

**ECRI CONCLUSIONS
ON THE IMPLEMENTATION OF THE RECOMMENDATIONS
IN RESPECT OF SLOVAKIA SUBJECT TO INTERIM FOLLOW-UP**

Adopted on 21 March 2012¹

¹ Any developments which occurred after 16 February 2012, date on which the final response of the Slovak authorities to ECRI's request for information on measures taken to implement the recommendations chosen for interim follow-up was received, are not taken into account in this analysis.

FOREWORD

As part of the fourth round of ECRI's monitoring work, a new process of interim follow-up has been introduced with respect to a small number of specific recommendations made in each of ECRI's country reports.

Accordingly and in line with the guidelines for the fourth round of ECRI's country-by-country work brought to the attention of the Ministers' Deputies on 7 February 2007², not later than two years following the publication of each report, ECRI addresses a communication to the Government concerned asking what has been done in respect of the specific recommendations for which priority follow-up was requested.

At the same time, ECRI gathers relevant information itself. On the basis of this information and the response from the Government, ECRI draws up its conclusions on the way in which its recommendations have been followed up.

It should be noted that these conclusions concern only the specific interim recommendations and do not aim at providing a comprehensive analysis of all developments in the fight against racism and intolerance in the State concerned.

² CM/Del/Dec(2007)986/4.1.

1. *In its report on Slovakia (fourth monitoring cycle) published on 26 May 2009, ECRI recommended that the Slovak authorities take steps to strengthen the role of the Slovak National Centre for Human Rights as an anti-discrimination body by ensuring that it is perceived as being fully independent in practice, that it has the power to represent victims of racial discrimination in court and that it receives sufficient human and financial resources. In line with its General Policy Recommendation No. 2 on specialised bodies to combat racism¹, xenophobia, antisemitism and intolerance at national level, ECRI further recommended that the strengthening of the Slovak National Centre for Human Rights include more active research on its part on issues pertaining to racism and racial discrimination² as well as on the situation of minority groups, and widespread awareness-raising campaigns on these questions.*

The Slovak authorities have informed ECRI that an analytical report on the work of the Slovak National Centre for Human Rights was approved by Government Decree No. 347 of 1 June 2011. Through this decree, the Government requested that the Deputy Prime Minister for Human Rights and the Minister of Justice elaborate an analysis of the financial and legal implications of the future transformation of the Slovak National Centre for Human Rights (the Centre) into an equality body and of transferring some of its competences to the Public Defender of Rights (Ombudsman). Furthermore, these Ministers were entrusted with the task of submitting draft amendments to relevant legislation in order to effect the above-mentioned changes.

The authorities have indicated that the above-mentioned legislative initiative has been suspended due to the early elections held in Slovakia in March 2012 and that the deadline for carrying out the relevant tasks was brought forward from September and October 2011 respectively to March 2012.

The Slovak authorities have also informed ECRI that a financial audit of the Centre was carried out in 2011 and the conclusion was that financial rules had been breached and public funds wasted. The authorities have explained that this led to a cut in the funds allocated to the Centre from the State budget in 2011 (down to 528,464 €).

The Slovak National Centre for Human Rights has confirmed to ECRI that its budget was drastically reduced in 2011, offering no information on the alleged financial irregularities. The Centre also informed ECRI that in autumn 2010, the Government removed it from the list of those who can apply for grants in the field of human rights and non-discrimination. The Centre considers that this has reduced its scope for action; now it cannot take part in projects in the above-mentioned fields.

The Centre has also confirmed that the Government plans on giving responsibility over the issues that fall within its mandate to different and separate institutions. The Centre considers that the Government does not respect its status as a National Human Rights Institution, in particular in view of the planned inclusion of part of the Centre into the structure of the Ombudsman.

¹ Racism is understood as meaning the belief that a ground such as “race”, colour, language, religion, nationality or national or ethnic origin justifies contempt of a person or group of persons or the notion of superiority of a person or group of persons.

² In accordance with ECRI’s General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination, racial discrimination is understood as meaning any difference of treatment based on grounds such as “race”, colour, language, religion, nationality or national or ethnic origin which has no objective and reasonable justification.

The Centre has also indicated to ECRI that instead of developing its activities, it has had to focus on meeting the recommendations of the Finance Minister to lower its expenses. The Centre had only 16 employees in 2011 compared to 26 in 2010. The Centre further has seven regional offices, but is currently employing only five persons compared to seven employees (one per office) in 2011. The Centre has indicated that now its regional offices work only two days a week while in 2010 they were open five days a week. The legal department in Bratislava has only two lawyers and a head. The Centre has indicated to ECRI that this situation is due to the drastic reduction of its budget for 2011 and 2012.

ECRI notes that to date, there is no specialised body for combating racism and racial discrimination in Slovakia, which is regretful; it considers that its recommendation has not been implemented. However, it also notes that the authorities intend to create a specialised body and therefore wishes to recall its General Policy Recommendation No. 2 on Basic principles concerning specialised bodies to combat racism, xenophobia, antisemitism and intolerance at national level and paragraph 24 of its General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination.

2. In its report on Slovakia (fourth monitoring cycle), ECRI commended the Slovak authorities for making issues pertaining to Roma a horizontal priority and urged them to increase the capacity of the Office of the Plenipotentiary for Roma to manage funds allocated to that end by increasing the human and financial resources available to this Office. ECRI further recommended wide-ranging consultations and involvement of Roma communities leaders in decisions on the manner in which these funds are spent as well as the regular monitoring and assessment of the impact of measures taken.

The Slovak authorities have informed ECRI that the aim of the Horizontal Priority of Marginalised Roma Communities (horizontal priority) is to increase employment and raise the educational level among members of marginalised Roma communities and to improve their living conditions. The authorities have further indicated that in 2011, the National Action Plan of the Decade of Roma Inclusion, which covers four areas (education, employment, health and housing) was revised. In January 2012 it was decided effectively to extend the plan until 2020.

The authorities have informed ECRI that the Department for the Coordination of the Horizontal Priority for Marginalised Roma Communities established on 6 June 2007 within the Office of the Government Plenipotentiary for Roma Communities (Office of the Plenipotentiary) is responsible for coordinating and implementing the horizontal priority and that in 2011, this task was carried out by 28 employees. This number will be reduced to 20 employees as of April 2012.

ECRI notes the above information. However, it considers that the staffing available to the Office of the Plenipotentiary for implementing the horizontal priority is insufficient. It also notes that the authorities have not indicated the financial resources allocated to the Office of the Plenipotentiary nor have they mentioned what measures, if any, have been taken to consult Roma community leaders.

3. In its report on Slovakia (fourth monitoring cycle), ECRI strongly recommended that in order to combat the de facto segregation of Roma children in education, the Slovak authorities provide incentives, including financial ones, to local authorities to draw up and implement action plans to desegregate schools in their areas.

The Slovak authorities have informed ECRI that the Ministry of Education Science, Research and Sport deals with the issue of discrimination and segregation of Roma through generally binding regulations.

The authorities have also informed ECRI that in 2011, the Government Council for Human Rights, National Minorities and Gender Equality was established as an advisory body. A working group for inclusive education was set up within this Council and it has been entrusted with developing recommendations, including as concerns the desegregation and the integration of Roma children in the education system.

The authorities have further informed ECRI that work has started on the Act on Socially Excluded Communities whose aim is to significantly improve the socio-economic conditions of marginalised Roma communities in four key areas (education, employment, health and housing) by making it compulsory for individual state and local administration bodies to adopt specific measures.

ECRI takes note of the two above-mentioned initiatives, which however do not appear to have had the intended impact yet, as the general feeling is that the situation of the Roma in the school system remains unchanged. Moreover, ECRI considers that its specific recommendation - to provide incentives, including financial ones, to local authorities to draw up and implement action plans to desegregate schools in their areas - has not been implemented.

