



International Convention on the Elimination of All Forms of Racial Discrimination

Distr.:General
25 March 2010

Original: English

Committee on the Elimination of Racial Discrimination

Seventy-sixth session

15 February – 12 March 2010

Consideration of reports submitted by States parties under article 9 of the Convention

Concluding observations of the Committee on the Elimination of Racial Discrimination

Slovak Republic

1. The Committee considered the sixth to eighth periodic reports of the Slovak Republic (CERD/C/SVK/6-8), submitted in one document, at its 1975th and 1976th meetings (CERD/C/SR.1975 and CERD/C/SR.1976), held on 16 and 17 February 2010. At its 1995th and 1996th meetings (CERD/C/SR.1995 and CERD/C/SR.1996), held on 2 and 3 March 2010, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the timely submission of the sixth to eighth periodic reports, which included responses to the concerns raised in the Committee's previous concluding observations (CERD/C/65/CO/7), and the opportunity thus offered to resume the dialogue with the State party. It also expresses appreciation for the frank and sincere dialogue held with the delegation as well as the responses provided to the list of issues and the wide range of questions posed by Committee members.

B. Positive aspects

3. The Committee welcomes the various legislative measures adopted by the State party to strengthen the framework for the promotion and protection of human rights, and in particular the elimination of racial discrimination:

(a) The adoption of a criminal code in 2005, as amended in 2009, which provides for better protection from crimes related to racial discrimination, for example by criminalizing a wider range of offenses related to racial discrimination;

(b) The adoption of a new code of criminal procedure in 2005, which, inter alia, offers wider protection to victims of racial discrimination in the filing of damage claims;

(c) The adoption of amendments to the Anti-Discrimination Act in April 2008, which, inter alia, provide for the introduction of special measures, as well as a reverse burden of proof in civil cases where racial discrimination can be reasonably assumed;

(d) The ratification of further international treaties, such as the European Convention on the Compensation of Victims of Violent Crimes in 2009, which will improve access to remedies for victims of racial discrimination.

4. The Committee welcomes the adoption of an action plan for the prevention of all forms of discrimination, racism, xenophobia, anti-Semitism and other expressions of intolerance for the period 2009-2011, and other measures aimed at eliminating discrimination, such as the “Community Programme for Employment and Social Solidarity, PROGRESS”.

5. The Committee notes with satisfaction the various steps taken to improve the situation of the Roma minority in the fields of education, housing and employment, such as the adoption of amendments to the School Act, which are designed to prepare children for their integration into the official primary school system, the National Action Plan regarding the Decade of Roma Inclusion, the “Scheme for the support of construction of low-income municipal housing designated for impoverished people and construction of technical facilities in Roma settlements”, the “Basic Theses of the Concept of the Slovak Government Policy for the Integration of Roma Communities in the Area of Housing”, and the “Operational Programme Employment and Social Inclusion”.

6. The Committee notes with appreciation the establishment of an Emergency Transit Centre to provide humanitarian protection to refugees awaiting their resettlement.

C. Concerns and recommendations

7. The Committee has taken note of the data provided on the ethnic composition of the population and the main minorities residing in the State party, but is concerned about the divergence in statistics concerning the number of members of the Roma minority among the population. The Committee also notes with concern the paucity of socio-economic data provided in the current report and underlines the importance and value it attaches to such data.

In view of the census to be conducted in 2011, the Committee encourages the State party to strengthen its support for the multi-disciplinary task force established to develop a plan for gathering more reliable data concerning the percentage of the population that identifies itself as Roma. In line with its general recommendation No. 8 (1990) on interpretation and application of article, paragraphs 3 and 4 of the Convention and with paragraphs 10 to 12 of the reporting guidelines for the CERD-specific document adopted at its seventy-first session (CERD/C/2007/1), the Committee requests the State party to include in its next periodic report disaggregated data on the socio-economic status of the State party’s minorities.

8. The Committee notes the State party’s strong focus on combating extremism and xenophobia, but is concerned that other forms of racial discrimination should receive similar attention. (art.1)

While congratulating the State party for combating xenophobia and extremism, the Committee encourages the State party to broaden its focus on its approach to combating racial discrimination with a view to countering it in all its forms.

9. The Committee notes that the Commission on coordinating actions aimed at eliminating racially motivated crime has been replaced by a multi-disciplinary group of experts to coordinate all actions the State party’s authorities involved in combating racial discrimination, as well as to cooperate with NGOs.

The Committee recommends that the State party ensure the effective functioning of this new coordination body with a view to eliminating racial discrimination in light of the problems reported regarding its preceding institution.

10. The Committee expresses concern that the State party's legal provisions, programmes and policies aimed at eliminating racial discrimination are not fully implemented. It regrets the lack of information regarding the invocation of the anti-discrimination act in courts. (arts. 2 and 5)

The Committee calls upon the State party to ensure effective implementation of all laws, programmes and policies aimed at eliminating racial discrimination, including by monitoring their implementation, particularly at the local level, and by raising awareness among the public at large, but in particular among minorities as well as the judiciary, about such measures. It also encourages the State party to actively involve the National Centre for Human Rights in the implementation of the anti-discrimination law. The Committee requests the State party to provide updated information concerning the application by courts of anti-discrimination provisions in its next periodic report.

11. The Committee, while noting with appreciation the adoption of special measures for the advancement of the Roma minority in a number of areas, remains concerned about the continued marginalization and precarious socio-economic situation of members of this minority, and the discrimination they are faced with, including in the fields of education, housing, health, and employment. (arts. 2 and 5)

The Committee urges the State party to enhance its efforts aimed at combating discrimination against Roma. In light of its general recommendation No. 32 (2009) on the meaning and scope of special measures in the International Convention on the Elimination of Racial Discrimination, the Committee also recommends that the State party engage in a data-gathering exercise to ensure that special measures are designed and implemented on the basis of need, and that their implementation is monitored and their effectiveness is regularly assessed. The Committee also reiterates the need to ensure that special measures in no case lead to the maintenance of unequal or separate rights for different ethnic groups after the objectives for which they were taken have been achieved.

12. The Committee welcomes the steps taken to combat and prevent racially motivated violence, including the introduction of stronger punishments in the Criminal Code as well as the establishment of an Inter-ministerial task force entrusted with the implementation of the Action Plan for the Prevention of All Forms of Discrimination. However, it continues to be concerned about the increase in racially motivated attacks, including anti-Semitic violence and violence targeting Roma and non-EU migrants, sometimes perpetrated by neo-Nazi skinhead groups. (arts. 4, 5(b), and 7)

The Committee urges the State party to intensify its efforts to combat and prevent racially motivated offenses, in particular violence against Roma, Jews, and non-EU migrants, including by ensuring that all racially-motivated acts of violence are duly investigated and prosecuted, and that perpetrators are punished, taking into account the racial motivation of such acts as an aggravating circumstance. It also recommends that the State party carry out awareness-raising campaigns on this matter. The Committee further recommends that the State party take further measures to promote tolerance among ethnic groups. It also requests the State party to provide updated statistical data on the number and nature of reported hate crimes, prosecutions, convictions and sentences imposed on perpetrators, disaggregated by age, gender and national or ethnic origin of victims.

13. The Committee remains concerned about the persistence of prejudice and negative attitudes against Roma in the State party and expresses its concern at racist statements in the discourse of public officials and political parties, targeting this minority. In view of reports of negative political discourse against the Hungarian minority, the Committee regrets the lack of information from the State party in this regard. (arts. 4 and 7)

The Committee recommends that the State party continue to endeavour to combat prejudices against ethnic minorities and to improve relations between the general public and minority communities, in particular Roma and Hungarians, with a view to promoting understanding and overcoming discriminatory attitudes. The Committee also recommends that the State party ensure the effective investigation and prosecution of all acts of political discourse against these minorities which are not in line to the Convention.

14. The Committee notes with appreciation the State party's obligatory provision of human rights training for, and the regular screening of, law enforcement officials, as well as the identification of police experts for Roma communities, among other measures. However, it continues to be concerned about reports of police brutality against members of the Roma minority, including minors, during arrest or while in custodial detention. It is also concerned about the low representation of Roma in the police. (art. 5(b) and (e))

Recalling its general recommendation No. No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, the Committee reiterates its recommendation that the State party intensify its efforts to combat and prevent ill-treatment of Roma by law enforcement officials, including by ensuring the effective implementation of relevant regulations of the Ministry of the Interior. It also reiterates its recommendation that the State party consider establishing a monitoring mechanism to carry out investigations into alleged police misconduct, which is independent from the State party's authorities. The Committee calls upon the State party to take further steps to increase the representation of Roma in the police force, for example by adopting special measures regarding their recruitment.

15. The Committee, while welcoming the State party's policy and practice of non-refoulement, expresses concern that some persons may not have been able to exercise their right to claim asylum and were handed over to the authorities of a neighbouring country. (art. 5(b))

Bearing in mind its general recommendation No. 30 (2004) on non-citizens, the Committee encourages the State party to take necessary measures with a view to ensuring that all persons in need of international protection can exercise their right to access to asylum procedures, giving full effect to non-refoulement principle, and that they have their applications systematically referred to and assessed by a competent authority, in line with the State party's international obligations.

16. While welcoming the various measures adopted by the State party to ensure equal access to quality education for Roma children, the Committee reiterates its previous concern about the de facto segregation of Roma children in education. It expresses its concern at their large overrepresentation in special schools and classes for children with mental disabilities. The Committee is particularly concerned about decision-making processes for placing children in such special schools, which may not take into account the cultural identity of, and specific difficulties faced by Roma. (arts. 2, 3 and 5(e))

Recalling its general recommendation No. 27 (2000) on discrimination against Roma, the Committee urges the State party to bring to an end and to prevent segregation of Roma children in the field of education. It further recommends that the State party

(a) **Assess, on a more frequent basis, all pupils placed in special schools with a view to removing all children without mental disability from them;**

(b) **Revisit the procedure used for the determination of which children are to be enrolled in special schools, with a view to avoiding discrimination against Roma based on their cultural identity, and to closely monitor whether the criteria established are followed in practice, in light of paragraph 27 of the recommendations of the First Forum on Minority Issues on “Minorities and the Right to Education” (A/HRC/10/11/Add.1);**

(c) **Consider offering incentives to local authorities so that they develop action plans aimed at desegregating schools and promote active consultation and cooperation between parents of children of minorities and school authorities at the local level;**

(d) **Address de facto segregation of Roma in education in a global manner, taking into account its close relation to discrimination in the fields of housing and employment.**

17. The Committee welcomes the steps taken to eliminate discrimination against Roma in the field of housing, including by the involvement of the Plenipotentiary of the Government for the Roma Communities and the Milan Šimečka Foundation to avoid forced evictions. However, it remains concerned about de facto segregation, forced evictions, as well as other forms of discrimination related to housing, encountered by the Roma minority. The Committee also continues to be concerned about the housing conditions in many segregated neighborhoods. It also notes with concern that the State party described the autonomy of the construction authorities or self-governing bodies at the local level as a major obstacle to achieve non-discrimination in access to social housing subsidized by the State party. (arts.2, 3 and 5 (e))

In light of its general recommendation No. 27 (2000), the Committee recommends that the State party effectively implement and monitor compliance, at the local level, with its laws, policies and projects aimed at ensuring the right to housing for all without discrimination, including social housing. It reminds the State party that it may not invoke provisions of its internal law as a justification for a failure to implement the Convention. The Committee reiterates its recommendation that the State party strengthen its measures aimed at ameliorating the housing conditions of the Roma in view of the importance of such conditions for their enjoyment of other rights enshrined in the Convention. The Committee also recommends that the State party intensify its efforts to involve Roma communities and associations as partners together with other persons in housing project construction, rehabilitation and maintenance. It further recommends that the State party act firmly against local measures denying residence to Roma and the unlawful expulsion of Roma, and refrain from placing Roma in camps outside populated areas that are isolated and without access to health care and other basic facilities.

18. The Committee continues to be concerned about allegations of sterilizations of Roma women without their informed consent, while acknowledging the delegation’s assurance that they have not been carried out during the reporting period. It welcomes the adoption of new legal provisions prohibiting unlawful sterilizations and prescribing the “informed consent” of the patient for such a procedure, including Act No. 576/2004 Coll. on Healthcare, but takes note of information alleging inconsistent implementation by health personnel. (arts. 5(b) and (e); and 6)

The Committee urges the State party to establish clear guidelines concerning the requirement of “informed consent” and to ensure that these guidelines are well-known among practitioners and the public, in particular Roma women. It

recommends that the State party continue to monitor all health centres performing sterilizations with a view to ensuring that all patients who undergo such a procedure have been able to give their informed consent as required by law, and to investigating and, if appropriate sanctioning in case of a breach. The Committee also recommends that all reports of sterilization without informed consent be duly acknowledged and that victims be provided with adequate remedies, including apologies, compensation and restoration, if possible.

19. The Committee notes that in none of the cases decided by the Public Defender of Rights (Ombudsman) a violation related to racial discrimination was found, while also noting the State party's explanation that this can be attributed to the limitation of its mandate to deal with human rights violations by the administration and other public authorities. It is also concerned at the low number of complaints alleging racial discrimination. (arts. 6 and 4).

The Committee recalls that the absence of complaints and legal action by victims of racial discrimination may be merely an indication of a lack of awareness of the availability of legal remedies or of insufficient will on the part of the authorities to apply such remedies. In this regard, the Committee calls on the State party to ensure that victims of racial discrimination have access to effective legal remedies enabling them to seek redress, and to inform the public about such remedies. It also draws the State party's attention to its general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system.

20. The Committee notes the delegation's assurances that the State party is committed to follow up the Committee's recommendations in Individual view No. 31/2005 (Mrs L.R. et al.) concerning social housing for Roma in the municipality of Dobšina.

The Committee recommends that the State party ensure effective and timely implementation of its recommendations upon communications under article 14 of the Convention and to continue to keep it informed of any new developments.

21. Bearing in mind the indivisibility of all human rights, the Committee encourages the State party to consider ratifying those international human rights treaties which it has not yet ratified, in particular treaties the provisions of which have a direct bearing on the subject of racial discrimination, such as the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990).

22. In light of its general recommendation No. 33 (2009) on follow-up to the Durban Review Conference, the Committee recommends that the State party give effect to the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the outcome document of the Durban Review Conference, held in Geneva in April 2009, when implementing the Convention in its domestic legal order. The Committee requests that the State party include in its next periodic report specific information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level.

23. The Committee recommends that the State party intensify its dialogue with organizations of civil society working in the area of human rights protection, in particular in combating racial discrimination, in connection with the preparation of the next periodic report.

24. The Committee recommends that the State party's reports be made readily available and accessible to the public at the time of their submission, and that the observations of the

Committee with respect to these reports be similarly publicized in the official and other commonly used languages, as appropriate.

25. Noting that the State party submitted its core document in 2002, the Committee encourages the State party to submit an updated version in accordance with the harmonized guidelines on reporting under the international human rights treaties, in particular those on the common core document, as adopted by the fifth Inter-Committee meeting of the human rights treaty bodies held in June 2006 (HRI/MC/2006/3).

26. In accordance with article 9, paragraph 1, of the Convention and rule 65 of its amended rules of procedure, the Committee requests the State party to provide information, within one year of the adoption of the present conclusions, on its follow-up to the recommendations contained in paragraphs 12 and 20 above.

27. The Committee also wishes to draw the attention of the State party to the particular importance of recommendations 8, 10, 14, and 17, and requests the State party to provide detailed information in its next periodic report on concrete measures taken to implement these recommendations.

28. The Committee recommends that the State party submit its ninth to tenth periodic reports in a single document, due on 28 May 2012, taking into account the guidelines for the CERD-specific document adopted by the Committee during its seventy-first session (CERD/C/2007/1), and that it address all points raised in the present concluding observations.
