



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

Distr.: General  
17 April 2013

Original: English

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## Committee on the Elimination of Racial Discrimination

### Concluding observations on the ninth to the tenth periodic reports of Slovakia, adopted by the Committee at its eighty-second session (11 February–1 March 2013)

1. The Committee considered the ninth to tenth periodic reports of Slovakia (CERD/C/SVK/9-10), submitted in one document, at its 2217th and 2218th meetings (CERD/C/SR.2217 and 2218), held on 19 and 20 February 2013. At its 2231st meeting (CERD/C/SR. 2231), held on 28 February 2013, it adopted the following concluding observations.

#### A. Introduction

2. The Committee welcomes the combined ninth to tenth periodic reports of the State party which is in conformity with the Committee's reporting guidelines. The Committee also welcomes the State party's punctuality and regularity in submitting its periodic reports and the opportunity thus provided to engage in a constructive and continuing dialogue with Slovakia. It thanks the large delegation of the State party for its oral presentation and responses to the Committee's questions and comments.

#### B. Positive aspects

3. The Committee notes with appreciation a number of legislative and policy developments towards the elimination of racial discrimination, including:

(a) The amendment to the Anti-Discrimination Act which will go into effect as of 1 April 2013 regulating temporary special measures aimed at eliminating disadvantages based, inter alia, on race, ethnicity, gender, and promoting equal opportunities for work, in compliance with relevant European Union Directives;

(b) The establishment in 2012 of the Office of the Plenipotentiary of the Government for National Minorities operating as an advisory body;

(c) The revision in August 2011 of the National Action Plan for the Decade of Roma Inclusion 2005-2015 for the years 2011-2015 and the adoption in January 2012 of the Strategy for the Integration of Roma up to 2020, in line with the European Commission framework and in consultation with civil society organizations;

(d) The adoption in June 2011 of the Conception to Combat Extremism for the years 2011-2014;

(e) The adoption in May 2009 of the fifth Action Plan for the Prevention of All Forms of Discrimination, Racism, Xenophobia and Other Expression of Intolerance for the period 2009-2011 and the setting up in 2011 of the Committee for the Prevention and Elimination of Racism, Xenophobia, Anti-Semitism and Other Forms of Intolerance.

4. The Committee welcomes the ratification of the following international instruments during the period under consideration:

(a) The Convention on the Rights of Persons with Disabilities and its Optional Protocol, on 26 May 2010;

(b) The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, on 7 March 2012.

## C. Concerns and recommendations

### Relevant statistical data

5. While welcoming the information that the 2011 Census contained for the first time questions about languages of national minorities, the Committee regrets the lack of data it previously requested on socio-economic status of persons belonging to minorities, despite the launch in 2010 of the project entitled “Statistical Monitoring of the Living Conditions of Selected Target Groups” in collaboration with UNDP. The Committee further notes that the proportion of unidentified persons increased from 1 per cent in 2001 to 7 per cent in 2011.

**Recalling its revised reporting guidelines (CERD/C/2007/1), the Committee recalls that disaggregated data by ethnic or national origin on the socio-economic and cultural status of different groups are useful tools for the State party to enhance the equal enjoyment by all of the rights enshrined in the Convention. The Committee requests that the State party include in its next periodic report the results of the above-mentioned project, namely data on the living conditions of the Roma community as well as the socio-economic status of other minorities. The Committee also recommends that the State party address the high proportion of unidentified individuals among its population, and diversify its data collection activities in order to obtain accurate information on all ethnic groups living in Slovakia.**

### Racially motivated violence and crimes

6. The Committee takes note of the figures provided on extremism and racially motivated crimes. However, these criminal acts are presented in an amalgamated form and the information does not contain a detailed breakdown by age, gender and national or ethnic origin of victims as previously requested by the Committee. Also, while noting the State party’s efforts to fight extremism, the Committee is concerned at the resurgence of activities by extremist organizations and the information contained in paragraph 70 of the State party’s report that extremist groups make use of some loopholes in the Rights of Assembly Act which prevent the interdiction of extremist activities (arts. 2 and 4).

**The Committee recommends that the State party take effective measures to prosecute hate crimes in an effective manner so as to discourage racist and extremist organizations. In line with its general recommendation No. 15 (1993) on organized violence based on ethnic origin, the Committee urges the State party to exercise due vigilance and readiness in proceeding against such organizations at the earliest moment and to penalize and prosecute the financing and participation in their activities. The Committee urges the State party to address any loophole in its legislation by amending it so as to forbid and prevent activities of extremist**

organizations, by disbanding and declaring them illegal as necessary. The Committee reiterates its request that the State party provide updated statistical data on the number and nature of hate crimes, convictions and sentences imposed on perpetrators, disaggregated by age, gender and national or ethnic origin of victims and compensation awarded, where applicable.

#### **Enforcement of the Anti-Discrimination Act**

7. The Committee takes note of the amendment of 1 January 2012 regarding the Provision of Legal Aid to Persons in Material Need aiming at increasing the efficiency of access to justice for victims of racial discrimination. It also notes that the State party refers to “several natural persons, particularly of Roma ethnic origin” who invoked the Anti-Discrimination Act (CERD/C/SVK/9-10, para. 140). However, it regrets the information that the Anti-Discrimination Act is not fully operational, and that lengthy court proceedings pose an obstacle for victims of racial discrimination who wish to obtain remedies. It is also concerned at the low number of complaints despite the prevalence of racist speech and crimes in the country (arts. 2 and 6).

**In light of its general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, the Committee recommends that the State party fully enforce the Anti-Discrimination Act and also disseminate information regarding it to the public, in particular to minorities, informing them of all legal remedies when facing racial discrimination. It invites the State party to address the problem of lengthy court proceedings for victims of racial discrimination by ensuring, inter alia, that the above-mentioned amendment on legal aid facilitates their access to justice and that the principle of reversing the burden of proof in civil proceedings is applied in courts in line with article 11 of the Anti-Discrimination Act. The Committee requests that the State party undertake a thorough analysis of the low number of complaints and take concrete measures to address the problem, including by organizing training on non-discrimination for law enforcement officials, and judges, focusing on the application of the Convention and the Anti-Discrimination Act in courts. It finally requests that the State party include such information in its next periodic report.**

#### **Racist discourse in the media**

8. The Committee remains concerned about the reported increase of hate speech in the media and on the Internet, including social networks as well as in sports, targeting in particular Roma, Hungarians and non-citizens. While taking note of legislative measures taken for the promotion of national minorities’ languages on radio and TV programmes, the Committee believes that additional measures need to be taken to curb hate speech in the media (arts. 4 and 7).

**In accordance with its general recommendations No. 7 (1985) on legislation to eradicate racial discrimination, No. 15 (1993) and No. 30 (2004) on discrimination against non-citizens, the Committee recommends that the State party identify individuals or groups who incite racial hatred against minorities and foreigners, investigate and apply appropriate sanctions for hate speech by politicians, governmental officials or media professionals. The Committee urges the State party to take necessary measures to promote tolerance, intercultural dialogue and respect for diversity, aimed in particular at journalists.**

#### **Lack of an independent monitoring body**

9. The Committee notes that the Control and Inspection Service Section is competent to investigate the criminal activity of Police Force Officers and that both are under the

Ministry of Interior. It further notes the absence of an independent body to monitor and prosecute the alleged incidents of police brutality against persons belonging to minority groups, in particular Roma. It also expresses its concern at reported deficiencies during the investigation of ill-treatment of minorities by Police Officers, where racial motives are not always taken into account (art. 4).

**The Committee reiterates its recommendation that the State party establish an independent monitoring mechanism to carry out investigations into crimes involving police officers. In light of its general recommendation No. 31 (2005), the Committee urges the State party to take prompt measures to effectively investigate reported hate crimes and ensure that all crimes with racial motives are prosecuted in line with national legislation and the Convention, taking into account the gravity of such acts. The Committee requests the State party to provide information on the number of complaints of ill-treatment filed against police officers by persons belonging to minority groups as well as information on the results of investigations into those complaints and any proceedings undertaken, at both the penal and disciplinary levels.**

#### **Stigmatization of and discrimination against minorities, in particular Roma**

10. The Committee reiterates its concern regarding the continued stigmatization of, and discrimination against Roma and their ongoing precarious socio-economic situation. The Committee is further concerned about the response provided by the State party (CERD/C/SVK/9-10, paras. 149-150) that it was not possible to increase the representation of Roma in the police other than by merit, using equal criteria for all. It also regrets the lack of information on the number of Roma not only in the Police Force but also in local elected bodies (art. 5).

**The Committee urges the State party to enhance its efforts aimed at combating discrimination against Roma. In view 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 and its general recommendation No. 27 (2000) on discrimination against Roma, the Committee recommends that the State party use data to be published shortly on the living conditions of Roma, in order to ensure that urgent temporary special measures for promoting economic, social and cultural rights of Roma are designed and implemented on the basis of need and in consultation with them. In this context, the Committee also recommends that the State party implement without delay the amendment of the Anti-Discrimination Act which will regulate as of 1 April 2013 special measures for the most discriminated and disadvantaged groups. The Committee further requests that the State party take necessary measures to provide in its next periodic report the number of Roma in the police and in local elected bodies.**

#### **Continued de facto segregation in the education system**

11. Despite some measures taken by the State party, including the 2008 Schools Act and the December 2011 ruling of the District Court in Prešov, which ordered the desegregation of Roma pupils in the Mainstream Elementary School in Sarišské Michalany, the Committee is concerned about:

(a) The ongoing de facto segregation of Roma children in education, with the practice of Roma only schools or classes;

(b) The information that Roma children are dramatically overrepresented in special classes and “special” schools for children with intellectual disability; as well as the information that higher financial contributions to “special” schools for students with

intellectual disability as compared to the ones on education of children from socially disadvantaged environment may explain this practice;

(c) The lack of enforcement of the 2008 Schools Act and the Anti-Discrimination Act regarding discrimination and segregation in education as well as the lack of clear enforcement measures;

(d) The information that the “*Roma reform*” re-introducing mandatory pre-school education for children from families affected by social exclusion might lead to discrimination and segregation (arts. 2, 3 and 5).

**The Committee recommends that the State party strengthen the provisions of the Strategy for the Integration of Roma up to 2020 and the Revised National Action Plan for the Decade of Roma Inclusion and ensure they are effectively pursued. To this end, the State party is requested to:**

(a) **Take all necessary measures to eradicate the practice of segregating Roma children in the school system and ensure that they enjoy equal opportunities in access to quality education, in light of the Committee’s general recommendation No. 27 (2000);**

(b) **Provide for ways and means to eliminate the overrepresentation of Roma students in specialized classes and in special schools by addressing the root causes of this practice and to integrate them into mainstream education; and increase human and financial resources for the education of Roma, in addition to organizing training on Roma rights for teachers and social personnel;**

(c) **Take enforcement measures to ensure the effective application of the Schools and the Anti-Discrimination Acts, including their dissemination in schools as well as other preventive measures in order to put an end to the de facto segregation in education;**

(d) **Ensure that mandatory pre-school education is conducted in a manner that would remove the disparity between children of marginalized groups and the majority population, with the aim of preventing future segregation in education.**

#### **Right to adequate housing for the Roma community**

12. In light of the State party’s statement (CERD/C/SVK/9-10, para. 162) that the lack of access of Roma to adequate housing is the most serious problem which has largely remained the same since the last review, the Committee expresses its serious concern that:

(a) Limited measures have been undertaken towards promoting Roma’s right to adequate housing and ending spatial segregation; and that some Roma settlements, in particular in Eastern Slovakia lack basic facilities such as sanitation, electricity, drinking water, sewage system and waste disposal;

(b) Walls and barriers have been erected in some areas including Prešov, Michalovce, Partizánske or Trebišov, to segregate Roma from the rest of the population;

(c) *Roma Reform*’s proposed measure allowing them to buy the land in the current settlements with the aim of improving their living conditions may increase the segregation of this community;

(d) Forced evictions and demolitions of Roma settlements are taking place without alternatives for Roma. The Committee also regrets the lack of updated information on the situation of Roma from Plavecky Stvrtok (arts. 2, 3 and 5).

**In light of its general recommendation No. 27 (2000), the Committee recommends that the State party:**

(a) Effectively implement the Revised National Action Plan and the Strategy for the Integration of Roma by ensuring the right to adequate housing for Roma without discrimination and segregation in view of the importance of this right for their enjoyment of other rights enshrined in the Convention, in particular the rights to health, education and employment;

(b) Ensure the involvement of Roma and associations representing them, together with the rest of the population, in housing project construction, rehabilitation and maintenance; promote intercultural dialogue aimed at addressing the deep rooted distrust that manifests itself in the construction of anti-Roma walls;

(c) Ensure that all efforts aiming at facilitating access to adequate housing and improving living conditions of Roma are made in conjunction with Roma and their organizations and that increased efforts are made to eradicate residential segregation bearing in mind the Committee's general recommendation No. 19 (1995) on racial segregation and apartheid;

(d) Put an end to forced evictions and demolitions of Roma settlements without prior notice and when such demolitions are necessary provide adequate and appropriate alternative housing solutions for them, and include in its next periodic report any measures taken to address the situation of Roma in Plavecky Stvrtok.

#### **The sterilization of Roma women without their full and informed consent**

13. While noting three judgements of the European Court of Human Rights against Slovakia on forced sterilization of Roma women, the Committee draws the attention to the lack of effective investigation by the State party regarding this practice throughout the country and the lack of compensation to the victims (arts. 2, 5 and 6).

**The Committee recommends that the State party implement fully recent decisions of the European Court of Human Rights and ensure full reparation and compensation for all victims of these practices. The Committee urges the State party to thoroughly investigate all incidents of forced sterilization of Roma women and prosecute those responsible. Bearing in mind its general recommendation No. 25 (2000) on gender-related dimensions of racial discrimination, the Committee encourages the State party to adopt appropriate measures, including the implementation of the 2012 Decree related to the cases of illegal sterilization of women and the organization of special training for all medical staff on how to obtain informed consent before carrying out sterilization, on sensitization of medical staff on respecting diversity of members of the Roma community.**

#### **Awareness-raising activities on human rights and the Convention**

14. The Committee notes a persistent negative perception of the majority population towards the minorities, particularly Roma (art. 7).

**The Committee recommends that the State party further organize human rights training to foster an awareness of tolerance, interethnic dialogue and harmony, targeting in particular law enforcement officials, judges, teachers, medical staff and social workers.**

#### **Mandate of the Slovak National Centre for Human Rights**

15. The Committee is concerned that the Slovak National Centre for Human Rights (NCHR) which was granted B status in October 2007 by the International Coordinating Committee (ICC) of national human rights institutions has lost its accreditation in 2012 and that the State party has not undertaken necessary measures to ensure its compliance with

the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles) . It regrets the lack of adequate financial and human resources to empower the NCHR with necessary means in disseminating the Anti-Discrimination Act and assisting victims of racial discrimination (art. 2).

**Recalling its general recommendation No. 17 (1993) on the establishment of national institutions to facilitate the implementation of the Convention, the Committee recommends that the State party strengthen the NCHR's independence and mandate and provide it with financial and human resources in order to efficiently fight against discrimination. It encourages the State party to ensure that the NCHR is able to function in compliance with the Paris Principles and be in a position to apply successfully for accreditation.**

#### **Responsibility of the State party to implement the Convention**

16. The Committee notes with concern that the State party describes the autonomy of local self-governing bodies as a major obstacle to achieving non-discrimination in access to social housing for the Roma community (CERD/C/SVK/9-10, para. 203), including implementing the Committee's recommendations regarding the situation in Dobšiná (Communication No. 31/2003, Mrs L.R. et al.). It expresses its concern at the apparent limited effectiveness of the State party's reaction to some of the decisions of local bodies in denying Roma access to housing and in other cases financing the construction of walls to separate Roma settlements from the rest of the population (arts. 2 and 5).

**The Committee recommends that the State party take effective measures to implement the Convention and ensure that the principle of self-governance of local and regional bodies does not hamper its international human rights obligations to promote economic, social and cultural rights of disadvantaged or discriminated groups, as per the Convention.**

**It reiterates its recommendation that the State party implement its recommendations on communications under article 14 of the Convention, in particular the situation in Dobšiná and include updated information in its next periodic report.**

## **D. Other recommendations**

#### **Ratification of other treaties**

17. Bearing in mind the indivisibility of all human rights, the Committee encourages the State party to consider ratifying international human rights treaties which it has not yet ratified, in particular treaties with provisions that have a direct relevance to communities that may be 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.

#### **Follow-up to Durban Declaration and Programme of Action**

18. 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.

**Consultations with organizations of civil society**

19. The Committee recommends that the State party continue consulting and expanding 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 and the follow-up to these concluding observations.

**Dissemination**

20. 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.

**Common core document**

21. Noting that the State party submitted its core document in 2002 (HRI/CORE/1/Add.120), the Committee encourages the State party to submit an updated core document, 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/GEN.2/Rev.6, chap. I).

**Follow-up to concluding observations**

22. 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 concluding observations, on its follow-up to the recommendations contained in paragraphs 6, 8, 11 and 16 above.

**Paragraphs of particular importance**

23. The Committee also wishes to draw the attention of the State party to the particular importance of the recommendations in paragraphs 5, 12, 13 and 15 above and requests the State party to provide detailed information in its next periodic report on concrete measures taken to implement these recommendations.

**Preparation of the next periodic report**

24. The Committee recommends that the State party submit its eleventh and twelfth periodic reports in a single document by 28 May 2016, taking into account the specific reporting guidelines adopted by the Committee during its seventy-first session (CERD/C/2007/1), and addressing all the points raised in the present concluding observations. The Committee also urges the State party to observe the page limit of 40 pages for treaty-specific reports and 60-80 pages for the common core document (HRI/GEN.2/Rev.6, chap. I, para. 19).

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