

**ADVISORY COMMITTEE ON THE
FRAMEWORK CONVENTION FOR THE
PROTECTION OF NATIONAL MINORITIES**

COUNCIL OF EUROPE



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**Comments of the Government of the Slovak Republic on the Fifth Opinion of the Advisory
Committee on the implementation of the Framework Convention for the Protection of National
Minorities by the Slovak Republic**

received on 3 June 2022

Position of the Slovak Republic on the Fifth Assessment on the Implementation of the Framework Convention for the Protection of National Minorities in the Slovak Republic

I. The Slovak Republic appreciates the dialogue with the Advisory Committee of the Framework Convention for the Protection of National Minorities in the framework of the fifth round of the assessment of the implementation of the obligations under the Convention in the Slovak Republic.

II. The Slovak Republic takes note of the critical assessment of the persistent shortcomings and unresolved problems in the field of the status of national minorities. The detailed findings of the Advisory Committee and the assessment of the implementation of the individual provisions of the Convention will be the subject of a thorough examination, assessment and interactive dialogue between the relevant authorities and institutions of the Slovak Republic.

III. The Slovak Republic does not identify with the observation of the Advisory Committee to the Framework Convention for the Protection of National Minorities stating that "In Slovakia there is a general lack of understanding that minority rights are an integral part of human rights and that minority rights require special attention and specialised measures". A review of the entire Fifth Assessment of the Advisory Committee of the Council of Europe and its critical assessment has not revealed any facts that should have formed the basis for such a negative statement by the Advisory Committee on the state of the rights protection of national minorities members in the Slovak Republic. The Slovak Republic therefore requests the Advisory Committee to the Framework Convention for the Protection of National Minorities to state the specific findings on the basis of which it concludes that there is a general lack of understanding in the Slovak Republic of (a) the indivisibility of the rights of national minorities members and human rights in the Slovak Republic; (b) the need for special attention and specialised measures for national minorities members in the Slovak Republic.

IV. The monitoring process evaluation transparency will be ensured in the Slovak Republic by the publication of the Fifth Assessment of the Advisory Committee to the Convention and the position of the Slovak Republic in question and by a comprehensive analysis of the Resolution of the Committee of Ministers of the Council of Europe by all substantively competent bodies and institutions of the Slovak Republic.

V. Based on the comprehensive analysis of the Resolution of the Committee of Ministers of the Council of Europe, the Government of the Slovak Republic shall set tasks for all materially competent bodies and institutions of the State administration aimed at consistent processing and gradual elimination of the identified shortcomings within the framework of further, targeted implementation of the Council of Europe Framework Convention for the Protection of National Minorities.

1. The Government of the Slovak Republic is aware of the urgency of addressing the problems of the Roma and this agenda is among its priorities also within the framework of the Programme Declaration of the Government of the Slovak Republic for 2020 - 2024. It has also started to actively address the forced sterilisation of Roma women before 2004 and is working on the preparation of a possible scheme for the assessment of claims and compensation for victims of

sterilisation. On April 7, 2021, the Government of the Slovak Republic adopted by Resolution No 181/2021 the Strategy for Equality, Inclusion and Participation of Roma until 2030 (the "2030 Strategy"), which defines five strategic priorities: education, housing, employment, health and combating anti-Roma racism.

1.1. The Government Plenipotentiary for Roma Communities based on Government Resolution No. 181/2021 as of April 7, 2021, developed in the process of participatory dialogue the Action Plans of the 2030 Strategy (the "Action Plans"), for the following areas: education, housing, employment, health, combating anti-Roma racism, and promoting participation. The Action Plans were drawn up for the years 2022-2024 and adopted by Government Resolution No. 256/2022 as of April 6, 2022. The Action Plans will be further developed in three-year cycles, namely 2025-2027 and 2028-2030.

1.2. In the action plan for the priority area of education - in sub-objective 6: Develop Roma national identity and promote the rights realisation of Roma as a national minority, with special regard to language rights - the objectives are elaborated to ensure education in the mother tongue for children and pupils from marginalised Roma communities at all levels of education; to support the development of national education for the Roma national minority at all levels of education; to support scientific, educational and research activities in the field of Roma language and realities, Roma culture and art; and to ensure the availability and enforceability of the right to communicate in the Roma mother tongue in practice. The measures are to be ensured through specific activities by the responsible promoters or partners.

1.3. On the basis of Government Resolution No. 181/2021 as of April 7, 2021, the Minister of Culture of the Slovak Republic was simultaneously entrusted with the elaboration of the "Vision for the Preservation and Development of Roma Culture, Language and Identity Promotion until 2030" document with a deadline for implementation on May 31, 2022. The impetus for its creation was the strategic and conceptual material 2030 Strategy. The prepared vision represents a set of sub-objectives and measures aimed at the preservation and development of Roma culture and language in order to strengthen the identity as one of the important factors contributing to stopping the segregation of Roma communities and to the subsequent positive turn in social inclusion, or to change the attitudes of the majority population towards the Roma national minority and to improve coexistence. The aim is also to promote the exercise of the rights of members of the national minority in the use of the Roma language.

1.4. The issue of segregation in education and training is, not only for Roma children, but also for children with disabilities and children from socially disadvantaged backgrounds, one of the priorities of the Ministry of Education, Science, Research and Sport of the Slovak Republic (the "MESRS") within the framework of promoting an inclusive philosophy in the Slovak education system. The issue is dealt with in two strategic documents, namely the Strategy for an Inclusive Approach in Education and Training, approved by the Government of the Slovak Republic by its Resolution No. 732/2021 as of December 8, 2021, and the Recovery and Resilience Plan of the Slovak Republic. The outcomes of these documents are various measures, contained in action plans or other desegregation projects, the implementation of which should lead to the reduction and even the actual end of segregation of certain groups of children, pupils and students in schools.

1.5. In the case of desegregation of the education system, some measures resulting from the Zero Action Plan to the Strategy for an Inclusive Approach in Education and Training have already been implemented. These measures have so far only been of a legislative nature, but by their implementation they create the space for other more specific measures to be implemented in the action plans that will follow.

1.6. In terms of taking measures to further increase the pre-school attendance of Roma children and possible extension of the duration of compulsory pre-school attendance and further reduction of their absenteeism from school, the MESRS plans to increase the pre-primary enrolment rate of children to 95% by 2030 (between the age of 4 and the beginning of compulsory school attendance), focusing primarily on children in need, children from socially disadvantaged backgrounds and children with special educational needs.

1.7. Currently, pre-primary education is already compulsory on the territory of the Slovak Republic with effect as of 1 September 2021 for every child reaching the age of five. At the same time, the Slovak Republic commits in the Recovery and Resilience Plan to introduce a legal entitlement to a place in a kindergarten or other pre-school for children from the age of 3 years, if parents express an interest.

1.8. The issue of high testing and diagnosis of special needs, not only for Roma children, is equally addressed by the MESRS SR in both of the above strategy documents. In this respect, the MESRS SR proceeded to the reform of the system of counselling and prevention, as it considers that it is necessary to emphasize also early diagnosis, early intervention and counselling in the family and in institutions already during the early age of the child. Early diagnosis of the child's needs and subsequent appropriately selected regular intervention leads to the elimination of cases of continuation in compulsory pre-primary education, prevention of failure in school education, forced exclusion to home education, as well as further social exclusion.

1.9. Part of the Organisational Structure of the MESRS SR is the Section of National and Lifelong Education and the Department of National Education. Following organisational and personnel changes, the Section and the Department are being brought up to the planned status and are headed by members of the Hungarian national minority in management positions. There is also a Department for Inclusive Education at the MESRS SR under the direct responsibility of the State Secretary of the MESRS SR.

1.10. In the application practice of the Ministry of Labour, Social Affairs and Family of the Slovak Republic (the "MLSAF SR"), several positive measures have been introduced with regard to the Roma national minority, in the employment of teaching assistants in kindergartens to be able to communicate with children in their "mother tongue", or through a financial allowance for the employment of persons in the least developed districts, in order to combat long-term unemployment.

2. The strengthening of the mandate of the Public Defender of Rights is being considered in conjunction with the establishment of a National Preventive Mechanism under the Optional Protocol to the Convention against Torture and Other Cruel or Inhuman Treatment or

Punishment (OPCAT), under which the mandate and resource of the Public Defender of Rights, the Commissioner for Persons with Disabilities and the Commissioner for Children would also be strengthened. Related Slovak legislation is expected to be enacted in 2022.

2.1. Given the independent status of the Slovak National Centre for Human Rights, it seems desirable that the Slovak National Centre for Human Rights, on its own initiative, raises awareness of its activities, the possibilities of providing free legal assistance to victims of discrimination, including through its awareness-raising campaigns.

2.2. Within the framework of the Government Program Statement of the Slovak Republic for the period 2021-2024, the Slovak Government is committed to streamlining and improving the system of promotion and protection of human rights, including independent mechanisms and nongovernmental organizations, and it is therefore envisaged to open a dialogue in the future regarding the strengthening of the independent institutional framework for combating discrimination.

3. The post-war legislation as of 1945 concerning property issues of the population living on the territory of the present-day Slovak Republic had its historical determinants. It was a part of the post-war arrangement of Europe and cannot be perceived otherwise than in its historical context.

3.1. Although the legal norms of that period are part of the legal order of the Slovak Republic, they were consumed by their implementation in the post-war period and are therefore now extinct and do not establish new legal relations.

3.2. Insofar as individual property claims are the subject of legal proceedings, their handling is in the hands of independent and impartial Slovak courts. According to Article 46(1) of the Slovak Constitution, everyone may claim his or her rights in accordance with the procedure laid down by law before an independent and impartial court and, in the cases provided for by law, before another Slovak authority. According to Article 46(2) of the Constitution of the Slovak Republic, whoever claims to have been deprived of his rights by a decision of a public administration body may apply to a court to review the lawfulness of such a decision, unless the law provides otherwise. The Slovak administrative and judicial authorities shall proceed and decide in accordance with the applicable legal order. The legal order of the Slovak Republic contains institutes of multi-instance review of judicial decisions.

3.3. We consider any fears of representatives of national minorities of possible adverse effects of the post-war legislation in question to be unfounded.

3.4. The Slovak Republic considers individual property claims in bilateral Slovak-Hungarian relations to have been settled on the basis of the so-called Štrbský Protokol (the Štrba Protocol) as of 1949. The expulsion of the Hungarian population after the Second World War was carried out on the basis of an international treaty between the Czechoslovakia and Hungary, i.e. it was not a unilateral measure of expulsion or displacement by Czechoslovakia, but an exchange of the population. Both the presidential decrees and the expulsion of the Hungarian population must be seen in their historical context and in relation to the results of the Second World War. Like the Second World War, these measures, too, brought with their often indiscriminate effects

and widespread application a number of individual injustices and individual tragedies. They were, however, legal and legitimate measures.

4. The Fund for the Promotion of the Culture of National Minorities ("the Fund") is one of the most important instruments for the implementation of the State's support policy in relation to the culture of national minorities living in the Slovak Republic, as well as an instrument for the fulfilment of the Slovak Republic's international legal obligations in this area, including those arising from the Framework Convention for the Protection of the Rights of National Minorities. The Fund provides financial means to support activities with the aim of preserving, expressing, protecting and developing the identity and cultural values of national minorities, educating and training in the rights of persons belonging to national minorities and ensuring intercultural dialogue and understanding in accordance with the legislation in force.

4.1. At the same time, the Fund has taken into account a number of requests from national minorities (including small number minorities), as well as on its own initiative, aimed at a more welcoming approach towards beneficiaries. In accordance with the scheme of state aid granted in the Slovak Republic through the Fund, the Fund has determined and added, in the case of the periodical press, among the eligible expenses, the operating costs necessary for the implementation of the applicant's projects.

4.2. In 2022, for the first time, a timetable for calls for applications for subsidies was published so that prospective applicants could prepare in time to submit their project to the Fund. The individual calls for proposals were announced on 11th, 15th and 28th February 2022, i.e. immediately after the approval of the Structure of the Support Activity of the Fund for the Promotion of the Culture of National Minorities for 2022.

4.3. In March 2022, Act No. 138/2017 of the Collection of Laws of the Slovak Republic (the "Act") on the Fund for the Promotion of National Minority Culture was amended with effect from April 15, 2022. The amendment increased the contribution to the Fund from EUR 8,000,000 to EUR 8,300,000, while the percentage that the Fund is entitled to use for its own operations was increased from 5% to 6%. This amendment to the Act responded to the acute need to ensure sufficient financial resources to cover the staff and material capacity for the full, systematic and timely performance of the Fund's tasks, and thus to streamline and improve the Fund's functioning. At the same time, it creates conditions for eliminating shortcomings in the form of delays in the disbursement of subsidies and control of the settlement of the funds provided, as well as for carrying out systematic monitoring with the aim to continuously improve the quality of project support and create favourable conditions for the development of the culture of national minorities in cooperation with the relevant entities.

5. The European Court of Human Rights (ECHR) has delivered judgments against the Slovak Republic in three cases concerning sterilisation of women without their informed consent:

- V.C. v. SR (judgment as of November 8, 2011, which entered into force on February 8, 2012);
- N.B. v. SR (judgment as of June 12, 2012; entered into force on September 12, 2012); and

- I.G., M.K. and R.H. v. SR (judgment as of November 13, 2012; entered into force on April 29, 2013).

In the case of V. C. v. SR, the ECHR did not require the domestic authorities to initiate criminal proceedings on their own initiative, as it did not find that the doctors had acted with malice or with the intention to ill-treat the complainant. The ECHR did not recognise the alleged violation of the procedural part of Article 3 of the Convention for the Protection of Human Rights and Freedoms in the case of V.C. v. SR concerning the ineffectiveness of the investigation.

In another case, N.B. v. SR, the ECHR did not uphold the applicant's complaint that the Slovak Republic had failed to conduct an effective investigation into her sterilization. The ECHR noted that the complainant's criminal complaint had been examined at three stages of the proceedings and the General Prosecutor's Office of the Slovak Republic had found that the complainant had been sterilised in violation of Slovak law, as her legal representative had not given consent to the procedure.

The ECHR concluded that there had been a violation of Article 3 of the Convention for the Protection of Human Rights and Freedoms, in its procedural part, only in the case of I.G., M.K. and R.H. v. SR, and then only under the influence of the specific facts of the case.

The evidence presented to the ECHR did not convince the Court that there was an organised policy or that the conduct of the medical staff was racially motivated. The ECHR judgments did not support the allegations of multiple illegal sterilisations of Roma women. The measures taken by the Slovak Republic in relation to the implementation of the above judgments (legislative and other) are currently being monitored by the Committee of Ministers of the Council of Europe.

5.1. On November 24, 2021, the material "Apology of the Government of the Slovak Republic for sterilizations of women in violation of the law" was adopted by the Resolution of the Government of the Slovak Republic No. 674/2021. The Government of the Slovak Republic condemned the practices that led to illegal sterilizations carried out before 2004.

5.2. The legislative and other relevant measures taken by the Slovak Republic in connection with the execution of the above judgments are currently being monitored by the Committee of Ministers of the Council of Europe. The complainants were paid the financial compensation awarded by the court. The Ministry of Justice of the Slovak Republic (the "MJ SR") is currently cooperating with the Ministry of Health SR on the preparation of a scheme for the assessment of claims and compensation for victims of unlawful sterilizations.

5.3. The newly established joint working group plans to identify persons who would be subject to sterilization without informed consent by communicating with field workers from the Healthy Regions programme, the Public Defender of Rights, the Chief Expert in Gynaecology and Obstetrics, and by interviewing experts in the Czech Republic.

6. The system of free legal aid for victims of discrimination should be seen not only through the competences of the Legal Aid Centre, but also of the Slovak National Centre for Human Rights, which provides legal aid for a wider range of affected persons and is not bound by the assessment of conditions of material need. In the case of criminal proceedings, victims of

discrimination may become victims of hate crimes in particular, for whom legal assistance is provided through entities providing assistance to victims of crime under Act No. 274/2017 Coll. on Victims of Crime and on amendments and supplements to certain acts. The legal aid system is currently provided by several sections, with the Legal Aid Centre providing legal aid in civil proceedings, entities providing assistance to victims of crime in criminal proceedings and the Slovak National Centre for Human Rights providing legal aid to victims of discrimination and authorised to represent victims of discrimination in anti-discrimination litigation.

7. Act No 400/2015 Coll. on the Drafting of Legislation and the Collection of Laws of the Slovak Republic and on amendments and supplements to certain acts (the "Act on Legislation") regulates the form of public participation in the drafting of legislation, e.g. through the publication of preliminary information, where the public is informed in advance about the preparation of the draft legislation and the basic regulation it is to contain. The public also has the opportunity to comment directly on individual provisions of the draft legislation at the next stage of the legislative process, which is the comment procedure.

7.1. In accordance with Section 10(4) of the Act on Legislation, a dispute proceedings process with the representative of the public may take place if the submitter has not complied with a comment submitted by a large number of natural persons or legal entities from the public and the comment also includes an authorisation for the public representative to represent them (collective comment). The Dispute proceedings with a representative of the public shall be held whenever the submitter has not complied with a collective comment with which at least 500 natural or legal persons have expressed their agreement. If the collective comment has been submitted electronically via the portal, the list of natural and legal persons who have agreed with the collective comment may be sent to the submitter in a way other than via the portal.

7.2 The Government's draft amendment to the Citizenship Act was discussed at the 55th session of the National Council of the Slovak Republic and approved by the National Council of the Slovak Republic on February 16, 2022. The President of the Slovak Republic, Zuzana Čaputová, signed the amendment on March 7, 2022. Act No. 72/2022 Coll. amending Act No. 40/1993 Coll. on Nationality of the Slovak Republic, as amended, entered into force on April 1, 2022.

7.3. The main criticism of the Hungarian minority for the amendment to the Act on Nationality was that, from their point of view, it did not address the situation of citizens who could acquire another (second state) citizenship by means other than family ties or a certain form of residence (e.g. permanent). In particular, they point to the interest in acquiring citizenship on the basis of belonging to a national minority, which should include in particular members of national minorities in the Slovak Republic. These are mainly Hungarians, but prospectively also Croats or Serbs living in the Slovak Republic, who were interested in acquiring a second citizenship on the basis of their nationality.

7.4. The Slovak Republic is a supporter of the principle of so called effective citizenship and views citizenship not only as a legal relationship between the state and the citizen, but also as

a broader factual and moral obligation. This approach is also reflected in the amendment to the Act on Nationality of the Slovak Republic.

7.5. In accordance with the adopted amendment to the Slovak Republic Citizenship Act, the conditions under which citizenship is lost are relaxed. Thus, Slovak citizens will not lose their Slovak citizenship under this legislation on citizenship if they have resided (authorised, registered or otherwise registered) in the Slovak Republic for at least 5 years at the time of acquiring foreign citizenship and provide evidence of this.

7.6. The amendment to the Act on Nationality also provides for other exceptions, on the basis of which citizenship will not be lost. In addition to the two exceptions that already existed in the law in force (acquisition of foreign citizenship by the spouse during the marriage and acquisition of foreign citizenship by birth), the amendment adds two more exceptions, i.e. there will be no loss of citizenship even if the foreign citizenship was acquired by adoption or acquires by a minor child.

7.7. The amendment to the Act on Nationality further provides that former citizens of the Slovak Republic will be granted citizenship of the Slovak Republic upon application, after fulfilling the conditions laid down by law (in particular, blamelessness), provided that they have resided (authorised, registered or otherwise registered) for at least 5 years in the territory of the other state whose citizenship they have acquired.

7.8. In contrast to the legal situation in force until March 31, 2022, applicants under the new legislation will not have to meet the condition of residence in the territory of the Slovak Republic, i.e. they will be relieved of the obligation to register as foreigners for residence in the territory of the Slovak Republic with the competent department of the Alien Police. This will make it much easier for them to apply. Citizens of other EU countries now have to apply in person to stay in Slovakia. Former Slovak citizens will continue to be exempt from the language test.

7.9. Persons with the status of Slovaks living abroad will be granted Slovak citizenship provided they are allowed to reside in Slovakia and the applicant has made a significant contribution to the community of Slovaks living abroad in the economic, scientific, technical, cultural or sporting fields. In practice, two categories of applicants with the status of Slovaks living abroad will be created. One category will be applicants without the so-called contribution to the community, who in relation to their residence will have to meet the condition of at least 3 years of residence in the territory of the Slovak Republic, their application will be decided by the Ministry of the Interior of the Slovak Republic, while it will be possible to appeal against the decision - an appeal, which will be decided by the Minister of the Interior of the Slovak Republic on the basis of a proposal of a special commission. The second category will be applicants with the status of a Slovaks living abroad with the so-called contribution to the community, for whom, in relation to residence will be required only to fulfil the condition of permitted residence in the territory of the Slovak Republic, and their application will be decided

directly by the Minister of the Interior of the Slovak Republic. It will not be possible to lodge an appeal against the decision.

7.10. In relation to the descendants of former Czechoslovak citizens born in the territory of the Slovak Republic, they will be able to apply for Slovak citizenship subject to the condition of authorised residence in the territory of the Slovak Republic without specifying its duration.

8. The Council of the Government of the Slovak Republic for Human Rights, National Minorities and Gender Equality (the "CGHR") does not have the competence to unilaterally recognise a national minority, or to amend the Statute of the Committee for National Minorities and Ethnic Groups (the "Statute"). The process of acquiring the status of a national minority with its special, legal and political regime is not formalized.

8.1. Pursuant to Article 10(2) of the Statute of the Council of the Government of the Slovak Republic for Human Rights, National Minorities and Gender Equality, any member of the Committee for National Minorities and Ethnic Groups (the "CNMEG") may initiate a change to the Statute. Subsequently, the proposal is discussed by the Committee and only after its approval is it submitted to the CGHR for approval. Therefore, it is also not possible for the Minister of Justice of the Slovak Republic and the Chairperson of the CGHR to unilaterally extend the membership of the Committee to an ethnic group.

8.2. According to the Statistical Office of the Slovak Republic and the results of the SOBD 2021, 537 inhabitants residing in 95 municipalities of the Slovak Republic reported Goral ethnicity. Goral nationality was another nationality reported by 4 736 inhabitants residing in 275 municipalities.

8.3. The Committee on National Minorities and Ethnic Groups, as the highest participatory body of members of national minorities for deciding on matters concerning them, has in its statute, as far as the expression of the views of members of national minorities is concerned, the possibility of adopting a resolution on behalf of the whole Committee, on behalf of several national minorities or on behalf of a single national minority, according to the nature of the matter, established in its statute. The CNMEG Statute also establishes the principle that it is not possible to deal with issues of a particular national minority which concern several national minorities at a meeting of the Committee without the participation of its representative. An important competence of the CNMEG is also the adoption of the so-called "principled opinions", which are binding for the Government Council for Human Rights, National Minorities and Gender Equality.

8.4. In relation to the status of all committees that are standing advisory bodies to the CGHR, Resolution 273 as of 18 October 2021 was adopted by which the CGHR invited its committees to submit a position paper on the discussion paper of the CGHR Working Group to address the meaningfulness of the CGHR and its purpose, and in particular on the issues of the status of the committees and their relationship to the CGHR. Following on the above, the CNMEG discussed two alternatives put forward by the Council at its meeting on 3 December 2021. The first alternative concerned maintaining the current status of the CNMEG as a permanent expert body

of the CGHR, strengthening the role of the Vice-Chair of the CNMEG for civil society, and streamlining the implementation of the communication of the CNMEG' substantive positions to the CGHR. The second alternative proposed the establishment of the Government Council for National Minorities and Ethnic Groups as an independent advisory body to the Government of the Slovak Republic. By Resolution No. 184 as of December 3, 2021, the CNMEG requested the Chairperson of the CGHR and the Minister of Justice of the Slovak Republic to establish a separate Council of the Government of the Slovak Republic for National Minorities and Ethnic Groups as an advisory body to the Government of the Slovak Republic. The Plenipotentiary of the Government of the Slovak Republic for National Minorities and the President of the CNMEG informed the Secretary of the CGHR in writing about the adoption of the resolution in question, including the detailed results of the vote. The CNMEG resolution in question is under consideration, given its relation to the forthcoming law on the status of members of national minorities, as well as the need to amend Act No. 575/2001 Coll. on the Organisation of the Activities of the Government and on the Organisation of the Central State Administration, as amended (the Competence Act of the Slovak Republic).

8.4. According to the Statute of the CMNEG, the use of languages of national minorities is the responsibility of the Government Plenipotentiary for National Minorities of the Slovak Republic, who provides translations of educational or promotional materials, as well as key Slovak legislation and models of official documents into Hungarian, Romani, Ruthenian, Ukrainian and German, while observing a uniform professional terminology.

8.5. The template of the polling station marking has been issued by the Ministry of the Interior of the Slovak Republic for the purpose of the elections in up to 5 minority languages (Hungarian, Romani, Ruthenian, Ukrainian and German).

8.6. On the basis of the position of the Statistical Office of the Slovak Republic and the results of the CPHF 2021 census, it should be informed that the question "What is your nationality?" 67 179 inhabitants declared themselves to be of Roma nationality (i.e. 1.2% of the population) and for the question "Do you declare another nationality?" 88 985 inhabitants declared themselves to be of Roma nationality. Thus, a total of 156 164 inhabitants declared themselves belonging to the Roma nationality. In the CPHF 2011, 105 738 inhabitants declared the Roma nationality, which represents 2 % of the total population. According to the Atlas of Roma Communities as of 2013, the estimated number of Roma was 402 840 (7.5% of the total population).

8.7. In the census in 2021, 67,179 permanent residents declared Roma nationality and 88,985 residents declared Roma nationality as an additional nationality. The data are publicly available on the website set up by the Statistical Office of the Slovak Republic for the purpose of publishing the results of the CPHF 2021 www.scitanie.sk.

8.8. On the basis of a results comparison of censuses carried out on the territory of the Slovak Republic in 2001 and 2011, the Statistical Office of the Slovak Republic adds to the current data and states that in the census in 2021, according to the question "*What is your nationality?*", 422 065 inhabitants declared themselves to be Hungarian, 67 179 to be Roma, 23 746 to be

Ruthenian, 28 996 to be Czech, 9 451 to be Ukrainian, 3 771 to be Polish, 3 318 to be German, 3 245 to be Russian, and 1 106 to be Bulgarian.

8.9. With regards to the concern expressed by representatives of national minorities about the interpretation of the CPHF 2021 results regarding "nationality" and its impact on the enjoyment of rights by persons belonging to national minorities, the Statistical Office of the Slovak Republic has clearly stated that the whole procedure of analysing data on multiethnicity (or cumulative - dual nationality - i.e. Nationality and other nationality) was communicated within the framework of the Expert Working Group on the collection of data on nationality in the preparation of the CPHF 2021, the creation of which was based on the National Action Plan for the Census of Houses and Flats 2021 - Strategic Objective 5 ("Pay increased attention to special groups and populations whose enumeration will require a specific approach" - Activity: Establishment of the Expert Working Group). The members of the expert working group were representatives of the Office of the Government Plenipotentiary for National Minorities, OGPNM, Statistical Office of the Slovak Republic, as well as nominees (experts in the field) for each national minority in the Slovak Republic. The CGHR Committee has been regularly informed that the Statistical Office of the Slovak Republic, in the framework of the dissemination and further use of the results of the CPHF 2021, is able to publish the evaluated data for each nationality question separately, as well as to provide specific data and data for individual combinations (i.e. nationality, other nationality).

8.10. The analysis of the CPHF 2021 census results was carried out on the basis of CNMEG Resolution No. 188 as of December 3, 2021, by which the CNMEG instructed the Chairman of the Committee and the Government Plenipotentiary for National Minorities to set up a working group composed of nominated representatives of the Chamber Committee for National Minorities, representatives of the Chamber for Central Government Authorities, a representative of the Statistical Office of the Slovak Republic, as well as selected permanent invited members of the Committee for the elaboration of interpretative frameworks from the CPHF 2021 concerning the nationality, additional nationality and mother tongue of the population. The proposal to set up the working group followed the results of the CPHF 2021, which for the first time collected data on the multi-ethnicity of the population in the Slovak Republic, which is primarily linked to the implementation of Act No. 184/1999 Coll. on the Use of Languages of National Minorities, as amended, as well as other legislative regulations. Following the resolution in question, the Government Plenipotentiary for National Minorities set up a working group with the aim of adopting a representative position on the interpretation of the results of the CPHF 2021 concerning the nationality, other nationality and mother tongue of the population. By Resolution No 191 as of February 28, 2022 CGHR adopted the representative position of the working group to interpret the results of CPHF 2021 on nationality and other nationality as the sum of both nationality categories; instructed the President of the CNMEG to inform the CGHR on the interpretation of the results of CPHF 2021 on nationality and other nationality as the sum of both nationality categories and to submit a proposal on the interpretation of the results of CPHF 2021 on nationality and other nationality as the sum of both nationality categories to the Government of the Slovak Republic through the Head of the Office of the Government of the Slovak Republic. The present resolution of the CNMEG is

currently being implemented and the legislative process of discussing the material in question in the framework of the inter-ministerial comment procedure is currently underway.

8.11. Based on the results of the CPHF 2021 and their interpretation according to nationality and other nationalities as the sum of both national categories, the list of municipalities in which the inhabitants of the Slovak Republic belonging to a national minority constitute at least 15% of the population would thus increase by 127 municipalities, from 638 to 765, in which there are 816 groups of national minorities with a share of 15% or more. The threshold of at least 15% is met by:

- Hungarian national minority in 517 municipalities (512 municipalities meeting the 20% limit + 5 municipalities meeting the 15% limit)
- Ruthenian national minority in 156 municipalities (68 municipalities with 20% meeting the 20% limit + 88 municipalities meeting the 15% limit)
- Roma national minority in 123 municipalities (57 municipalities meeting the 20% limit + 66 municipalities meeting the 15% limit)
- Ukrainian national minority in 18 municipalities (18 municipalities meeting the 20% limit + 0 municipalities meeting the 15% limit)
- German national minority in 1 municipality (1 municipality meeting the 20 % limit + 1 municipality meeting the 15 % limit)

8.8. The census questionnaire included the following two questions: "What is your nationality?" and "Do you claim another nationality?" The census questionnaire also included the question: "What is your mother tongue?" An explanation of the census methodology was made available in Slovak and in the languages of national minorities on the website of the Commissioner for National Minorities and on the website of the Statistical Office.

9. Since February 1, 2017, police officers of the National Crime Agency (NAKA) have been investigating extremist hate crimes. In 2021, the National Crime Agency acted in a total of 334 criminal cases concerning extremism offences under Section 140a of the Criminal Code. This number includes all criminal cases that the National Crime Agency dealt with procedurally in 2021 and in which it acted in accordance with the procedure under the Criminal Procedure Code, regardless of the final outcome of the criminal proceedings. Of the total 334 criminal cases, 177 criminal cases were accepted for investigation, 150 pending cases were carried over from the previous period and 7 criminal cases closed in previous periods were reopened in 2021. Regarding the structure of criminal offences in the cases in which prosecution was initiated, in terms of the type of extremism offence, the highest number of offences of expressing sympathy for a movement aimed at suppression of fundamental rights and freedoms under Section 422 of the Criminal Code¹ was recorded in 2021, with 37 cases. The second most frequently occurring offence was the offence of possession of extremist material under Section 422c of the Criminal Code, with 31 cases.

¹ Section 422 of the Criminal Code "Whoever publicly or on a place open to the public, in particular by using flags, badges, insignia or slogans, expresses sympathy for a group, movement or ideology which is or has in the past been directed towards the suppression of the fundamental rights and freedoms of persons, or which preaches racial, ethnic, national or religious hatred, shall be punished by imprisonment for a term of six months up to three years.

9.1. To a lesser extent - 20 cases - there were criminal offenses committed based on a special motive according to Section 140(e) of the Criminal Code of the Slovak Republic, i.e. out of hatred against a group of persons or individuals for their actual or alleged affiliation with a race, nation, nationality, ethnic group, for their actual or alleged origin, colour, sex, sexual orientation, political belief or religion. In the case of the offence of defamation of nation, race and beliefs under Section 423 of the Criminal Code, there were 13 cases, as well as 13 cases of the offence of incitement to national, racial and ethnic hatred under Section 424 of the Criminal Code. Other extremism offences were not significantly represented or did not occur at all.

9.2. The offences of production of extremist material under Section 422a of the Criminal Code and the offences of denial and approval of the Holocaust, crimes of political regimes and crimes against humanity under Section 422d of the Criminal Code accounted for 6 cases each, and the offence of establishment, support and promotion of a movement aimed at suppression of fundamental rights and freedoms under Section 421 of the Criminal Code accounted for 5 cases each. No prosecutions were initiated in 2021 for the offence of apartheid and discrimination against a group of persons under Section 424a of the Criminal Code.

9.3. The statistical sheets of the MJ SR concerning criminal proceedings also contain data on the nationality and citizenship of the accused and, as of January 2021, on the nationality of the aggrieved person (victim). Moreover, the statistical sheets allow for identification in the case of a specific motive in Section 140(e) of the Criminal Code with a breakdown into individual characteristics (e.g. in one group because of hatred for belonging to a race, nation, nationality, ethnic group, origin, colour; in the other group because of hatred for gender, etc.). These data are provided in statistical sheets concerning legally completed criminal proceedings and in the form of statistics available on request through the Analytical Centre of the Ministry of Justice of the Slovak Republic.

9.4. The amendment to the Criminal Code, including Section 140(e), establishes a specific motive for the offence. Among the new reasons for committing a crime, there is a language, citizenship, appearance or personal characteristics, gender identity, disability and "no religion" characteristics are added.

9.5. The addition of a specific motive to the qualifying facts is proposed for offences under Sections 150, 163, 165 and 323 of the Criminal Code (expansion of offences containing a specific motive in the qualifying facts).

9.6. Police officers of the National Criminal Agency evaluate the information, which they subsequently use for methodological purposes as well as for the purposes of assessing the state and trends of development in the field of countering extremism, both for the needs of the National Criminal Agency and for other entities (including foreign ones). At the same time, training in the form of instructional-methodological employment is organised for police officers carrying out detection and investigation of extremist crimes at the National Crime Agency and regional police headquarters, as well as courses for police officers focusing on symbolism and new trends in the field of right-wing extremism. As part of the methodological activities, information on the intranet site for the Police Corps departments was continuously updated,

concerning in particular the interpretation of extremist symbolism, as well as transcriptions of lyrics from the musical production of the right-wing extremist scene. There are also methodological manuals on the above-mentioned issues, which are distributed to the basic units of the Police Corps.

10. The Government of the Slovak Republic undertook, during the monitoring period, to ensure the harmonisation of Act No 513/2010 Coll. on Railways and on amendments and supplements to certain acts, as amended, with the Act on the Use of Languages of National Minorities in the area of the designation names of railway stations and stops in linguistically mixed areas. Since the beginning of 2017, railway stations and railway stops have been labelled in the languages of national minorities and as of April 1, 2021, a total of 128 railway stations and stops have been labelled so far. Out of this number, 122 railway stations and stops have been marked with the Hungarian name and 6 with the Ruthenian name.

11. The Healthy Communities health mediation programme, funded by the European Union funds, employed 270 health promotion assistants and 25 coordinators. These are mostly people living in the environment of marginalised Roma communities or coming from this environment. Women make up approximately 70% of health promotion assistants.

11.1. The Healthy Communities programme implemented by Healthy Regions organization aims to improve health conditions ² based on evidence of health needs, health mediation, support of preventive activities and increase health literacy among members of marginalised Roma communities. Health promotion assistants and coordinators cooperate with 1 307 doctors. Activities ensure, for example, that a high level of childhood immunisation is maintained. In terms of infrastructure, for example, improvements in municipal waste management. The programme employs 270 health promotion assistants and 25 coordinators. The majority of the staff are Roma (90 %). Programme staff is systematically trained, the programme has also had a strong emancipatory effect on many employees and dozens of employees have successfully completed or increased their formal education as a result of their employment in the programme. One of the key aspects in terms of employment is the rational qualification requirements of applicants for the position of health promotion assistant, as well as stable working conditions - full-time work. The employees of the programme are de facto employed in the public interest, which provides them with relatively stable working conditions.

11.2. The Healthy Communities health mediation programme, which is implemented through national projects funded by the European Union, is implemented by the "Healthy Regions" State Contributory Organisation of the Ministry of Health of the Slovak Republic. Historically, the programme started as a nongovernmental organization project initially funded by various private donors, which gradually became a systematic programme. More pieces of information on its objectives and areas of operation can be found on the Healthy Regions organization website.

² A detailed analysis of the situation can be found here [ZK_potreby_e-verzia.pdf \(zdraveregiony.eu\)](#)

11.3. Of the organisation's annual budget for the implementation of the health mediation programme in the environment of marginalised Roma communities of approximately EUR 5.8 million, approximately EUR 200 000 per year comes from the state budget through the Ministry of Health of the Slovak Republic. Until the end of 2022, funding for the health mediation programme is provided through the Human Resources Operational Programme in the total amount of EUR 15 825 000.

11.4. Activities within the Healthy Communities project cannot be considered as health activities. Their activities are promotion of public health, improvement of conditions for health and health mediation, promotion of preventive activities, increasing health literacy. The Healthy Communities programme also contributes to the individual inclusion of the inhabitants of marginalised Roma communities. It improves health conditions through comprehensive activities and indirectly supports the reduction of non-payment rates through activities and by making debt elimination tools available.