



5 June 2001

Advisory Committee on the Framework Convention for the Protection of National Minorities

Comments of the Government of the Slovak Republic to the Opinion of the Advisory
Committee on the Report on the Implementation of the Framework Convention for
the Protection of National Minorities in the Slovak Republic

1. The Government of the Slovak Republic welcomes the efforts of the Advisory Committee to search for ways of assessing the achieved level of compliance with Slovakia's obligations resulting from the Framework Convention for the Protection of National Minorities (hereinafter the "Convention"). The Government considers the fulfilment of the obligations resulting from the Convention and the recommendations of the Committee of Ministers of the Council of Europe as a continued pan-European process aiming at the creation of international standards laying down the foundations for a legal regulation of relations within a community of citizens of a particular state who claim to belong to various national groups.

2. In respect of Article 3 (Point 12 of the Opinion) the Advisory Committee recommends considering the application of the Convention also to "other groups" in consultation with those concerned. In this respect the Government of the Slovak Republic notes that it is not clear to what "other groups" the Convention should apply as in Slovakia there are no other groups which would satisfy the term of national minority, but national minorities mentioned in point 12 of the Opinion.

3. As regards the application of Article 4 (Point 18 of the Opinion) the Advisory Committee notes its concern about the problems related to the implementation of anti-discrimination legislation and „credible reports“ concerning discrimination of the Roma minority also in health care facilities. In this respect the Government of the Slovak Republic respectfully states that the Ministry of Health Care has not registered any case of discrimination of the Roma minority in state health care facilities in the Slovak Republic and no complaints by Roma citizens have been received either. The Slovak Government further notes that for the solution of problems concerning health and hygiene of Roma minority there have been implemented important projects aimed at education and health care, including *inter alia* "School Supporting Health" in areas with a higher concentration of Roma, and "Improvement of Health Awareness of Roma Children in the Age Groups 6 to 9 as well as the Age groups 10 to 15", significant funds have been allocated to these activities. In this respect the Government of the Slovak Republic further adds that the Roma population is provided with specific prophylactic epidemiological and hygienic measures in Roma settlements free of charge and compared with other population of Slovakia this service is above the standard level.

4. As regards the application of Article 4 (Point 21 of the Opinion) the Advisory Committee in the recommendation proposal states that there are significant discrepancies between the official statistics of the Government and those of national minorities about the numbers of persons belonging to national minorities in Slovakia. The Government of the Slovak Republic in this regard notes that data gathered in the process of census are not data of the Slovak Government but data gathered by an independent institution - the Statistical Office of the Slovak Republic. These discrepancies are a consequence of natural factors influencing personal data collection, which is determined by the individual and declaratory nature of identifying one's belonging to a national minority; statistical data on the ethnic structure presented in the Implementation Report are credible in their methodology and methods. In

Slovakia person's decision to belong to a national minority is understood as an individual right of the person exercised on a voluntary basis in compliance with Article 12, paragraph 3 of the Constitution of the Slovak Republic – as also stated by the Advisory Committee with respect to Article 3 (Point 13 of the Opinion). In this regard it can be added that the official census has been carried out in Slovakia in May 2001. Regarding this census the Council of the Slovak Government on National Minorities and Ethnic Groups and in this council represented minority organisations called for the citizens - with the promotion of media via campaign “Claim your identity” - to declare once again their belonging to national groups, respectively to their mother tongue. Based on the decision of the Government No. 1066 dated 20 December 2000 for the purpose of census bilingual ballots have been used and the Slovak Government approved on 28 March 2001 the Proposal of Promoting a Campaign to Collect Verifiable Data in the 2001 Census in Minority Languages.

5. Concerning the application of Articles 4 and 6 (Points 17, 18, 28 and 29 of the Opinion) existence of discrimination mainly against the Roma minority in Slovakia was stated and the Advisory Committee recommends to enhance valid legal provisions including anti-discrimination legislation and to improve monitoring. The Government of the Slovak Republic reminds that in the Slovak legal order anti-discrimination provisions are stipulated in Articles 7 and 12 of the Constitution of the Slovak Republic. Prohibition of discrimination is also covered in Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms, which the Slovak Republic signed on 4 November 2000 and in the International Convention on the Elimination of all Forms of Racial Discrimination to which Slovakia is also a State Party. In this respect the adopted amendment of the Constitution of the Slovak Republic which provides for the creation of the institute of an ombudsman in its Article 151a and the discussion on appropriate ways of eliminating discrimination in the Slovak Republic should be mentioned. Stricter sanctions for racially motivated crimes are considered in the new codification of the Criminal Code in the framework of this process.

6. As regards the implementation of the Article 5 (Point 23 of the Opinion) the Advisory Committee expresses its opinion that it is necessary to ensure in the implementation of the Strategy of the Government of the Slovak Republic for the Solution of the Problems of the Roma National Minority that no measures such as the project entitled “Preparing Roma Citizens for Marriage and Family Planning”, contain elements that could be interpreted as assimilation. The Government of the Slovak Republic strongly denies such conclusions and states that the concerns of the Advisory Committee, related also to the project referred to, which is elaborated into detail and being successfully implemented by the Ministry of Health Care of the Slovak Republic, are groundless.

7. With respect to the recommendations concerning Articles 9 and 10 which refer to Act No. 270/1995 Coll. on the State Language and the use of minority languages in this context the Government of the Slovak Republic states that this law regulates the use of the state language exclusively, and in its Section 1, paragraph 4 this law refers to special regulations concerning the use of minority languages. These provisions are stipulated in Act No. 184/1999 Coll. on the Use of National Minority Languages. In this context the Slovak Government welcomes the statement of the Advisory Committee that the

implementation of the State Language Law has no negative impact on minority languages (Point 33 of the Opinion). However, the Government of the Slovak Republic cannot identify itself with the statement made in Point 36 of the Opinion and the pertinent proposal of the recommendation of the Advisory Committee on the priority use of minority languages towards official language. Slovakia will handle this issue in compliance with the European Charter on Regional or Minority Languages. The Government of the Slovak Republic gave its consent to signing the Charter on 17 January 2001 and the Charter was signed on 20 February 2001. Currently the ratification of the Charter is being prepared. By adopting the Charter the Slovak Republic will confirm its commitment to ensure the protection and development of minority languages without prejudice to the use of the state language, and, when necessary, appropriate legislative measures will, undoubtedly, also be adopted.

8. As regards the implementation of Article 11 the Slovak Republic is recommended to take measures against the imposition of the Slovak form of surnames on women belonging to national minorities. The Slovak Government respectfully recommends to pay attention to the part of the Slovakia's Implementation Report presenting information on Registers Act, No. 154/1994 Coll. which also regulates this issue and Act No. 300/1993 Coll. on Names and Surnames, which makes it possible also to have a foreign language name or several names entered into the registry books upon an application. Under Section 4, paragraph 4 of this Act foreign language female surnames can also be used without the Slovak form. In this context the Government of the Slovak Republic would appreciate to be given a more concrete reference to the cases the Advisory Committee referred to in the proposed recommendation to this article in order to be able, when necessary, to take due measures.

9. In the proposed recommendation to Article 12 (paragraph 2) the Advisory Committee mentioned a high proportion of Roma children placed in so-called special schools. The Government of the Slovak Republic emphasizes that mentally handicapped pupils are placed in a special basic school only with the consent of their representative at law after pupil's thorough psychological and specialised pedagogic examination. In no way the placement of pupils into such schools takes into account their national or ethnic origin.

10. As regards the implementation of Article 14 (Point 45 of the Opinion) the Advisory Committee recommends to the Slovak Government to implement the existing proposals to establish a department for the training of Hungarian language teachers at Constantine the Philosopher University in Nitra. The Government of the Slovak Republic respectfully reminds that training of teachers for schools with Hungarian language of instruction has had a long tradition in Slovakia. Currently, preparation for a Hungarian section of the Faculty of Natural Sciences, Philosophical Faculty and Teachers Faculty is under way at Constantine the Philosopher University in Nitra. In the 1999/2000 school year 619 students belonging to the Hungarian national minority studied there and 52 lecturers have provided training in the Hungarian language. In addition to further education of lecturers with minority language of instruction Constantine the Philosopher University offers the possibility of sitting qualification examinations and of Ph.D. studies. It should be also added that on 24 January 2001 the Slovak Government approved a recommendation on the establishment of a separate faculty with Hungarian language of instruction training lecturers and cultural and educational

workers at Constantine the Philosopher University. Under valid Act No. 172/1990 Coll. on Institutions of Higher Education as amended the Academic Senate of the institution of higher education shall decide – upon a proposal presented by the rector of the institution of higher education – on the establishment of a faculty of the institution of higher education, which is in compliance with the principle of academic freedom.

11. In respect of the recommendation proposal to the Article 14 (paragraph 1) the Advisory Committee concludes that Slovakia had limited legislative provisions concerning the education in the national minority languages. The Government of the Slovak Republic respectfully recommends to pay attention to the that part of the Implementation Report which stated the highly developed national minority education system comprising more than 700 schools at various levels of education – from pre-school to university level – that have been established on the basis of the valid Slovak legislation. The Slovak Government also notes that the implementation process of the Convention includes not only legislative provisions and guarantees but mainly practical implementation at the institutional level which has a traditionally high standard in Slovakia.

12. In respect of the recommendation proposal to Article 14 (paragraph 2) on the use of the Roma language at schools the Slovak Republic recommends to examine the status of the Roma language and then, subsequently, to take appropriate measures ensuring adequate opportunities for being taught in the Roma language. In context of this recommendation the Government of the Slovak Republic appreciates mainly the positive statements made by the Advisory Committee on the measures carried out in this field so far. At the same time the Slovak Government respectfully states that depending on the linguistic environment, in which the children belonging to the Roma national minority live, the Roma language is used as a supporting language in the so called zero (pre-school preparatory) classes in nursery schools and primary schools with a high concentration of Roma pupils and also at the Secondary School of Arts in Košice. In addition the Roma language is also taught at the secondary apprentice school in Košice, at the Roma Culture Department of the Constantine the Philosopher University in Nitra and at its detached office in Spišská Nová Ves. These information are available in the Report on the Implementation of the Convention in the Slovak Republic. With respect to teaching the Roma language at schools the specific problem is the lack of interest on the side of Roma parents to have this subject introduced despite the fact that basic school curricula for teaching the Roma language have been approved already in 1993.

13. In respect of Article 17 the Advisory Committee recommends that visa requirements are adopted by the Slovak Republic in a manner which takes into account the rights of persons belonging to national minorities and their cross-border contacts. The Slovak Government reminds that in the implementation of visa requirements security and foreign policy interests are priority considerations and the Slovak Republic, being an EU Associated Country, has coordinated its visa policy with EU Member States, paying, in particular, due regard to Regulation No. 574/1999 of 12 March 1999 of the Council of the European Union determining the third countries whose nationals must be in possession of visas when crossing the external borders of the Member States.

14. In conclusion, the Government of the Slovak Republic states that in this developing procedure of assessing national reports on the implementation of the Convention the Advisory Committee and States look for effective methods and forms of work which will ensure the availability of unbiased, impartial information. The Slovak Government states that if the whole process of consideration should be transparent and credible it is necessary to improve its methodological level also by including concrete and verifiable source of information referred to in the Opinion by the Advisory Committee. In this spirit the Slovak Government will continue in communication with the Advisory Committee and the Government of the Slovak Republic is convinced that growing experience from work will contribute to an improving quality of activities, impartiality of opinions, drafting of reports by the States and the whole monitoring process.