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SECOND REPORT ON SLOVAKIA

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For further information about the work of the European Commission against Racism and Intolerance (ECRI) and about the other activities of the Council of Europe in this field, please contact:

Secretariat of ECRI
Directorate General of Human Rights – DG II
Council of Europe
F - 67075 STRASBOURG Cedex
Tel.: +33 (0) 3 88 41 29 64
Fax: +33 (0) 3 88 41 39 87
E-mail: combat.racism@coe.int

Visit our web site : www.ecri.coe.int

Foreword

The European Commission against Racism and Intolerance (ECRI) is a body of the Council of Europe, composed of independent members. Its aim is to combat racism, xenophobia, antisemitism and intolerance at a pan-European level and from the angle of the protection of human rights.

One of the pillars of ECRI's work programme is its country-by-country approach, whereby it analyses the situation as regards racism and intolerance in each of the member States of the Council of Europe and makes suggestions and proposals as to how to tackle the problems identified.

At the end of 1998, ECRI finished the first round of its country-by-country reports for all member States. ECRI's first report on Slovakia is dated 18 September 1997 (published in June 1998). The second stage of the country-by-country work, initiated in January 1999, involves the preparation of a second report on each member State. The aim of these second reports is to follow-up the proposals made in the first reports, to update the information contained therein, and to provide a more in-depth analysis of certain issues of particular interest in the country in question.

An important stage in ECRI's country-by-country work is a process of confidential dialogue with the national authorities of the country in question before the final adoption of the report. A new procedure in the second round of country reports is the organisation of a contact visit for the ECRI rapporteurs prior to the drafting of the second report.

The contact visit to Slovakia took place on 30 August-1 September 1999. During this visit, the rapporteurs met with representatives of various ministries and public administrations responsible for issues relating to ECRI's mandate. ECRI warmly thanks the Slovak national authorities for their wholehearted co-operation in the organisation of the contact visit, and in particular would like to thank all the persons who met its delegation and the Slovak national liaison officer, whose efficiency and collaboration were much appreciated by ECRI's rapporteurs.

ECRI would also like to thank all the representatives of non-governmental organisations with whom its rapporteurs met during the contact visit for the very useful contribution they made to the exercise.

The following report was drawn up by ECRI under its own responsibility. It covers the situation as of 10 December 1999 and any development subsequent to this date is not covered in the following analysis nor taken into account in the conclusions and proposals made by ECRI.

Executive summary

Slovakia has recently taken positive steps towards acknowledging the need to take action against manifestations of racism, xenophobia, antisemitism and intolerance. In particular, the authorities have stated their readiness to combat these phenomena and to find solutions for the particularly disadvantaged situation of the Roma/Gypsy community: the nomination of a Government Plenipotentiary for the Roma Community is one measure which has been taken in this respect.

However, real problems remain in the implementation of legislation to combat racism, particularly as regards the reaction of the police and prosecuting authorities to racist attacks and harassment. The extent of discrimination and overt hostility towards members of the Roma community does not seem to be fully acknowledged, and much remains to be done in all fields of life – including education, employment and housing – to redress the situation of this very vulnerable group.

In the following report, ECRI recommends to the Slovak authorities that further action be taken to combat racism and intolerance in a number of areas. These recommendations include, *inter alia*, the need to ensure that anti-racist legislation is fully implemented; the need to establish a specialised body with competence in dealing with issues of racism and discrimination; the need to adopt a range of measures to combat discrimination and racism against the Roma/Gypsy community in all fields of life, and to empower this community to participate as an equal member of society; and the need to raise awareness among public servants and among the general public of the problems of racism and discrimination which exist in Slovakia.

SECTION I: OVERVIEW OF THE SITUATION

A. International legal instruments

1. ECRI notes that Slovakia has ratified many of the international legal instruments of relevance to combating racism and intolerance. It welcomes Slovakia's ratification of the European Social Charter in June 1998, and encourages Slovakia now to ratify the Revised Social Charter. ECRI also welcomes the coming into force for Slovakia of the Framework Convention on the Protection of National Minorities in February 1998.
2. ECRI reiterates its encouragement for the ratification of the European Charter for Regional or Minority Languages as soon as possible and notes that this issue is currently under consideration by the relevant authorities. ECRI also encourages the Slovak authorities to sign and ratify the European Convention on the Legal Status of Migrant Workers, noting that a working group in the Ministry of Labour is working on this issue, and the Convention on the Participation of Foreigners in Public Life at Local Level.

B. Constitutional provisions and other basic provisions

3. Article 12 of the Constitution establishes the equality of human beings in general. Its paragraph 2 specifically prohibits negative or positive discrimination.
4. Several paragraphs of the Constitution are devoted to the rights of national minorities and ethnic groups. Article 33 states that membership of a national minority shall not be detrimental to anyone, whereas Article 34 guarantees the advancement of citizens forming national minorities or ethnic groups, especially the right to collectively foster their own culture, disseminate or obtain information in their own language, join together in national associations and found and maintain educational and cultural institutions. Article 2 states that citizens who belong to national minorities or ethnic groups have the right to instruction in their language, to use their own language in dealings with the authorities, and to participate in the settlement of matters concerning national and ethnic minorities.
 - ***Law on the State Language and Law on the Use of National Minority Languages***
5. In September 1997, the Constitutional Court ruled that one provision of the Law on the State Language (in force since January 1996) violated the constitutional rights of national minorities and ethnic groups to use their own language in official contacts.

6. Consequently, a Law on the Use of National Minority Languages, covering the use of national minority languages in contacts with the authorities, was prepared in consultation with international organisations. Despite some national controversy, this law came into force in September 1999.
7. ECRI welcomes the decision of the Slovak government to include the Romany language as one of the languages covered by this law, and hopes that the full implementation of the law will be ensured. However, ECRI points out that this law covers only a specific field and encourages the authorities to continue to work on the issue of the use of minority languages in various fields of life.

- ***Law on Territorial and Administrative District***

8. The Law on Territorial and Administrative Division, in force since 1996, reorganized electoral districts, such that minorities (notably, the Hungarian minority) no longer comprised a majority of the electorate in any district. The present government has committed itself to assessing the need for amending this Act, and ECRI hopes that any changes necessary to allow for the full participation of all minority groups in local political life will be made without delay. In this respect, it notes that the aim of the government is to put in place a more decentralised system in which local and regional self-governments will have more powers in the area of national minority issues.

- ***Law on Local Elections***

9. Before the end of 1998, the Law on Local Elections required that candidates register according to their respective ethnic groups. The law has been amended and the current Slovak government is analysing various possible solutions to resolve potential problems of discrimination raised by it.

C. Criminal law provisions

10. Various articles in the Criminal Code deal with racism and discrimination. Inter alia, Article 196 punishes the use of violence against an inhabitant or group because of race, nationality, political convictions or religion, while Article 198 punishes the public defamation of a nation, its language, a race or a group of inhabitants. Article 198a punishes the public incitement to hatred against a nation or race. Article 260 prohibits the promotion of movements which aim to suppress the rights and freedoms of citizens, while Article 261 condemns public expression of sympathy for fascism or similar movements.
11. However, despite the continuing occurrence of racial attacks and violence, criminal prosecutions for racially-motivated violence are rare. This issue of implementation is dealt with in more depth under the section "issues of particular concern" below.

D. Civil and administrative law provisions

12. In the field of employment, Article III of the Labour Code guarantees the right to work and fair working conditions without any restrictions or discrimination on grounds of race, religion, skin colour, membership of a national or ethnic group etc. A similar principle is contained in the general introductory principles of the Employment Act, although it is not clear whether these principles form an integral part of the Act. ECRI notes with satisfaction that a new Labour Code is currently under preparation which would shift the burden of proof to the employer in cases of discrimination and which would prohibit discrimination in the advertising of job vacancies. The Law on Employment that became effective from 1 December 1999, prohibits discrimination when publicising offers concerning employment.
13. ECRI is concerned that discrimination in the field of employment remains widespread, particularly as regards members of the Roma/Gypsy community¹. The sanctions provided for in the Labour Code (Articles 270a and 270b) have never been used against employers contravening Article III of the Code. ECRI urges the Slovak authorities to take further steps to ensure the implementation of the relevant provisions to combat discrimination in the labour market.
14. Moreover, ECRI recommends that the Slovak authorities prepare and adopt a comprehensive body of legislation covering racism and discrimination in different fields of life, including housing, education, access to public services, etc.

E. Specialised bodies and other institutions

15. In order to successfully combat racism and discrimination on racial or ethnic grounds in Slovakia, and to ensure the full implementation of legislation in this area, ECRI recommends that Slovakia set up a specialised body to combat racism and intolerance along the lines set out in ECRI's general policy recommendation N° 2 on specialised bodies.
16. ECRI notes that a Parliamentary Commission is working on the basis of a proposal to set up the institution of the Ombudsman in Slovakia, and hopes that the above-mentioned need for a specialised body to combat racism and intolerance will be taken into consideration in on-going work on this issue.
17. Slovakia has set up governmental bodies with consultative functions in some areas relating to racism and discrimination. The Government Council for National Minorities and Ethnic Groups is composed of 14 members, 11 of which represent minority communities, including the Roma.

¹ See *Vulnerable groups*, below

18. In March 1999 the office of the Plenipotentiary of the Government of the Slovak Republic for the Solution of the Problems of the Roma/Gypsy Minority was set up, headed by a member of the Roma community and reporting to the Government. The Plenipotentiary submitted a programme² to the government in September 1999 covering the situation of the Roma community in all fields of life, including education, employment and housing. The programme, which has been adopted as the strategy of the Government, is conceived as a long-term plan (5-10 years), with a regular evaluation of the measures taken by the various ministries, but also contains a number of measures for immediate implementation. It includes action to be taken by the government, but also aims to involve society as a whole with a maximum participation on the part of the Roma community itself in measures concerning it.
19. ECRI welcomes the creation of the post of the Plenipotentiary of the Government of the Slovak Republic for the Solution of the Problems of the Roma/Gypsy Minority. ECRI encourages the Slovak authorities to ensure that this body has the necessary powers and resources to fulfil its task, and notes with satisfaction the government's declaration in August 1999 that the financial resources and staff of this body will be increased.
20. The Minority Cultures Section in the Ministry of Culture finances projects in the field of minority cultures by means of an expert commission consisting of 19 representatives of national minorities. Funds are provided for the organisation of cultural activities, publication of periodical and non-periodical press, and financing of cultural institutions.

F. Education and awareness-raising

21. Formal educational programmes on human rights, *per se*, do not appear to have been initiated in the Slovak school system at the present time. ECRI urges the Slovak authorities to introduce teaching on issues of racism and discrimination into the school curriculum, perhaps drawing inspiration from educational initiatives undertaken by various non-governmental organisations. It also encourages the introduction of specific training for teachers in dealing with and presenting this subject.
22. ECRI is concerned to learn that a controversial history book entitled "History of Slovakia and the Slovaks", which has been widely criticised by religious groups for providing a distorted justification of Slovakia's wartime treatment and deportation of Jews and Roma, continues to be available in schools, albeit alongside another history manual which apparently provides an alternative account. The Prime Minister has reportedly ordered the withdrawal of this

² "Strategy of the Government of the Slovak Republic for the Solution of the Problems of the Roma/Gypsy Minority and the Set of Measures for its Application".

book, and ECRI urges the Slovak authorities to ensure that this order is implemented.

G. Reception and status of non-citizens

- *Asylum-seekers and refugees*

23. There is some immigration into Slovakia on the part of asylum-seekers and other immigrants, although many such persons move on to other countries. The Migration Office of the Ministry of the Interior, in co-operation with other non-governmental organisations, is responsible for providing assistance to refugees and promoting the fast and effective integration of asylum seekers into society. The general principles of the migration policy include equal rights for recognized refugees with Slovak citizens and providing assistance and access to employment, social welfare, medical care, education, and social integration into society. ECRI does not have information about how these principles are implemented in practice.

H. Conduct of certain institutions

- *Police*

24. The problem of police mistreatment of members of minority groups, particularly Roma, is of particular concern to ECRI. Few steps have been taken to combat such practices: there appears to be a lack of acknowledgement that police mistreatment of Roma is a reality. There are reports that police participate in raids and searches in Roma/Gypsy settlements, often without the appropriate legal authorisation, and that such searches have also involved police violence. Victims are reportedly very unwilling to come forward for fear of reprisals and from a lack of confidence in the possibilities for redress. ECRI stresses that any incidence of police brutality against members of minority groups should not be tolerated by the authorities, and that this should be made clear by a firm and public condemnation from politicians and police leaders. Steps should be taken to investigate all alleged mispractices and punish offenders: such investigations should be carried out by an independent investigatory body.
25. Measures should also be taken to encourage and assist victims to come forward with complaints. Such measures might include the appointment of mediators from minority groups and the increased recruitment of police officers from these groups, accompanied, as necessary, by assistance to members of such groups to enable them to fulfil the entry requirements for employment. In this respect, ECRI welcomes the project currently under preparation which would provide a two-year preparatory training for Roma wishing to apply to the police academy.

26. ECRI welcomes the order issued by the Slovak authorities that the police cease to record and publish details of crimes with the identification of the ethnic origin of the alleged perpetrator, which in the past apparently led to press reports stigmatising the Roma/Gypsy community. It also encourages the authorities to look into and take action against other police practices which may discriminate against visible minorities, such as more frequent checks of the identity documents of Roma compared to the rest of the population.

I. Access to public services

- Access to education

27. The Constitution provides for the right of national minorities to education in their mother tongue. In previous years, some legislative amendments were introduced which led to discrimination in schools, particularly minority schools. For example, a 1997 administrative order prohibited the issuing of bilingual reports: this was overturned by a 1999 amendment to the Schools Act which allows schools in which a national minority language is the language of instruction to issue bilingual school reports. Similarly, a legislative amendment which deprived school boards of the right to appoint the school director is to be rescinded by the end of 1999. Problems remain in the practical implementation of the right of minority groups to education in their mother tongue: for example, it is apparently difficult to find enough university professors to teach minority students. There is also a need to train more teachers of minority languages. ECRI encourages the Slovak authorities to continue their efforts to ensure that the right of national minorities to education in their mother tongue is secured in practice.
28. The situation of the Roma/Gypsy population as regards access to education is dealt with under the section "issues of particular concern" below.

- Access to social services such as health care, welfare and housing

29. As discussed below³, members of the Roma/Gypsy community suffer discrimination in obtaining housing and in the quality of housing available to them. They may also have difficulties accessing other social benefits.

³ See *Vulnerable groups*

J. Vulnerable groups

This section covers certain minority groups which may be particularly vulnerable to problems of racism and discrimination in the country in question. It is not intended to provide an exhaustive overview of the situation of all minority groups in the country, nor to imply that groups not mentioned face no problems of racism and discrimination.

- ***The Roma/Gypsy community***

30. Although the Roma/Gypsy community in Slovakia is officially numbered at 82 000, based on declarations of nationality made in the last census, the real figure is estimated by various sources to be closer to 500 000. The Roma/Gypsy community faces considerable social and economic disadvantage in all fields of life, including housing, education (covered under “issues of particular concern” below) and employment. The Roma/Gypsy community is also particularly vulnerable to manifestations of prejudice, discrimination and racial violence.

❖ Racial violence

31. A pressing problem in Slovakia is posed by racial violence and harassment, often perpetrated by skinheads against members of the Roma/Gypsy community. Several such incidents have been reported in recent years, many of which remain unresolved: for example, physical attacks by skinhead groups against Roma/Gypsies were reported in various locations around the country throughout 1998 and 1999, and in July 1998, a Roma/Gypsy youth, severely beaten after his house was set on fire, died after being hospitalised. Other cases of violence involved attacks on Roma/Gypsy children.
32. More alarming still is the apparent lack of police response to such incidents: in fact, several cases of reported violence against members of the Roma/Gypsy community have allegedly been carried out by police officers themselves⁴.

❖ Employment

33. Although the national unemployment rate ranges from 4% to 36% (depending on the region), it is above 80% among the Roma/Gypsy population and stands at around 100% in Roma/Gypsy communities in some areas. ECRI is of the opinion that discrimination – both in the labour market and in other areas of life such as education – plays a large part in such disadvantage.

⁴ See Police, above

34. Some initiatives have been taken to improve the situation; for example, public works often employ Roma/Gypsies. However, ECRI feels that more concerted and long-term efforts are called for, including the effective implementation of relevant legislative provisions against discrimination in employment, and a range of policy measures such as increased access of Roma/Gypsies to education and to specific training programmes to qualify them for entry in various areas of employment.

❖ Access to social services such as health care, welfare and housing

35. The area of housing remains problematic in terms of discrimination against members of the Roma/Gypsy community. It is reported that in some cities and towns the local authorities have forced the relocation of Roma/Gypsy families from central areas to the outskirts, where ghetto-like Roma/Gypsy quarters and settlements are on the rise, with a resulting deterioration of already very poor living, health and safety standards.

36. Resolutions passed by two municipalities to ban Roma/Gypsies from the territory of the municipalities have been found unconstitutional and overturned, but it appears that the effect of these resolutions remains in place and the Roma/Gypsy communities are still not able to build houses in the municipalities in question. ECRI stresses that any practices aiming at segregating and isolating Roma/Gypsies in ghetto-like neighbourhoods should be firmly condemned by the authorities and urges the authorities to take immediate action to ensure that such practices cease.

❖ Access to social benefits

37. In order to fully qualify for social and economic benefits, Slovak citizens must be in possession of a citizen's identity card ("*obciansky preukaz'*"). To obtain this card, the citizen must show proof of a "permanent domicile", i.e. establish that he/she owns a residence or has permission from a landlord to live on the premises. For Roma/Gypsies, such requirements may be difficult to meet, which may in turn lead to problems in gaining access to certain civil, political, social and economic rights. ECRI urges the Slovak authorities to investigate the situation and resolve any problems identified.

38. It appears that new welfare legislation, in effect as from 1 July 1998, has resulted in many Roma/Gypsies losing their previous access to welfare benefits. For example, financial support has been replaced in some cases by food vouchers. This has reportedly led to difficulties for some Roma/Gypsies; for example, it has been reported that some Roma/Gypsies no longer have the financial means to use public transport and are thus unable to travel to find employment. Although such replacement of money payments with vouchers is intended to be carried out on an individual basis, it is not clear that this is the case nor whether it is only members of the Roma/Gypsy community who are

affected by this measure. ECRI stresses that the allocation of various forms of welfare benefits should be decided upon on an individual basis and in a non-discriminatory fashion.

❖ Empowerment of the Roma/Gypsy population

39. Although there is an awareness on the part of the authorities that the Roma/Gypsy population is in a very vulnerable position and that action needs to be taken, there seems little recognition of the part played by racism and discrimination in accounting for the difficulties faced by the Roma/Gypsies. Instead, such difficulties are attributed solely to social disadvantage, which in turn is often attributed to the "Roma way of life". The general population seems to consider the Roma/Gypsies as being outside mainstream society and not capable of participating as equal members.
40. ECRI notes that there does seem to be a genuine will on the part of the authorities to take action to improve the situation of the Roma/Gypsies. However, there does not seem to exist a clear strategy or vision of how such change might be brought about, although the appointment of the Plenipotentiary of the Government of the Slovak Republic for the Solution of the Problems of the Roma/Gypsy Minority will hopefully improve this situation. ECRI is of the opinion that policies which tend towards a "paternalistic" approach to solving the problems faced by the Roma/Gypsies are unlikely to result in lasting change or a real improvement in the situation. ECRI encourages the Slovak authorities to focus on the need to empower the Roma/Gypsy community to play an active part in initiatives aimed at improving its position in society. Such empowerment requires long-term measures in fields such as education and the provision of support for civic initiatives; the need is for more Roma/Gypsies to be in a position to represent their communities throughout the structures of society. It also requires acknowledgement on the part of the general public that the Roma/Gypsy community is an integral part of Slovak society and that current patterns of separation between the Roma/Gypsy population and the rest of society cannot provide a viable way forward. In all these respects, ECRI draws attention to its general policy recommendation N° 3 on combating racism and intolerance against Roma/Gypsies.

- ***Antisemitism***

41. Some signs of antisemitism persist: for example, in late 1997, a rabbi in Bratislava was attacked by skinheads, while in 1998, Jewish cemeteries and a synagogue were the targets of vandalism. ECRI is also concerned at recent initiatives to rehabilitate the pro-fascist Tiso wartime regime and the evidence of antisemitic strands in the media.

42. Nevertheless, some positive steps have been taken, among others by the Conference of Roman Catholic bishops of Slovakia, who issued a statement in March 1998 acknowledging the responsibility of the Slovak people for its part in not coming to the aid of Slovak Jews deported during the Holocaust.

K. Monitoring the situation

43. Members of minority groups may identify themselves as such on a voluntary basis in the census. However, systematic recording of information relating to the situation of the different minority groups in various areas of life seems to be lacking. For this reason, it is difficult to evaluate the extent of discriminatory practices in the various fields of society, such as access to public services, housing, employment and education, or to measure the extent of racial violence. While recognising the wish to avoid an obligatory statement of ethnic identity, ECRI encourages the Slovak authorities to consider ways of monitoring the situation of the various minority groups in Slovakia, with due respect to the principles of the protection of data and of privacy, and based on a system of voluntary self-identification. Such monitoring should also be broken down by gender.
44. ECRI also encourages the Slovak authorities to set up a system of data collection to record incidents of violence and discrimination perpetrated against members of minority groups. In this respect, ECRI notes that in 1999 the police has introduced a system of monitoring of criminal activities motivated by racism, xenophobia and intolerance or committed by members of extremist groups or by their supporters. ECRI also draws attention to its general policy recommendation N° 4 on national surveys on the perception and experience of racism and discrimination from the point of view of potential victims.

L. General climate of opinion

45. Recent declarations by the authorities of their intent to combat racism and discrimination are a positive step; however, it appears that racism is still considered mainly as an individual problem of limited extent rather than a phenomenon which is manifested in violent attacks but also at the level of daily discrimination in fields such as education, housing and employment. ECRI considers that in order to ensure that the government's stand on this subject is reflected in concrete action, specific training is essential for officials responsible for policy implementation at all levels and in all fields, with the aim of raising awareness of the problems of racism and discrimination and providing guidance on how to tackle these issues.
46. While it may be true that only a small proportion of the population engage in overt manifestations of hostility, signs of racism and intolerance are present in society. For example, the discourse of certain political parties is openly racist

and xenophobic, and opinion polls have shown that 70-75% of the population hold negative views concerning the Roma/Gypsy population. Such negative views have recently been exacerbated by the departure of Roma/Gypsies seeking asylum in various Western European countries, which is generally seen by the majority population as being entirely for economic reasons: the subsequent imposition of visa requirements by certain countries on Slovak citizens has had the unfortunate effect of evoking even stronger prejudices against the Roma/Gypsy community.

47. ECRI considers that there is an urgent need to raise awareness among the Slovak population of the existence of racism and discrimination within Slovak society and of the impact this may have on certain minority groups, particularly the Roma/Gypsy population but also other visible minority groups such as immigrants.

M. Media

48. Certain media continue to contribute towards prejudices and stereotypes as regards the Roma/Gypsy community. ECRI encourages the media profession to adopt codes of conduct covering issues of racism and intolerance.

SECTION II. ISSUES OF PARTICULAR CONCERN

49. In this section of its country-by-country reports, ECRI wishes to draw attention to a limited number of issues which in its opinion merit particular and urgent attention in the country in question. In the case of Slovakia, ECRI would like to draw attention to the question of the need for a more effective implementation of the legislation in force, and the issue of the provision of education for the Roma/Gypsy population.

N. Implementation of legislation

50. Although the legislative framework against racism and discrimination in Slovakia is considered to be reasonably good, the relevant provisions are seldom used to combat these phenomena. The main reason put forward by the authorities for the lack of prosecutions is the perceived difficulty in proving the racial motive of a discriminatory act or racist incident; however, it is also frequently reported that the attitude of the police and prosecuting authorities is passive in this respect. The tendency seems to be to minimise the extent of racially-motivated incidents, so that even quite clear cases of racially-motivated violence perpetrated by skinheads are considered as ordinary crimes of violence. In fact, it has been reported that many incidents which are perpetrated by young people are considered as "disturbances of public peace".

51. Although the right-wing extremist skinhead movement is not considered by the authorities to be an organised movement, and it is not registered with the Ministry of the Interior, other sources claim that it is in fact a quite well-structured movement which has strong international links and also allegedly some support from certain political strands in Slovakia. ECRI recalls in this respect its general policy recommendation N° 1, in which it calls on governments to take measures, including where necessary legal measures, to combat racist organisations.
52. Problems of implementation of the legislation in force are evident at all stages in the criminal justice system. At the level of the police, it has been reported that police seldom record crimes as being racially-motivated. Police are reported as being unwilling to record the testimony of witnesses to skinhead attacks on Roma/Gypsies, and black students in Slovakia have reported that the police have not followed up their complaints of attacks. Police officers have also reportedly used the device of countercharges to pressure Roma/Gypsy victims of police brutality to drop their complaints⁵; medical doctors and investigators are apparently sometimes reluctant to describe accurately the injuries involved, while some lawyers are likewise said to be reluctant to represent Roma/Gypsies in such situations, for fear this would have a negative effect on their practice.
53. At the level of the prosecuting authorities and judges, it is noted that very few cases of racially-motivated crime reach the courts at all, or if they do, they are generally prosecuted as ordinary crimes. At the most, the racial motive of the crime is considered as an "aggravating circumstance" in an ordinary crime. It has also been reported that judges are sometimes unwilling or unprepared to accept the racial motive of crimes, and that sentences passed are too lenient given the nature of the crime. Thus, although criminal law provisions specifically covering racist attacks do exist, they have apparently only been used on few occasions over the last 5 years.
54. In these circumstances, it is not surprising that victims of racist crimes are unwilling to come forward and bring complaints: ECRI is of the opinion that the extent of racist crime is therefore likely to be much higher than the number of cases reported and prosecutions brought would otherwise suggest.
55. Further measures should be taken to improve the implementation of criminal law in this respect, including clear guidelines and instructions to police and the prosecuting authorities and a public commitment from the authorities to tackling the problems of racism and intolerance. In this respect, ECRI welcomes the declaration made by the government in November 1998 in which it stated *inter alia* that it "condemns all forms and manifestations of racism and intolerance... [and] declares it will take all resolute measures

⁵ See also paragraphs 24 and 32.

against such phenomena.” ECRI encourages the authorities to speak out publicly in condemning incidents of racist attacks or violence.

56. ECRI also recommends intensified training in the field of combating racism and intolerance for police officers at all levels and on an on-going basis. Training and guidelines should also be provided for officials working in other branches of the criminal justice system, such as the prosecuting authorities and judges. Such training should focus in particular on the types of racism and discrimination existing in Slovakia, to assist officials in recognising and dealing with such crimes.
57. Measures should also be taken to ensure that the general public is aware of the legislation in force to combat racism and discrimination. It is also necessary to improve the confidence of victims and potential witnesses in the criminal justice system: measures could include the appointment of persons within the police force with particular responsibility for dealing with complaints of racial crimes.
58. When evaluating the implementation of legislation, a problem appears to be a lack of certainty about the extent of racist crimes in Slovakia. In order to measure the effectiveness of the measures taken to improve the implementation of legislation, ECRI reiterates the recommendation made to governments in its general policy recommendation N° 1 to “ensure that accurate data and statistics are collected and published on the number of racist and xenophobic offences that are reported to the police, on the number of cases that are prosecuted, on the reasons for not prosecuting and on the outcome of cases prosecuted”.

O. Discrimination against Roma/Gypsies in the field of education

59. Although the Roma/Gypsy population faces disadvantage and discrimination in most fields of life, as discussed above, ECRI is of the opinion that the field of education is a crucial area for immediate action, given the need to ensure that Roma/Gypsies can compete in terms of qualifications and skills with the majority population, and given the importance of empowering the Roma/Gypsy population to play an active role in determining its own future and to participate as an integral part of Slovak society.
60. The over-representation of Roma/Gypsy children in “special schools” for children with learning or social difficulties is a problem about which ECRI is deeply concerned. It is reported that this over-representation is due in part to the fact that the tests used to determine the aptitudes of children assume a linguistic competence in Slovak that young Roma/Gypsy children may not yet possess. Once placed in such schools it is unlikely that Roma/Gypsy children will later be able to integrate into mainstream schooling, particularly since it is reported that some schools are rather reluctant to accept Roma/Gypsy pupils.

It may also be the case that Roma/Gypsy parents are not fully involved in decisions involving their children.

61. ECRI urges the Slovak authorities to closely examine the channelling of Roma/Gypsy pupils into special schools, and to ensure that the testing procedures used for entry into such schools are fair and fully evaluate the true capacities of each individual child. Steps should also be taken to raise awareness among Roma/Gypsy parents of the educational possibilities open to their children and the relevance of education for empowerment, in order to encourage them to play an active part in their children's schooling at the earliest possible age.
62. It has also been reported that Roma/Gypsy children are often placed in separate classes or even in separate buildings in village schools. In this context, ECRI recalls its general policy recommendation N° 3 on combating racism and discrimination against Roma/Gypsies, in which it recommends that member States "vigorously combat all forms of school segregation towards Roma/Gypsy children".
63. One of the main reasons cited for the problems faced by Roma/Gypsy children in education is their initial difficulties in learning Slovak. In this respect, ECRI notes that although all national minorities enjoy the right to education in their mother tongue, no mother tongue education is provided for Roma/Gypsy children. While recognising the importance of a mastery of the Slovak language for all children in Slovakia, ECRI considers that increased opportunities to study the Roma language in the early years of schooling might assist Roma/Gypsy children in integrating into the educational system.
64. ECRI welcomes the proposal made by the Slovak authorities in January 1999 to employ Roma/Gypsy assistants in classes to assist Roma/Gypsy children with academic support and to direct extracurricula activities. The hope is that this will provide a positive role model for the children and help forge positive links between parents and teachers, as well as between the Roma/Gypsy community and schools. The provision of preparatory classes for Roma/Gypsy children to assist them prior to entering primary education is also foreseen. ECRI strongly supports the implementation of such initiatives.
65. Beyond the primary level, the Roma/Gypsy population is even more disadvantaged in secondary and further education. Although Roma/Gypsy children may complete the compulsory period of schooling, they often leave school without having completed the final academic level of education. ECRI feels that steps should be taken to ensure that Roma/Gypsy children enjoy the same opportunities in practice as majority children to succeed in secondary and further education. An interesting initiative is the organisation of a two-year special training for Roma/Gypsy children who have failed to reach the required academic level on leaving school, to enable them to then go on to further education. Moreover, ECRI notes that a Department of Roma Culture exists at one university, although Roma/Gypsy students are under-represented

even in this faculty. There is also a secondary school for the arts in which Romany is studied. ECRI encourages the development of initiatives at the level of secondary and further education to promote the education of Roma/Gypsy pupils: such initiatives should include the intensified training and recruitment of Roma/Gypsy teachers, and awareness-raising measures to ensure that the contribution of the Roma/Gypsies to Slovak society is reflected in the school curricula and general training programmes for teachers.

66. ECRI also stresses the importance of educational initiatives targeted at adult members of the Roma/Gypsy population and specially designed with their needs in mind.

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