial and criminal police department of regional Police Force directorates to deal with the tasks related to extremism.²³ These police officers have mainly the task to monitor and assess the security situation as regards the movements of extremist groups within their jurisdiction, to keep tab on criminal activities of such groups and, where necessary, to propose and implement the necessary measures.

104. On 1 October 2007, a youth and extremism division was created within the Judicial and Criminal Police Office at the Bratislava Regional Police Force Directorate, specialising in crime committed by and against youth, and racially motivated crime and extremism.

105. The Police Force Presidium published a methodology manual in 2006 for combating extremism, which also deals with racial discrimination. The manual was distributed to all local Police Force departments with a view to assisting police officers in identifying expressions of extremism. Moreover, materials of the Office of the UN High Commissioner for Refugees in different language versions provided to local departments of border and alien police contain information on the rights of detained persons.

106. The Police Force carries out preventive measures aimed at eliminating crime motivated by prejudice, discrimination or racism, and combating different forms of intolerance and expressions of xenophobia as part of various crime prevention projects. They include, in particular, prevention projects “Behave normally” carried out since 1999, “We know that...!” carried out since 2004, and “Policeman, my friend”.

107. The projects are implemented across Slovakia among the target groups of fifth-grade pupils and first-year students of selected secondary schools. These prevention projects are aimed primarily at strengthening legal awareness of target groups members and, secondly, at improving their social behaviour and awareness of life in a diverse and multicultural society.

²¹ The group was set up under the Order of the President of the Police Presidium No. 40/2006 of 26 March 2006.

²² Instruction No: PPZ-871/JKP-2005, of 15 November 2005.

²³ In conformity with Ordinance No. 45/2004 of the Minister of the Interior of the SR on Actions Aimed at Combating Extremism and on the Tasks of the Racism and Xenophobia Monitoring Centre.

Police specialists

108. The objective of this pilot project is to create posts of police specialists for working in the communities; these police officers should be acceptable mainly for the Roma community and should participate in addressing the problems of the Roma community that fall within the remit of the Police Force. The key goal of the project was formulated on the basis of the premise that the pilot project on police specialists for working in the communities does not constitute an independent programme for addressing the issue of relationships between police officers and Roma.

109. The objective of the pilot project on police specialists for working in the communities was to link up with other ongoing sectoral programmes, such as the "Field Social Work Programme". Based on this premise, the aim of the project on police specialists for working in the communities is to achieve a gradual change in the situation of Roma settlements and ensure equal access of all their inhabitants to all benefits and activities available in the municipalities. The attainment of this objective is pursued also by means of defining an optimum profile of police specialists for working in the communities, capable of building confidence in "their" policeman among the Roma. To this end, the profile has been defined in the light of relevant police activities identified by the working group for police officers designated as specialists for working in the communities, acceptable also for the Roma community. The reciprocal acceptance of legitimate demands can be expected to result in a consensus between the Police Force and the Roma community, creating conditions for successful work of specialists in the communities.

110. The implementation phase of the pilot project on police specialists for working in the communities lasted throughout 2005 and, given the pattern of concentrations of Roma and Roma settlements, was carried out within territorial jurisdictions of the Regional Police Force Directorate in Prešov and the Regional Police Force Directorate in Košice. Eighteen Police Force officers from local departments of district Police Force directorates in Prešov, Poprad, Spišská Nová Ves and Trebišov were involved in the implementation of the project.

111. The evaluation of the pilot project clearly shows that positive reactions to the project prevail over negative responses. Although the results of a project of this kind will become evident only a few years from now, the effect of "our policeman" has already started to become visible towards the end of the implementation phase of the pilot project on police specialists for working in the communities, when the inhabitants of Roma communities started to spontaneously address police specialists with various requests for advice and assistance, including in the areas that do not belong among standard duties of police officers.

112. On the basis of experience and results obtained, other regional directorates of the Police Force have also shown interest in setting up the posts of police specialists for working in the communities. Thus, effective from 1 January 2007, the number of these police specialists was increased by 100; with a total of 118 police officers currently appointed to these posts, adequate conditions have been created for implementing the project in practice and for ensuring a quality execution of the duties of all regional directorates of the Police Force in the Slovak Republic. The numbers of these police officers and the number of selected local departments of the Police Force differ between individual regional Police Force departments depending on actual needs and evaluation of security situation within their territorial jurisdictions.

The Monitoring Centre on Racism and Xenophobia

113. The role of the Monitoring Centre on Racism and Xenophobia is to gather, record and analyse information on the phenomena of racism and xenophobia brought to its

attention by individual departments of the Ministry of the Interior. Under the ordinance issued by the Minister of the Interior of the SR,²⁴ these tasks are performed for the benefit of Ministry departments and the Police Force by the Division for the Fight against Racism and Extremism created within the Department for Combating Terrorism in the Police Presidium's Office for the Fight against Organised Crime. At this time, work is underway on a legislative proposal for installing "EXTREME" – the information system that will serve for processing relevant information on the given field.

114. Basic information concerning extremism in the Slovak Republic is published on the website of the Ministry of the Interior, www.minv.sk/extremizmus. The website also gives contacts to members of regional commissions on coordinating actions aimed at eliminating racially motivated crime and extremism, and contact e-mail addresses to which people may send their submissions.

115. One example of determined actions to counter organisations that pursue discriminatory activity programmes was the action taken against political party *Slovenská pospolitost' – Národná strana*, which used to be one of the most active formations that could be characterised as extreme right parties because of their well-defined attitudes to and open rejection of a liberal democracy regime. The party was dissolved by the Supreme Court of the Slovak Republic on a motion from the Prosecutor-General of the Slovak Republic.²⁵ *Slovenská pospolitost'* continues to exist as a civil association, but keeps a rather low-key profile, focusing mainly on cultural and social events (tourist excursions, memorial climbs, etc.) and on the commemoration of birth or death anniversaries of important personalities. Although this organisation has not been found to carry out any antisocial actions, its activities may still present a risk for the society.

Article 5

Rights guaranteed under the Convention

A. Right to equal treatment before the tribunals and all other organs administering justice

116. No changes have taken place in this area during the relevant period as regards protection against discrimination.

B. Right to security of person and protection by the State against violence or bodily harm

117. No changes have taken place in this area during the relevant period as regards protection against discrimination.

²⁴ No. 45/2004 of 15 June 2004 on Actions Aimed at Combating Extremism and the Tasks of the Monitoring Centre on Racism and Xenophobia.

²⁵ By Decision No. 3 SŽ 79/2005-54 of 1 March 2006.

C. Political rights, in particular the right to participate in elections

118. During the relevant period, it proved to be necessary to amend Act No. 564/1992 Coll. on the Procedure for Holding a Referendum.²⁶ This amendment was needed to ensure the consistency of legislation on elections and referenda in all the provisions governing election or referendum procedures, including harmonisation of the terminology used. The amended law was also aligned with other legal texts enacted during the time of validity and effect of the Referendum Act, and reflected experiences with its application.

119. The amended Act allows the citizens of the Slovak Republic who have no permanent residence in its territory to also vote in a referendum. It also gives this right, including the right to vote in parliamentary elections, to persons serving their imprisonment sentences. The amendment provides that referenda be held on a single day in the entire territory of Slovakia; moreover, in case of a referendum announced on the basis of a citizens' petition, the petition committee has the right to nominate one member for referendum commissions at all levels.

120. Act No. 333/2004 Coll. on Elections to the National Council of the Slovak Republic (Parliament) underwent two amendments in the relevant period.²⁷ The amendments reflected practical experience with implementing Act No. 331/2003 Coll. on Elections to the European Parliament, and with the Council Decision amending the Act concerning the election of the representatives of the European Parliament by direct universal suffrage.

121. The amended Act modifies the provision on returning election deposits to political parties or coalitions of political parties. The reasons for returning election deposits now also include the failure to obtain registration of the candidate list of a political party or a political coalition. Moreover, the Act lays down a uniform manner of numbering election districts, taking of the oath by recording officers of election commissions, eligibility for compensation for working in election commissions and time-limits for requesting such compensation. The Act sets Saturday as the day for holding elections to the European Parliament, lays down the obligation of non-disclosure of personal data by members of district election commissions, refines the provision on the right to stand for election, and provides for a case where a voter fails to prove his/her identity. In the latter case, the voter will be sanctioned for not fulfilling his/her obligation under the law by not being allowed to vote. The amendment also provides for the announcement of election results in conformity with the aforesaid Council Decision.

D. Other civil rights

Right to freedom of movement and residence within the border of the State

122. Under the amended Act on the Stay of Aliens, the police authority competent to decide on an application for a temporary residence permit is obliged to take account of the interests of minor children of the alien, personal and family situation of the alien, his/her financial situation and the length of his/her actual stay to date and the estimated length of stay. The same amendment to the Act on the Stay of Aliens also includes provisions on

²⁶ By Act No. 192/2007 Coll. amending and supplementing National Council of Slovak Republic's Act No. 564/1992 Coll. on the Procedure for Holding a Referendum as amended and Act No. 333/2004 Coll. on Elections to the National Council of the Slovak Republic as amended by Act No. 464/2005 Coll.

²⁷ (See 26) and Act No. 464/2005 Coll., amended and supplemented by Act No. 333/2004 Coll. on Elections to the National Council of the Slovak Republic and Act No. 331/2003 Coll. on Elections to the European Parliament as amended.

tolerated stay of a minor child found on the territory of the Slovak Republic and referral of a minor child without delay to the office of labour, social affairs and family within whose territorial jurisdiction the minor alien was found.²⁸

123. The Act also introduces the possibility to grant the first permanent residence permit to an unmarried child under 18 years of age, placed in custody of an alien who is married to a Slovak national having permanent residence in the territory of the Slovak Republic and who possesses a permanent residence permit in the territory of the Slovak Republic, or to an unmarried child under 18 years of age placed in custody of an alien who possesses a permanent residence permit in the territory of the Slovak Republic, subject to the consent with such unification of the parent who was not given the custody of the child and who has the visitation right.

124. If one of the parents of a child of Slovak nationality is an alien, and the child's parents do not live in wedlock, the Act on the Stay of Aliens gives the alien parent the right to apply for a tolerated stay permit insofar as this is necessary to respect his/her private and family life.

125. The protection of the status of children is also enhanced by the provisions of Section 57 para. 11 (b) of the Act on the Stay of Aliens, according to which police departments are not authorised to carry out administrative expulsion of a child under 18 years of age; this does not apply when expulsion of a child is in the child's interest; the provision of Section 62 para. 7 prohibits the detention of a minor alien who does not have a legal guardian.

Right to leave any country including one's own

126. No changes have taken place in this area during the relevant period as regards protection against discrimination.

Right to citizenship

127. Act No. 40/1993 Coll. on State Citizenship of the Slovak Republic underwent several amendments in the relevant period.²⁹

128. The first of its amendments modified the provision governing the adoption of a child who is not a citizen and who acquires the state citizenship through adoption, provided that at least one of the adopters is a citizen of the Slovak Republic.

129. The second amendment modified the procedure for acquiring the state citizenship, reflecting the need to provide for cases when it becomes evident that the documents based on which the certificate of citizenship was issued were falsified or otherwise altered, or when the certificate of citizenship was issued as a result of a criminal offence. According to the draft amendment, in the aforesaid cases, the citizenship of the Slovak Republic is not acquired. The draft amendment also introduced changes in the issuance of a state citizenship certificate. If it becomes clear, after the certificate has been issued that the

²⁸ By amendment to the Act on the Stay of Aliens effective from 1 January 2007 (Act No. 693/2006 Coll., amending and supplementing Act No. 48/2002 Coll. on the Stay of Aliens and on amending and supplementing certain other acts as amended, and on amending and supplementing certain other acts).

²⁹ By Act No. 36/2005 Coll. on Family and on amending and supplementing certain other acts (effective from 11 February 2005); by means of Act No. 265/2005 Coll., amending and supplementing the National Council of the Slovak Republic's Act No. 40/1993 Coll. on State Citizenship of the Slovak Republic as amended (effective from 1 September 2005); by Act No. 344/2007 Coll., amending and supplementing the National Council of the Slovak Republic's Act No. 40/1993 Coll. on State Citizenship of the Slovak Republic as amended and on amending and supplementing certain other acts (effective from 31 July 2007).

applicant is not a citizen of the Slovak Republic, the certificate is null and void as from the date of its issuance.

130. The objective of the latest amendment was to conduct a closer scrutiny of applicants for state citizenship of the Slovak Republic and to clarify the rules governing the acquisition of state citizenship. Other modifications are aimed at increasing the transparency and effectiveness of the activities of state authorities in the process of acquisition, loss or certification of the state citizenship of the Slovak Republic.

Right to marriage

131. No changes have taken place in this area during the relevant period as regards protection against discrimination.

Right to own property

132. No changes have taken place in this area during the relevant period as regards protection against discrimination.

Right to inherit

133. No changes have taken place in this area during the relevant period as regards protection against discrimination.

Right to freedom of opinion and expression

134. No changes have taken place in this area during the relevant period as regards protection against discrimination.

Right to freedom of assembly and association

135. No changes have taken place in this area during the relevant period as regards protection against discrimination.

Right to freedom of thought, conscience and religion

136. In the May 2001 census of population, houses and flats, 84% of inhabitants identified themselves as belonging to a church or a religious society registered in the Slovak Republic. In the surveys of public trust, churches and religious societies rank among the institutions with stable and sustained high degree of trust.

137. The Slovak Republic has a relatively broad range of legal provisions defining the status and functioning of registered churches and religious societies. These legal provisions comply with international commitments of the Slovak Republic. The confessional law in force respects and guarantees the constitutional commitment of freedom of thought, conscience, religion or belief. The state's policy on registered churches is based on the recognition of their social and legal status as "*sui generis*" entities under the law, applying a specific approach to and cooperating with them on the basis of partnership.

138. The Slovak legislation guarantees equal status before the law to all churches and religious societies. A church or a religious society means a voluntary association of persons of the same religion in an organisation created on the basis of their affiliation with the religion in compliance with internal regulations applicable to members of a church or a religious society.

139. As to 1 July 2007, a total of 18 churches and religious societies were registered in the Slovak Republic. The latest registrations were granted to: the Church of Jesus Christ of

Latter-day Saints (on 18 October 2006) and the Baha'i Community in the Slovak Republic (on 19 April 2007).

E. Economic, social and cultural rights

Right to work

140. According to Article 35 para. 1 of the Constitution of the Slovak Republic, everyone has the right to freely choose his or her profession and appropriate training, and the right to conduct entrepreneurial or other gainful activity. Furthermore, according to para. 3 of the Article, citizens have the right to work. The state guarantees an appropriate level of material welfare to persons who cannot enjoy this right through no fault of their own. More detailed conditions are laid down in Act No. 5/2004 Coll. on Employment Services as amended (hereinafter referred to as the "Employment Services Act").

141. The provision of Section 14 of the Employment Services Act is derived from the International Labour Organisation's Employment Policy Convention No. 122/1964, concerning Employment Promotion and Protection against Unemployment, and Recommendation No. 176 to the latter Convention. At the same time, it complies with the European Social Charter which also provides for individuals' right to work. The above provision creates the legal framework for non-discriminatory access to employment. It also complies with Article 1 of basic principles of the Labour Code No. 311/2001 (hereinafter referred to as the "Labour Code") in connection with a free choice of employment without any limitations and direct or indirect discrimination. The Code is also in line with relevant provisions of Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions, Council Directive 86/613/EEC on the application of the principle of equal treatment between men and women engaged in an activity, including agriculture, in a self-employed capacity, and on the protection of self-employed women during pregnancy and motherhood, and Council Directive establishing a general framework for equal treatment in employment and occupation.

142. Foreign nationals who entered into a legal relationship under the Employment Services Act enjoy the same legal status as the citizens of the Slovak Republic.

143. Comprehensive employment services laid down in the Employment Services Act are provided by the Centre of Labour, Social Affairs and Family through its offices of labour, social affairs and family with territorial jurisdiction, and through active labour market measures of social character, targeting mainly disadvantaged job applicants.

144. Social security of persons in search of employment, having the form of unemployment benefits provided as a compensation of lost income from work, is governed by Social Insurance Act No. 461/2003 Coll. as amended. Upon the end of the period set by law for the payment of unemployment benefits, the offices of labour, social affairs and family perform a close scrutiny of the social situation of persons concerned and if they establish that a person is in a situation of material need, they grant such person a benefit in material need. Recipients of material-need benefits may, if they are interested, improve their financial situation by participating in the so-called activation work under the terms laid down in the Employment Services Act.

145. Detailed provisions on employment policy which prevent any form of discrimination in practice including racial discrimination are laid down in Section 14 of the Employment Services Act. The legal framework for work safety and health is provided by the Work Safety and Health Act No. 124/2006 Coll. as amended and the related generally binding

legal regulations governing specific aspects of this issue and implementing the national policy on safety and health of workers at work.

146. Regardless of the employer's legal form and line of business, every employer has a duty to ensure and implement all measures required by law for all employees. These include, in particular, the obligation to improve working conditions and adapt them to employees' needs; make sure that workplaces, communications, means of work, work and production procedures, workplace arrangements or work organisation do not endanger employees' safety and health; make sure that work environment factors including the factors affecting mental workload and social factors do not endanger employees' safety and health; establish safe working procedures and secure performance of health supervision by labour medical service, including regular preventive medical examinations which take into account the character of work and working conditions at the workplace; the examination may be also requested by an employee.

147. Comprehensive protection at work is provided to all workers under Labour Inspection Act No. 125/2006 Coll. as amended (hereinafter referred to as the "Labour Inspection Act") and Act No. 82/2005 Coll. on Illegal Work and Illegal Employment as amended.

148. The purpose of labour inspection is to ensure supervision over compliance with labour legislation governing employment relationships, in particular their commencement, alterations and termination, employees' wage and salary conditions and working conditions, including working conditions of women, juveniles, home workers, persons with disabilities and persons under 15 years of age, and to ensure collective bargaining in connection with legislative and other rules aimed at work safety and health, including rules related to working environment factors, legislative rules prohibiting illegal work and illegal employment, and obligations arising from collective agreements.

149. Labour inspection also includes supervision of compliance with legislative and other rules aimed at ensuring work safety and health, including rules governing working environment factors for civil servants. Moreover, it includes assignment of liability for infringements of legislative rules and for non-compliance with the commitments arising from collective agreements; provision of a free-of-charge counselling service to employers, natural persons who are entrepreneurs but have no employees, and to employees, consisting of basic professional information and advice on how to best comply with relevant regulations.

150. Labour inspection is performed by labour inspectorates, whose seats and territorial districts are identical with those of administrative regions. The body with managerial and control competence over labour inspectorates, which unifies and streamlines the methods of work of labour inspectors, is the Košice-based National Labour Inspectorate. The central state administration authority in charge of labour inspection, which formulates and implements labour protection policy of the state, is the Ministry of Labour, Social Affairs and Family of the Slovak Republic.

151. The substantive content of labour inspection is mirrored in the internal organisational structure of labour inspectorates and, consequently, in the professional specialisation of labour inspectors who supervise compliance with labour regulations and with legal and other rules governing safety and health at work.

152. To allow labour inspectors to perform their supervision duties, the law gives them the necessary competencies for enabling them to objectively establish actual compliance with the rules in the areas falling within the remit of labour inspection. Labour inspection is performed in the form of controls focused on different thematic areas.

153. As regards the principle of equal treatment, all labour inspectorates performed the controls focused on working conditions as a possible source of gender inequality at work, foreseen in the 2006 work plan drawn up by the National Labour Inspectorate. The objective of the controls was to identify direct and indirect gender discrimination in labour relations, with specific focus on the area of remuneration. In addition to performing their supervisory duties, inspectors informed employers, employees and employees' representatives of legal provisions applicable to equal treatment between men and women in employment relationships.

154. In connection with the above, labour inspectorates performed 231 controls; the choice of control subjects was made on the basis of the estimate of existence of comparable work positions for men and women. At the time of inspection, control subjects employed a total of 76,987 persons, 44,768 of them women, and 857 employees with disabilities.

155. Inspection results revealed non-compliance with Labour Code provisions in the area of remuneration, in particular:

- Section 119 para. 3 of the Labour Code, where employers failed to ensure equitable wage and salary conditions for men and women – 12 violations
- Section 120 para. 3 of the Labour Code, where corresponding wage grades were not assigned to relevant jobs in employment contracts in accordance with job demand characteristics – 13 violations

156. After they established the factual situation, labour inspectors exercised their authority and requested the employers concerned to remedy the deficiencies. Their findings warrant the conclusion that legal protection provided to employees under the current Labour Code and the Antidiscrimination Act is adequate. Infringements of the principle of equal treatment are very difficult and problematic to establish since the arguments always concern comparable rather than identical positions; in some cases, employers may justify their position and prove that contested jobs are not identical.

157. The largest gap exists in the area of information and publicity on equal treatment in employment relationships. The Institute for Labour and Family Research, the National Labour Inspectorate, and the Slovak Medical University therefore jointly published a publication in 2007 on "Best Practice Rules – Gender Equality at the Workplace".

158. Labour inspectorates also investigate employees' allegations of violations of the equal treatment principle in employment relationships. In 2007, labour inspectorates registered and processed a total of 67 such claims, 27 of which were found to be justified. They alleged mainly bullying, poor interpersonal relations at the workplace, inequality in remuneration, and inadequate working conditions.

159. The changes introduced in 2007 into working time provisions applied mainly to the periods spent on call.³⁰ The provisions governing the periods spent on call were aligned with the judgments of the European Court of Justice in Jaeger and SiMAP rulings and with the Directive of the European Parliament and Council 2003/88/EC on certain aspects of the organisation of working time.

160. Since 1 September 2007, inactive periods spent on call at the workplace are included in the working time. The time, during which an employee is not active in the course of a period spent on call, cannot be considered as part of the rest period. It is therefore necessary

³⁰ By the entry into effect of Act No. 348/2007 Coll. amending and supplementing Act No. 311/2001 Coll. Labour Code as amended.

to ensure that average working time, including inactive periods spent on call at the workplace and including overtime work, does not exceed 48 hours a week.

161. This means that average weekly working time is the working time consisting of standard working time (i. e. the working time set by the employer in accordance with the Labour Code at a maximum of 40 hours a week), the inactive period spent on call at the workplace, and overtime work.

162. Employers may require their employees to work on call for not more than eight hours a week and not more 100 hours in a calendar year. Work on-call exceeding that limit is admissible only in agreement with the employee concerned.

163. The Labour Code has made use of the derogation provided by Article 17 of the Directive of the European Parliament and Council 2003/88/EC on certain aspects of the organisation of working time, and increased the average weekly working time for healthcare workers to 56 hours, subject to the consent of the employee with such increased weekly working time. Compliance with the above limit is monitored during a maximum four-month period.

164. Another Labour Code amendment concerned the provision on the types of work that are not included into the annual overtime limit. According to Section 97 para. 8 of the Labour Code, the maximum admissible number of overtime hours does not include overtime work for which the employee received compensatory leave, or the work performed:

- In connection with urgent repairs or emergencies where it is necessary to prevent the risk of industrial accident or large-scale damage under separate legislation
- During extraordinary events under separate legislation that present a threat to life or health or the risk of large-scale damage under separate legislation

165. The Labour Code specifically provides only for the principle of equal pay for equal work or for work of equal value for women and men, as laid down in Article 141 of the consolidated version of the Treaty on establishing the European Community and in the Directive of the European Parliament and the Council 2006/54/EC on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation, and also set out in the International Labour Organisation's Convention No. 100/1951 on Equal Remuneration for Men and Women Workers for Work of Equal Value.

166. It is primarily the Roma who, due to their low skill level, do not have a realistic possibility to find employment and for whom dependency on state assistance does not represent a temporary stage in their lives, but is a long-term, even life-long condition. A closer scrutiny of issues connected with the situation of the Roma on the labour market reveals that the choice – to get a job or to receive benefits in material need – is not always self-evident.

167. Allegations of discrimination in the true meaning of the term could be considered as justified only if the employer refused to employ persons of Roma origin who have the same level of education as non-Roma applicants on the grounds of their ethnicity. However, it is very difficult to prove discrimination in practice, because the employer may always use the argument that Roma applicants for the job do not meet the skill level requirements.

168. Long-term unemployment of the Roma population is also related to their housing standard, the possibility to commute to work, and situation on the local labour market. A comprehensive approach and long-term coordinated solutions, especially in the area of housing, educational policy and labour market policy, are required to address this problem.

169. Several pilot projects pursue this objective through educational activities, setting up municipal social undertakings, or providing financial subsidies for job creation from the state budget of the Slovak Republic. In a grant scheme framework, the Office of the Slovak Government's Plenipotentiary for Roma Communities has supported a number of municipal social undertakings in the area of modern environmentally friendly heating (production of biomass – wood chips), manufacturing of concrete castings, brick paving, production and distribution of food boxes for pupils from needy families, etc. Municipal social undertakings were created in the municipalities of Budkovce, Červenica, Jablonov, Kurov, Spišský Hrhov, Sveržov, Šarišské Čierne, Torysa, Veľké Kapušany and Žehra.

170. A certain progress towards reaching the above objective has been attained through strengthening partnerships between local and regional government bodies, employers, Roma organisations, non-governmental organisations and public employment services aimed at job creation, education and vocational training in line with local labour market needs. Support for field social work and field community work, especially of healthcare assistants, occupational assistants, and leisure-time assistants also had a positive impact.

Right to form trade unions

171. The Ministry of the Interior drew up a draft law on associations. The 2007 Plan of Legislative Tasks of the Government of the Slovak Republic envisaged a proposal for amending Act No. 83/1990 Coll. on Association of Citizens as amended. Given the fact that this legislation dates back to 1990 and its amendment would have to be very extensive and would not meet the requirement for a clear and intelligible legal text, the Ministry of the Interior has presented a proposal for a brand-new law on associations.

172. The wording of the draft law on associations and on amending and supplementing certain other acts reflects the influence of the Communication of the EU Commission to the Council, the European Parliament and the European Economic and Social Committee³¹ on "The Prevention of and Fight against Terrorist Financing through Enhanced National Level Coordination and Greater Transparency of the Non-profit Sector, including a Recommendation to the Member States."

173. The second essential document, whose content is reflected in the draft law on associations and on amending and supplementing certain other acts, is the Recommendation of the Committee of Ministers of the Council of Europe to Member States on the legal status of non-governmental organisations in Europe³² adopted on 10 October 2007.

174. The draft law was submitted for interministerial review towards the end of 2007; it is currently at the stage of the evaluation of comments and of further discussions with the representatives of third-sector organisations. The Ministry of the Interior closely cooperates in this area with the advisory body to the Slovak government – the Government Council for Non-Governmental Non-Profit Organisations.

Right to housing

175. The notion of racial discrimination in housing does not exist in the Slovak Republic. To increase accessibility of housing for socially vulnerable groups of the population, the deciding criterion for determining the social status of rental flat tenants is income. The criterion for the provision of housing in rental flats of a different standard is the situation of material need. In addition to the social status as a criterion increasing the marginalisation of

³¹ COM (2005) 620 published in Brussels on 29 November 2005.

³² Recommendation CM/Rec (2007)14 of the Committee of Ministers to Member States on the legal status of non-governmental organisations in Europe.

this population group, other criteria are considered as well: education level, duration of unemployment, concentration level, etc.

176. The Ministry of Construction and Regional Development of the Slovak Republic (hereinafter referred to as the “Ministry of Construction”) has cooperated with local government authorities in the implementation of the housing development programme since 1998, including in the efforts at involving future tenants of rental flats into construction projects. Housing development programmes also comprised preferential instruments aimed at reducing social exclusion of Roma communities and integrating marginalized groups of persons into the majority society. The decisions on the locations for housing construction are made at the level of local government rather than at the central level.

177. Nevertheless, the success of programs to prevent housing-based segregation of Roma communities are conditional on a responsible approach by the Roma communities themselves to an improvement in their living, a willingness to adjust to new conditions and, above all, to embrace their responsibilities connected with use of the flats. The implementation of measures to improve housing conditions is not possible without the involvement of community centres and community-based social work in education, and without advice and assistance to help socially excluded Roma communities develop the lifestyle and skills needed to integrate into the society.

178. The satisfaction of housing needs of persons in material need, most of whom live in Roma settlements, constitutes an outstanding problem also because the quality standard of most of their dwellings falls deeply behind the housing standard of the majority population.

179. Most Roma settlement dwellings may be characterised as simple shanties that meet neither technical nor hygienic standards of today, were erected in a self-help fashion without a building permit and without a clear land ownership title. Access to municipal amenities and public services is very limited. Their most serious problems include inadequate access to electricity supply, drinking water, sewage system and removal of solid municipal waste. The need to address the demand for housing is ever more urgent also given the upward population curve of the Roma living in settlements and also in urban zones, where it appears to be inevitable to renew the damaged housing fund. A great majority of flats are inhabited by several generations.

180. The Government of the Slovak Republic pays a regular attention to the issue of housing for Roma communities. By Resolution No. 63 of 2005, it approved a “Long-term Housing Development Concept for Marginalized Population Groups and the Model of Its Financing”, drawn up by the Ministry of Construction in cooperation with the Office of the Government’s Plenipotentiary for Roma Communities. The Long-term Policy Concept for Housing for Marginalized Population Groups focuses on resolving the issue of housing for socially excluded communities and is a special addendum to the state housing policy concept. It represents practical application of the principle of temporary compensatory measures defined in the Basic Theses of the Concept of the Slovak Government Policy for the Integration of Roma Communities in the Area of Housing. The goal of the measures formulated in the concept is to improve the social, cultural and economic level of life for citizens of socially excluded communities and their gradual integration into the life of civil society.³³

181. The Office of the Slovak Government’s Plenipotentiary for Roma Communities systematically cooperates with the Ministry of Construction in implementing the programme of support for the construction of municipal rental flats of a different standard

³³ The document is published on the website www.build.gov.sk and www.vlada.gov.sk/romovia.

aimed at providing the housing to persons in material need, and in the building of technical infrastructure in Roma settlements.

182. In addition to financial means provided by the Ministry of Construction, housing construction is supported also by funds provided under the grant scheme of the Office of the Slovak Government's Plenipotentiary for Roma Communities for the reimbursement of project documentation costs. Thus, in 2007, the grant scheme was used to support 110 projects for the construction, completion, or reconstruction of technical infrastructure in Roma settlements, and 60 projects for the reconstruction of municipal amenities.

183. As a follow up to the "Long-term Housing Development Concept for Marginalized Population Groups and the Model of Its Financing", the Ministry of Construction has commissioned a methodology manual on "Design Procedures and Model Projects for the Construction of Rental Flats of a Different Standard". The publication serves as a methodology document for local authorities explaining the procedures, principles and rules for procuring and financing project documentation and for the construction of rental flats of a different standard. The publication also includes 9 model designs, which take into account the specificities of housing of marginalized population groups and meet the requirements for the granting of subsidies for rental flats of a different standard.

184. In conformity with the objectives of the state housing policy concept, the state gradually developed a system of economic support tools for housing development, differentiated according to the social situation of applicants for housing. The most extensive and effective state support is given for the construction of rental flats for lowest-income households and construction of rental flats of a different standard provided to marginalized groups of the population, including inhabitants of socially excluded Roma communities.

185. The Ministry of Construction co-finances the construction of rental flats of a different standard under the Housing Development Programme, and the construction of technical infrastructure for persons in material need with subsidies earmarked in the state budget, in combination with financial resources from self-governments or actual work of future tenants.

186. In a number of cases, persons allocated rental flats are not ready to use them in a proper manner, and the flats rapidly become dilapidated. Construction investors therefore make an effort at involving future users of flats in their co-financing through putting in a certain amount of work in their construction. This form of construction in kind concerns also the Roma community. The subsidy provided for rental flats of a different standard represents 75% or 80% of house procurement costs, depending on the floor area of the flat.

187. Since 2002, the Ministry of Construction has provided the following amounts for the construction of housing for marginalized population groups under the Housing Development Programme:

Table No. 4

Total amounts of subsidies provided to marginalized groups of the population for the procurement of rental flats of a different standard

<i>Year</i>	<i>Number of rental flats built with state support (different standard)</i>	<i>Subsidy in SKK thousand</i>
2002	235	60 006.2
2003	0	0.0
2004	333	126 606.5
2005	458	202 541.0
2006	679	239 220.9
2007	561	232 214.0

188. Construction of rental flats and of technical infrastructure for marginalized groups of the population with state support was carried out mainly in administrative regions of Košice, Prešov, Banská Bystrica and Žilina. Positive results were obtained for example in the following localities: Zborov, Ďurkov, Jarovnice, Kecerovce, Nálepko, Markušovce, Spišský Štiavnik, Hrabušice, Veľká Lomnica, Letanovce, Michalovce, Sabinov, Spišský Hrhov, Bačkov, Spišská Nová Ves, Egreš, Krivany, Veľký Šariš, Sveržov, Rimavská Seč and others.

Right to protection of health, medical care

189. In the areas of improving health care quality, the environment and living conditions of the inhabitants of marginalised Roma communities in the territory of Slovakia, the key programmes with the participation of the Office of the Plenipotentiary of the Slovak Government for Roma Communities and the Slovak Ministry of Health have continued without any interruptions.

190. The situation of the people living in segregated and separated Roma settlements and localities, where the health and hygiene situation is the worst, seems to be the most difficult. The biggest problems include:

- Insufficient safe drinking water supply and a negative attitude of the Roma community towards using chlorine treated water. A significant part of the population is supplied from wells without any technical adjustment and/or directly from streams. Turning off the water supply from the public water supply system due to failure to pay for water is a serious issue.
- Insufficient sewerage system and insufficient waste water discharge. In most Roma settlements, latrines with or without pits are commonly used. However, there are also settlements without any lavatory.
- Questionable disposal of municipal waste. In some cases, undisposed and left waste builds up and decays in the settlements. The Roma do not always use litter bins and large containers which are provided for them. Solid communal waste is mostly collected in large volume containers, less in closed top litter bins, and having their disposal arranged. Collecting liquid waste in large volume containers is linked with the risk of waste decomposition mainly on hot days, because this type of waste also includes waste subject to fast decomposition, and only full containers are replaced. Nevertheless, the area of the settlements is also dirty because garbage is thrown from many dwellings directly in their vicinity despite the availability of an official waste removal service.

191. The Slovak Republic is aware of the health and hygiene situation in Roma settlements. One of the possibilities of addressing this problem is to encourage the inhabitants of Roma communities to actively participate in the solution of their problems, including community engagement, i.e., close cooperation between the municipality and the Roma ethnic group, participation in decision-making concerning public affairs, participation in the municipal agencies of state administration, local governments, public administration, and foundations operating in the given region.

192. At the same time, it is necessary to raise health awareness of the population of Roma settlements by health education in issues of healthy lifestyle, health care, housing hygiene, personal hygiene, communicable diseases and vaccination; address the drinking water supply by connecting to and expanding the existing network of public water supply systems, building individual sources of drinking water; and protect the area of water sources against excessive pollution. Water quality must be regularly checked. The water supply system must have an owner or operator responsible for the system. Either the sewer

system should be connected to the public sewerage system or leak-proof cesspools should be built.

193. In 2007, the Ministry of Construction and Regional Development of the Slovak Republic subsidised the building of utilities in Roma settlements of 11 municipalities in two regions (Banská Bystrica and Prešov) – a subsidy of SKK 4,192,200 for water supply system construction and SKK 4,420,800 for sewerage system construction. In 2007, the Office of the Plenipotentiary of the Government of the Slovak Republic for Roma Communities granted 19 communities a financial subsidy for drinking water supplies amounting to SKK 3,932,000 and one community the amount of SKK 100,000 for building a sewerage system.

194. The Slovak Ministry of Health has drafted the “Health Promotion Programme for Disadvantaged Communities in Slovakia (2007–2015)” (hereinafter referred to as the “Programme”), which is implemented by Regional Public Health Authorities.

195. The programme builds on the results of a Phare project – the pilot project “Improved Access to Health Care for the Roma Minority in the Slovak Republic” implemented by the Slovak Ministry of Health in the period 2004–2006 that concluded the positive effects from introducing a system of lay persons who promote a healthy life style in their community.

196. The programme is aimed at enhancing equality and fairness in health, improved health status and greater responsibility for one’s own health. The population living in the segregated and separated Roma settlements is the target group of the programme. The programme is divided into two stages. The first stage of the programme is focused on the disadvantaged Roma community. The second stage, starting in 2009, will be modified to also encompass other disadvantaged groups (homeless persons, refugees). The programme includes monitoring and analysing the relation between health determinants and public health, drafting, implementing and evaluating health promotion programmes.

197. The programme will be implemented through community workers in the area of health education (hereinafter referred to as “community workers”). This programme should make the inclusion of community workers in the structure and staff of the regional public health authorities in the regions with the highest unemployment, lowest socioeconomic evaluation, the highest number of Roma inhabitants and poor health condition possible. Community workers training will be organised by the Public Health Authority in cooperation with other institutions (Comenius University Faculty of Medicine in Bratislava, Slovak Medical University in Bratislava, Constantine the Philosopher University in Nitra and other organisations).

198. Ten Regional Public Health Authorities and 30 community workers were involved in the programme in 2007. Community workers provide public education in the field of health education and disease prevention, health care, and distribution of health education materials in selected Roma settlements. Community workers work with schools, field social workers, medical doctors (general practitioners for adults, paediatricians, gynaecologists and dentists), municipal authorities, health insurance companies, teacher’s assistants and regional offices of the Office of the Plenipotentiary of the Slovak Government for Roma Communities. In the reported period, targeted financial support was given to local governments for disinfection in municipalities with numerous Roma communities. The programme has also continued the implementation of its tasks in 2008.

Alleged forced sterilization of Roma women

199. In Slovakia, no government-led policy encouraging sterilizations of groups of population or leading to tolerance for such illegal acts has ever existed.

200. New legislative provisions have been adopted, in particular Act No. 576/2004 Coll. on Healthcare, Services Related to the Provision of Healthcare (hereinafter referred to as the "Healthcare Act") effective from 1 January 2005 with respect to sterilization. At the same time, this act amended Penal Code No. 140/1961 Coll. as amended and introduced a new element of crime of "unlawful sterilisation".

201. By introducing this element of crime, the Slovak Republic has implemented its international legal obligations resulting from international human rights instruments, as well as recommendations by competent international bodies and organisations.

202. The new Penal Code effective from 1 January 2006, on the one hand, included this element of crime under the criminal offence "illegal removal of organs, tissue and cells and unlawful sterilisation" (Section 159) into the second title of a separate part of the act and, on the other hand, it also introduced stricter criminal sanctions.

203. The Healthcare Act regulates, inter alia, non-discriminatory access to health care, requirements for obtaining a patient's informed consent, and performance of sterilisation and access to medical documentation. According to this act, sterilization can only be performed upon a written application and a written informed consent after previous instruction of a person with full legal capacity or the legal guardian of a person incapable of giving informed consent or on the basis of a court decision upon a request by the legal guardian.

204. Under Section 6 para. 5 of the Healthcare Act the written informed consent is required: a) In cases specified in Section 27 para. 1, Section 36 para. 2, Section 38 para. 1 and in Section 40 para. 2; b) Before performing invasive intervention in total or local anaesthesia, c) when changing the diagnostic procedure or therapeutic process that was not included in the previous informed consent.

205. According to the Healthcare Act (Section 40), sterilization may be performed only upon a written application and a written informed consent after previous instruction of a person with full legal capacity or the legal guardian of a person incapable of giving informed consent and a court decision upon a request by the legal guardian. The instruction prior to an informed consent must be given in a manner laid down by law and it must include information on:

- (a) Alternative methods of contraception and family planning;
- (b) Possible changes in the life circumstances that resulted in the application for sterilization;
- (c) Medical consequences of sterilization as a method aimed at an irreversible prevention of fertility;
- (d) Possible failure of sterilization.

206. On the background of the finding of the Constitutional Court of the Slovak Republic,³⁴ the Košice Regional Prosecution Office repealed the decision of the Police Force investigator to cease prosecution with its ruling to re-open and newly decide the case. In view of the above facts, the Police Force President³⁵ issued an order establishing a specialised team located at the Žilina Regional Police Force Directorate for detecting, investigating and documenting criminal offences connected to the sterilisation of Roma women.

³⁴ No. III ÚS 194/06-46 of 13 December 2006.

³⁵ No. 50/2007 of 4 May 2007.

207. The investigating team based its activity on the finding of the Constitutional Court of the Slovak Republic and performed tasks according to the instructions by the supervising prosecutor. The supervising prosecutor from the Košice Regional Prosecution Office participated personally in several actions.

208. Considering the results of the investigation of 28 December 2007, the investigator of the Police Force dropped prosecution pursuant to Section 215 paragraph 1 subparagraph b) of the Code of Criminal Procedure in the genocide case (Section 418 paragraph 1 subparagraph b) of the Penal Code) because the act did not constitute a crime and there were no grounds for referring the case. Based on the submission of the head of the specialised team, an order of the Police Force President³⁶ cancelling the order establishing the specialised team was issued. The order came into effect on 1 February 2008.

209. The proxy of persons concerned — I. G., R. H. and M. K. — lodged a complaint against the resolution of the Police Force investigator on their behalf. The Judicial and Criminal Police Office of the Žilina Police Force Regional Directorate received this complaint on 11 January 2008, and, subsequently, submitted it together with the case file for decision to the Košice Regional Prosecution Office. Then, the Košice Regional Prosecution Office rejected the complaint. This resolution of the Košice Regional Prosecution Office became final on 19 February 2008.

Right to education and training

210. Since in the Slovak Republic it is not possible to monitor the situation of Roma children in schools due to restrictions applied to collecting ethnic origin-based statistical data, the ethnic statistics are based on self-identification of a group of citizens – the Roma. In order to ensure improvement of the level of education of Roma children, a category of children from socially disadvantaged environments has been introduced and it is used as a substitute for the missing ethnic data. However, it is not possible to guarantee that it represents all Roma children and it should be noted that it also includes children of other nationalities.

211. In order to facilitate children from families receiving assistance in material need (which is mainly of relevance in the case of Roma children), improved access to education, measures targeted to the enhancement of compliance with the compulsory school attendance obligation and to achieving secondary education have been adopted. Children who comply with compulsory school attendance legislation and who come from families on assistance in material need can be given a subsidy for food, school supplies and study grant. The subsidy for food is given mainly to ensure that the children have a lunch. The subsidy for school supplies is mainly used by the promoter to purchase for the children notebooks, writing materials, textbooks and necessary aids for the teaching process.

212. Another form of support to Roma children education is a study grant programme of the Office of the Plenipotentiary of the Government of the Slovak Republic for Roma Communities. Its purpose is support to talented Romany students in order to enable them education and/or realisation of their specific interests. Financial assistance creates prerequisites for better chances of finding an adequate place in life. Study grants are given in cooperation with the Nadácia otvorenej spoločnosti (Open Society Foundation). Their granting is not subject to a review of the social situation of the family, though it is taken into account.

213. The “2005–2006 Action Plan for Preventing and Alleviating Poverty and Social Exclusion in the Slovak Republic coordinated by the Slovak Ministry of Labour, Social

³⁶ No. 4/2008 of 21 January 2008.

Affairs and Family” expanded the priorities and objectives laid down in the National Action Plan regarding the Decade of Roma Inclusion. In addition, developing inclusion policies in the system of education is one of the main vehicles for preventing child poverty.

214. By ensuring equal opportunities in access to education, mainly by granting assistance during studies and interventions during the pre-school period, regardless of a child’s home environment, integration of children from risk and marginalised groups into standard school environment will be ensured.

215. Under the Constitution of the Slovak Republic and international instruments binding for the Slovak Republic, the Roma national minority has the possibility to exercise their right to education in their mother tongue.

216. Currently, the right to education in the Romany language within the school system of the Slovak Republic is exercised on an experimental basis in the framework of the verification of the subject of the Romany language and literature and Roma realia under the coordination of the National Institute for Education. To implement such education, it is necessary to ensure:

- Training teachers of Romany language and literature
- Training teachers for individual subjects in the Romany language
- Essential teaching documents (curricula, syllabi)
- Writing and publishing of textbooks and teaching texts in the Romany language
- Publishing of specialized literature

217. The Romany language and literature and Roma realia subjects are taught in three primary schools and five secondary schools in the framework of the “Experimental verification of the effectiveness of Roma language and literature curricula in primary and secondary schools” and “Experimental verification of the effectiveness of the Roma realia subject” projects. Basic teaching documents are continuously being prepared.

218. The *Štátny pedagogický ústav* (National Institute for Education) implemented a European Social Fund co-financed project called “Raising qualification potential of the members of the Roma community by introducing “Romistics”, a new line of study, into the system of secondary school education”. The output includes these publications: rules of Romany language orthography, Romany language textbook + CD, Romany language textbook methodology manual, Romany grammar conversational lexicon, additional Roma language teaching texts, additional Romany language teaching texts methodology, history of the Roma, Romany music anthology + DVD, Roma traditions and crafts anthology, and a Roma authors anthology.

219. The Concept for the Education of National Minorities³⁷ and the Draft Concept for Education and Training of Roma Children and Pupils including the Secondary and University Education approved by Resolution of the Government of the Slovak Republic No. 206 of 2 April 2008 also take into account the creation of conditions for bilingual education or education in the Romany language.

220. Standardisation of the Romany language and the codification of its orthography are currently in preparation under the coordination of the Office of the Plenipotentiary of the Government of the Slovak Republic for Roma Communities. Materials necessary for the accreditation process of the Romany language, literature and culture study programme that should be implemented by the Institute of Romology Studies at Constantine the Philosopher

³⁷ Approved by Government of the SR Resolution No. 1100 of 19 December 2007.

University of Nitra are have been prepared. The new study programme will be included in the non-Slavic languages programme. At the same time, the second edition of the Rules of Romany Orthography, which is one of the important moments of language standardisation process, is under preparation.

221. In spite of the evident effort by the Slovak government, school failure of Roma pupils could neither be eliminated nor minimised. The continuing causes are: low education levels of parents; different value orientation, in which education does not play an important role, and the resulting low motivation to learn; different cultural, social and emotional background; absence of compulsory pre-school education; insufficient command of the Slovak language; insufficiently developed basic social, hygiene and working habits; and an inappropriate approach by the educational staff to these children and frequent absence of these children from school. The present primary school (hereinafter referred to as “PS”) is a “strange institution” to Roma children, which they do not like to attend because it does not respect their ethnic, cultural, social, language and mental differences.

222. The Medium-Term Concept of the Development of the Roma National Minority³⁸ also includes the recommendation to the Ministry of Education to legislate compulsory pre-school education of 5-year old children by 2013, because legislation stipulating compulsory pre-school education would allow to appropriately prepare children for compliance with compulsory school attendance and to eliminate risks of school failure.

223. Equally to other countries, special schools established for pupils with different types of handicaps as laid down in Rule No. 6 “Education” of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities issued pursuant to UN General Assembly Resolution of 4 March 1994 are also justified in Slovakia. Specialised educators and teacher’s assistants, whose task is to participate in the creation of conditions necessary for overcoming mainly health and social barriers with respect to pupils with special educational needs in the education process, work in special schools (classes).

224. Slovak school legislation does not recognise so-called “special remedial classes for mentally disabled children” as mentioned in Recommendation 8 by the Committee.

225. In the context of education of Roma children and students, the need to raise their level of education, participation in social life and success in the labour market and the Convention on the Rights of the Child, in the Slovak Republic this issue requires a comprehensive solution in the education system from the point of view of children and pupils from socially disadvantaged environments. Such an approach to the education and training of Roma children and pupils is applied in all member countries of the Decade of Roma Inclusion.

226. This intention is also confirmed by the results of the Organisation for Economic Cooperation and Development – Programme for International Student Assessment (hereinafter referred to as the “OECD PISA”) study.³⁹ According to the OECD PISA 2003 study, the level of education in the Slovak Republic is below the OECD average and it is strongly influenced by the socio-economic context. Roma children who mostly come from the lower socio-economic strata and who represent a significant, continually growing percentage of the child population have a particularly low level of education.

227. The current situation in the education and training of Roma children and pupils calls for a model which has the mission of performing an equal opportunities policy based on the principle “Give more to those who got less”, thus applying the principle of temporary

³⁸ Approved by Government of the SR Resolution No. 183 of 26 March 2008.

³⁹ Koršňáková, P. – Tomengová, A.: PISA SK 2003 – *Národná správa* (National Report). Bratislava, ŠPÚ 2004.

compensatory measures in education for disadvantaged groups from as early as pre-school education.

Table 5

Share of Roma children in kindergartens (KG) and among the pupils of primary schools (PS) in regions⁴⁰

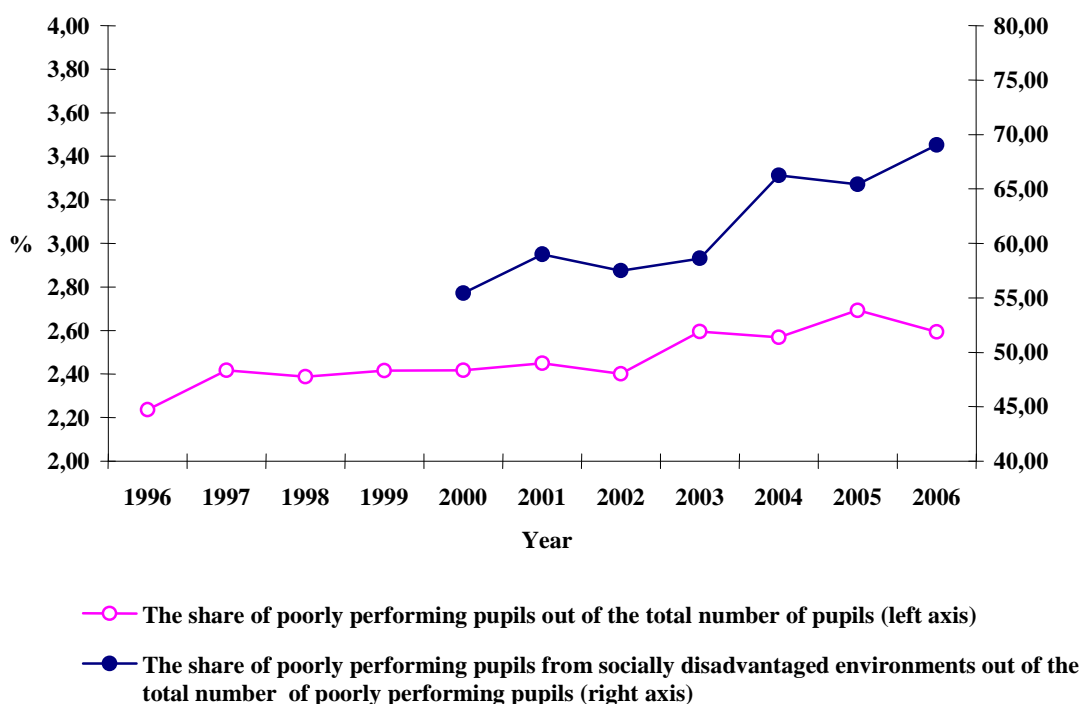
<i>Region</i>	<i>in KG in %</i>	<i>in PS in %</i>
Bratislava	2.09	2.96
Trnava	1.67	3.23
Trenčín	0.20	0.53
Nitra	1.34	2.78
Žilina	0.48	1.09
Banská Bystrica	6.76	14.19
Košice	7.07	19.24
Prešov	5.39	14.49
Slovakia	3.41	8.28

228. The presented development of school failure of primary school pupils in Slovakia in the period from 1995/1996–2005/2006 in the Table No. 6 and the development of poorly performing primary school pupils in Slovakia from 1996–2006 is based on documentation from the Institute for Information and Prognosis of Education (hereinafter referred to as the “ÚIPŠ”) and the results of the survey by the Ústav informácií a prognóz školstva (Methodological and Pedagogical Centre) Prešov (hereinafter referred to as the “MPC Prešov”). The share of pupils who fail in compulsory school attendance is traditionally stable around 2.5%; this figure means that 25 pupils out of 1,000 repeat a grade every year.

⁴⁰ *Vyhodnotenie prieskumu o postavení rómskeho dieťaťa a žiaka vo výchovno-vzdelávacom systéme SR*, (Evaluation of the survey of the situation of Roma child and pupil in the education system of the SR) MPC, Prešov 2002, ISBN 80-8045-266-0.

Table 6

Development of the school failure of primary school pupils in Slovakia and the development of poorly performing primary school pupils in Slovakia in the period from 1996 to 2006



229. In the 2005 survey,⁴¹ the number of primary school pupils from socially disadvantaged environments was 15.49% out of the total sample of 237,229 pupils from all regions of Slovakia. The percentage of repeating students from socially disadvantaged environments (hereinafter “SDE”) is listed top down:

1.	First grade	24.71%
2.	Fifth grade	18.28%
3.	Sixth grade	15.98%
4.	Second grade	15.52%
5.	Seventh grade	15.28%
6.	Fourth grade	14.19%
7.	Third grade	13.45%
8.	Eighth grade	11.33%
9.	Ninth grade	3.67%

230. According to the results of the survey, the repeating of individual grades by pupils from SDE reflects the difficulty children from SDE experience when starting the 1st grade

⁴¹ *Správa o výsledkoch prieskumu o postavení dieťaťa a žiaka zo sociálne znevýhodneného prostredia v školskom systéme v Slovenskej republike* (Results of the survey concerning the situation of a child and pupil from social disadvantaged environments in the school system of the SR), published by MPC Prešov in 2006, ISBN 80-8045-422-6.

of the primary school or the 2nd level of primary school. The first and fifth grades that cause the heaviest mental stress to all pupils attending school are the most problematic. This alarming fact illustrates that repeating the first grade (almost one quarter – 24.71% of pupils from SDE repeat it) has a discouraging effect on their relation to school and negatively affects the development of their personality.

231. The findings justify and prove necessary compulsory pre-school education, reduction of syllabi, presence of teacher's assistant, establishment of zero grades, and creating a multicultural environment. In addition to the above conclusions, in cases of pupils from SDE requiring a differentiated approach by the teacher, it is also necessary to have fewer pupils in the class.

232. One of the possible reasons for a moderate increase in the number of hours absent from school is the higher migration of families. Migrating families do not comply with the legal order and do not inform the school of the place where the pupil continues his/her compulsory school attendance. The pupils are still registered as pupils of the parent school with the relevant number of hours of absence — in particular, in the 1st level of primary school.

233. Data in the Table No. 7 illustrate an irregular percentage of pupils from SDE in hours absent from lessons — 23.50% — compared with unexplained absence — 69.62%. With a view to these facts, it is still necessary to pay increased attention to attendance monitoring of all pupils with a special focus on unexplained absences.

234. Data on missed lessons (in particular, those unexplained) cannot be underestimated because they correlate with pupils' school failure. It is necessary that school management, promoters, and individual ministries monitor the number of hours of absence with respect to:

- The number of abolished one-room schools in a given locality (with respect to pupils being transported to the parent school)
- The payment date of social benefits to families from SDE
- Health condition of the child population
- Situation of the pupil in the family (e.g., care for younger siblings)
- Encouragement of the pupil to learn
- Effectiveness of legislative measures with respect to unexplained absence from lessons (truancy)
- The number of hours of absence from lessons and failure of pupils

Table 7
**Data on the number of pupils and the number of hours of absence from lessons in PS
 in the school years 2003/2004 and 2004/2005 per regions**

Region	School year 2003/04					School year 2004/05				
	Total number of pupils	Number of hours of absence from lessons				Total number of pupils	Number of hours of absence from lessons			
		Total	Per pupil	Of which: Unexplained	Per pupil		Total	Per pupil	Of which: Unexplained	Per pupil
Banská Bystrica	67 165	4 769 938	71.02	302 621	4.51	64 526	5 127 488	79.46	312 828	4.85
Bratislava	51 321	3 519 389	68.58	62 627	1.22	48 438	3 615 038	74.63	71 630	1.48
Košice	84 082	7 678 309	91.32	837 738	9.96	81 652	7 932 171	97.15	970 878	11.89
Nitra	70 842	5 068 782	71.55	202 034	2.85	67 831	5 261 207	77.56	230 630	3.40
Prešov	100 365	7 079 733	70.54	499 435	4.98	96 878	7 290 596	75.26	455 873	4.71
Trenčín	64 294	4 067 208	63.26	36 146	0.56	61 047	4 028 900	66.00	34 863	0.57
Trnava	56 311	3 618 638	64.26	76 077	1.35	53 952	3 848 184	71.33	88 148	1.63
Žilina	82 348	4 899 292	59.49	82 573	1.00	79 578	5 066 680	63.67	85,453	1.07
Slovakia	576 728	40 701 289	70.57	2 099 251	3.64	553 902	42 170 264	76.13	2 250 303	4.06

Table 8
**Overview of the number of hours of absence from the lessons and of absence without
 explanation in the 2005 MPC Prešov survey**

Attendance	Number of hours of absence from lessons	Hours of unexplained absence from lessons
Total	19 497 790	1 448 451
From socially disadvantaged environments	4 582 492	1 008 450
In per cents	23.50	69.62

235. The presence of pupils from SDE in secondary schools of the individual regions of Slovakia reflects the distribution of the Roma population and their socio-economic status. From this perspective, the strongest presence of secondary school students from SDE is in the regions of: Košice, Prešov, Banská Bystrica and Nitra. Out of the pupils from SDE who started the first grade of secondary schools, most were placed in secondary vocational schools (“SVS”) — 728 pupils and vocational schools (“VS”) — 366 pupils. Two hundred and three pupils from SDE enrolled in the first grade of secondary technical schools (“STS”). The lowest presence of these pupils is found in “gymnasium” — comprehensive upper secondary schools — in Slovakia, with only 34 students from socially disadvantaged environments in the first grade. Most first grade “gymnasium” students are in the region of Košice (12), followed by Prešov (6), Trenčín (4), and 3 students in the region of Žilina and Nitra each, and two students from SDE in the region of Bratislava, Banská Bystrica and Trnava each. A very small number of students from SDE are enrolled in SVS studies. Students from SDE are predominantly registered in two- and three-year vocational studies. This means that it is necessary to enhance the presence of these students in three-year vocational studies, study specialisations and “gymnasia”.

236. More detailed information on students from SDE will be obtained from a survey of Roma child and pupil/student position in the school system carried out by the Prešov Methodological and Pedagogical Centre.⁴²

Table 9

Pupils from SDE continuing at secondary schools in the individual regions of Slovakia – 2005 MPC Prešov survey

<i>Region</i>	<i>Vocational school</i>	<i>Secondary vocational schools</i>	<i>Secondary technical schools</i>	<i>Gymnasia</i>	<i>Total</i>
Banská Bystrica	59	76	40	2	177
Bratislava	0	65	2	2	69
Košice	114	322	73	12	521
Nitra	29	59	31	3	122
Prešov	126	151	37	6	320
Trenčín	13	8	3	4	28
Trnava	14	27	9	2	52
Žilina	11	20	8	3	42
Slovakia	366	728	203	34	1 331

Table 10

Overview of the number of secondary school students of Roma nationality

<i>Number of students of Roma nationality in full-time studies in 2006/2007 school year</i>				
	<i>State</i>	<i>Private</i>	<i>Church</i>	<i>Total</i>
Gymnasia	4	70	1	75
STS	138	27	1	166
Combined SS	16	96	0	112
SVS and VS	97	0	0	97
Special SS	40	0	5	45
Slovak Republic	295	193	7	495

The right to equal participation in cultural activities

237. Regular national minority television and radio broadcasting in public media as regulated by law also contributes to the development and protection of cultural rights and prevention of discrimination of national minorities. Act No. 16/2004 Coll. on Slovak Television as amended and Act No. 619/2003 Coll. on Slovak Radio as amended are relevant pieces of legislation with respect to minority language broadcasting in public media.

238. Provisions of these laws guarantee the broadcasting of programmes with well-balanced content and regional distribution in the languages of national minorities and ethnic groups living in the territory of the Slovak Republic. To ensure the production and broadcasting of programmes for national minorities and ethnic groups, public media may establish separate organisational units. In the media domain, public television and radio

⁴² *Pedagogicko-organizačné pokyny na školský rok 2007/2008* (Teaching and organisational instructions for the 2007/2008 school year).

provide for very good conditions, comparable with EU Member States standards, and are instrumental in applying selected provisions of the European Charter of Regional or Minority Languages.

F. The right of access to any place or service intended for use by the general public, such as transport, hotels, restaurants, cafes, theatres and parks

239. With respect to the case of Miroslav Lacko, the delegation of the Slovak Republic informed the Committee of other measures during the presentation of the Fourth and Fifth Periodic Report to the Convention at the 65th Session of the Committee in Geneva from 9 to 10 August 2004, where they assured the Committee that the criminality of violating the right of access to any public places shall be introduced in the Penal Code.

240. The new Penal Code laid down in Section 12 that the place where a criminal offence was committed shall be any place where the perpetrator acted or where the result envisaged in this law occurred or should have occurred according to the idea of the perpetrator. It is a new provision of the Penal Code which has extraordinary significance because the place where the crime was committed is the basis for determining the court competent to hear the case.

241. Section 9 of the Anti-Discrimination Act guarantees that all who consider themselves wronged in their rights, law-protected interests and/or freedoms because the principle of equal treatment has not been applied to them, have the right to 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.

242. 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 harm compensation in cash. The amount of non-pecuniary harm compensation in cash shall be determined by the court, taking into account the extent of non-pecuniary damage and all underlying circumstances.

243. In the framework of administrative law, pursuant to Section 49 paragraph 1 subparagraphs a) and d) of Act No. 372/1990 Coll. on administrative infractions, as amended, which sentences administrative infractions against civic propriety, an administrative infraction is committed by any person who defames another person *inter alia* by offending or ridiculing. This offence can be sanctioned with a fine of up to SKK 1,000. Equally, anyone who intentionally violated civic propriety by rude behaviour has committed an infraction. The law, though, does not explicitly define the concept of rude behaviour; however, in a broader meaning, it can also be understood to mean not allowing a person to enter a restaurant as a consequence of racial discrimination. This offence can be sanctioned with a fine of up to SKK 3,000.

**Article 6
Protection against any acts of racial discrimination**

244. In the performance of their function, judges have the obligation to be independent and to interpret laws and other generally binding legal regulations according to the best of

their knowledge and belief, to decide impartially, in a fair manner, without undue delay and only on the basis of facts established in compliance with the law.⁴³ Under Article 7 paragraphs 2 and 5 of the Slovak Constitution,⁴⁴ judges are bound only by the Constitution, statutes, international treaty and the law in their decision-making. Equally, the legal opinion of the Constitutional Court of the Slovak Republic contained in its decision in proceedings pursuant to Article 125 paragraph 1 of the Constitution upon a motion by a court is binding for the court.

245. The Code of Criminal Procedure mainly regulates issues concerning the rights of victims, including the right to compensation for the injuries they have suffered. Title 7 defines the term victim and legal status of the victim; it also regulates the rights of the victim and defines the possibilities of claiming compensation as well as the possibility of securing the victim's claim. In addition, Title 8 legislates in more detail the legal status of the victim's proxy as well as the powers of the victim's proxy.

246. A victim is a person who suffered health, property, moral or other harm from a criminal offence and/or whose rights and freedoms protected by law were violated or damaged. The victim who is entitled to compensation from the accused for the harm from the criminal offence is also entitled to make a motion requesting that the court impose the duty of compensating this damage in the sentencing judgement; the motion must be filed by the victim before the end of the investigation or summary investigation. The motion must clearly state the grounds and amount of the compensation claimed.

247. The legislation regulating compensation for victims of crime in the Slovak Republic was replaced with a new Act No. 215/2006 Coll. on the compensation of victims of violent crimes (hereinafter referred to as the "Crime Victims Compensation Act") that implements relevant legal instruments, in particular the European Convention on the Compensation of Victims of Violent Crimes, and it is an integral part of Slovakia's commitments linked with EU accession.

248. This law has transposed Council Directive 2004/80/EC relating to compensation to crime victims which regulates the possibility of compensation for damage from an intentional criminal offence committed in the territory of another EU Member State (hereinafter referred to as the "Directive") into the legal order of the Slovak Republic by creating a mechanism for filing compensation claims, appointing a body vested with the responsibility for deciding on claims for damages, as well as a body assisting victims who are either Slovak nationals or nationals of another EU Member State or a stateless person with permanent residence in the Slovak Republic and who suffered bodily harm in the territory of another EU Member State, with filing a claim for damages. The compensation system (material law) has not changed; only the procedural rules have been amended.

⁴³ Based on the relevant provision in the Constitution – Act No. 385/2000 Z. z. on judges and assessors as amended.

⁴⁴ Article 7 of the Slovak Constitution (2): The Slovak Republic may, by an international treaty which was ratified and promulgated in the way laid down by a law, or on the basis of such treaty, transfer the exercise of a part of its powers to the European Communities and the European Union. Legally binding acts of the European Communities and of the European Union shall have precedence over laws of the Slovak Republic. The transposition of legally binding acts, which require implementation, shall be realized through a law or a regulation of the Government.
Article 7 of the Slovak Constitution (5): International treaties on human rights and fundamental freedoms and international treaties for whose exercise a law is not necessary, and international treaties which directly confer rights or impose duties on natural persons or legal persons and which were ratified and promulgated in the way laid down by a law, shall have precedence over laws.

249. The new Crime Victims Compensation Act of 2006 is a continued development of the Slovak Ministry's of Justice approach to compensation for violent crime victims. It facilitates the victim's access to information concerning the possibilities of compensation, makes compensation for bodily harm suffered on the territory of another Member State easier, therefore making the position of the victim stronger in this area. At the same time, it strengthens the procedural legal status of the victim as it primarily regulates procedures without changing substantive provisions.

250. While preparing for the ratification of the European Convention on the Compensation of Victims of Violent Crimes, the amount of the single pecuniary compensation has been increased and the group of persons eligible to claim compensation has been enlarged. The existing definition of bodily harm has been enlarged to include sexual violence and sexual abuse in the meaning of the Crime Victims Compensation Act. A victim is understood to mean not only the person who suffered bodily harm but also the surviving husband and the surviving child; in case of no such survivors, it is the surviving parent of the person who died as a result of a criminal offence committed against that person.

251. The Crime Victims Compensation Act complies with the provisions of the above Convention except Article 2 paragraph 1 subparagraph b) of the Convention that requires the State to compensate the dependants of persons who have died as a result of an intentional crime of violence. Under Section 3 paragraph 1 of the Crime Victims Compensation Act, a victim who is a Slovak national or a national of another EU Member State or a stateless person with permanent residence in the Slovak Republic or in the territory of another EU Member State may claim compensation when bodily harm was sustained in the territory of Slovakia.

252. However, in addition to the nationals of the States party to this Convention, the provision of the above Convention also gives the right to compensation to nationals of all member States of the Council of Europe who are permanent residents in the State on whose territory the crime was committed. Intending to achieve full implementation of the Convention, the Slovak Ministry of Justice has prepared a draft law amending the Crime Victims Compensation Act. The draft has passed the inter-ministerial commenting procedure and has been submitted to the Parliament for adoption. The Slovak Ministry of Justice, which is the body receiving and handling compensation claims, provides the compensation upon the victim's claim for compensation. It is, however, necessary to emphasise that there is no legal entitlement to compensation and it is not granted if the victim received other compensation for bodily harm.

253. The new Act No. 514/2003 coll. on liability for damage caused by discharge of public authority and on the amendment of certain other acts is another effective remedy. Pursuant to this Act, the state is liable, under the conditions laid down in this Act, for damage caused by public authorities in discharge of public authority by unlawful decision, unlawful arrest, apprehension or other deprivation of personal liberty, sentencing decision, protective measure or detention decision or wrong official procedure, with the exception of Part III of this Act. There is no relief from this liability.

254. Seventy-six criminal offences with racial motives were registered in the Slovak Republic in 2004. Out of the total incidence of this crime, 57 criminal offences, i.e., 72.2%, were clarified. In total, 65 offenders were identified; out of them, ten persons were minors and 13 persons were juveniles. In terms of crime composition, one case of bodily harm with a racial motive (Section 221/2b, Section 222/2b PC effective till 31 December 2005), 23 cases of violence against a group of inhabitants or an individual with a racial motive (Section 196/2, Section 198, Section 198a PC effective till 31 December 2005), and 55 cases of other crimes with a racial motive (Section 259, Section 260, Section 261, Section

263a PC effective till 31 December 2005) were registered. There was no racially motivated murder registered.

255. One hundred and twenty-one criminal offences with racial motives were registered in the Slovak Republic in 2005. Out of the total incidence of this crime, 82 criminal offences, i.e., 67.8%, were clarified. In total, 111 offenders were identified; out of them, seven persons were minors and 25 persons were juveniles. In terms of crime composition, five cases of bodily harm with a racial motive (Section 221/2b, Section 222/2b of the Penal Code effective till 31 December 2005), 15 cases of violence against a group of inhabitants or an individual with a racial motive (Section 196/2, Section 198, Section 198a of the Penal Code effective till 31 December 2005), and 101 cases of other crimes with a racial motive (Section 259, Section 260, Section 261, Section 263a of the Penal Code effective till 31 December 2005) were registered. There was no racially motivated murder registered.

256. One hundred and eighty-eight criminal offences with racial motives were registered in the Slovak Republic in 2006. Out of the total incidence of this crime, 107 criminal offences, i.e., 56.9%, were clarified. In total, 148 offenders were identified; out of them, eight persons were minors and 31 persons were juveniles. In terms of crime composition, six cases of bodily harm with a racial motive (bodily harm under Section 155/para. 1, para. 2 subpara. c/ and Section 156 para. 1, para. 2 subpara. b/ of the Penal Code), 19 cases of violence with a racial motive (defamation of a nation, race or conviction under Section 433 of the Penal Code and incitement to national, racial or ethnic hatred under Section 424 of the Penal Code), and 163 cases of crimes against humanity (supporting and promoting groups leading to the suppression of fundamental rights and freedoms under Section 421, Section 422 of the Penal Code) were registered. There was no racially motivated murder registered.

257. One hundred and fifty-five criminal offences with racial motives were registered in the Slovak Republic in 2007. Out of the total incidence of this crime, 88 criminal offences, i.e., 56.8%, were clarified. In total, 125 offenders were identified; out of them, 11 persons were minors and 39 persons were juveniles. In terms of crime composition, four cases of bodily harm on grounds of national, racial or ethnic hatred or hatred due to the colour of skin (bodily harm under Section 155/para. 1, para. 2 subpara. c/ and Section 156 para. 1, para. 2 subpara. b/ of the Penal Code), 23 cases of violence with racial motive (defamation of a nation, race and conviction under Section 433 of the Penal Code and incitement to national, racial or ethnic hatred under Section 424 of the Penal Code), and 128 cases of crimes against humanity (supporting and promoting groups leading to the suppression of fundamental rights and freedoms under Section 421, Section 422 of the Penal Code) were registered. There was no racially motivated murder registered.

258. It can be stated that the offenders mostly committed criminal offences of supporting and promoting groups leading to the suppression of fundamental rights and freedoms (Section 422 of the Penal Code); that includes publicly manifested sympathy for the movements leading to the suppression of fundamental rights and freedoms by violence, threat of violence, or threat of other serious harm. Physical and verbal attacks on grounds of national, ethnic or racial hatred or hatred based on skin colour can also be considered one of the most frequent manifestations of racial discrimination.

259. In 2006, one hundred and twenty-six persons were prosecuted, i.e., 0.27% of the total crime rate of prosecuted persons; this crime has had a growing tendency in the last few years. Compared with the two preceding years, a substantial increase of offenders prosecuted for this crime has occurred. In 2003, charges for racially motivated crime were made against 48 persons; in 2004, charges were made against 58 persons, and in 2005 it was as much as 86 persons.

260. It is also necessary to note that the growing number of persons prosecuted for this crime are not solely and exclusively the result of growth of this crime, but also the result of stepped-up activity by law enforcement and prosecutors in recent years. In terms of forms of crime, manifestations of sympathy for fascism, e.g., by depicting fascist symbols on the body and clothes as well as drawing symbols of neo-Nazi movements or the SKINHEADS movement and similar movements on the walls of buildings and rooms open to the public and verbal attacks were among the most frequent ones, just as in previous years.

261. Generally, it may be stated that physical and verbal attacks by offenders are mostly directed against persons belonging to the Roma ethnic group. A stabilised number of criminal cases in which prosecution was opened under Section 199 paragraph 1 of Code of Criminal Procedure⁴⁵ have been registered; however, prosecution against a particular person could not be opened due to lack of evidence. The expression of this crime, which is committed through a graphic form, has been and will probably remain latent, because this crime requires almost no preparation and is committed in a relatively short period of time and at a point in time when no person who could be a potential witness is present in the given place.

262. The fact that this criminal offence — be it verbal or physical (violent) expression — is committed after having an alcoholic drink or taking other narcotics, should also be generalised. The Internet, which is an ideal medium for offenders to disseminate photographs, music, texts and ideas with racist and Nazi themes, significantly contributes to the committing of this crime. Considerable anonymity and high probability of no identification of their identity and of the scene of the crime are an advantage on the side of offenders in these cases. The composition of racially motivated crime has remained unchanged in recent years. Hardly any women are involved in the committing of this crime. The perpetrators of this crime are mainly young people, and the strongest groups continue to be of the accused in the age range of 20 to 24 years and juveniles.

263. In detecting this crime, prosecution and law enforcement authorities continue to closely cooperate with NGOs (e.g., *Ludia proti rasizmu* (People against Racism), *Liga aktivistov pre ľudské práva* (League of Human Rights Advocates)) that bring these criminal offences to attention, follow the pre-trial stage and the trial, and/or participate in filing motions for reviewing decisions issued in the course of criminal proceedings.

264. Examples of discriminatory conduct in which the Police Force acted may include misdemeanour of incitement to national, racial and ethnic hatred under Section 424 paragraph 1 subparagraph a) of the Penal Code committed on 9 August 2007 by the offender who restricted Roma access to a pond in a municipal plot of Vyšný Kazimír in the Vranov nad Topľou district, claiming that only members of a private club having club cards may enter, though other persons were allowed to enter without being asked to show such cards. This case is currently under investigation.

265. A Police Force investigator prosecuted two perpetrators for misdemeanour of privacy violation under Section 194 paragraph 2 subparagraph a) subparagraph b) subparagraph d) of the Penal Code concurrently with misdemeanour of complicity in rowdyism under Section 364 paragraph 1, subparagraph a) of the Penal Code. The offence was committed by violently entering a family house in which Roma lived, abusing them

⁴⁵ Section 199 para. 1 “If there is a risk of delay, a police officer shall start prosecution by executing the action of seizure and/or action with unique need or action with immediate need. Immediately after their execution, the police officer shall issue a decision to prosecute, stating which of these actions has resulted in prosecution. The police officer shall notify the informant and the victim of the start of prosecution. The police officer shall deliver such a decision to the prosecutor within 48 hours at the latest.”

and threatening to shoot them dead, and then by attacking them physically with clubs that had been brought in Pečeňany in the district of Bánovce nad Bebravou, at 10.00 p.m. on 10 February 2006. The offenders stopped only after one of the victims managed to escape from the house and call the police. The investigation ended in a motion to lay charges.

266. A Police Force officer prosecuted an offender for the misdemeanour of defamation of a nation, race and conviction under Section 423 paragraph 1 subparagraph a) of the Penal Code; the offender committed the misdemeanour by verbally attacking a nurse of the surgery ward on duty and abusing her for her Roma origin in the presence other patients, doctors and staff of the hospital and by refusing to allow her to take blood and to accompany her to medical examinations on 28 April 2005 from 9.00 a.m. till 2.30 p.m. at a time when she was a patient in the surgery bed section of the Medical School Hospital at Mickiewiczova street no. 13 in Bratislava. An investigation resulted in a motion to lay charges.

267. Out of the many cases the public was interested in, it is worthwhile to mention the case against the accused M. K. and J. K. In this case, the prosecutor of the Považská Bystrica District Prosecution office will oversee the lawfulness in the pre-trial stages. The two accused are being prosecuted for the criminal offence under Section 260 paragraph 1, paragraph 2 subparagraph a) of the Penal Code effective from 31 December 2005 of using an internet domain and various public gatherings and events to present and promote the program of Slovenská pospolitost' – a nationalist party, in a manner that incited xenophobic and anti-Semitic sentiments, openly rejected parliamentary democracy, challenged fundamental civil freedoms and human rights of certain groups of the population, which was contradictory to the Constitution of the Slovak Republic and the Charter of Fundamental Human Rights and Freedoms. In the context of the M. K. case, other criminal cases involving the prosecution of seven other persons for crimes under Section 260 paragraph 1, paragraph 2 subparagraph a) of the Penal Code committed by supporting and promoting the People's Programme of the Slovenská pospolitost' – národná strana were subsequently transferred to the Považská Bystrica District Prosecution Office. Pre-trial proceedings have not yet been concluded. The party was dissolved by a decision of the Supreme Court of the Slovak Republic as of 1 March 2006 upon a motion by the Prosecutor General of the Slovak Republic in an administrative procedure.

Table 11

Official statistical data from the Ministry of Justice of the Slovak Republic concerning the number of persons convicted of racially motivated crimes committed in the territory of Slovakia in the period from 2003 to 2007

<i>Section of the Penal Code</i>	<i>Number of finally sentenced persons in year</i>						
				<i>2006</i>		<i>2007</i>	
	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>STZ</i>	<i>NTZ</i>	<i>STZ</i>	<i>NTZ</i>
<i>STZ (NTZ)</i>							
§ 196 (§ 359)	67	68	39	34	11	14	25
§ 198 (§ 423)	4	1	2	2	0	1	1
§ 198a (§ 424)	2	1	1	1	0	0	1
§ 202 (§ 364)	1	1	1	1	0	1	2
§ 219, para. 2, subpara. f (§144, para. 2, subpara. e + § 145 para. 2, písm. d)	0	5	0	2	0	1	0
§ 221, para. 2, subpara. b (§ 156, para. 2, subpara. b)	1	0	2	3	0	2	7
§ 222, para. 2, subpara. b (§ 155, para. 2, subpara. c)	0	0	0	0	0	0	2
§ 232 (§ 182, para. 2, subpara. a)	1	0	2	0	0	4	0

Section of the Penal Code	Number of finally sentenced persons in year						
				2006		2007	
	2003	2004	2005	STZ	NTZ	STZ	NTZ
STZ (NTZ)							
§ 238 (§ 194, para. 2, subpara. d)	0	0	0	0	0	0	0
§ 259 (§ 418)	0	0	0	0	0	0	0
§ 259b (§ 425)	0	0	0	0	0	0	0
§ 260 (§ 421)	5	7	8	6	0	6	1
§ 231 (§ 183, para. 2, subpara. b)	45	43	59	46	1	56	6
§ 263a (§ 432)	0	0	0	0	0	0	0
Total	126	126	114	95	12	85	45

Article 7

Measures implemented in the fields of teaching, education, culture and information

A. Education

The Judicial Academy

268. The Judicial Academy is an independent training institution with nationwide coverage established by Act 548/2003 Coll. as a separate legal entity financed from the budget of the Slovak Ministry of Justice. The Academy was launched on 1 September 2004.

269. The task of the Judicial Academy is to ensure, organise and carry out the training of judges, prosecutors, future court judges, and future lawyers in the prosecution sector, as well as of judicial clerks.⁴⁶ In addition, the Academy examines the knowledge and professional skills necessary for performing the office of judge or prosecutor of future court judges and future lawyers in the prosecution sector in specialised judicial examinations.

270. The law also tasks the Academy with the management of the database of judicial files for selection procedures and judicial examinations. The Academy has its own staff and faculty who train and teach according to an approved annual study plan. The faculty is composed of permanent and visiting members. The Judicial Academy is also involved in international activities – it is a member of international associations of judicial academies, in particular the Lisbon Network within the Council of Europe and the European Judicial Training Network (EJTN) within the EU; it also cooperates with the National Training Centre for the Officials of the Common Courts of Law of Poland and the Academy of European Law in Trier.

271. In 2006–2007, the Judicial Academy organised seminars and lectures primarily focusing on the highly relevant issue of human rights protection, asylum law, racially motivated crime and discrimination presented in a broader context in psychology lectures. The 2006 study plan included several seminars and conferences concerning these issues (15–16 February 2006, “Conference – Victims of Crime”; 27–29 September 2006 “Human

⁴⁶ Under the act on judicial clerks, judicial clerks are judicial assistants who provide assistance to a judge in a court; after 3 years of practice and 30 years of age, they may take a specialised examination and become judges, probation officers and mediators, or judicial secretaries.

Rights Conference”; 13 -14 November 2006 “Human Rights Protection and Psychological Aspects in the Work of Judges”) at the Institute of Education of the Ministry of Justice of the Slovak Republic at Omšenie.

272. Six seminars, both on criminal and non-criminal law issues (7–8 February 2006, 9–10 February 2006, 3–4 April 2006, 5–6 April 2006, 29–30 May 2006, 31 May–1 June 2006) were organised as a part of the methodical education in the area of human rights in cooperation with the Office of the Agent before the European Court for Human Rights. A “Discrimination — legal and psychological aspects” seminar was held on 27–28 March 2006, and then repeated on 25–26 September 2006.

273. In any given year, the Academy offers on average 100 educational activities, including seminars, workshops and conferences. The Academy has its own staff and faculty who train and teach according to an approved annual study plan, which also includes the issue of racial and xenophobic crimes. For instance, a seminar on “The Detection and the Treatment of Criminal Offences against Humanity with a Special Focus on Xenophobia and Racism” designed for judges and prosecutors was held from 29–30 November 2007.

The Police Force Academy

274. Specialised workplaces of the Police Force Academy, which include the Division of Police Services, Division of Criminal Police, Division of Criminology and Division of Investigation, have their work with the Roma community theme worked up into thematic blocks and included in the content of individual subjects.

275. The Division of Police Services has developed the teaching of thematic blocks, which are relevant for the operation of order services in communities and which have the strongest emphasis on the Roma community. Instruction focuses on areas that should improve dialogue and cooperation of the Roma community with the Police Force first line units (district units of the Police Force). Attention is also paid to completing the system, criteria, resources and effectiveness evaluation of public peace activities in communities.

276. Every year, the topic of public peace activities in the Roma community is among the themes of a final thesis offered to students. Rigorous thesis themes also include Roma issues and community work, e.g., “Principles of public peace activities in community work” and “Premises and implementation of the pilot project of police specialist for community work at the Markušovce Police Force District Unit”, which is to be defended this year.

277. The Police Force Academy puts an emphasis on enlarging the cooperation of the Police Force, in particular public peace police, with the public in communities and considers it an important form of public participation in the protection of public security and public peace, as well as in combating crime and other unwanted social phenomena, which also include all forms of racism, in the concerned communities. Community policing seems to be a very effective form of public peace police cooperation with the public in the individual regions. The objective of this police cooperation with the public is to identify and tackle problems together, which affect the quality of life in the community, and to encourage communication of the police with the public, where the improvement of police credibility among the public plays an important role.

278. Every Police Force officer at a district unit level should be involved in developing good relations with the members of the community. Emphasis should be on establishing a positive relation between individual Police Force officers and members of the given community. Students are trained to sensitively approach problem solving in the community and to maintain uninterrupted contact with the community for the sake of continuous information exchange. The work of a police force specialist in the Roma community should

particularly be an important part of the professional work of Police Force officers in the protection of internal security and public peace.

279. In recent years, the Division of Criminal Police, in coordination with the Division of Investigation, have intensely worked and concentrated on drafting new methodologies for detecting and investigating racially motivated crimes and extremism. The Division of Investigation currently has a research project called “Methodology of Extremism Investigation” approved. It should be implemented in 2008.

280. In the field of publications, study texts on “Detection and Investigation of Extremism” that should facilitate better theoretical knowledge of police officers are nearly complete.

281. The Division of Criminal Police is preparing documentation necessary for the launching of an international scientific project focusing on extremism called the “Phenomenon of Extremism and the Possibilities of its Elimination”. Experts from the Slovak Republic, the Czech Republic, Germany, Hungary and the U.S. are participating in the project.

282. Information from regular assessments sent by police officers – specialists for work with the Roma community of the Police Force Presidium Public Peace Department will also be used in the training of Police Force officers.

283. The lecturers of the Police Force Academy participated in the training of police officers — specialists for work with communities in the last five years (in the first stage, 18 police officers, and another 100 police officers in 2006–2007). The Division of Criminology, in cooperation with the Police Force Secondary Specialised School in Bratislava, initiated the purchase of teaching aids on the history and traditions of the Roma. A Romany — Slovak dictionary by authors from the Institute of Romology Studies at Constantine the Philosopher University of Nitra was among these teaching aids. These aids were given to police officers – specialists and the library of the Police Force Academy to serve the needs of the students.

284. In the framework of Ph.D. studies, the Division of Criminology was responsible for the preparation and finalisation of Ph.D. theses on Roma crime, crime against the Roma and crime among the Roma. These papers, in particular those that elaborate on national minorities’ crime and its prevention, will be used in the instruction of criminology.

285. The Corps of Prison and Court Guard (hereinafter referred to as the “Corps”) organised regular training of Corps officers on human rights, with an emphasis on the prevention of all forms of discrimination, racism, xenophobia and other forms of intolerance at the Inštitút vzdelávania Zboru väzenskej a justičnej stráže (Institute for Education of the Corps of Prison and Court Guard) in Nitra. All officers are informed of the basic legal provisions, regulations, and international treaties in compliance with the new 2004–2015 Policy of Corps officers and Corps employees, which is available to the public on the website of the Corps.

286. The 2004–2015 Policy of Police Corps officers and Corps employees training states that this topic is taught under the Basis of Law subject. Basic training has five hours allocated to it. Out of this, three hours focus on Roma ethnic group issues. Another two hours are included in the specialised training in the Prison Systems and Prison Organisations subject.

287. In the field of Roma issues, the Corps Secondary School cooperates with the Division of Roma Culture of Nitra-based Constantine the Philosopher University. The Institute of Education of the Corps of Prison and Court Guard published the “Introduction to the Minority Issue” teaching texts. Within educational activities, the Corps carries out social communication training courses, including human rights skills for lecturers, in

compliance with the education policy for Corps officers and in cooperation with the NGO sector. Some thirty police officers graduate with an accredited certificate in a year. At the same time, supervision training is organised for lecturers. Specialised staff also carry out activities in the field of human rights with imprisoned persons. These activities are performed based on the “Preventive pro-social programme – Multicultural and anti-prejudice education” methodology of the Directorate General of the Corps.

288. The Department of Pre-trial Detention and Imprisonment Sentence of the Directorate General of the Corps of Prison and Court Guard, in cooperation with civil associations and foundations, prepared the “Weekend training programme for Corps officers”. This programme also included the issue of prevention of all forms of discrimination, racism, xenophobia and other expressions of intolerance in the prison system. The Corps of Prison and Court Guard plans to continue such activities by preparing training courses for human rights lecturers.

289. Under the implementation of the 2002–2004 Matra-II Dutch-Slovak police cooperation programme – the “Minority” project, the Institute for Continuing Education of the Police Force Academy in Bratislava organised training for Police Force officers specialised in work with the Roma community on 22–26 March 2004.

290. A seminar with international participation on criminal offences motivated by racial, ethnic and other intolerance or committed by supporters of extremist groups was held on 7–9 March 2005. The seminar was also attended by selected members of regional commissions for the coordination of actions in the elimination of racially motivated crime and extremism for the members of the central commission. The conclusions of this seminar resulted in training courses for Police Force officers working in individual district and regional Police Force directorates performed under the competence of regional commissions for the coordination of actions in the elimination of racially motivated crime and extremism in 2005.

291. A seminar with international participation on detecting, investigating and documenting crime motivated by racial, ethnic and other intolerance or committed by supporters of extremist groups was held on 18–20 December 2006. Police Force officers dealing with racially motivated crime and extremism attended the training.

292. Staff of the individual regional Police Force directorates participated in training organised by local state administration and self-government authorities, as well as NGOs and civil associations working in this area. It included, e.g., a lecture organised by the Odysseus civil association on the “Behaviour of the Roma and introduction into trafficking in people”, a specialised seminar on the issues of the Roma national minority, drug addiction, crime prevention and other anti-social behaviour organised by the Public Administration Institute in Bratislava, a course on “Work with the Roma community”, organised by the Police Force Academy in Bratislava, participation in lectures combined with discussions and psychological games in children’s homes, where mainly children from Roma families are placed, and training of activists in Roma communities in Poprad organised by the *Centrum pre podporu miestneho aktivizmu* (Centre for Public Advocacy).

293. In June 2006, a police officer of Romany origin of the District Police Force Directorate in Greater Košice placed with the district unit of the Police Force in Jasov attended the International Conference of Roma Police Initiative held in Budapest, where he made his own presentations on “The Relation/Relations between the Roma community and the police in the Slovak Republic” and “The situation of police officers of Roma origin in the Slovak Republic”.

294. In April and June 2007, selected Police Force officers participated in a seminar of the Central European Police Academy (CEPA) that focused on crime committed by the

Roma and crime committed against the Roma. The participants of the seminar were law enforcement officers from seven countries.

295. The Košice Regional Police Force Directorate organised its own project entitled “All Different – All Exceptional” during the European Action Week against Racial Discrimination from 21 to 23 March 2007. Six conferences were organised under this project. The conferences focused on racism and extremism and included the direct participation of police officers who have a rich and long experience from police work in this field.

Other

296. The staff of the Migration Office is included in the education system of the Slovak Ministry of the Interior and they participate in education concerning protection of human rights and freedoms of asylum seekers and asylum applicants, in activities linked with crime prevention, prevention of potential trafficking in people, and prevention of gender-based violence, which is a way of preventing possible excessive criminality in asylum establishments. The projects include “Continuing education of local government and civil servants on trafficking in people, communication with the victims and assistance to victims” and “Strengthening administrative capacities in gender mainstreaming project implemented by the Ministry of Social Affairs, Labour and Family of the Slovak Republic”. Other educational activities are organised in cooperation with NGOs, UNHCR and IOM.

297. The seminar “Procedures aimed at the prevention of sexual and gender-based violence against asylum seekers, asylum applicants and persons with additional protection” was held at the 2007 and attended by staff of the Migration Office and asylum establishments, social workers, officers of the Border and Alien Police of the Ministry of the Interior of the Slovak Republic and their subordinate units, the Police Force Directorate, representatives from the Prosecution General, UNHCR, Slovak Academy of Sciences, Slovak Technical University – private security services staff, Ecumenical Council of Churches, and NGOs working in the relevant field (some 50 participants). A project designed in the same way will also be held in asylum establishments in 2008.

298. Such educational activities are exceptionally important for social workers in asylum establishments who are in direct contact with asylum seekers. It is necessary to emphasise that, in the framework of internal rules of asylum establishments and other valid rules, social workers, Migration office staff, and social workers from NGOs are permanently, on an every-day basis and preventively, influencing asylum seekers with the aim of preventing the misuse, particularly of young women, in trafficking, prostitution and other forms of exploitation.

299. In 2006–2007, the project “Raising Public Awareness of Refugees and Migrants in Support of their Integration” was carried out in the framework of the Community initiative EQUAL. In this project, the Migration Office cooperated with *Spoločnosť ľudí dobrej vôle* (the Society of Goodwill) NGO, the *Slovenská humanitná rada* (Slovak Humanitarian Council), and the *Asociácia vzdelávania samospráv* (Association for Self-Governments’ Education). The objective of the project was to inform civil servants and local government staff of procedures and solutions applied in the migration policy and to improve cooperation with employers, local governments, NGOs, charities in regions, thereby reducing undesirable manifestations of discrimination against asylum seekers and asylum applicants.

300. In the framework of this project that was concluded on 15 July 2007, one hundred and ten lectures were held; out of them, 83 in 2006 and 27 in 2007. In the framework of civil servants and local government staff training, 2,339 people were re-trained in this

respect. CDs and a publication (64 pages) on “Migration and Asylum in the Slovak Republic”, published with the financial support of the European Social Fund, were prepared.

301. Out of the 2007 activities, police officers serving in the units of the Office of the Border and Alien Police of the Ministry of the Interior of the Slovak Republic participated in training programmes for first contact police officers serving in the first line units of the Border and Alien Police (seminar in cooperation with the UNHCR on 28–30 November 2007) and the conference “Safe Europe 2007” (18–19 October 2007) organised by the Košice District Authority.

302. Activities that contributed to awareness-raising of the fight against discrimination also included the national campaign of the Slovak Republic “Stop Domestic Violence against Women”. The campaign lasted from November 2007 to May 2008 and was carried out by the Information Office of the Council of Europe, Ministry of Social Affairs, Labour and Family, and NGOs associated with the Fifth Woman Initiative. In the framework of the campaign, several educational activities on gender-based violence were conducted.

303. The Ombudsman has the “Public Defender of Rights to Children and Youth” programme, under which he organises meetings with children, young adults and teachers included in his activities in the field of education and training. The activities focus on education of human rights, tolerance and the fight against discrimination. Quizzes on human rights protection focusing on racial discrimination issues are also organised on a voluntary basis. Within this project, visits to children’s homes, where most of the children are of Roma origin, were also organised with a view towards gaining first-hand information about the conditions in these facilities.

304. Media presence is among the frequent activities in the fight against discrimination. More than 20 thematic programmes, providing the opportunity for the listeners or viewers to ask questions, were organised by the staff from the Office of the Ombudsman to disseminate information on discrimination.

305. Human rights protection and means of its legal protection are issues included in the annual plan of education for the Office of the Ombudsman staff. Special Roma-oriented training was organised on their historic development, living conditions, specific features of culture and way of thinking, recognition of their status of a national minority and legislative measures.

B. Culture

306. The Ministry of Culture of the Slovak Republic creates conditions for the prevention of and protection against racial discrimination in the field of national minority culture and protection of national minority cultural heritage, mainly through the grant scheme of the Ministry of Culture. The support is carried out through cultural activities of civil associations, issuance of periodicals and non-periodicals, theatres, museums, professional folk ensembles, and activities of regional centres of culture and education.

307. Since 1999, the Ministry of Culture has a separate organisational unit for minority cultures, and since 2007 has had a section for minority and regional cultures which pursues the development and protection of minority culture and promotion of activities for the development of minority tolerance. Projects supported by the Ministry of Culture grant scheme – programmes of National Minorities Culture and Disadvantaged Groups Culture – not only develop minority cultures, but also facilitate prevention and elimination of all forms of violence, including discrimination, racism, xenophobia, thereby contributing to the development of tolerance and multicultural dimension of Slovak society.

308. The Ministry of Culture evaluates anti-discrimination cultural activities, which are a part of government's strategic document – the Action Plan for the Prevention of All Forms of Discrimination, Racism, Xenophobia, Anti-Semitism and Other Expressions of Intolerance for the Period of 2006–2008, on an annual basis.

309. Development and protection of Hungarian and Roma culture are supported through the Ministry of Culture grant system. The support covers live culture, periodical and non-periodical print media, various initiatives oriented towards sustainability of traditional events, and support to institutions as bearers of this culture, including cultural heritage preservation.

310. Ministry of Culture provides administrative support to the activities of 12 grant commissions; each national minority has its own grant commission composed of persons belonging to national minorities. The Roma national minority has a separate grant commission that decides on the amount of financial contributions for individual projects on the basis of set priorities and criteria. Representatives of all regions and experts on all areas of culture are on this commission. The commission, as an advisory body to the minister of culture, gives a technical evaluation of all applications for subsidies for the Roma national minority and proposes the amount of the grant.

Table 12

Support to the Roma national minority from the Ministry of Culture grant scheme in 2007

<i>Roma minority</i>	<i>Number of projects</i>	<i>SKK</i>
Live culture	68	7 722 000
Periodicals	2	2 000 000
Non-periodicals	7	1 760 000
Total		11 482 000

Table 13

Support to the Hungarian national minority from the Ministry of Culture grant scheme in 2007

<i>Hungarian minority</i>	<i>Number of projects</i>	<i>SKK</i>
Live culture	359	30 162 000
Periodicals	25	9 280 000
Non-periodicals	114	12 120 000
Total		51 562 000

311. The *Múzeum kultúry Rómov na Slovensku* (Museum of Roma Culture in Slovakia) is an organisation under the competence of the Ministry of Culture. In 2007, the Ministry supported its operation with SKK 924,000. The museum is a specialised organisational unit of the Slovak National Museum in Martin. This museum has nationwide coverage and started as the Roma Culture Documentation Centre in Slovakia within the Slovak National Museum – Ethnographic Museum in Martin, in 2002. Since its transformation in 2004, it has become a documentation, scientific and research museum operation, with a focus on acquisition, methodological and educational activities. It presents Roma culture and gives information on its specific features.

312. In December 2006, the government of the Slovak Republic approved the Development Strategy for Museums and Galleries in the Slovak Republic until 2011, as drafted by the Ministry of Culture. The priority projects of the minority culture strategy

include the task to open, not later than 2011, a permanent exposition of Roma culture and to develop several research, documentation and interpretation centres of Roma culture by expanding the activities of the Roma Culture Documentation Centre of the Slovak National Museum.

313. The Romathan Theatre contributes to the development of Roma culture and language in Košice. It is a Roma national minority theatre under the competence of the Košice Higher Territorial Unit. The first night of "A Place for the Roma" was staged in Košice in December 1992. Since its establishment in 1991, the Romathan theatre has matured into a professional and accepted theatre representing the culture of the Roma living in Slovakia at home and abroad in a very successful way. Their activities are not limited to a particular region – they perform all over Slovakia. In its effort to promote and develop these activities, the Ministry of Culture supports theatre performances staged outside its home every year. In 2007, the company received a grant of SKK 500,000 from the Ministry of Culture grant scheme. In 2005, the Romathan Theatre received SKK 370,000 and in 2007 the grant totalled SKK 650,000.

314. Since 2004, a large multimedia all-Slovakia event takes place every year. This event has become a festival of culture of all national minorities and has contributed to the mutual learning of diverse cultures in Slovakia and the development of tolerance and multiculturalism. The main theme of the 1st Festival of Minorities was the Hungarian national minority culture, the priority of the 2nd Festival organised in 2005 was the presentation of Roma culture, and the 3rd Festival organised in 2006 focused mainly on the Czech national minority. Each year, the festival has received a grant of SKK 3.5 million from the Ministry of Culture grant scheme.

315. In 2005, the Ministry of Culture, as a part of its initiative of creating tools for the protection against discrimination and promotion and development of culture of marginalised groups of the population living in Roma settlements, drafted the Strategy of Development of Cultural Needs of Disadvantaged Groups of the Population until 2007. The main purpose of the document was to define the cultural needs of disadvantaged groups of the population, to find alternatives of support and development for their cultural needs, and to look for mechanisms for developing and enhancing the sensitivity of the society to disadvantaged groups of the population. In addition to the Roma issue, the strategy also included equal opportunities in culture for disabled persons, the elderly, children and youth, homeless people and gender equality.

316. In the context of support to the integration process of Roma communities in settlements, the Ministry of Culture, in cooperation with the department for churches, established a working group composed of representatives of civil associations and registered churches. The working group made the preparation of calls for grants for model cultural projects for marginalised Roma settlements its priority. Currently, the projects are financed from the Ministry of Culture grant scheme. One of the objectives of these initiatives is to deepen and make more effective the care of the state for the development of cultural needs of Roma children and youth, and to create equal opportunities in the field of culture and conditions to facilitate access to culture.

317. The intention of the Romany Mission project implemented in 2007 was to support missionary work with children living in marginalised communities. The objective of the project was to contribute to the creation of a value system for children and youth, and thus, also to the change of living conditions towards a dignified human life, reduction of social exclusion risks and strengthening of mechanisms resulting in the elimination of barriers and enhancement of integration and social inclusion processes in the Slovak Republic. The project was implemented under the name Kindness and Love for the Roma (cultural, spiritual and grassroots mission for the poorest Roma inhabitants of Lomnička) in the

period June to December 2007, and it received SKK 300,000 from the Ministry of Culture grant scheme.

318. The project Travelling Theatre implemented in 2007 focused on musical creative workshops for children and youth living in marginalised Roma communities. The objective of the project was to facilitate the development of cultural needs of children and youth living in marginalised Roma communities and to create equal opportunities in culture.

319. The project was implemented in two forms: the first one was called the Romany String Wanderings (music activities for Roma settlements in eastern Slovakia). The event was implemented by the Láčho drom civil association for culture and education from Kokava nad Rimavicou and it received SKK 200,000. In the summer months, musicians (the Sendreis) visited eight marginalised Roma communities (Vydrník, Smižany, Spišský Štvrtok, Rudňany Žehra, Letanovce, Stráne pod Tatrami, Levoča) and performed directly in Roma settlements, villages and towns in such a way that the Roma and non-Roma would meet at the concerts. The concerts also included singing workshops designed as a joint activity where the participants of the concerts learned to sing Romany songs. The second initiative was called the Romathan Theatre on Wheels – a cultural mission of bringing Romany culture to children and adults in marginalised Roma settlements and urban districts; it took place in the period from May to December 2007 and received SKK 250,000. The Romathan Theatre in Košice implemented the project.

320. Since 2005, the Ministry of Culture has participated in opening and exposing the serious social and political issue of the Roma holocaust by preparing and implementing a multi-dimensional project – “*Ma bisteren* – Let’s Not Forget”. The core activity of the project was to have memorial plaques remembering the Roma holocaust in the territory of Slovakia installed in places where the Roma were persecuted during the war. The project was implemented in cooperation with the Slovak National Museum and the Office of the Government of the Slovak Republic, Milan Šimečka Foundation and *In minorita* civil association. The objective of the *Ma bisteren* project is to remind people of the suffering of the Roma during WWII.

321. The *Múzeum kultúry Maďarov na Slovensku* (Museum of Hungarian Culture in Slovakia) is a specialised museum of the SNM with a nationwide competence that specialises in the history and culture of Hungarians in Slovakia. The mission of the museum is to purposefully acquire, protect, scientifically and technically process and make available museum collections and funds documenting the history and development of both the material and spiritual culture of the Hungarian ethnic group in Slovakia. The seat and exposition of the museum are in Bratislava. The museum also has expositions in Dolná Strehová and Sklabiňa.

322. *Fórum inštitút pre výskum menšín* (Forum Institute for Minority Research) at Šamorín collects, stores and publishes works on the issues of the Hungarian national minority and other minorities living in Slovakia. The Ministry of Culture supports its operation every year. While in 2003 the Forum Institute for Minority Research received SKK 880,000, in 2007 it reached SKK 3,535,000. The main mission of the institute is to study national minorities living on the territory of Slovakia. The Šamorín-based Forum Institute for Minority Research publishes the “*Národnostné menšiny na Slovensku*” (National Minorities in Slovakia) analytical yearbook every year. This publication is published in two languages – in Slovak and Hungarian, with financial support from the Ministry of Culture.

323. The Ministry of Culture also supports the development of the Hungarian national minority through two Hungarian national minority theatres – the Thália theatre in Košice and the Jókai theatre in Komárno, through the *Múzeum kultúry Maďarov na Slovensku*

(Museum of Hungarian Culture in Slovakia), and through the Hungarian artistic ensemble *Iffjú Szivek* – Young Hearts.

324. The Ministry of Culture also contributes to the prevention of all forms of violence, intolerance, anti-Semitism, xenophobia by regularly supporting cultural projects of the Jewish national minority with approximately SKK 1,500,000 annually. In 2007, the Ministry also supported a project of the improved integration of aliens with SKK 125,000 (*Združenia Afričanov na Slovensku* – Association of Africans in Slovakia) from the Culture of Disadvantaged Groups of Population grant programme.

325. In the reported period, the Ministry of Culture paid attention to issues such as multiculturalism, cultural pluralism, and cultural diversity. To treat these issues in more detail, the section of minority and regional cultures created a working group for the preparation of a strategic document on multiculturalism. In 2005, the meetings of the working groups dealt with the issues of new and old minorities, Roma issues, and migration. Its members emphasised the idea that it is necessary to seek a single policy with the European Union on these issues.

326. In December 2005, the Milan Šimečka Foundation organised the “Multiculturalism in Slovakia” international conference. The conference received SKK 200,000 from the Ministry of Culture grant scheme. The intention of the project was to give critical reflection of the situation in multiculturalism in Slovakia and support to the formation of a multicultural Slovak society. The objective of the conference was to initiate public and professional discussion on the background of multiculturalism in the Central European region and the prospects of a multicultural Slovak culture, to support networking, cooperation and mutual support of minority groups and organisations, as well as organisations aiming to achieve the acceptance of the humanistic ideals of a multicultural society, and to create room for public presentation of minority groups and organisations.

327. The conference also discussed the following topics – political and theoretical prospects of multiculturalism, Central Europe as multicultural region, globalisation, migration, new minorities, demographic prospects from traditional minorities to new minorities, education towards intercultural society, Roma – non-Roma relations, the voice of minorities – activities of representatives of minorities in the area of support to multicultural society – civil associations, associations working in support of minority culture, and informal groups.

328. The Festival of Minority Culture – Minority Cultural Summer, presenting the culture of national minorities and the culture of disadvantaged groups of population, was organised in 2007. In addition to the presentations of Hungarian, Croatian and German minority culture, the majority population and visitors from abroad to the city (the event was an autonomous part of an important summer cultural activity – the Bratislava Cultural Summer and Castle Festival) were also shown Roma folklore.

329. The Ministry of Culture has also developed cooperation with the *Slovenské národné stredisko pre ľudské práva* (Slovak National Centre for Human Rights). In 2007, consultations were held on the issue of cultural rights, and their implementation into the amendment to the Anti-Discrimination Act that was drafted in September 2007. When preparing strategic materials, the Ministry cooperated with human rights NGOs including *Človek v ohrození* (People in Peril), *Ludia proti rasizmu* (People against Racism), UNICEF, UNHCR, *Nadácie Milana Šimečku* (Milan Šimečka Foundation), *Nadácia otvorenej spoločnosti* (Open Society Foundation) and the like.

Table 14

The overview of funding national minority culture from the National Minority Culture grant programme of the Ministry of Culture in the period from 2003 to 2007 (SKK)

<i>Nationality</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>
Bulgarian	1 133 100	852 000	421 000	576 000	780 000
Czech	3 078 000	3 794 800	3 361 000	4 555 000	4 450 000
Croatian	1 475 000	1 050 000	1 000 000	1 150 000	1 450 000
Hungarian	40 977 500	53 078 000	51 188 100	82 266 000	51 562 000
Moravian	432 000	0	0	0	390 000
German	2 591 800	2 201 500	2 250 000	2 850 000	3 007 000
Polish	912 000	995 000	1 000 000	1 250 000	1 550 000
Romany	7 387 800	8 232 000	7 870 000	12 725 000	11 482 000
Ruthenian	4 280 000	4 139 000	4 045 000	4 900 000	5 273 000
Russian	710 000	657 100	638 600	784 000	919 000
Ukrainian	2 970 000	2 738 000	2 736 000	3 200 000	3 430 000
Jewish	2 535 800	1 486 000	1 500 000	1 800 000	1 850 000
Other	11 517 000	776 600	3 990 300	37 334 000	1 607 000
Total	80 000 000	80 000 000	80 000 000	152 880 000	87 750 000

III. Information in connection with the recommendations of the Committee on the Elimination of Racial Discrimination with respect to the fourth and fifth periodic reports of the Slovak Republic (CERD/C/65/CO/7)

Paragraph 5

330. Out of his own initiative, the Ombudsman gives free legal guidance to everyone who contacts him. This legal guidance includes information on legal provisions applicable to the particular case, possible solutions, and the possibility to contact authorities competent in the case of the applicant. Legal guidance is provided in the seat of the Office of the Ombudsman in Bratislava and in other regional offices in Slovakia. More than 26,000 instances of legal advice and guidance have been rendered since the establishment of the Office of the Ombudsman in 2002.

Paragraph 6

331. One of the steps to achieving compliance with the recommendations of the Committee is the preparation and implementation of the Action Plan for the prevention of all forms of discrimination, racism, xenophobia, anti-Semitism and other expressions of intolerance. The Action Plan is a response to critical situations by introducing systemic solutions (e.g., training of medical workers on informed consent in response to the alleged sterilisation of Roma women, or training of Slovak Police Force officers in response to turmoil in the settlements in eastern Slovakia at the beginning of the year).

332. This Action Plan facilitates systemic and permanent attention to the issues of human rights compliance and prevention of discrimination in the individual departments. NGO experience is an optimum source of information, a good starting point for systemic

education of professional groups' staff and for adopting corrected public administration measures in relevant areas.

Paragraph 7

333. The Section of Control and Inspection Services, established on 1 September 2007 by joining two then-separate units, (the Internal Inspection Office of the Interior Minister and the Inspection Service Office of the Police Force), is in charge of police crime within the Ministry of the Interior of the Slovak Republic. This section continuously participates in tasks linked with the thorough investigation of cases of alleged unlawful action by Police Force officers in the field of minority treatment.

334. In 2007, no complaint concerning any violent conduct showing signs of racism and extremism by a Police Force officer was filed. In the same year, one criminal case was registered in the context of racially motivated crime and extremism. In September 2006, prosecution for the crime of supporting and promoting groups leading to the suppression of fundamental rights and freedoms under Section 422 paragraph 1 of the Penal Code started. A police officer was charged with the crime under Section 206 paragraph 1 of the Code of Criminal Procedure, followed by a motion to file an accusation.

335. The task of the Section of Control and Inspection of the Ministry of the Interior of the Slovak Republic is also to regularly draft the "Information on actions of the Ministry of the Interior of the Slovak Republic when investigating complaints by apprehended, detained and accused persons concerning injuries allegedly caused by Police Force officers". The last information was presented to the session of the Slovak Government, which took note of it, on 7 November 2007.

336. In the framework of the fight against racially motivated violence against the Roma, the Slovak Government promotes national prevention programmes to curb racially motivated violence. Since 2007, cooperation of the Office of the Plenipotentiary of the Government of the Slovak Republic for Roma Communities with the Ministry of the Interior and its units has intensified. Several working meetings with a view to closer cooperation in the field of support to disadvantaged communities and cooperation in the field of drug education and prevention, the fight against anti-social phenomena and crime, and protection of property and rights of citizens, were organised. The negotiations resulted in the opening of a police station in Lomnička and preparations for opening a police station in Stráne pod Tatrami.

337. The project of police specialists for work with Roma communities pursues the improving of cooperation between the police and the Roma community. The number of police specialists is steadily growing. The Commission for Coordinating Action in the Elimination of Racially Motivated Crime was established within the Ministry of the Interior of the Slovak Republic. The new Penal Code also sanctions expressions of racial violence and incitement to racial hatred and, since 2004, racially motivated crime is sanctioned even more strictly.

Paragraph 8

338. See paragraphs 210–238 above.

Paragraph 9

339. See paragraphs 140–170 above.

Paragraph 10

340. See paragraphs 175–188 above.

Paragraph 11

341. See paragraphs 189–198 above.

Paragraph 12

342. See paragraphs 199–209 above.

Paragraph 13

343. See paragraphs 239–240 above.

Paragraph 14

344. See paragraphs 63–64 above.

Paragraph 15

345. The sixth, seventh and eighth periodic reports also include information on measures and other future plans with a view to implementing the Durban Declaration and Programme of Action.

Paragraph 16

346. The Ministry of Foreign Affairs has consulted with organizations of civil society working in the area of combating racial discrimination during the preparation of the sixth, seventh and eighth periodic report.

Paragraph 18

347. The sixth, seventh and eighth periodic reports of the Slovak Republic were approved by Government of the Slovak Republic resolution No. 346 of 28 May 2008.
