



FIFTH OPINION ON THE SLOVAK REPUBLIC



Advisory Committee
on the Framework
Convention for
the Protection of
National Minorities
(ACFC)

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SUMMARY OF THE FINDINGS

Personal scope of application and population census

1. The Slovak Republic continues to apply the provisions of the Framework Convention for the Protection of National Minorities (hereinafter "the Framework Convention") to thirteen officially recognised national minorities. Representatives of the Goral community have requested to be officially recognised as a national minority and to be covered by the Framework Convention. The possibility to declare two "nationalities" in the 2021 population census and the translation of census questionnaire and campaigning materials in minority languages are positive steps which could help provide a more accurate picture of the ethnic composition of the Slovak society. Concerns exist about the interpretation that will be given by the authorities to responses to questions on "nationality" and "ethnicity with regard to the mother tongue" and criticism was expressed by representatives of national minorities about the lack of a pre-defined interpretation methodology and worry about its possible negative impact on the access to minority rights. Trust in the process could increase by involving representatives of national minorities in the census results analysis.

Legal and institutional framework for combating discrimination

2. The anti-discrimination legislative framework is comprehensive and includes provisions enabling affirmative actions for the most vulnerable groups; its practical implementation, however, remains weak. There is, overall, an insufficient understanding in Slovakia that minority rights are an integral part of human rights and that minority rights require special attention and dedicated measures. The approach of the authorities to social problems of national minorities in general, and of the Roma in particular, is to overlook the ethnic dimension of the social problems and their solution and, instead, focus on general poverty issues. The government's proposal to amend the Citizenship Act is a positive development but it has not lessened concerns among members of the Hungarian national minority, which is not conducive to a cohesive society. The implementation of the Act on property should be assessed with minorities concerned. The Slovak National Human Rights Centre has seen its budget considerably increased but still receives a limited number of complaints from persons belonging to national minorities due to insufficient awareness activities about its work and mandate and to limited reach out efforts vis-à-vis these groups. More pro-activeness in initiating investigations is also needed. The Public Defender of Rights receives more complaints but lacks certain essential competences and powers, as well as the necessary support in order to perform its functions efficiently. The state authorities' follow-up to the Public Defender's recommendations, including those relevant for national minorities, is overall inadequate.

National Roma Integration Strategy and portrayal of the Roma

3. Roma strategies and action plans, backed up by the updated Atlas of Roma communities, well identify the multiple disadvantages the Roma are facing, including poverty, poor living conditions, discrimination and lack of quality and inclusive education. They also clearly identify three strategic priorities: desegregation, deghettoization and de-stigmatization. The adoption of action plans addressing anti-Roma racism and discrimination, as well as initiatives aimed at the majority population, are positive steps. So is the study on the use of

languages by Roma communities. However, programmes, projects and activities rely extensively on EU funding. Increased state funding is necessary to ensure sustainability and long-term impact on the living conditions of Roma and their access to rights, especially in education, health and housing areas. The strong youth component of these strategies is to be praised. Stronger gender mainstreaming is however needed under the Roma Strategy up to 2030 to address specific challenges faced by women and girls. The use of terminology should be systematically reviewed when referring to Roma, or places inhabited by them, in policy documents, legislation and public discourse to ensure that it is appropriate and not stigmatising.

Promotion of minority cultures and media

4. Funding for minority cultures and media has considerably increased in recent years, which is welcome. However, due to its administrative deficiencies and other structural problems, the Fund for the Promotion of the Culture of National Minorities has not yet met all expectations and its full potential. Pluriannual funding instead of grants disbursed annually should be considered, especially for minority media and museums. More transparency and accountability of funds spending are also needed to increase effectiveness and regain the trust of national minorities in this important support mechanism.

Intercultural dialogue, combating hate crime and hate speech, media, law enforcement and human rights

5. The legal framework on hate crimes and hate speech is rather comprehensive. The Criminal Code, however, lacks "language" among special motives of discrimination and does not include a sufficiently clear definition of hate crime. Support aimed at reinforcing intercultural dialogue is provided, both between the majority and minorities and among minorities themselves. Recent public apologies about tragic events and atrocities of the past, in particular towards the Jewish and Roma minorities, as well as condemnations and sanctions for hate speech in the Parliament and in the media, have contributed to reinforcing mutual trust. Public condemnations of racism and hate speech should, however, be more systematic. Anti-minority rhetoric and hate speech on the internet and on social networks, in particular against Roma and Hungarian minorities, are not sufficiently addressed. Initiatives promoting intercultural dialogue and fighting negative prejudices in society need to be further promoted. Stronger commitment is required to confront anti-minority rhetoric and actively promote respect for diversity in society. Hate crime data are collected; however, many hate crimes go unreported to the authorities and investigations are not thorough enough. Stronger dialogue and lasting co-operation between the police and members of national minorities, in particular with Hungarian and Roma minorities, should be promoted. The authorities' decision to purchase body cameras by the police should be effectively implemented. Investigations into allegations of police brutality remain overall inadequate and the existing police investigation mechanism is not sufficiently independent. Training opportunities on human rights and non-discrimination should be further promoted for the judiciary and law enforcement bodies, including for the municipal police. Persons belonging to national minorities should be involved in such training. Recruitment of representatives of national minorities in the media should be promoted, including through affirmative measures.

Use of minority languages with administrative authorities, the judiciary and display of topographical signs

6. Apparent contradictions in practice between the State Language Act and the Act on the Use of Languages of National Minorities should be assessed and remedied. Legislation concerning the issuance of bilingual birth, marriage or death certificates need to be fully applied in the legally designated municipalities and refusals in doing so should be sanctioned. The number of municipal employees with adequate minority language proficiency is still limited. The recruitment of civil servants with minority language skills could be encouraged. The use of minority languages could not only be enhanced by lowering thresholds, but also by abolishing different administrative obstacles. Minority languages do not develop as a legal language due to the limited or non-existing use of minority languages in court proceedings and pre-trial investigations. Information published in minority languages on municipal and state websites, including during the Covid-19 pandemic, is overall satisfactory. Voluntary introduction of topographical signage in a minority language in areas traditionally inhabited by national minorities even where the threshold cannot be met should be encouraged. Close consultations should be conducted between the authorities and representatives of minorities and the majority regarding the display of bilingual signs as a demonstration of the diverse character of the region, traditionally and at present.

Effective access to education, intercultural education and textbooks

7. Over-representation of Roma children in special classes and schools for pupils with mild mental disabilities remains alarming. Disproportionately high testing and diagnosing of special needs in Roma children continue to lead to their enrolment in low-standard programmes and "special schools". Inclusive and quality education of Roma children should be resolutely promoted, and school segregation discontinued in line with Article 424(a) of the Criminal Code. The introduction of compulsory preschool education for all children from the age of five and the removal of so-called zero-grade classes are positive steps that should increase preschool attendance of Roma children. Further extension of compulsory preschool education could also be considered. School curricula should further promote diversity and inclusion and the textbook "National Minorities – Let's meet" should be widely disseminated in schools; multiple perspectives in history teaching should also be introduced in textbooks to reinforce intercultural education.

RECOMMENDATIONS

10. The Advisory Committee considers that the present concluding remarks and recommendations could serve as the basis for the resolution to be adopted by the Committee of Ministers with respect to the implementation of the Framework Convention by the Slovak Republic.

11. The authorities are invited to take account of the detailed observations and recommendations contained in the present opinion of the Advisory Committee. In particular, they should take the following measures to improve the implementation of the Framework Convention further:

Teaching in and of minority languages

8. Continuity in the offer of education in minority languages, in particular at primary and secondary levels, should be more systematically offered. More visibility and support should be provided to university-based institutes for minority studies and for minority-language teaching schools and universities. The newly established Institute for Romani Studies Institute in Prešov University and the existence of a Hungarian-teaching university in Komárno are positive examples. Accreditation rules for educational institutes and programmes teaching minority language and literature should, however, be flexibly applied to facilitate the functioning of such institutes and programmes. There is also a need for additional incentives, in particular for Ruthenian, Romani, Ukrainian and Hungarian language-speaking students, that could increase the added value to pursue their higher education in Slovakia and envisage for example becoming minority language teachers who are overall lacking in the country.

Participation in public affairs and in socio-economic life, access to employment, healthcare and housing

9. A national consultation mechanism with representatives of national minorities is in place but is not always regarded as the most effective to influence minority-related legislation and policies. A general lack of co-ordination, coherence and information sharing among various stakeholders due to fragmented consultative mechanisms which lack inclusiveness, shared ownership of decisions and sustainability of approaches has been observed. The representation of national minorities in the Parliament has declined over recent years. The number of elected Roma as mayors has, however, increased and associations of Roma mayors set up, which is welcome. Several thousand jobs have been created for Roma and affirmative measures introduced in the employment sector. The overall employment situation of Roma remains, nevertheless, precarious. Too many persons belonging to the Roma minority continue to live in so-called "marginalised settlements" in conditions of spatial segregation with little access to social housing and to basic facilities and infrastructure. Covid-19 related measures and their possible disproportionate impact on national minorities, and on Roma in particular, should be assessed and any identified problems be addressed effectively. Roma women suffer discrimination in reproductive and maternal healthcare, and nothing has been done yet to compensate those who have undergone forced sterilisation.

Recommendations for immediate action

12. The Advisory Committee urges the authorities to provide sufficient human and financial resources to the Public Defender of Rights to enable this institution to effectively pursue its function; to reinforce the Public Defender of Rights' independence in accordance with international standards; to pay increased attention and provide timely follow-up to Public Defender of Right's decisions, reports and queries related to national minorities; and to extend its mandate to provide for legal standing in court proceedings and access to classified documents, and give the Public Defender access to accelerated proceedings before the Constitutional Court. The Public Defender's capacity to investigate cases of alleged police brutality should be strengthened.

13. The Advisory Committee urges the authorities to improve the efficiency of the mechanism for the support to national minority cultures, whilst taking into account the needs of numerically smaller national minorities and the diversity within national minorities, by simplifying grant application procedures, ensuring timely fund allocation and disbursement, and considering pluri-annual funding for regular minority projects.

14. The Advisory Committee urges the authorities to promote inclusive and quality education of Roma children resolutely and without any further delay discontinuing school segregation and disproportionately high testing and diagnosing of special needs in Roma children to avoid their enrolment in low-standard programmes and "special schools".

15. The Advisory Committee urges the authorities to investigate cases of forced sterilisation of Roma women and compensate without further delay women who have undergone forced sterilisation.

16. The Advisory Committee urges the authorities to implement coherent and sustainable housing policy measures for persons belonging to the Roma national minority in line with the goals of the national housing policy and relevant governmental strategies aimed at *inter alia* eliminating spatial segregation of Roma communities. The authorities should evaluate these policies and strategies in order to assess their impact on the housing conditions of Roma, in consultation with those concerned.

Further recommendations

17. The Advisory Committee reiterates its call on the authorities to prioritise attention to minority rights as an integral part of human rights and to ensure effective, coherent, and sustainable interinstitutional co-ordination and approach on all issues pertaining to minority rights, in close consultation with national minority representatives.

18. The Advisory Committee calls on the authorities to increase their efforts to raise awareness of the anti-discrimination legislative framework amongst members of national minorities and groups most subject to discriminatory attitudes and intensify efforts to effectively protect them from discrimination in all spheres of life. In this respect, authorities should further improve the free legal aid system for the most vulnerable.

19. The Advisory Committee calls on the authorities to resolutely address and systematically, promptly and publicly condemn all instances of incitement to public violence and hatred, hate crimes, and anti-minority rhetoric in the public and political discourse, as well as in the media; to ensure that any misconduct by the police, as well as cases of hate crimes affecting persons belonging to national minorities, are prevented, effectively and independently investigated, sanctioned and remedied. Hate crime data and statistical information on reported cases of use of police force and on possible investigations into suspicions of excessive use of force towards persons belonging to national minorities should be systematically gathered.

20. The Advisory Committee calls on the authorities to systematically and carefully review terminology used to refer to Roma or to places inhabited by them in policy documents, legislation and public discourse to ensure that it does not contribute to further stigmatization of persons belonging to the Roma minority, and to consistently and publicly condemn and sanction intentional use of derogatory terminology in the public media and in the political discourse.

21. The Advisory Committee calls on the authorities to take all necessary measures to ensure the practical and technical implementation of minority language legislation, in particular when it comes to the issuance of birth, marriage and death certificates, and intensify training efforts to ensure that municipal employees are able to use minority languages and that this use is, as far as possible, actively encouraged in official communication with persons belonging to national minorities.

22. The Advisory Committee calls on the authorities to develop intercultural education programmes in all schools taking into account respective cultural sensitivities, accommodating multiple perspectives in history teaching and promoting critical thinking, with a view to increasing knowledge among all pupils and students about the contribution of national minorities to society and to reducing the prevalence of negative stereotypes. Textbooks and teaching materials should be updated and distributed in a timely manner, and teacher training provided to fulfil the demand. The contents of the curricula related to intercultural education should be designed in co-operation with representatives of national minorities.

23. The Advisory Committee calls on the authorities to take measures in order to further increase preschool attendance of Roma children and possibly extend the duration of compulsory preschool education, and further reduce their school absenteeism and early drop-out between primary and secondary education; to conduct an in-depth study on both internal and external causes of these phenomena, closely involving children, parents and teaching assistants, as well as all competent authorities at state and municipal levels with a view to adjusting educational policies and measures.

24. The Advisory Committee calls on the authorities to extend the offer of education in minority languages, in particular in Ruthenian and Ukrainian languages in areas inhabited by these minorities, ensuring local continuity from pre-school to secondary education; and examine, in co-operation with representatives of the Roma minority, ways of raising the interest in and, subsequently, extending the offer of Romani teaching in mainstream pre-school, primary and secondary education.

25. The Advisory Committee calls on the authorities to increase the level of efficiency of the consultation mechanism with the elected representatives of national minorities. Any legislative process that could have an impact on the situation and rights of national minorities should give these representatives a possibility to have substantial influence with the aim of achieving effective participation and a shared ownership of decisions taken. Co-ordination between all national institutions, representatives of national minorities and other stakeholders during such consultations should be increased. The implementation of the respective legislation should be monitored and evaluated in close consultation with the persons belonging to national minorities concerned.

26. The Advisory Committee calls on the authorities to ensure in practice the full implementation of the Act on the Use of Languages of National Minorities as regards communication with the personnel of healthcare, law enforcement and social services facilities, as well as emergency services, and ensure that any decision regarding restructuring hospitals has no disproportionate negative impact on the access of rights to healthcare services for persons belonging to national minorities.

Follow-up to these recommendations

27. The Advisory Committee encourages the authorities to organise a follow-up event after the publication of this fifth cycle opinion. It considers that follow-up dialogue to review the observations and recommendations made in this opinion would be beneficial. Furthermore, the Advisory Committee stands ready to support the authorities in identifying the most efficient ways of implementing the recommendations contained in the present opinion.

MONITORING PROCEDURE

Follow-up activities related to the recommendations of the Fourth Opinion of the Advisory Committee

28. The Advisory Committee was informed that the Fourth Opinion of the Advisory Committee,¹ and the Fourth Resolution of the Committee of Ministers on the implementation of the Framework Convention by the Slovak Republic² were discussed with relevant ministers and the Plenipotentiary for Roma Communities at a session of the Slovak Government on 11 January 2017. Material distributed also included the comments of the Slovak Government on the Fourth Opinion and a Report on the Progress and Results of the Fourth Monitoring Cycle, approved in September 2016 by the Committee on National Minorities and Ethnic Groups of the Government Council of the Slovak Republic for Human Rights, National Minorities and Gender Equality.

29. A follow-up seminar on the implementation of the results of the fourth monitoring cycle was organised by the Plenipotentiary of the Slovak Government for National Minorities on 4-5 December 2017.³ The main conclusions and recommendations of the Fourth Opinion, as well as the Thematic Commentary of the Advisory Committee No. 4 on the Scope of Application of the Framework Convention were presented. Main topics for discussion included the promotion of tolerance, mutual respect and intercultural dialogue, the upbringing and education of national minorities, as well as the protection and development of the culture and languages of national minorities.

Preparation of the state report for the fifth cycle

30. The fifth state report, received on 31 January 2019, includes data provided by relevant ministries, public services and entities. Elected representatives of national minorities in the Committee on National Minorities and Ethnic Groups had the opportunity to discuss the content of the fifth state report. Furthermore, they were informed by the Plenipotentiary of the Slovak Government for National Minorities about the possibility to comment on the fifth state report during the interdepartmental commenting procedure.

31. In its letter to States Parties dated 5 July 2018 announcing the fifth monitoring cycle, the Advisory Committee asked member states to pay particular attention to gender equality in their reporting. The Advisory Committee welcomes the reference of a number of gender-related aspects and

activities concerning the Jewish, Roma and Russian national minorities in the state report.⁴

Country visit and adoption of the Fifth Opinion

32. This fifth-cycle Opinion on the implementation of the Framework Convention by the Slovak Republic was adopted in accordance with Article 26(1) of the Framework Convention and Rule 25 of Resolution (2019)49 of the Committee of Ministers.⁵ The findings are based on information contained in the fifth state report, other written sources, including alternative reports, as well as information directly obtained by the Advisory Committee from governmental and non-governmental sources during its visit to Bratislava, Banská Bystrica, Prešov, Ostrovany, Komárno, Nové Zámky and Galanta from 6 to 10 September 2021. The Advisory Committee expresses its gratitude to the authorities for their excellent co-operation before, during and after the visit and to the other persons it met during the visit for their valuable contributions. The draft opinion as approved by the Advisory Committee on 27 October 2021 was transmitted to the Slovak authorities on 28 October 2021 for observations, according to Rule 37 of Resolution (2019)49. The Advisory Committee welcomes the observations received from the Slovak authorities on 5 January 2022.

33. A number of the articles in the Framework Convention are not covered in the present Opinion. Based on the information currently at its disposal, the Advisory Committee considers that the implementation of these articles does not give rise to any specific observations. This statement is not to be understood as signalling that adequate measures have now been taken and that efforts in this respect may be reduced or even halted. Rather, the Advisory Committee considers that the obligations of the Framework Convention require a sustained effort by the authorities. Furthermore, a state of affairs which may be considered acceptable at this stage may not necessarily be so in further monitoring cycles. Finally, it may be that issues which appear at this stage to be of relatively minor concern prove over time to have been underestimated.

¹ See [Fourth Opinion of the Advisory Committee on the Slovak Republic](#), adopted on 3rd December 2014 and published on 4 June 2015.

² See [Resolution CM/Res/CMN\(2016\)6](#) adopted on 13 April 2016 at the 1253rd meeting of the Committee of Ministers' Deputies.

³ For more details about the participants and panellists of the follow-up seminar, see [fifth state report](#), also available in [Slovak](#), para. 5.

⁴ See [fifth state report](#), in particular paragraphs 37, 75, 212, 215 and 216.

⁵ The submission of the state report, which was due on 1 February 2019, was regulated by Resolution (97)10. However, the adoption of this opinion was regulated by [CM/Res\(2019\)49](#) on the revised monitoring arrangements under Articles 24 to 26 of the Framework Convention for the Protection of National Minorities, as adopted by the Committee of Ministers on 11 December 2019.

ARTICLE-BY-ARTICLE FINDINGS

Personal scope of application (Article 3)

34. The Slovak Republic (hereinafter "Slovakia") applies the provisions of the Framework Convention to the thirteen officially recognised national minorities.⁶ Article 34 of the Constitution and Article 1 of Act No. 184/1999 on the Use of Languages of National Minorities recognise the right to be treated as national minority only for citizens. In its Fourth Opinion,⁷ the Advisory Committee noted that amendments to the Citizenship Act, which took effect on 17 July 2010, abolished the possibility of dual citizenship for citizens who voluntarily acquire a foreign nationality.

35. The Advisory Committee was informed by the Ministry of the Interior that, from 17 July 2010 until 16 September 2021, the loss of Slovak citizenship concerned 3,836 persons who have acquired the citizenship of another state.⁸ It was also informed that a new amendment to the Citizenship Act had been prepared and that the Slovak Government adopted it on 24 February 2021, allowing the acquisition of a new citizenship without losing Slovak citizenship if the person has been demonstrably living abroad for more than five years. The Advisory Committee was informed that the bill was introduced into the Parliament. Its examination has been postponed to the beginning of 2022.

36. The Advisory Committee was informed that the Plenipotentiary for National Minorities commented on the draft amendment and recommended to restore the legal status existing before July 2010, according to which the only form of the loss of the Slovak citizenship was on the request of a citizen, and to remove the conditions to regain Slovak citizenship for persons who lost it after July 2010 through the acquisition of foreign citizenship.

37. The Advisory Committee reiterates that "citizenship is not a basis upon which *a priori* to exclude the enjoyment of minority rights" and that a general restriction of the scope of application to citizenship may have a discriminatory effect as it may have a practical impact on the rights enjoyed by persons belonging to national minorities.⁹

38. The Advisory Committee considers that the authorities should rather pursue an inclusive approach, reflecting for each right separately whether there is a legitimate ground to differentiate access based on citizenship and therefore apply a flexible approach to the enjoyment of minority rights by non-citizens.¹⁰ Indeed, in Slovakia, a limited number of persons

⁶ Bulgarians, Croats, Czechs, Germans, Hungarians, Jews, Moravians, Poles, Roma, Russians, Ruthenians, Serbs and Ukrainians. As in previous opinions of the Advisory Committee, the term 'Ruthenian(s)' has been used in the present opinion, instead of 'Rusyn(s)'.

⁷ See [Fourth Opinion of the Advisory Committee on the Slovak Republic](#), para. 11.

⁸ Out of which 918 applied for Czech, 890 for German, 583 for Austrian and 139 for Hungarian citizenship. See [Statistical Office website](#) for more details of acquired foreign citizenship (in Slovak).

⁹ See also [Venice Commission's Report on non-citizens and minority rights](#), adopted at its 69th session, 15-16 December 2006, para. 84. See also [Bolzano/Bozen Recommendations on National Minorities in Inter-State Relations](#), Organization for Security and Co-operation in Europe, 2008, page 19.

¹⁰ See [ACFC Thematic Commentary No. 4](#), The Framework Convention: a key tool to managing diversity through minority rights.

belonging to the Roma community are *de facto* stateless¹¹ and cannot prove their Slovak citizenship which may prevent them from benefiting from the national minority status.

39. The Advisory Committee welcomes the government's initiative to amend the Citizenship Act. It is concerned, however, that the proposed amendment maintains an approach which is perceived as retributive by Slovak citizens belonging to the Hungarian national minority who consider that it disproportionately affects them.¹² This situation is not conducive to strengthening intercultural dialogue (see Article 6).

40. The Advisory Committee invites the authorities to apply the citizenship criterion in a flexible manner to ensure that it does not limit access to and enjoyment of minority rights.

Recognition as national minority: Gorals (Article 3)

41. In August 2020, the Office of the Plenipotentiary for National Minorities has been approached by representatives of the Gorals who requested to be officially recognised as a 'national minority' or an 'ethnic group' as per the terminology used in Slovakia. The Office forwarded the request to amend the Statute of the Committee on National Minorities and Ethnic Groups to the Chair of the Government Council for Human Rights, National Minorities and Gender Equality. At present, the process of recognising a 'national minority' or an 'ethnic group' is not regulated by any legislation. This may be solved with a new Act on the status of national minorities which is under preparation and whose adoption is scheduled for 2022.

42. Representatives of the Goral community, an ethnic group without "kin-state", informed the Advisory Committee about their wish to be covered under the Framework Convention claiming that Gorals - who are present in about 60 villages¹³ - differ from Slovaks and national minorities or ethnic groups in their linguistic identity,¹⁴ culture and traditions, which they strive to preserve. They are concerned that Gorals, especially among the younger generation, are slowly discontinuing speaking their language and losing traditions. They expressed concerns about growing assimilation into the Slovak majority population, but also into the Polish national minority, which, again, could be reflected in the 2021 census results. In this respect, they regretted that, due to the Covid-19 pandemic, they could not organise a proper awareness-raising campaign about the

The scope of application of the Framework Convention for the Protection of National Minorities, adopted on 27 May 2016, para. 29-30.

¹¹ According to information provided by the UNHCR, 1,523 individuals self-declared as stateless in the 2011 population census, out of which 35 were Roma. This number was re-confirmed by the Statistical Office of the Slovak Republic to the UNHCR at the end of 2018.

¹² See [additional written comments on the fifth state report submitted by the Round Table of Hungarians in Slovakia on 28 September 2020](#), para. 17 on page 5.

¹³ According to Goral interlocutors, there are 60 Goral villages located in Spiš (37 municipalities in Zamagurie, under the Tatras and L'ubovňa), Orava (11 municipalities), Kysuce (5 municipalities) and Horehronie (2 municipalities). Gorals also reside in cities, such as in Košice or Bratislava. According to the same sources, about 20,000 persons in Slovakia have Goral roots. However, only 11,000 of them would identify as Gorals (60% of them speak and understand the Goral language and 40% of them understand but no longer speak fluently).

¹⁴ In their written submissions, representatives of the Goral community use alternately "language" and "dialect".

possibility to express double "nationalities" in the census questionnaire and did not benefit from the authorities' promotional materials about the census targeting persons belonging to national minorities. According to these representatives, if Gorals were to be officially recognised as an ethnic group, they would be able to preserve their linguistic identity completely freely and without shame, organise Goral festivals on their own,¹⁵ renovate traditional Goral houses as a part of their cultural heritage. As a non-recognised minority, they are not represented in the Committee on National Minorities and Ethnic Groups. In consequence, they do not benefit from support of the Fund for the Promotion of the Culture of National Minorities and are therefore unable to apply for grants or receive financial subsidies to maintain their culture, linguistic identity and traditions, and receive *inter alia* support for the publication of an Atlas of Gorals in Slovakia.

43. While recognising that States Parties have a margin of appreciation in determining the personal scope of application of the Framework Convention, the Advisory Committee reiterates that it is part of its duty to assess whether the approach taken to the scope of application does not constitute a source of arbitrary or unjustified distinctions among communities with regard to access to rights.¹⁶ The Advisory Committee reiterates its position that a person's identification must be based on free self-identification, unless there is a valid justification for not doing so.¹⁷ In the view of the Advisory Committee, a person's free self-identification may only be questioned in rare cases, such as when it is not based on good faith.¹⁸ Furthermore, the Advisory Committee reiterates that the Framework Convention was conceived as a flexible instrument to be applicable in diverse social, cultural and economic contexts, and in evolving situations. Its application to a specific group therefore does not require the latter's formal recognition as a national minority in the sense of the Framework Convention, nor a specific legal status for such a group of persons. Authorities are invited to consider, on an article-by-article basis, which rights should be made available to whom in order to ensure the most effective implementation of the Framework Convention based on facts rather than on official status.

44. The Advisory Committee understands from the authorities that a new Act on the status of national minorities is under preparation which may clarify the process of official recognition and therefore will be an opportunity to respond to the wish of the Gorals to be officially recognised.

45. The Advisory Committee invites the authorities to enter into dialogue with representatives of the Goral community on their request to be officially recognised as a national minority or an ethnic group.

Knowledge about and visibility given to the Framework Convention (Article 3)

46. The Advisory Committee was informed by the authorities that its opinions and the resolutions adopted by the Committee of Ministers on the implementation of the Framework Convention by Slovakia are made available on the respective

¹⁵ What used to be Goral festivals have often become Polish-Goral festivals due to the fact that the Goral community cannot receive grants and subsidies for their cultural projects, unlike the Polish and other officially recognised national minorities.

¹⁶ See [ACFC Thematic Commentary No. 4](#), para. 26.

¹⁷ See [ACFC Thematic Commentary No. 4](#), para. 37.

¹⁸ See [ACFC Thematic Commentary No. 4](#), para. 10.

websites of the Ministry of Foreign and European Affairs and of the Office of the Plenipotentiary for National Minorities. It was also informed that its previous opinions and relevant Committee of Ministers' resolutions have not been translated into national minority languages so far.

47. The Advisory Committee notes, however, that, only the state reports are published on the Slovak dedicated webpage of the Ministry of Foreign and European Affairs; whilst the English webpage also contains the opinions of the Advisory Committee and the resolutions adopted by the Committee of Ministers for the first three monitoring cycles, but not for the fourth.¹⁹ The Advisory Committee also notes that minority organisations are informed about opinions and resolutions via their elected representatives in the Committee on National Minorities and Ethnic Groups and welcomes the fact that authorities organise follow-up meetings which provide the space for discussing the opinions and the resolutions in the presence of members of national minority organisations. The Advisory Committee observes, however, that persons belonging to national minorities who live far away from the capital and do not participate in such meetings are less familiar with the monitoring mechanism.

48. The Advisory Committee encourages the authorities to translate its opinions into Slovak, and where possible into minority languages, and to publish them on relevant official public websites and other relevant communication platforms. It also encourages the authorities to further increase general awareness about the Framework Convention, in particular at regional and local levels, through proactive outreach to its beneficiaries.

Data collection and population census (Article 3)

49. The 2021 Population and Housing Census (hereinafter "2021 Census") was the first integrated and fully electronic census²⁰ and was based on a combination of data collected from existing administrative sources, from municipalities (in charge of the census of houses and dwellings²¹) and individuals (replies to the population census). Members of the Committee on National Minorities and Ethnic Groups were regularly informed about the development of the census methodology, the design of the questionnaire and the information campaign.

50. The census was conducted online from 15 February until 31 March 2021. If persons could not fill out the e-census questionnaire by themselves or with the help of a close person, they had the possibility to obtain the assistance of a stationary

¹⁹ See [ACFC Thematic Commentary No. 4](#) See the relevant [Slovak webpage](#) and [English webpage](#) of the website of the Ministry of Foreign and European Affairs. The [website of the Slovak Government Plenipotentiary for National Minorities](#) contains the text of the Framework Convention, as well as links to Council of Europe webpage on the Framework Convention where documents can be found in existing language versions.

²⁰ See [Act No. 223/2019 on the 2021 Population and Housing Census and on Amendments to Certain Acts](#), available only in Slovak. See also [Measure of the Statistical Office of the Slovak Republic No. 44/2020](#) laying down details on the characteristics and structure of collected data and samples of census questionnaires, also in Slovak.

²¹ Municipalities were entrusted with the 2021 Housing Census and were asked to electronically edit the database of data on houses and dwellings, which was pre-filled by the Statistical Office of the Slovak Republic with data from the existing administrative sources. In 2021, only one common census questionnaire was used for both houses and dwellings.

census assistant placed in municipalities. Mobile census assistants operated in the territory of municipality too if the resident requested such a service by telephone at the municipal office or call centre.

51. The census questionnaire was made available, including in its electronic format, in five minority languages,²² and, for the first time, the census questionnaire provided the opportunity for respondents to indicate one or two "nationality" affiliations.²³ For both questions,²⁴ it was possible to choose from the "nationalities" that were the most numerous in Slovakia according to the results of the 2011 census, or to declare another "nationality". The census methodology regarding the questions on "nationality" or "ethnicity with regard to the mother tongue" was prepared with the involvement of an Expert Working Group set up in 2018 by the Plenipotentiary for National Minorities and which included four national minority experts nominated by the members of the Committee on National Minorities and Ethnic Groups, representatives of the Offices of the Plenipotentiaries for National Minorities and for Roma Communities, the Statistical Office and relevant governmental authorities.

52. Representatives of national minorities generally welcomed the 2021 census and changes introduced. Some of them, however, regretted that the census will not reveal how many persons speak minority languages in Slovakia and to what degree they speak them due to the limitation of the census question to the sole question about "ethnicity with regard to the mother tongue". They feel that they should have been able to declare multiple ethnic identities with regard to language used in daily communication – as also recommended by the Plenipotentiary for National Minorities during the consultation process - because numerous persons speak fluently multiple languages.²⁵

53. Some national minority representatives expect the 2021 census to provide more accurate picture of their actual numerical size, such as Roma, whose number was under-reported in previous censuses.²⁶ Others, whose number

²² German, Hungarian, Romani, Ruthenian and Ukrainian, in addition to Slovak, English and French.

²³ In Slovak law, the word 'nationality' (*národnosť*) is separate and distinct from the word 'citizenship' (*štátne občianstvo*). Whereas 'citizenship' is understood as meaning nationality in the sense of having a legal affiliation with a particular state (i.e. being a national or citizen of the Slovak Republic), 'nationality' is understood as an affiliation with a particular 'nation' (a group of people defined by common language, geographical and cultural roots etc.) or ethnic group. Thus, 'nationality' is often understood as meaning 'ethnicity'. About the confusion between 'nationality' and 'ethnicity', see also Svetlana Surova (4 January 2021), [Changes in the population census and what they mean in relation to minorities and data collection on nationality](#), Minority Policy in Slovakia.

²⁴ The census questionnaire contained the following two questions: "What is your nationality?" "Do you have affiliation to another nationality?". The first question was mandatory: respondents did not have the option to declare "I don't know" or "I don't want to answer". The census questionnaire also contained the question "What is your ethnicity with regard to the mother tongue?" Census explanation was made available in Slovak on both the [website of the Plenipotentiary for National Minorities](#) and the [website of the Statistical Office](#).

²⁵ See [alternative report submitted by the Round Table of Hungarians in Slovakia](#), para. 7 on page 4.

²⁶ According to the results of the 2011 population census, 105,738 persons or 2% of the total population declared Roma "nationality".

decreased in recent decades,²⁷ expressed concerns about the interpretation of responses to questions on "nationality" and "ethnicity with regard to mother tongue" and criticism about the lack of pre-defined interpretation methodology.

54. The Advisory Committee reiterates that reliable information and knowledge about the ethnic, linguistic and religious composition of the population is an essential condition for implementing effective policies and measures to protect persons belonging to national minorities and for helping to preserve and assert their identity. Therefore, provided that the basic principles of free and voluntary self-identification and informed decision are respected,²⁸ the opportunity to express multiple affiliations should be provided explicitly, the respective data should be adequately processed, analysed and displayed, and minority representatives should be included in the organisation and operation of such data collection processes.²⁹ The Advisory Committee also stresses that questions on ethnicity and religion should be non-mandatory and the possibility not to respond should also be guaranteed in the census questionnaire in accordance with international standards.³⁰

55. The Advisory Committee considers it important to have the possibility to declare multiple ethnic affiliations in the census. Having in mind that in Slovakia the enjoyment of some minority rights is dependent on thresholds and census-based evidence, the Advisory Committee underlines that declaring multiple affiliations under the census should not have any negative impact on applying thresholds for minority rights. Furthermore, it considers that declaring multiple affiliation could be a potential asset for reinforcing interethnic dialogue and demonstrating a cohesive society. It reiterates the importance that census interviewers receive adequate training to avoid affiliation of a person to a specific group based on the presumption of visible or linguistic characteristics.

56. The Advisory Committee therefore welcomes the introduction in the 2021 census questionnaire of an open-ended question on "nationality" with the possibility to declare one or two "nationalities". It also takes note with satisfaction that the Statistical Office provided a Methodological Guidance for Municipalities recommending that municipalities take into account the ethnic composition of the population in their territory when selecting and recruiting census assistants. These guidelines indicated that when performing his/her duties, the census assistant might communicate with respondents also in a language other than the state language, provided that this was convenient for both parties.

According to the 2013 Atlas of Roma communities, the estimated number of Roma was 402,840 (7.5% of the total population). According to more recent estimates generally accepted by the authorities, the actual number of Roma is closer to 500,000 or 10% of the total population, making them in reality the largest ethnic minority in Slovakia. See the [2019 Atlas of Roma communities](#) (only available in Slovak). See also Janetta Nestorová Dická (March 2021), [Demographic Changes in Slovak Roma Communities in the New Millennium](#), MDPI.

²⁷ Comparing the 2001 and 2011 census results, Bulgarian, Czech, German, Hungarian and Ukrainian national minorities saw a decrease in declared "nationality" affiliation, unlike Croat, Jewish, Moravian, Polish, Roma, Russian, Ruthenian and Serb national minorities.

²⁸ See [ACFC Thematic Commentary No. 4](#), para. 9.

²⁹ See [ACFC Thematic Commentary No. 4](#), para. 16-17.

³⁰ See [UNECE recommendations of the Conference of European Statisticians Recommendation for the 2020 Censuses of Population and Housing](#), para. 707.

57. Despite numerous basic conditions required to become a census assistant³¹ that could have been prohibitive for most vulnerable national minorities, the Advisory Committee was pleased to hear during its visit that census assistants with a national minority background had been recruited, including among the Roma minority. Information campaigns about the census conducted by the authorities and national minority organisations were clear about the possibility to indicate dual "nationalities" and the Advisory Committee commands the authorities for having translated information leaflets and frequently asked questions into minority languages.³²

58. The Advisory Committee heard, however, deep concern among all representatives of national minorities met during its visit about the future interpretation of the 2021 census results as regards "nationality" and its impact on the enjoyment of minority rights. They complained about the fact that the procedure about how these data will be analysed was not clarified prior to the census. Indeed, a number of representatives of national minorities suggested that the census results could have been different, had individuals been made aware of the manner how dual affiliations will be interpreted and how this will affect the number of persons belonging to each national minority, as well as minority rights based on thresholds defined by census results.

59. The Advisory Committee was informed that the Statistical Office will "process responses to these questions into defined and required outputs; in terms of comparability over time, their evaluation will be treated specifically", as dual affiliation was not surveyed in previous censuses. Due to the introduction of dual affiliation, the Advisory Committee highlights that it will be challenging to compare data across censuses and a risk of misinterpretation of the 2021 census results may occur. In this respect, it refers to its own jurisprudence, UNECE recommendations and existing national practices when analysing multiple ethnic affiliations.³³

60. Furthermore, the Advisory Committee considers that questions in the census should not be limited to "mother tongue"

speakers since it is not sufficiently revealing about the linguistic competencies of the population (regular use and knowledge). In this respect, the Advisory Committee considers that it would be advisable for future census questionnaires to ask questions about first language, second language and foreign language.

61. The Advisory Committee strongly encourages the authorities to ensure the effective participation of national minority representatives in analysing the 2021 census results so as to increase trust in collected data which are decisive for the implementation of census-based minority rights.

Legal framework for combating discrimination (Article 4)

62. The Constitution of the Slovak Republic states that human rights are guaranteed to every individual regardless of sex, race, skin colour, language, belief, religion, political affiliation or conviction, national or social origin, nationality or ethnic origin, property, lineage or any other status. It is complemented by Act No. 365/2004 on equal treatment in certain areas and protection against discrimination (hereinafter "Anti-Discrimination Act") which also additionally mentions disability, age, gender, sexual orientation, marital status and family status, or for the reason of reporting criminality or other anti-social activity. It defines the principle of equal treatment, applied to all these grounds, not only as the prohibition of discrimination, but also as a duty to adopt preventive measures.

63. The Anti-Discrimination Act contains a provision entitled 'temporary equalising measures' enabling public administration bodies and other legal entities to adopt affirmative measures aimed at removing disadvantages of certain groups on the grounds of racial or ethnic origin, affiliation with a national minority or an ethnic group, sex, age or disability, so as to guarantee equality of opportunity in practice. On that basis, some affirmative measures are in place with regard to the Roma national minority for the employment of teacher assistants in kindergartens in order to be able to communicate with children and their families in their "mother tongue"³⁴ or through a deduction allowance for employing people from least developed districts in order to fight long-term unemployment.

64. The Centre for Legal Aid (hereafter "the Centre") is a state financed organisation under the Ministry of Justice. It provides eligible applicants with comprehensive legal aid, for example in the form of legal advice or free representation before a court.³⁵ The Slovak National Centre for Human Rights, in co-operation with the Office of the Plenipotentiary for Roma Communities provides legal assistance for Roma in cases of violation of anti-discrimination legislation. In accordance with the Action Plan for the Fight against anti-Roma racism and support of participation 2022-2024, the Centre and the Plenipotentiary for Roma Communities have for common objective to develop awareness-raising, advocacy and educational activities. The Plenipotentiary, in that time under the Ministry of the Interior, created a platform with human rights and legal experts³⁶ in February 2019 in order to co-ordinate the fulfilment of non-discrimination and equal treatment measures and activities arising from several national strategies and action plans.

65. Most representatives of national minorities met during the visit expressed satisfaction about the legal framework for combating discrimination and indicated that they do not feel

³¹ According to Section 11 of the Census Act, persons could become a census assistant if s/he met the following basic conditions: to be a resident with permanent residence in the territory of Slovakia; to be over 18 years old; to be fully competent to perform legal acts; to be a trustworthy person without criminal record; to have at least a complete secondary education; to speak the state language, to have basic IT skills knowledge and be able to work with electronic devices (PC, tablet, mobile ...); and to be professionally qualified (i.e. to have successfully completed the proposed training).

³² FAQ were made available in German, Hungarian, Romani, Ruthenian, Slovak and Ukrainian, and the flyers in Bulgarian, Croatian, Czech, German, Hungarian, Polish, Romani, Russian, Ruthenian, Serbian, Slovak and Ukrainian languages. See the [Plenipotentiary's website](#).

³³ See [ACFC Thematic Commentary No. 4](#), para. 16-17, and [UNECE recommendations, para 708 and 711 on page 150](#). As practiced in certain States Parties to the Framework Convention, the mixed national and ethnic identification could be presented in the census results as follows: a) first identification (declared in reply to the first question); within this category those who provided only one national or ethnic identification would appear; the total answers would then be 100% of respondents; b) second identification (declared in response to the question on more than one affiliation); c) total of all national/ethnic identifications regardless of the number and order of declarations (answers to the first or to the second question), including the number of people who provided their 'other' identification together with their national affiliation (the total would be above 100% of respondents).

³⁴ See [fifth state report](#), para. 130 for more information about the 'The Inclusion Project in Kindergartens' (PRIM).

³⁵ See the [webpage about the Centre for Legal Aid](#) for more details.
³⁶ See para. 107 and 159 of the [fifth state report](#) for more details.

discriminated against. This has been particularly highlighted by representatives of the Russian and the Jewish minorities. Members of a Bulgarian cultural association reported undue pressure and harassment from Slovak co-owners to move out from the property they co-own in the Old Town of Bratislava and which is used by the Bulgarian association for its cultural events. Hungarians and Roma continue to report widespread discrimination in many spheres of life that remain globally unaddressed.

66. Persons belonging to the Roma minority continue to face widespread discrimination in all areas of life based on deep prejudice, often characterised by school and spatial segregation and social exclusion. According to the Public Defender of Rights, persons belonging to this minority are the most exposed to various forms of discrimination in the fields of education, employment, housing and health protection and are exposed to ethnic and racial profiling in everyday life. As many as 54% of Roma felt discriminated against because of their Roma origin in the last five years; they perceive discrimination mostly when they look for a job.³⁷ Roma women are particularly at risk of multiple, and intersecting, forms of gender and racial discrimination; they face especially widespread discrimination in the area of reproductive and maternal healthcare, including practices of segregation in maternity wards, racial harassment and humiliation, neglect, physical restraint and abuse during childbirth and failures related to informed consent and decision making with regard to medical treatment.³⁸

67. The Advisory Committee reiterates that the findings of national and international courts in relevant discrimination cases should be widely disseminated to ensure that the population at large, particularly the groups most known to be regular victims of discrimination, are made aware of their rights and encouraged to make use of the legal remedies available to them in case of alleged violations.

68. The Advisory Committee reiterates its concerns expressed in its previous Opinion³⁹ about insufficient understanding in Slovakia that minority rights are an integral part of human rights.⁴⁰ There is also a lack of understanding that minority rights require special attention and dedicated measures in line with the provisions of the Framework Convention. The Advisory Committee also notes that the approach of the authorities to social problems of national minorities in general, and of the Roma in particular, is to overlook the ethnic dimension of the social problems and their solution and, instead, focus on general poverty issues. The Advisory Committee finds this very problematic as it is one sided and bypasses many of the core

³⁷ See Martin Kahanec - Lucia Kováčová - Zuzana Poláčková - Mária Sedláková (April 2020), [The social and employment situation of Roma communities in Slovakia](#), page 7.

³⁸ Sources: [alternative report by the Centre for Civil and Human Rights \(Poradňa pre občianske a ľudské práva\)](#), September 2021, pp. 2-4 and the [Public Defender's annual reports](#). See also Slovakia related-results of the [Second EU-MIDIS Roma survey published by the European Union Agency for Fundamental Rights in 2016](#). For a comparison of the situation of Roma women to that of Roma men and to that of women in the general population, see [Second EU-MIDIS survey: Roma women from 2019](#).

³⁹ See conclusions of the [Fourth Opinion of the Advisory Committee on the Slovak Republic](#), page 31.

⁴⁰ A resolution to highlight that fundamental rights and freedoms are guaranteed in Slovakia and to condemn discrimination against minorities was proposed for the Parliament. It was, however, rejected on 19 September 2021. See [news article](#).

issues influencing the lives of the minorities. Furthermore, it is of the state's overall responsibility which cannot be delegated solely to local and regional authorities to guarantee effective equality of all citizens and minority rights. In this respect, state authorities do not always adopt an active approach to ensure that actions taken on the ground by regional and local authorities are fully in line with national legislation and policies.⁴¹

69. The Advisory Committee also underlines the particular importance of awareness-raising among national minorities, and the most vulnerable ones, such as the Roma, on measures they can take when faced with discrimination, and of ensuring that they are not prevented from accessing justice in such cases due to a lack of awareness and financial means. In this respect, the Advisory Committee welcomes projects implemented by the Plenipotentiary for Roma Communities under the priority area 'Non-Discrimination' of the National Roma Inclusion Strategy, the Public Defender of Rights, the Slovak National Centre for Human Rights and the Centre for Civil and Human Rights, a NGO with strong field presence in eastern Slovakia,⁴² aimed at raising the legal awareness of the Roma about the possibilities of protection against discrimination and unequal treatment.⁴³

70. The Advisory Committee notes that the anti-discrimination legislative framework is rather comprehensive and welcomes the fact that the Anti-Discrimination Act contains a provision (Section 8a) enabling public administration bodies and other legal entities to adopt affirmative measures aimed at removing disadvantages of certain groups on the grounds of racial or ethnic origin, affiliation with a national minority or an ethnic group. The practical implementation of this legislation remains, however, overall, very weak in practice⁴⁴ due to the fact that there is very low enforcement through legal procedures⁴⁵ and because of extreme length of court proceeding which represents a significant barrier in access to justice. Furthermore, the existing case law shows that courts are rather reluctant to impose sanctions on perpetrators that would be effective, proportionate and dissuasive. This is especially true for financial compensation of non-pecuniary damage.⁴⁶ The Advisory Committee also notes that sanctions for discriminatory

⁴¹ See for instance Article 6 regarding the lack of implementation of Article 424(a) of the Criminal Code making segregation a criminal offence, Article 11 for delays in implementing the 2018 decision of the Ministry of Transport concerning minority language signs at the beginning and end of municipalities, or Article 15 about persisting walls and fences separating Roma.

⁴² See more details about its legal awareness work on the [website of the Centre for Civil and Human Rights](#).

⁴³ See [fifth state report](#), para. 91, 108 and 164, for more details.

⁴⁴ See nevertheless para. 91 of the [fifth state report](#) for some positive application practices in the field of the enforcement of the Anti-Discrimination Act and other generally binding legislation containing anti-discrimination provisions in the field of public administration.

⁴⁵ According to the Ministry of Justice, out of 23 cases of alleged discrimination finally decided by domestic courts in 2019, the courts recognised discriminatory treatment in only two cases (source: [2020 Slovakia Country Report on Non-Discrimination](#), page 9).

⁴⁶ As an example, the Regional Court in Košice in its final decision (Decision No. 6 Co 833/2014 – 223, 28 June 2016) awarded financial compensation (€300 each) to a Roma couple who were found to have been discriminated against based on their ethnic origin in a local bar in Spišské Vlachy. In 2018, in a landmark decision, the appeal court upheld the first instance court ruling in a case of discrimination against a Roma woman in access to employment and awarded her €2,500 as non-pecuniary damage (Spišská Nová Ves District Court's Decision No. 8 C 268/2016-523 of 23 March 2017 upheld by the Regional Court in Košice's Decision No. 9Co 259/2017 of 7 February 2018).

behaviour can be imposed by the labour, trade and school inspectorates through the administrative imposition of fines. However, in practice, proceedings before inspectorates are rarely used to enforce the anti-discrimination provisions. Furthermore, no shift in burden of proof applies in such proceedings, and even if such proceedings take place, fines are either not imposed or their amount is insufficient and without dissuasive effect.⁴⁷

71. According to information collected by the Advisory Committee, there appears to be still limited awareness in society about the anti-discrimination legislative framework and access to free legal aid, particularly among members of national minorities and most vulnerable groups.⁴⁸ Furthermore, there is still in general a lack of qualified legal assistance in the field of anti-discrimination and a lack of accessible legal aid in terms of financial accessibility.⁴⁹ In this respect, the Advisory Committee notes that access to free legal representation for those whose income is very low is provided by the state, but regrets that this legal representation can only be provided in civil judicial proceedings and not in administrative and criminal proceedings or in proceedings before inspectorates. It also notes that there is still a relatively significant group of people who would not be able to pay for legal services even though the threshold for entitlement to free legal aid or for legal aid with a symbolic financial contribution from the person affected is relatively low.⁵⁰ The Advisory Committee shares the view expressed in the 2019 annual report of the Public Defender of Rights about the state responsibility to provide a legislative and financial framework ensuring the equality of all citizens before the law, and a functioning free legal aid system, in particular for the most vulnerable.

72. Overall, the Advisory Committee observes a lack of co-ordination, coherence and information sharing among various stakeholders. This may be a result of fragmented consultative mechanisms which lack inclusiveness, shared ownership of decisions and sustainability of approaches and actions. As examples, the previously mentioned expert platform set up in 2019 to co-ordinate actions regarding human rights and equal treatment strategies was discontinued after one year, although the topic of non-discrimination with an emphasis on fighting anti-

Roma racism⁵¹ is still a priority of the new 'Strategy for Equality, Inclusion and Participation of Roma up to 2030' (see Article 4 - National Roma Integration Strategy below).⁵² It was also reported by interlocutors that the current drafting processes of the new law on the status of national minorities (hereinafter the 'Minorities Act') lacks sufficient information sharing, participation and co-ordination with all parties concerned. It was illustrated also by the fact that the Minorities Act and an amendment to the Schools Act are being designed in parallel, although both have interconnection and are of crucial relevance for national minorities (see also Article 15 – Effective participation in public life).

73. The Advisory Committee reiterates its call on the authorities to prioritise attention to minority rights as an integral part of human rights and to ensure effective, coherent, and sustainable interinstitutional co-ordination and approach on all issues pertaining to minority rights, in close consultation with national minority representatives.

74. The Advisory Committee calls on the authorities to increase their efforts to raise awareness of the anti-discrimination legislative framework amongst members of national minorities and groups most subject to discriminatory attitudes and intensify efforts to effectively protect them from discrimination in all spheres of life. In this respect, authorities should further improve the free legal aid system for the most vulnerable.

Institutional framework for combating discrimination: the Human Rights Centre (Article 4)

75. According to Law No. 308/1993, the Slovak National Centre for Human Rights (hereafter "the Human Rights Centre")⁵³ is an independent, non-judicial body, subsidised mainly through the state budget. The Human Rights Centre is empowered with many competences in line with most international standards. It is tasked to draft expert opinions on compliance with the principle of equal treatment and with monitoring and evaluating the observance of human rights and of equal treatment and with collecting and providing information on racism, xenophobia, as well as with carrying out independent inquiries concerning discrimination. More generally, the Human Rights Centre is obliged to conduct research and surveys for the purpose of providing data in the field of human rights. The Human Rights Centre is required to secure legal aid for people affected by discrimination under the Anti-Discrimination Act and is empowered to represent the victims of discrimination in court. It may also file an *actio popularis*. It is also obliged to publish an annual report on the observance of human rights, including the principle of equal treatment, in Slovakia, which includes recommendations to various authorities and institutions. For instance, in its 2020 Annual Report, the Human Rights Centre highlights that the spread of COVID-19 disease marked the year

⁴⁷ Source: [2020 Slovakia Country Report on Non-Discrimination](#), pages 10-11. Furthermore, as per the Anti-discrimination Act, 365/2004, Section 11(2), the defendant must prove that there has been no discrimination against the claimant or that the treatment was necessary and justifiable.

⁴⁸ According to a study of access barriers to efficient legal protection against discrimination, which included a nationwide survey on the barriers encountered by people who subjectively feel that they have been discriminated against but do not seek legal aid or use legal means to defend themselves against discrimination, just a tiny percentage (4.7 %) of respondents who felt that they have been discriminated against have sought legal assistance or sought to lodge a claim against discrimination by legal means. Over 92 % have not taken any steps to defend themselves. According to page 41 of the [Second EU-MIDIS Roma survey published by the European Union Agency for Fundamental Rights in 2016](#), 49% of Roma respondents in Slovakia are not aware of any laws prohibiting discrimination based on skin colour, ethnic origin or religion, and 83% are not aware of any organisations that offer support or advice to victims of discrimination.

⁴⁹ See [2020 Slovakia Country Report on Non-Discrimination](#), page 77.

⁵⁰ See Act No. 327/2005 on Providing Legal Aid to Persons in Material Need, Sections 6 and 6a.

⁵¹ The authorities explained that the term 'antigypsyism' ('anticiganizmus' in Slovak) has a negative connotation; therefore, they prefer using "anti-Roma racism". In line with ECRI revised General Policy Recommendation N°13 on combating antigypsyism and discrimination against Roma, which provides a definition of "anti-Gypsyism", this opinion will stick to the use of the term 'antigypsyism'.

⁵² See ['Strategy for Equality, Inclusion and Participation of Roma up to 2030'](#) (in Slovak), pages 36-40.

⁵³ See the [website of the Slovak National Centre for Human Rights](#) (in Slovak), a national human rights institution established accredited with status B by the International Coordinating Committee of National Human Rights Institutions.

2020 and had a major impact on the exercise of human rights and fundamental freedoms, with a particularly negative impact on the most vulnerable groups. The 2020 Annual Report addresses issues such as quarantine of Roma settlements, mandatory state isolation, restrictions on freedom of movement and data protection guarantees during the Covid-19 pandemic, as well as the impact of Covid-19 related measures on access to education, healthcare and employment.⁵⁴

76. In 2019, the Human Rights Centre dealt with 94 discrimination complaints, out of which nine concerned ethnic origin. As regards the field of the complaints received, 57 concerned labour or similar relations, 11 the provision of goods and services, 11 social security, seven education and two healthcare. Out of all the complaints received, the Human Rights Centre identified a violation of the principle of equal treatment in 23 complaints. In 2019, the Human Rights Centre issued 26 expert opinions assessing possible breaches of anti-discrimination legislation, provided legal representation to four people in court proceedings concerning discrimination and did not submit any *actio popularis* lawsuits.⁵⁵

77. The Advisory Committee welcomes an increase of the budget allocated to the Human Rights Centre by 40% in 2019, which includes human resources among others.⁵⁶ So far, this budgetary increase has not translated into an increase in the outreach which could be mirrored in the number of complaints received.⁵⁷ Received complaints are in grave disparity to the situation and needs of national minorities. The number of complaints submitted by national minorities remains low, as acknowledged by the Human Rights Centre itself. This could be explained by the fact that the Human Rights Centre is not sufficiently known and lacks outreach among members of national minorities or because the full independence is questioned. The Centre has also been reproached by some of the Advisory Committee's interlocutors for its lack of pro-activeness in initiating investigations in cases of racial and structural discrimination, such as those involving school segregation,⁵⁸ despite comprehensive analytical reports published on this topic.⁵⁹

78. The Advisory Committee regrets that a draft amendment to the Act on the Human Rights Centre proposed by the Ministry of Justice in 2018 which sought to strengthen its independence

⁵⁴ See ['Report on the Observance of Human Rights including the Principle of Equal Treatment for the Year 2020'](#).

⁵⁵ The number of complaints indicated for 2019 are based on data provided on page 12 of the [2020 Slovakia Country Report on Non-Discrimination](#).

⁵⁶ As stated in the Individual Submission of the Slovak National Centre for Human Rights to the third cycle of the Universal Periodic Review of the United Nations' Human Rights Council, its budget was increased in 2020, 2021 and 2022. For 2022, the Centre was allocated a dotation from the public budget in the amount of €944 287. Consequently, the Centre has been able to strengthen its personal and technical capacities. At the time of the visit, the Human Rights Centre had 23 staff members working in its head office on substantive issues and five others in its three regional offices (Banská Bystrica, Košice and Žilina), in increase compared with 2017 (15 employees) according to the 2017 activities factsheet of the Human Rights Centre.

⁵⁷ The Human Rights Centre processed 94 complaints in 2019, compared to 92 complaints in 2018 and 70 in 2017.

⁵⁸ See [ECRI's sixth report on the Slovak Republic](#), para. 5-7 and [Concluding Observations of the United Nations Human Rights Committee](#), Oct. 2016, para. 8.

⁵⁹ See Human Rights Centre's reports on Observance of Human Rights Including the Principle of Equal Treatment in the Slovak Republic.

by establishing a transparent procedure and strict criteria for the selection of governing board members and set out rules on activities and affiliations that would be incompatible with the exercise of the function of member of the governing board, was rejected by the Parliament in 2019.

79. The Advisory Committee expresses concerns about the high level of under-reporting of alleged discrimination among persons belonging to national minorities to competent institutions, in particular to the Human Rights Centre.⁶⁰ The Advisory Committee is of the opinion that an internal redistribution of existing human and financial resources could help increasing awareness about the Human Rights Centre's competences and work, especially among members of national minorities. Making full use of strategic litigation in alleged cases involving persons belonging to national minorities and increasing regional presence, in particular in areas inhabited by Hungarians and Roma, could be envisaged.

80. The Advisory Committee notes with satisfaction that the Centre organised 317 educational activities, which is a significant increase compared with 148 such activities organised in 2017. However, it considers that more investment should be made in training programmes, particularly for law enforcement bodies, legal professionals and public officials, so as to overcome discrimination, including intersectional discrimination, prejudice and structural disadvantages faced by persons belonging to national minorities and increase trust in these institutions. National minority representatives should be systematically involved in such training to provide testimonials.

81. The Advisory Committee asks the authorities to speed up the reform regarding the Slovak National Centre for Human Rights to ensure that it is fully independent and more active and resolute in combating discrimination. Steps should be taken, among others, to encourage full use of its investigation and strategic litigation powers and increase the Centre's awareness-raising activities and visibility, through *inter alia* the setting-up of additional regional offices in areas inhabited by Hungarians and Roma to better reach out to these two national minorities more subject to discrimination.

Institutional framework for combating discrimination: the Public Defender of Rights (Article 4)

82. The Public Defender of Rights (hereafter "the Public Defender") is competent in matters of discrimination when examining complaints alleging violations of fundamental rights and freedoms by public administrations. In 2020, the Public Defender received a total of 3,075 submissions and complaints which represents the second highest number since the establishment of this Office. Despite the increasing number of complaints, the expected number of Office employees for the year 2020 approved by Government Resolution No. 500 of 14 October 2019 could not be fulfilled due to the lack of financial resources.⁶¹ The Public Defender's activities seem to have been considerably impacted by the 10% budget cut applied in 2021 to all public institutions compared with the outcome of the same cuts on existing commissioner institutions.⁶²

⁶⁰ Several members of national minorities informed the Advisory Committee that they would rather go to the police to report an alleged case of discrimination rather than submitting a complaint to the Human Rights Centre or to the Ombudsperson.

⁶¹ As of 31 December 2020, the Office had a total of 46 employees.

⁶² The Commissioner for children and the Commissioner for persons with disabilities.

83. The Advisory Committee notes that the Public Defender continues to play an important role in fighting discrimination, racism and intolerance in cases involving allegations of misconduct by public authorities, including the police, or individual civil servants. The Public Defender institution seems to have a good reputation among persons belonging to national minorities and be more successful in receiving complaints from persons belonging to national minorities - although there is still a certain degree of under-reporting of alleged discrimination to this institution. Its independence is however sometimes questioned due to its nomination by elected political parties.⁶³ It also does not have all the competences and necessary powers in order to perform its functions efficiently. This concerns provisions for legal standing in court proceedings, accelerated proceedings before the Constitutional Court, and access to classified documents. Competences of the Public Defender should be reviewed with a view to also investigate efficiently the Police Force Inspectorate and consequently its actions in investigating alleged police brutality. In this regard, there would be a need to amend Article 3(2) of the Act on Public Defender of Rights. The Advisory Committee also notes that the Public Defender's autonomy to decide about the number of employees necessary for the proper discharge of its function is still not sufficiently guaranteed.

84. The Advisory Committee deeply regrets that the Public Defender's institution does not enjoy the expected authority among politicians, parliamentarians, as well as public officials at state, local and regional levels,⁶⁴ a symptom of which is the ignoring of the Public Defender's reports, letters and queries, its crucial work to protect human rights, including those of national minorities, and the indifference to the knowledge and capacity of the Public Defender to monitor the situation in Slovakia as regards the human rights and equality legal framework. The Ombudsperson is not sufficiently consulted or heard by the Slovak Government or the Parliament when legislation or policies affecting human rights of national minorities is prepared. As a result, the state authorities' follow-up to the Ombudsperson's recommendations, including those relevant for national minorities, is overall inadequate. This attitude is regrettable as it is not only an unnecessary waste of capacity but also weakens the authority of the Ombudsperson.

85. The Advisory Committee urges the authorities to provide sufficient human and financial resources to the Public Defender of Rights to enable this institution to effectively pursue its function; to reinforce the Public Defender of Rights'

independence in accordance with international standards; to pay increased attention and provide timely follow-up to Public Defender of Right's decisions, reports and queries related to national minorities; and to extend its mandate to provide for legal standing in court proceedings and access to classified documents, and give the Public Defender access to accelerated proceedings before the Constitutional Court. The Public Defender's capacity to investigate cases of alleged police brutality should be strengthened.

Equality data (Article 4)

86. In response to a previous recommendation by the Advisory Committee to collect equality data on the living conditions of persons belonging to national minorities, the Ministry of Justice, under the Action Plan for the Prevention of All Forms of Discrimination for the years 2016-2019, prepared an analysis of requirements arising from international conventions on the collection of sensitive data and legal obstacles to its collection. The Ministry of Justice adapted the diagnostic mapping tool that the EU High Level Group on Non-Discrimination, Equality and Diversity Subgroup on Equality Data prepared to gather information on existing sources of equality data and gaps in it.⁶⁵

87. The Office of the Plenipotentiary for National Minorities carried out extensive field research on the use of languages of national minorities in preparation of the 2018 Language Report on the state of use of languages of national minorities in Slovakia. The Plenipotentiary for Roma Communities also published a 'Language Map of the Roma communities in Slovakia'. With a view to an effective approach to education at primary and secondary schools, data on the use of language was collected from settlements of "marginalised Roma communities" (see below Article 6 Portrayal of the Roma) from three different angles: native language (Romani, Slovak, Hungarian or other languages), everyday language in communication, and language of instruction in primary schools for children.⁶⁶

88. An updated Atlas of Roma Communities, a socio-graphic mapping instrument, was also published in 2019.⁶⁷ It provides a wealth of data on the number and living situation of Roma throughout Slovakia, such as data on the infrastructure of municipalities and Roma settlements, the availability of social and health services, the political and civic participation of Roma, economic activities, and school infrastructure. This new Atlas provides for a certain degree of comparison of data and therefore contributes to an evaluation of the impact of past policies and programmes.

⁶³ See [Committee of Ministers' Recommendation CM/Rec\(2021\)1 to member States on the development and strengthening of effective, pluralist and independent national human rights institutions](#) adopted on 31 March 2021, as well as [Ecri General Policy Recommendation N°2 revised on Equality Bodies to combat racism and intolerance at national level](#) from 7 December 2017.

⁶⁴ In 2019, when the Ombudsperson presented her 2018 annual report, the Parliament was almost empty. On 13 May 2020, for the presentation of the Ombudsperson's 2019 annual report, the audience was slightly bigger; still her report was not acknowledged, as only 34 parliamentarians voted for it; 50 were against and 46 abstained from the vote, as reported in the [news](#). The President of the Republic - who was also present - disagreed with such an approach. Among other examples of lack of responses from regional and local authorities, the Public Defender did not receive a reply from the Regional Office of Public Health in Trenčín about her doubts as to the proportionality of the closure of entire apartment buildings in Bánovce nad Bebravou in a situation where due to four cases of positively tested Roma residents for COVID-19 disease 500 people ended up in quarantine.

⁶⁵ See [Fundamental Rights Report – 2020 by the European Union Fundamental Rights Agency \(FRA\)](#), page 41.

⁶⁶ The primary communication language of the Roma communities in Slovakia is Slovak, then Hungarian and thirdly Romani (see the [fifth state report](#), para. 262, as well as para. 238, 239 and 248 for more details about the Report on the Status of Use of Languages of National Minorities).

⁶⁷ See the [webpage dedicated to the 2019 Atlas of Roma Communities](#) and [extracted data](#) (currently only available in Slovak), as well as the [2013 Atlas of Roma Communities](#) and [extracted data](#) (in Slovak) carried out by the United Nations Development Program (UNDP) in co-operation with the Institute of Roma Studies at the University of Prešov, the Office of the Plenipotentiary for Roma Communities and the Association of Slovak Towns and Municipalities. €132,000 has been allocated to the Atlas update.

89. The Advisory Committee was made aware of ongoing debates among scholars, members of the Roma community and local stakeholders regarding both the political legitimacy and public availability of the data and the accuracy of specific data and estimates of the Atlas of Roma Communities. According to some scholars, the Atlas has so far proven very useful in providing estimates of the socio-economic and infrastructural situation across practically all "marginalised Roma enclaves", thus allowing preliminary needs assessments by policy makers, as well as for the planning and evaluation of measures. Data provided by the Atlas, however, presents more accurate quantification of the number of Roma living in Slovakia, as opposed to census results. In parallel, the methodology continues to be successfully used in pro-Roma advocacy as it contradicts the myth that the greatest part of Roma lives in poor segregated enclaves. On the other hand, there are also some continuing problems embedded in the Atlas methodology which is primarily based on the knowledge and perspectives of the local non-Roma, especially those working for or along the local municipalities because the data was collected according to ascribed ethnicity and many persons counted in the Atlas do not identify themselves as Roma.

90. Available data is generally based on estimates from scope-limited sample surveys, such as those from the Income and living conditions in marginalized Roma communities: Selected indicators from the EU SILC MRK 2018 survey.⁶⁸ Comprehensive and comparable equality data between national minorities other than Roma and the rest of the population is largely missing, as pointed out by some national minority representatives, and this criticism may also apply to some areas in the case of Roma. There is for instance a severe lack of systemic data on the economic integration of Roma.⁶⁹ There seems to be also some data that is not made public, although information is released on the impact of some measures that underlie the same data. As a concrete example, the Advisory Committee could not obtain from the Ministry of Education, Science, Research and Sport (hereinafter "Ministry of Education") data about the number of Roma children attending kindergartens or those attending special schools, compared with children from the majority population and/or other national minorities, or about the number of school dropouts and absenteeism among Roma pupils/students; however it received written information from the same ministry that 10% of Roma pupils have returned to mainstream education in recent years mainly due to the interventions of inclusive teams in primary and nursery schools (see also Article 12 – Access to Education).

91. The Advisory Committee reiterates the importance of regularly collected, reliable and disaggregated equality data⁷⁰ so as to ensure that authorities base their equality promotion policy instruments on data related to the actual situation and access to

rights of persons belonging to national minorities, and persons belonging to the most disadvantaged groups in particular.⁷¹

92. The Advisory Committee welcomes the fact that increasing efforts are made to collect equality data through surveys and research into the language use of national minorities, as well as into living conditions of persons belonging to the Roma national minority, whether through the updated Atlas of Roma Communities or more specific surveys.⁷² It also welcomes the approach of the Statistical Office to have considered background data provided by the Plenipotentiary for Roma Communities. More generally, the Advisory Committee takes positive note that policy makers use estimated figures of the Roma population to develop targeted social inclusion policies, instead of less accurate past census results.

93. The Advisory Committee regards the 'Atlas of Roma Communities' as a positive example of an analytical framework for designing short-term and long-term action priorities, based on social and geographical mapping of the Roma population, which can help the authorities measuring the mid-term and long-term effects of the implementation of the National Roma Inclusion Strategy through regular updates. The Atlas collects quantitative data on the geographical location of people living in Roma settlements and contains a wide range of information on individual settlements, as well as on the municipalities in which these localities are located. By providing a mapping of the living conditions of Roma living in settlements and their access to various services, it is a good tool for identifying structural inequalities between this population and the majority, and for redressing these inequalities through public policies, especially those aimed at to complete adequate technical and social infrastructure.

94. The Advisory Committee notes, however, - as highlighted by the Plenipotentiary for Roma Communities – that the aim of the Atlas is not to provide an exhaustive picture of the Roma living in Slovakia. Since its methodology is based on external identification - which raises concerns as to the principle of free self-identification contained in the Framework Convention - it does not allow for a total accuracy. The basic research/sampling unit is indeed not an individual person, but a territorially limited community, which is considered to be Roma. The Atlas does not cover either the full range of disadvantages faced by Roma, such as discrimination or antigypsyism. Thus, Roma living in an integrated way, who do not face inequalities resulting from social exclusion, are not the focus of the Atlas. Therefore, data related to "non-marginalised Roma" is less accurate, thus providing only very rough estimates of the numbers and living conditions of Roma not living in segregated areas. Cross comparisons between the Atlas data and methodologies used for other surveys are still missing. Having in mind that different approaches can reveal different strengths and weaknesses regarding different aspects, the Advisory Committee would welcome a joint evaluation of the scope, utility and authority of the Atlas in comparison to other available related datasets and methodologies, involving members of the Roma national minority, local authorities, including Roma mayors, scholars and independent experts.

95. The Advisory Committee encourages the authorities to continue collecting regular disaggregated equality data on the

⁶⁸ See selected indicators from the [EU SILC MRK 2018 survey](#) (in Slovak).

⁶⁹ See Martin Kahanec - Lucia Kováčová - Zuzana Poláčková - Mária Sedláčková (April 2020), [The social and employment situation of Roma communities in Slovakia](#), page 7.

⁷⁰ Equality data include *inter alia* qualitative studies, surveys, interviews, and anonymous testing. For more information on what is expected in terms of equality data, see [European handbook on equality data](#) (2016 revision). See also '[Equality data indicators: Methodological approach Overview per EU Member State Technical Annex](#)' published by the European Commission in 2017.

⁷¹ See [ACFC Thematic Commentary No. 4](#), para. 66.

⁷² See the Institute of Financial Policy's data on the unemployment rate of Roma in "municipalities with concentrated settlements" in [fifth state report](#), para. 282

living conditions of persons belonging to the Roma national minority. The authorities should also conduct independent surveys and research on the situation and access to rights of other persons belonging to national minorities, including the numerically smaller ones. Such data, collected in close consultation with all national minority representatives, should allow the authorities to base all related policy development on reliable equality data and therefore ensure effective policy assessment.

96. Whilst welcoming the regular update of the Atlas of Roma Communities, the Advisory Committee invites the authorities to reassess, with the participation of members of the Roma national minority and other relevant stakeholders, its scope, utility and authority in comparison to other available related datasets and methodologies.

National Roma Integration Strategy (Article 4)

97. Action Plans of the National Roma Integration Strategy 2012-2020 (hereinafter "the Strategy"⁷³) were monitored annually and updated biannually. Co-ordinated by the Plenipotentiary for Roma Communities, they were mostly implemented by various line ministries. The Strategy and its Action Plans addressed seven priority areas: education, employment, health, housing, financial inclusion, non-discrimination and initiatives aimed at the majority society. Following the 2018 European Commission's 'Review of the EU Framework for National Roma Integration Strategies', priority areas requiring further attention identified have been incorporated in the Strategy action plans and corresponding legislation has been adopted. A new 'Strategy for Equality, Inclusion and Participation of Roma up to 2030' (hereinafter "the 2030 Roma Strategy")⁷⁴ was adopted by the Government on 7 April 2021 and covers five thematic priorities: education, housing, employment, healthcare and fight against anti-Roma racism and Roma participation. New Action Plans for 2022-2024 are being developed (see observations regarding aspects of the new Strategy under Articles 6, 12 and 15).

98. Despite clear improvements in early childhood education and care and in the fight against the early termination of school attendance, interlocutors of the Advisory Committee have pointed out a series of challenging factors: too many actors involved at various levels are seen as problematic and not conducive to a comprehensive strategic approach; a high level of bureaucracy and the complexity of grant applications forms hamper the full effectiveness of these actions which is reflected in the low absorption of European Structural and Investment Funds (hereinafter "EU funds"), late payments of first instalments, or delays in the implementation of certain actions. Members of the Association of Roma Mayors met during the visit argue that they do not receive sufficient support for their local needs, in particular for drafting project applications.⁷⁵ They also referred to the top-down approach and lack of prior consultation with and involvement of local authorities in the design, implementation and assessment of projects. Activities on the

⁷³ References made to "the Strategy" and the assessment of the Advisory Committee under this Article, if not otherwise specified, refer to the National Roma Integration Strategy 2012-2020.

⁷⁴ See '[Strategy for Equality, Inclusion and Participation of Roma up to 2030](#)' (in Slovak).

⁷⁵ See, however, some good examples of assistance to mayors for grant applications provided under the [ROMACT](#) joint Council of Europe/European Commission programme implemented in Slovakia between November 2013 and December 2017.

ground – with some notable exceptions such as Roma health mediators and civil patrols - are often carried out by persons who are not Roma themselves, speak no Romani, and have therefore difficulty in interacting with target beneficiaries. This is the case for teacher assistants, field social workers or community centres' staff.

99. The Strategy well identifies the multiple disadvantages the Roma population faces, including poverty, discrimination and lack of quality education, and clearly identifies three strategic principles called "3Ds": desegregation, ghettoization and de-stigmatization. The Advisory Committee is also of the view that considerable efforts continue to be made by the authorities to implement a variety of programmes and projects related to the improvement of the living conditions, social inclusion and access to rights of Roma. The Advisory Committee also welcomes the inclusion in 2017 of two new chapters, respectively on non-discrimination and on initiatives aimed at the majority society. The Advisory Committee considers that the latter provides a good framework to address prejudice, negative stereotypes and antigypsyism that persist among parts of the Slovak society and looks forward to more concrete activities aimed at fighting antigypsyism within the 2030 Roma Strategy. The Advisory Committee also notes with great satisfaction that a number of activities of the Strategy target and involve Roma youth.⁷⁶ *A contrario*, a stronger focus on gender-related aspects and specific challenges faced by Roma women and girls, including human trafficking, forced labour and forced marriage, would be needed in action plans to be developed under the 2030 Roma Strategy.⁷⁷ The Advisory Committee is of the view that the impact of the Strategy-related policy measures and activities needs to be more systematically analysed from a gender perspective. Furthermore, the Advisory Committee observes that many of the Strategy programmes and projects rely extensively on EU funding and the share of state funding seems insufficient to achieve long-term sustainability of the actions. It gives Advisory Committee's interlocutors the impression that without the financial support of the EU, very little would be effectively done by the state.

100. The national project 'Community Centres in Cities and Municipalities in the presence of marginalised Roma communities - Phase 1', based on both a community and an individual approach, is generally regarded as impactful for the most vulnerable. It provides support for community centres to implement community work, community planning and low-threshold services to support poverty reduction and the level of social exclusion of members of "marginalised Roma communities" (MRC).⁷⁸ This is achieved through community

⁷⁶ See examples of activities targeting Roma youth in the [fifth state report](#), para. 60, 63, 163, 164, 175, 214, 219 and 279.

⁷⁷ The only reference to Roma women in the [fifth state report](#) (para. 215) refers to a panel on the position of Roma women in Roma communities at the *Successful Roma Women* exhibition held in Prešov by the Documentation and Information Centre for Roma Culture and *In Minorita* association.

Several reports address the vulnerability of Slovak Roma women who are subjected to sex trafficking, forced labour and forced marriage in Slovakia and abroad, such as the [RefWorld 2018 Trafficking in Persons Report – Slovakia](#) published on UNHCR website or the [U.S. Department of State 2020 Country Report on Human Rights Practices: Slovakia](#).

⁷⁸ This programme covering 49 community centres was allocated €18,688,726 from EU funds and targeted 4,374 Roma clients from "marginalised communities". As of 1 April 2018, there were 142 funded job positions, of which 41 were occupied by Roma.

activation to address their problems, support for non-formal education for children, youth and adults in order to improve their success in the education system or in work placement and solve the problems of coexistence between "MRC" members and the majority society in municipalities.⁷⁹

101. The Advisory Committee, however, had great difficulties to obtain data on how many Roma residents assisted by these community centres have managed to move out from these "marginalised settlements" for a durable improvement of their living conditions. Furthermore, during its visit in Prešov, the Advisory Committee heard concerns about the fact that one of the two community centres located in Stará Tehelňa (Old Bryckyrd),⁸⁰ namely the one co-ordinated by the municipality, stopped its usual activities and was transformed during at least two months into a testing and vaccination centre during the Covid-19 pandemic, whilst the Community Centre of the Roma Institute, a non-profit organisation receiving subsidies from the Ministry of Labour, Social Affairs and Family, remained fully operational. It regrets this lack of common approach and considers that Roma residents should have access to testing and vaccination centres in the city as any other citizens. Community centres should be able to pursue their primary tasks even during the time of pandemic.

102. The Advisory Committee strongly encourages the authorities to involve all relevant actors, with particular attention to Roma mayors, as well as Roma women and girls, in the design, implementation, monitoring and evaluation, of the action plans of the National Strategy for Equality, Inclusion and Participation of Roma up to 2030; to simplify, where possible, grant procedures and application forms to access funding; to remove unnecessary administrative barriers and bureaucracy; to increase co-ordination at all levels; and to pay particular attention within Strategy and Action Plans to gender-related aspects and measures addressing antigypsyism in society.

Promotion of minority cultures (Article 5)

103. The main legal framework for promoting national minority cultures is the Act No. 138/2017 on the Fund for the Promotion of the Culture of National Minorities (hereinafter "the Fund Act") which also covers artistic and media activities, scholarships and exemption fees, and research.⁸¹ Pursuant to Section 20(6)(a) and (8) of the Fund Act, the method of the funds allocation among the various national minorities is based on a mathematical model of calculation (from 0.7% for the Serb up to 53% for the Hungarian national minority), which takes into account a number of criteria, as stipulated in Section 22 of the Fund Act. Since 1 January 2018, competence of the Fund for the Promotion of the Culture of National Minorities (hereinafter

"the Fund") has been transferred from the Government Office to a governing board, independent of central state administration bodies and chaired by a Fund Director appointed by the Ministry of Culture. The Fund management is assisted by councils of minority experts which are assessing all project proposals. In 2018-2021, the Ministry of Culture's contribution to the Fund from the state budget was about €8 million, 95% of which went to support activities. This is twice more than in 2015-2017.⁸² In order to prevent the negative economic impact of the Covid-19 pandemic, in November 2020, the Fund published an extraordinary call of €475,000 for applications for scholarships, primarily for professionals (self-employed workers, freelancers, artists) who lost their income during the pandemic. A grant programme entitled "The Culture of Disadvantaged Groups" also provides financial support for creative workshops, festivals, tours, markets, and non-formal educational awareness targeting persons belonging to the Roma minority.⁸³

104. The Slovak National Museum (hereinafter "the SNM"), as the largest memorial and fund institution of the Ministry of Culture, is involved in the documentation of the history and culture of national and ethnic minorities. It provides scientific research, collects documentation on history, culture, art, promotes the tangible and intangible cultural heritage of national minorities, and collaborates with the Slovak National Archives and relevant foreign institutions. The SNM includes specialised museums of national minorities presenting their respective history, folk customs, and contemporary minority culture through scientific research and historical documentation, libraries, education activities, lectures, and exhibitions.⁸⁴ The activities of these museums are co-ordinated by the Commission for museum documentation of cultures of ethnic minorities.

105. ÚĽUV Centres for Folk Art Production based in Bratislava, Banská Bystrica and Košice spread knowledge not only of Slovak but also national minorities' cultural heritage to the general public. It aims at preserving traditions and crafts and passing this knowledge to future generations through exhibitions, excursions and creative workshops. ÚĽUV also promotes traditional crafts courses for adults and young people. ÚĽUV Centres also contain libraries which include publications about minorities living in Slovakia⁸⁵ or magazines such as 'Crafts, art, design' which give visibility to active craftsmen belonging to national minorities. It also published in 2017 a series of 17 worksheets for children named *Huncút v regióne* focusing on national minorities living in the Danube area. ÚĽUV Centres work with craftsmen from national minorities and ethnic groups.

⁷⁹ See [fifth state report](#), para. 62.

⁸⁰ Stará Tehelňa is an isolated locality in the inner city of Prešov located in the industrial zone with no public infrastructure (shop, kindergarten, bus stop, etc.). Until February 2020, its 1,200 inhabitants, 95% of them being Roma, were excluded from post mail deliveries. People live in one open loggia-type building without closed entrances and of significantly poor quality, built with EU funds in 2001 in an extremely short time. The community makes up about 60% of children under the age of 18; 20% of the residents have an employment.

⁸¹ See [fifth state report](#), para. 11 for more details about the Fund. Until the end of 2017, such support was provided by the grant programme 'Culture of National Minorities' administered by the Office of the Plenipotentiary for National Minorities. Para 30 and 227 of the [fifth state report](#) provide details about the ratio of allocated funding and about the number of supported projects under the grant programme per national minority in 2015, 2016 and 2017 respectively.

⁸² See [fifth state report](#), para. 185. According to Article 21 (2) of the Fund Act, the Ministry of Culture has the right to insist that not more than 20 % of the contribution to the [Fund](#) will be preferentially used for the promotion of priorities designated by the ministry itself. However, the Ministry of Culture has not yet exercised this right.

⁸³ See [fifth state report](#), para. 219-220 for more details.

⁸⁴ Such as the Museum of Jewish Culture, the Museum of Culture of the Carpathian Germans, the Museum of Hungarian Culture in Bratislava, the Museum of Croatian Culture in Bratislava, the Museum of Ukrainian Culture in Svidník, the Museum of Rusyn Culture in Prešov, the Museum of Culture of Czechs and the Museum of Romani Culture both in Martin. See [fifth state report](#), para. 202 to 209 for details about each museum. See also para. 210 for an overview of the funding of SNM units in the years 2015-2017.

⁸⁵ An illustrative example is *Rómski kováči* (Romani blacksmiths) published in 2018 and promoting traditional craft of the Roma minority.

106. Whilst welcoming a considerable increase of state support for the promotion and preservation of their culture, representatives of national minorities met during the visit all expressed dissatisfaction about the general lack of transparency and equitability in the selection of grant applications in relation to the management of this Fund (before the appointment of the new Director). They regretted that decisions about grant allocations were either dependent on the size and lobby of some organisations within councils of minority experts or on the paternalistic approach of the Fund management deciding on what activities should be promoted rather than on the quality of projects or needs at grassroots level, and questioned the real independence of the Fund governance.⁸⁶ Support for the preservation and development of the use of minority languages, in particular in public schools at primary and secondary levels, is regarded as insufficient, especially by Roma, Ruthenian and Ukrainian interlocutors (see also Article 14 Teaching in and of minority languages).

107. Furthermore, representatives of national minorities highlighted heavy and unnecessary bureaucratic procedures and recurrent delays in the disbursement of funding. In this respect, they informed the Advisory Committee that, at the time of its visit, they still had not received any financial support for the year 2021. Several interlocutors from national minorities complained about the need to submit annual grant applications to receive financial support for their regular cultural project activities or their respective museums, as well as about the lack of support from the Fund for operational costs, including premises, which made them dependent on "kin states", where possible. All interlocutors from national minorities expressed concerns about a recent proposal from the Ministry of Culture to rename it "Fund for disadvantaged groups" arguing that they do not see themselves as "disadvantaged". Complaints were also heard by the Advisory Committee about the fact that national minority representatives in the Committee on National and Ethnic Groups have not been consulted on recent amendments to the Act No. 206/2009 on museums and galleries.

108. The Advisory Committee reaffirms the importance of sustainable, secure funding for national minority organisations. It emphasises that persons belonging to national minorities must have access to all publicly available funding opportunities, in addition to the special support for the preservation and development of their identities and cultures. Such funds should be made available to persons belonging to national minorities in a sustainable manner, ensuring the continuation of the activities of national minority organisations on a foreseeable basis. The authorities should continue to support projects for the preservation and development of minority cultures and languages, in consultation with representatives of national minorities, and to allocate support in accordance with the needs of the various groups, in line with fair and transparent allocation procedures. In addition, the concerns of persons belonging to national minorities regarding their right to the preservation and development of their specific identity and culture must be listened to and effectively taken into account when funding allocation decisions are made. Programmes and projects related to the cultural activities of national minorities should, wherever possible, be managed with the involvement of minority representatives, and justification should be provided whenever the recommendations from minority associations or consultative

⁸⁶ The fact that the Director of the Fund is appointed by the Ministry of Culture questions its full independence.

bodies are not followed. With regard to numerically smaller minorities in particular, States Parties to the Framework Convention should ensure the active promotion and encouragement of the use of minority languages, and the creation of an overall environment that is conducive to the use of these languages, in order to prevent their disappearance from public life.⁸⁷

109. The Advisory Committee welcomes increasing state support to this Fund which is as itself an important resource and investment for the preservation and development of minority cultures in Slovakia, as well as additional financial support provided during the pandemic. However, due to its administrative deficiencies and other structural problems, the Fund has not yet met the expectations and its full potential. It highlights that excessive bureaucracy, grants disbursed annually, and considerable delays in payment is perceived by representatives of the national minorities – even if not intentional – as a lack of genuine interest from the part of the authorities for long term support of national minorities' culture. It makes it impossible in practice for national minority organisations to plan and implement agreed activities in such conditions. The Advisory Committee considers that the rules concerning funding allocated through the Fund should be reviewed to include operational costs for their premises and allow the possibility for pluri-annual financial support to national minority museums, thus meeting the intended role of the fund to help promoting the culture of national minorities, instead of creating unnecessary barriers. The Advisory Committee has taken note that an amendment proposed by the Slovak Government to the Fund Act, which was discussed in the first reading by the Parliament on 25 November 2021, could respond to the acute need to ensure sufficient financial capacity to allow the Fund to perform all its tasks, consolidate its activities and continuously improve its support to projects. The Advisory Committee, which was informed that the examination of the text was still ongoing in the Parliament at the time of adoption of the present Opinion, would welcome these developments, including an increase in the Fund's operating budget from 5% to 6%. Taking also due note of the recent appointment of a new Director of the Fund, the Advisory Committee expects rapid improvements in terms of transparency of funds allocations and accountability of funds spending and the effective involvement of representatives of national minorities in decision making so as to regain the trust of national minorities in this important mechanism. It also shares the concern of national minority organisations about the envisaged change of the name of the Fund and considers that renaming it with "Fund for disadvantaged groups" would be inappropriate for national minorities and create a lack of clarity over its purpose.

110. The Advisory Committee considers ÚĽUV centres as a good practice in engaging with minority representatives and enrolling them in apprenticeship programmes or offering them job opportunities, as well as in contributing to the visibility and the promotion of a positive image of national minorities. The Advisory Committee is of the opinion that ÚĽUV regional centres should be further supported and extended to other parts of Slovakia.

111. The Advisory Committee urges the authorities to improve the efficiency of the mechanism for the support to

⁸⁷ See ACFC [Thematic Commentary No. 3](#), The Language Rights of Persons belonging to National Minorities under the Framework Convention, adopted on 24 May 2012, para. 23 and 24.

national minority cultures, whilst taking into account the needs of numerically smaller national minorities and the diversity within national minorities, by simplifying grant application procedures, ensuring timely fund allocation and disbursement, and considering pluri-annual funding for regular minority projects.

112. The Advisory Committee encourages the authorities to continue and expand their support to national minority museums and to promote the knowledge of national minorities and their positive contribution to Slovak society to the general public.

Intercultural dialogue and mutual respect (Article 6)

113. Promoting interethnic and intercultural dialogue and understanding between the majority and national minorities and ethnic groups is one of the three main components of the Fund for the Promotion of the Culture of National Minorities (previously, until the end of 2017, the grant programme of the National Council for National Minorities). A number of projects and multicultural and interethnic activities promoting interethnic dialogue between the majority population and national minorities and between national minorities themselves have been encouraged and financed with Fund subsidies.⁸⁸ Furthermore, many activities aimed at increasing tolerance and preventing the manifestation of antisemitism and antigypsyism among the general population have also been funded. The Plenipotentiary for National Minorities regularly publishes statements on the International Holocaust Remembrance Day and on the Roma Holocaust Memorial Day and takes part in the memorial celebrations devoted to these tragic events.

114. State Scientific Libraries based in various regions are active in promoting interethnic dialogue. The State Scientific Library in Prešov hosts a 'Documentation and Information Centre for Romani Culture' which seeks to strengthen the identity of the Roma minority as well as change how people look at this minority, not only members of the majority, but also the Roma themselves, through arts and crafts exhibitions and presentations of Roma role models, or celebration events of the International Roma Day (8 April) and the World Day of the Romani Language (5 November). The State Scientific Library in Banská Bystrica implemented cultural and educational activities, including a debate with a Russian woman who survived the horrors of the concentration camp. The website of the State Scientific Library in Košice hosts the online ROMANO database accessible also to the general public and consisting of over 6,500 periodicals and studies available in various languages.⁸⁹ ÚLUV Centres also support interethnic dialogue through their activities (see Article 5 above).

115. Promoted since 2009 by the Association for Culture, Education and Communication (ACEC), the Roma Spirit Awards are awarded yearly for activities, projects or personalities bringing measurable results in the improvement of the living conditions of persons belonging to the Roma minority or

⁸⁸ In 2017, €270,000 were earmarked for projects, such as festivals, excursions to other parts of the country to get to know the local and regional history and traditions of national minorities, joint educational events and arts competitions for children and youth from different ethnicities and languages, multicultural and interethnic research, seminars and conferences with a national or international dimension, multicultural and interethnic national publications, audio-visual works, periodicals, non-periodic press (books, language dictionaries), promotion of national cultural projects via the internet, creation of CDs or DVDs. See [fifth state report](#), para. 188-191.

⁸⁹ See [fifth state report](#), para. 213-217 for more details about activities of State Scientific Libraries.

functional solutions to the challenges they face.⁹⁰ The Roma Spirit Award 2021, organised under the auspices of the President of the Slovak Republic and the Public Defender of Rights, was publicly announced on the occasion of the International Day for Intercultural Dialogue and Understanding (21 May). The ceremony will be broadcast by RTVS on 9 December 2021 on the eve of International Human Rights Day.

116. Several representatives of national minorities reported specific joint cultural and education activities between national minorities, involving also persons from the majority society, as examples of mutual interaction between national minorities and as a contribution to a more tolerant society. The Jewish minority expressed gratitude to the Ministry of Culture for its support and for the grants disbursed for various projects that support interfaith and intercultural dialogue. This minority particularly welcomed the fact that the Slovak Government has recently made public apologies for the persecution of Jews during the Second World War. They called, however, for a stronger position on the fascist Slovak state established in 1939. In schooling, they would like to see more intercultural education and related training of teachers and, during religious classes, see pupils and students being provided knowledge about other religions than just the Christian religion.

117. Representatives of the Roma national minority also expressed satisfaction about the fact that both the Plenipotentiary for National Minorities and the Committee on National Minorities and Ethnic Groups issued several statements in the past, expressing their concerns about anti-Roma statements made by public officials which were strengthening the negative stereotypes in society and had a harmful effect on public opinion.

118. Whilst welcoming financial support for promoting intercultural dialogue, representatives of the Hungarian national minority pointed out that activities such as multi-ethnic festivals should not hide persistent lack of understanding between the majority and their own community. They underlined that the primacy given to ethnic Slovaks and their language by the State Language Act has the effect in practice of signalling the "otherness" of national minorities and their alien nature in Slovakia. In this context, they referred to the fact that only textbooks approved by the Ministry of Education can be used in schools; as a result, textbooks in the Hungarian language are translations of Slovak ones, which are often inappropriate for pupils and students, especially textbooks on history which can be - at times - derogatory and prejudiced against Hungarians.⁹¹ Persons belonging to this minority also reported regular negative comments about their level of proficiency of the Slovak language which has for consequence to make them hesitate to use the state language in public.

119. Furthermore, Hungarian minority representatives have highlighted that the Slovak authorities may still use the 1945 regulation on confiscation of property primarily targeting Hungarian and German minorities (the so-called "Benes Decrees"). They find it discriminatory and claim it creates legal

⁹⁰ There have been 76 award winners in 12 years to seven different categories (NGO, Society and Employer, Municipality and City, Personality, Media, Culture, and Act of the Year) for a total of 1,566 activities, projects, organisations and exceptional personalities nominated (see [Roma Spirit Awards website](#)).

⁹¹ For example, history textbooks contain sentences such as "the land of our ancestors was attacked in the 9th century by Magyars".

uncertainty.⁹² On its part, the Slovak Government has invoked the interest of preserving legal certainty in their legal order in the context of this regulation.⁹³ The authorities indicated that "although these decrees are formally part of the Slovak legal system, they do not establish any legal relations and are not applicable anymore". Hungarian minority representatives have indicated to the Advisory Committee that, since this regulation has been a main source of historical resentment for Hungarians in Slovakia, and since it has – according to their understanding – been lately used anew, they would "at least expect from the state to engage into dialogue on how this issue could be solved".⁹⁴

120. The Advisory Committee points out that Article 6(1) of the Framework Convention obliges states to take effective measures to promote mutual respect, understanding, and co-operation among all persons living on their territory. It further highlights that promotion of tolerance and mutual respect is a much wider issue and should be in fact a cross-cutting issue of all state activities: by showing respect to national minorities and their culture, state bodies signal to citizens how national minorities should be treated in the country. This applies also to the way the minorities are portrayed in history and how this image is conveyed in history teaching materials to future generations.

121. The Advisory Committee welcomes the authorities' strong and continuous commitment to financially support activities aimed at reinforcing intercultural dialogue. The Advisory Committee also welcomes recent public apologies about tragic events and atrocities of the past, which are also greatly contributing to reinforcing mutual trust. The Roma Spirit Awards and other similar initiatives more recently set up by Roma organisations provide good examples of a multidisciplinary public space that annually promotes social cohesion and intercultural dialogue and fights negative prejudices in society.

122. The Advisory Committee, however, considers that stronger commitment is required from the government to confront anti-minority rhetoric and actively promote openness and respect for diversity in society. In this context, the importance of strengthening intercultural dialogue in both the media and the education sector cannot be overestimated. This concerns also the teaching materials in schools at all levels, and especially history textbooks. The Advisory Committee also regrets that no periodical national studies are conducted by independent research institutes to assess the spirit of tolerance towards national minorities in Slovakia.

123. Regarding issues raised by the Hungarian minority in relation to the 1945 regulation on confiscation of property, to the validity of the confiscation decisions and to its effects on the ownership, the Advisory Committee notes in this connection the government's interest in preserving legal certainty. However, the Advisory Committee notes that the Hungarian minority in Slovakia is concerned about current consequences of this past

regulation and that this continues hampering interethnic relations.

124. The Advisory Committee strongly encourages the authorities to intensify their efforts to promote mutual respect and intercultural dialogue and understanding among the different groups, as well as an inclusive society, including through the adoption of measures targeting the majority population, and to further support existing initiatives which contribute to intercultural dialogue.

125. The Advisory Committee encourages the authorities to monitor, through periodical survey assessments, attitudes towards national minorities and perception of inequality and discrimination in the society, and develop strategies to remedy any identified shortcomings, in close co-operation with representatives of national minorities concerned.

126. The Advisory Committee invites the authorities to enter into dialogue with representatives of the national minorities concerned about any possible negative effects on current interethnic relations of the 1945 regulation on confiscation of property.

Hate crime, hate speech, including in the media, law enforcement and respect for human rights (Article 6)

127. Act No. 247/2017 on victims of crime, adopted on 1 January 2017, introduced an amendment to the Criminal Code aimed at the more effective investigation of crimes of extremism and racially motivated crimes. The amendment introduces *inter alia* a change in the definitions of extremist material and of a special motive.⁹⁵ Furthermore, Article 424(a) of the Criminal Code 300/2005 makes segregation and all other forms of generalised or systematic discrimination a criminal offence.

128. At the initiative of the Plenipotentiary for Roma Communities, an Internal by-law of the Ministry of the Interior came into force in January 2014 regulating the procedure for searching for persons.⁹⁶ In May 2015, an order was issued by the President of the Police Force to order video and audio recordings in the course of service operations. The Presidium of the Police Force and the Plenipotentiary for Roma Communities tested the use of body cameras between 2015 and 2017. Following an assessment of this testing phase by the Public Procurement Office, companies could send their bid to the Ministry of the Interior until 9 January 2019.⁹⁷ Body cameras have, however, not yet been put into use. In June 2021, the Public Defender addressed a letter to the Ministry of the Interior regretting the lack of personal cameras for the police which affects the monitoring of police interventions and recommended the completion of the process of procuring such cameras.⁹⁸

⁹² See more details in [additional written comments on the fifth state report submitted by the Round Table of Hungarians in Slovakia on 28 September 2020](#), para. 1-15 and annexes no. 1 to 4.

⁹³ See *Bosits v. Slovakia* judgment by the European Court of Human Rights, application no. [75041/17](#) para. 12, 28, 32 and 33, 19 May 2020.

⁹⁴ See additional written comments on the fifth state report submitted by the Round Table of Hungarians in Slovakia on 28 September 2020, para. 15.

⁹⁵ According to Section 140(e) of the Criminal Code, a special motive means committing a hate crime towards a group of persons or an individual for their actual or alleged race, nationality, ethnic group, for their true or presumed origin, colour, sex, sexual orientation, political or religious beliefs.

⁹⁶ New paragraph 6 of Article 39 reads as follows: "The commander of a search operation shall ensure the production of video, audio or other records from the location of the search, in particular if there is a need to deploy a greater amount of forces and means and where several non-interested persons may be concentrated if the operative situation and nature of the intervention so permits, and such a recording can be technically done."

⁹⁷ See [news article](#) (in Slovak).

⁹⁸ See [news article](#) (in Slovak).

129. An interministerial expert working group for the elimination of racially motivated crime, extremism and spectator violence is operating within the framework of the Expert Coordination Body for Fighting Crime. An action plan for the prevention and elimination of racism, xenophobia, antisemitism and other forms of intolerance was adopted for the period 2016-2018 with a view to preventing prejudice, stereotyping and hate speech, as well as to prevent the emergence and spread of attitudes and activities promoting racism and intolerance. Measures included the creation of a database, public awareness about diversity, and targeted training. Based on its evaluation conducted in May 2019, a new action plan for the period 2020-2024 was prepared to combat radicalisation and extremism.

130. Since 1 February 2017, hate crimes of extremism are investigated by specialists within the Police's Anti-Terrorist Unit (NAKA)⁹⁹. The list of prejudices was expanded by adding 'antisemitism prejudice' and 'prejudice against the Roma community'. The Ministry of Justice has established a new Expert Department for Judicial Experts, which is divided into two branches: political extremism and religious extremism. Experts in this field should help to ensure effective and qualified recognition of the elements of extremism and hateful motives. In 2017, the police statistics were supplemented by other monitored prejudices (ethnic, religious), which are not explicitly included in the Criminal Code, in the case of offences reflecting the definition of a hate crime.

131. The Ministry of the Interior, the Ministry of Justice and the Prosecutor's Office collect hate crime data. In 2018, the police logged 266 cases as extremist crimes, and only 43 were classified as hate speech. In 2019, the police recorded 50 "specially-motivated" hate crimes (five times more than in 2015), out of which 38 were prosecuted and 8 sentenced.¹⁰⁰ Incidents concerned threats, attacks against property and violent attacks against people. Motivated bias included 'racism and xenophobia', 'antisemitism', 'bias against Roma' and 'bias against Muslims'. According to data collected by the Ministry of Justice, in 2019, three persons were sentenced for crimes motivated by antisemitism.¹⁰¹ Statistics by the courts do not include information on "nationality" status of the claimant or the defendant.

132. Training for judges and prosecutors is provided primarily through an independent training institution – the Judicial Academy, which provides demand-based non-discrimination and hate crimes training. Training is not specifically aimed at national minority specificities. Training of lawyers is provided by the Slovak Bar Association,¹⁰² which also provides non-discrimination training as part of the Council of Europe's HELP programme. The Ministry of Justice does not assess the impact of these training and is not able to indicate whether persons belonging to national minorities were among the trainers.

133. Numerous training programmes covering prevention and investigation of racism and forms of extremism, as well as observance of human rights have been carried out *inter alia* for

⁹⁹ See [fifth state report](#), para. 195.

¹⁰⁰ See [OSCE Hate Crime Reporting](#) about statistics on hate crime for the years 2015-2019 provided by the police and the Prosecutor General's Office to the OSCE's Office for Democratic Institutions and Human Rights Bureau (ODIHR).

¹⁰¹ The number of persons sentenced for crimes motivated by antisemitism varies between zero (2015) and seven (2018) persons per year.

¹⁰² See in this respect the [website of the Slovak Bar Association](#).

members of the Slovak Police, the National Anti-Terror Unit, the National Criminal Police, the Riot Police, students from the Police Force Academy or secondary school pupils studying to be police. Staff of the National Anti-Terror Unit received training for monitoring, detecting and explaining cybercrime extremism. Training was also provided for contact persons in client centres or district offices under a national project entitled 'improving access of victims of crime to services and establishment of contact points for victims' which was implemented in 2017-2020. The Plenipotentiary for Roma Communities also participated in several seminars on the prevention and elimination of racism, xenophobia, antisemitism and other forms of intolerance.¹⁰³

134. With a view to improving relationship between the police and members of the Roma national minority, the position of senior community outreach officer under the jurisdiction of the district directorates of the Police Force was established in 2005, mainly in Košice, Prešov, Banská Bystrica and Nitra to act as contact points. Over 300 such positions have been systematised performing preventive action in "socially excluded Roma communities", lectures and educational activities, preventive actions in the control of compliance with measures and guidelines of the Office of Public Health, including distribution of information in connection with the COVID-19 pandemic,¹⁰⁴ as well as co-operation with the Armed Forces of the Slovak Republic in the ordered closure of sites with confirmed high incidence of COVID, as well as with the Slovak Post for the payment of social benefits. Several municipalities and towns have also established Local Civil Order Service (hereinafter "LCOS"). This civil order-keeping and educational unit aim *inter alia* at reducing "illegal and criminal conduct, anti-social behaviour and other socio-pathological phenomena", preventing the escalation of "social problems", maintaining public order, improving the social dialogue between the Roma and non-Roma residents, accompanying children to schools, and assisting institutions working with the community. About 2,000 LCOS members - also called Roma civil patrols – have thus become municipal employees, supervised by a member of the municipal or state police. According to the authorities, training for police specialists of the Slovak Police Force and the work in/with the Roma communities through the establishment of Roma civil patrols and senior officers for work in Roma communities have had a positive impact on building trust between the police and the Roma.

135. In the field of media, the Council for Broadcasting and Retransmission (hereinafter "CBR"), monitors media compliance with the Act on Broadcasting and Retransmission. The CBR did not receive any complaints during the monitoring period related to national minorities and considers that it has sufficient human and financial resources to accomplish its tasks. In 2017, the Press Council, a self-regulatory body in the field of journalistic ethics, was transformed into the Print-Digital Council and the Code of Ethics for Journalists was updated. The Print-Digital Council, whose mandate now also covers internet versions of newspapers, addresses complaints about the possible violation of journalistic ethics, as well as alleged constraints to the journalists' access to information.¹⁰⁵

¹⁰³ See more information about training programmes and seminars in the [fifth state report](#), para. 74-76; 78, 80 and 98.

¹⁰⁴ 30,000 leaflets "Protect yourself from coronavirus" in Roma communities were distributed during the pandemic.

¹⁰⁵ For more information, consult the respective websites of the [Council for Broadcasting and Retransmission](#) and the [Print-Digital Council](#).

136. Overall, interlocutors from national minorities have not reported a particular increase in hate speech in public discourse in Slovakia during the monitoring period but confirmed that systemic hate speech by political figures persist, particularly during election campaigns. Hate speech and manifestations and expressions of intolerance have increased on internet and social networks. This includes manifestations of antisemitism and antigypsyism and hate speech and intolerance, particularly against the Jewish, Hungarian and Roma national minorities. Other groups targeted by online hate speech include Muslims and migrants.¹⁰⁶ It was reported that anonymous inflammatory comments and abusive language, particularly against Roma, are commonplace on social networks and user-generated content, such as comment sections of online news portals, especially following the election of Roma mayors or parliamentarians. Very little hate speech is removed from the internet and operators do not enforce compliance with their ethics codes. Sanctions against hate speech and racism in the media imposed by the CBR or television broadcasters are too rare according to representatives of national minorities.¹⁰⁷

137. Representatives of the Roma national minority nevertheless underlined and welcomed recent condemnations of hate speech against Roma at the highest political level and by governmental officials, as well as sanctions by the courts. In 2019, a politician of a far-right political party who made racist remarks about persons of Roma ethnic origin during a radio talk show was found guilty and fined with €10,000 by the Supreme Court.¹⁰⁸ The politician consequently lost his seat at the Parliament. Both the President of the Slovak Republic and the Plenipotentiary for Roma Communities have been vocal on several occasions against anti-Roma hate speech.¹⁰⁹ On 5 August 2021, the Plenipotentiary for Roma Communities has expressed her regret and her great disappointment at the statements made by both politicians and regular citizens about the then planned visit of Pope Francis to Košice's Roma borough Luník IX. Her message echoed the Slovak President's public reaction to a statement by the chair of the Slovak National Party who had earlier qualified Pope Francis's visit to Luník as a disgrace that would be shown off in foreign media. In June 2021, the Slovak government has also made public apologies for the 2013 police raid in Moldava nad Bodvou (Košice Region) that saw 30 Roma people injured, including children.

138. Representatives of the Hungarian national minority consider to be regularly victims of intimidation and harassment quoting for instance several cases of NAKA raids to the homes of fans of the football club DAC Dunajská Streda.¹¹⁰ Hungarian representatives also claim that symbols of the football club DAC Dunajská Streda are regularly confiscated by the police because they contain the Hungarian national colours.¹¹¹ Other reported

¹⁰⁶ See [ECRI's sixth report on the Slovak Republic](#), para. 32-36.

¹⁰⁷ See, however, two examples of sanctions provided in [ECRI's sixth report on the Slovak Republic](#), para. 48.

¹⁰⁸ Slovakia's Supreme Court, 2To/10/2018, 3 September 2019.

¹⁰⁹ The Plenipotentiary reacted in January 2018 against the public statement by the Minister of the Interior at that time announcing a new package of legislative measures including the gathering of data on "Roma criminality", increased police powers and a constitutional amendment aimed at cancelling welfare benefits for people who did not look after their children.

¹¹⁰ As an example, on 20 November 2018, 17 fans were brought by NAKA to Bratislava, detained and questioned on charges of extremism; these fans were, however, soon released without any charges.

¹¹¹ Slovak laws prohibit the display of other than Slovak national

examples concern hate speech by prominent political figures encouraging ordinary citizens to remove bilingual road signs in Hungarian or hatred expressed towards Hungarian clients in restaurants.¹¹²

139. The Advisory Committee reiterates that hate speech and hate crime affect and threaten society as a whole. The fact that the public debate related to national minorities is still dominated by anti-minority rhetoric and prejudice has an overall negative impact on the enjoyment of the rights of national minorities and also potentially threatens the cohesion and harmony of the entire society; this results in many persons refraining from self-identifying as belonging to a national minority for fear of negative repercussions.

140. The Advisory Committee takes note of a rather comprehensive legal framework on hate crimes and hate speech, and numerous positive developments in this respect. It regrets, however, that the Criminal Code does not include language among special motives of discrimination, does not make racist motive an aggravating circumstance for any criminal offence¹¹³ and does not include a broad definition of hate crimes which has already been criticised both internally and at European level.¹¹⁴ Whilst welcoming Article 424(a) of the Criminal Code, the Advisory Committee observes that the central authorities do not stop segregation in practice (see Article 12 Access to education and Article 15 Effective participation in socio-economic life: access to housing).

141. The Advisory Committee is pleased to note that the authorities have adopted an action plan against racism and that a number of public condemnations of racism and hate speech, in particular against Roma, have occurred since the last monitoring cycle and that sanctions for hate speech have been fined in the Parliament and in the sphere of the media. These are very positive signals which need to become more systematic since anti-minority rhetoric against certain groups, including Roma, Jews and Hungarians, still prevail in society, media and among certain politicians.

142. In this respect, the Advisory Committee emphasises the importance of gathering statistical information on reported cases of use of police force and on possible investigations into suspicions of excessive use of force, as already raised in the framework of judgments of the European Court of Human Rights against Slovakia.¹¹⁵ It regrets that hate crime data are not made public and that the court statistics are still not linked to those of the police which makes it difficult to track cases from the opening of a police investigation until the final judicial decision. It notes that, despite in an increase in the number of collected data, only a small proportion of hate speech and hate crime is being

symbols in sport events. See more details in the [alternative report submitted by the Round Table of Hungarians in Slovakia](#), para. 33-39.

¹¹² See [alternative report submitted by the Round Table of Hungarians in Slovakia](#), para. 27-31.

¹¹³ The Criminal Code does not use qualifiers such as "antisemitism" or "antigypsyism"; elements of those are formulated as specific crimes, such as denial or approval of Holocaust, crimes of political regimes and crimes against humanity.

¹¹⁴ The Slovak Constitutional Court found in January 2019 that the definition of hate crime against another group of people was too vague (sp. zn. PL. ÚS 5/2017 zo, 9 January 2019). See also [ECRI's sixth report on the Slovak Republic](#), para. 60.

¹¹⁵ See *Lakatošová Lakatoš v. Slovakia* judgment by the European Court of Human Rights, application no. [655/16](#), 11 December 2018 and *R.R. and R.D. v. Slovakia* ECtHR judgment, application no. [20649/18](#), 1 September 2020.

reflected in the official statistics of the police and the courts. Many hate crimes go unreported to the authorities, partly because victims do not trust the police, a sufficiently broad definition of the notion of hate crime is lacking, and investigations are not thorough enough, as documented by the Centre for Civil and Human Rights following recent cases of alleged police violence against Roma living in "marginalised communities" for which the racial motive was downplayed.¹¹⁶

143. The Advisory Committees also emphasises the importance of awareness-raising and adequate training for the members of law enforcement agencies and investigatory bodies and prosecutors. Professional training and clear instructions for the police, including the municipal police, and investigators on the use of force and management of violence should be provided. Judges and prosecutors should be offered and be more actively encouraged to follow training on investigation of allegations of excessive use of force and of racist motives.

144. The Advisory Committee also points out that stronger dialogue and lasting co-operation between the police and members of national minorities, in particular with Hungarians and Roma minorities, should be promoted. In this respect, whilst welcoming the authorities' decision to purchase body cameras for the police,¹¹⁷ it regrets that the use of such cameras has not yet been effectively implemented. It considers that, with due regard to data protection standards, the use of body cameras could lead to prevent acts of police violence and facilitate investigations in cases of alleged police violence against persons belonging to national minorities. Furthermore, investigations into allegations of police brutality remain, generally speaking, inadequate and the Police Force Inspectorate is not sufficiently independent. The Advisory Committee regrets the absence of an independent and credible monitoring that would have competences to investigate the Police Force Inspectorate and consequently its actions in investigating alleged police brutality (see also above Article 4 Institutional framework: Public Defender). The lack of an independent police investigation mechanism not only elicits distrust in the police, but also creates room for a quite easy concealment of cases of police abusive behaviour, especially when the police interfere by its own action with fundamental rights and freedoms of individuals.

145. The Advisory Committee takes note of various training programmes projects aimed at raising-awareness about and combating hate crimes. Whilst acknowledging that human rights and non-discrimination training is provided in great numbers to national police officers and legal professionals, the Advisory Committee notes a lack of positive interaction with law enforcement bodies reported by several interlocutors which shows that these training programmes have produced limited results. As observed in Prešov, it also notes that municipal police officers do not benefit from the same level of training opportunities provided to the Slovak national police. It underlines that law enforcement agents at all levels and the judiciary should be appropriately trained to ensure that hate crime incidents are identified and recorded, and duly

¹¹⁶ See [alternative report by the Centre for Civil and Human Rights](#), September 2021, pp. 1-2. See also [ECRI's sixth report on the Slovak Republic](#), para. 104, and [Amnesty International Report 2020/2021](#), page 320, which refers to the [case](#) of a police officer beating five Roma children who had briefly left an area under mandatory quarantine in the village of Krompachy.

¹¹⁷ See [the announcement of the Ministry of the Interior from November 2018](#) (in Slovak).

investigated and punished through targeted, specialised and prompt action.¹¹⁸ According to its experience, it is important that persons belonging to national minorities take part in such training. It considers that in due course a proper evaluation of this training will be needed to assess its long-term effectiveness.

146. The Advisory Committee notes with concern that traditional and electronic media outlets disseminate and amplify hate speech towards certain national minorities by over-representing negative themes, showing inappropriate images or spreading anti-minority rhetoric which is often fuelled by unnecessary politicisation of minority issues. It is of the view that training on ethical reporting for journalists, editors and publishers is insufficient, and other target groups such as state and municipality officials, and political representatives, should also benefit from such training. Recruitment of representatives of national minorities in the media should be promoted, including through affirmative measures.

147. The Advisory Committee calls on the authorities to resolutely address and systematically, promptly and publicly condemn all instances of incitement to public violence and hatred, hate crimes, and anti-minority rhetoric in the public and political discourse, as well as in the media; to ensure that any misconduct by the police, as well as cases of hate crimes affecting persons belonging to national minorities, are prevented, effectively and independently investigated, sanctioned and remedied. Hate crime data and statistical information on reported cases of use of police force and on possible investigations into suspicions of excessive use of force towards persons belonging to national minorities should be systematically gathered.

148. The Advisory Committee encourages the authorities to effectively implement their decision to purchase body cameras for the police with a view to preventing acts of police violence and facilitating investigations in cases of alleged police violence against persons belonging to national minorities.

149. The Advisory Committee encourages the authorities to ensure that training for law enforcement and the judiciary is regularly organised and involves persons belonging to national minorities. In particular, professional training and clear instructions for the police on the use of force and management of violence should be emphasised, as well as special training for investigators, prosecutors and judges on investigation of allegations of excessive use of force and of racist motives.

150. The Advisory Committee encourages the authorities, without prejudice to the editorial independence of the media, to further promote ethical reporting regarding persons belonging to national minorities through regular training of media professionals, drawing attention of the press, radio and television to the harmful effects of mentioning the ethnic, linguistic or religious affiliation of individuals in a negative and stereotyped way, as well as support the recruitment of persons belonging to national minorities in public media.

151. The Advisory Committee invites the authorities to examine the possibility of explicitly including the ground of language in the provisions of the Criminal Code prohibiting public incitement to violence, hatred or discrimination, and as a separate category in the monitoring of hate speech and hate crime.

Portrayal of the Roma (Article 6)

¹¹⁸ [ACFC Thematic Commentary No. 4](#), para. 56.

152. An Action Plan of the National Strategy for the Protection and Promotion of Human Rights in the Slovak Republic includes measures for "improving public awareness of national minorities and ethnic groups". In response to a previous recommendation by the Advisory Committee a dedicated chapter entitled 'Roma Integration Initiative through Communication' was introduced in the National Roma Integration Strategy 2017-2020 with measures targeting the majority population, such as a new communication strategy and a new information portal for the general public to publicise successful activities and projects, examples of good practices of correctly depicting Roma and Roma-related issues in public media, and visibility to Roma personalities and role models. Some activities also targeted journalists and ethical reporting.¹¹⁹

153. Persons belonging to the Roma minority and academics reported that the exonym "gypsies" is still often used in public discourse and in social media despite the fact it is considered as offensive by the Roma. The negative and stigmatising terms "inadaptable", "anti-social", "indecent" and the euphemisms "settlers" or "co-citizens" are also widely used, especially with reference to inhabitants of Roma settlements.

154. The Advisory Committee was informed that the 2030 Roma Strategy provides a "definition" of persons who are considered as "marginalised Roma communities" for the purposes of the Strategy: "(a) segregated settlements which are considered to be Roma in the area and in which various structural handicaps accumulate; (b) settlements which are considered to be Roma in the environment, located on the outskirts and within municipalities or places where various structural handicaps accumulate; (c) the Roma population, who do not live in settlements but face disadvantaged socio-economic conditions due to structural inequalities. This group also includes municipalities with a majority of the Roma population." The Office of the Plenipotentiary for Roma Communities, academics and Roma NGOs have all emphasized the fact that the Roma population in Slovakia is very diverse and therefore it would be stigmatizing to consider all Roma as disadvantaged due to poverty or structural inequalities. This assumption is equally incorrect in relation to all inhabitants of settlements considered to be Roma; indeed, some of these inhabitants might be educated, socially and professionally integrated, but are still living with their families in these settlements.

155. The Advisory Committee is deeply concerned about the persisting stigmatizing and negative portrayal of Roma in the media and public discourse which takes the shape of more subtle forms of hate speech that do not specifically refer to ethnicity, although still targeting specific ethnic groups. Furthermore, the Advisory Committee points out that the term "marginalised Roma communities" (or its acronym "MRC") - widely used in governmental national strategies for Roma inclusion - is unclear and confusing. On the one hand, "MRC" refer per se to "communities" and therefore to groups of individuals; on the other hand, "definitions" provided under points (a) and (b) designate MRC as "settlements", i.e. locations, whilst point (c) designates MRC as both "Roma population" and "municipalities". Furthermore, the constant use of the plural form contributes to the generalisation of a stereotyped image. Whilst

¹¹⁹ A national seminar for journalists on ethical reporting on Roma communities was also carried out in Zvolen and Donovaly in 2016, which addressed preconceptions based on negative stereotypes about Roma, in particular those living in "marginalised urban settlements".

admitting that there is no derogatory intention behind the use of the term "marginalised" by certain officials who argue that this designation "has so far proven generally useful and is indeed adequate when being applied only to Roma enclaves facing accumulation of disadvantages due to interethnic oppression, whether historical or ongoing",¹²⁰ the Advisory Committee points out that marginalisation can be either the result of self-isolation, but more often the result of accumulation of disadvantages due to longstanding discrimination and structural inequalities. Roma then carry the stigma of being "marginal", whilst their marginalisation is in fact the consequence of past social exclusion policies.

156. The Advisory Committee considers therefore that the use of appropriate terminology should be systematically reviewed when referring to Roma or to places inhabited by them in policy documents, legislation and public discourse, emphasizing more sharing of a same urban environment rather than supposed social homogeneity. Since this terminology is also strongly sweeping and not analytic, its inadequate use – both inadvertent and intentional – needs to be more systematically and publicly condemned, in the public media and political discourse. To suppress the local motivations to invent or appropriate any terms for derogatory labelling of any Roma, general understanding of the history and social mechanisms behind the current so-called "Roma marginality" should be taught into compulsory educational curricula and syllabi (See Article 12 below).

157. The Advisory Committee calls on the authorities to systematically and carefully review terminology used to refer to Roma or to places inhabited by them in policy documents, legislation and public discourse to ensure that it does not contribute to further stigmatization of persons belonging to the Roma minority, and to consistently and publicly condemn and sanction intentional use of derogatory terminology in the public media and in the political discourse.

Right to manifest one's religion or belief and restitution of religious properties (Article 8)

158. Act No. 370/2019 on Financial Support to Activities of Churches and Religious Societies entered into force on 1 January 2020. Its wording was the result of an intensive multi-year co-operation between the Ministry of Culture and officials of the 18 officially registered churches and religious societies.¹²¹ The new Act has expanded the possibilities of using the state support: churches may now use the state contribution to finance their expenditures related to sacral, educational, charity and cultural activities, including wage and operating costs. One of the criteria to calculate the amount of state contribution is the number of members of a particular church. A total of €52 million from public funds have been earmarked for churches under this Act.

159. The Advisory Committee was informed by the authorities that after 1989 the process of property restitution of

¹²⁰ Quotation from a statement by a representative of the Institute of Ethnology and Social Anthropology at the Slovak Academy of Sciences.

¹²¹ As of 1 September 2020, there were a total of 18 registered churches and religious societies operating in Slovakia, including the six historical churches (the Roman Catholic Church, the Greek Catholic Church, the Evangelical Church of the Augsburg Confession, the Reformed Christian Church, the Orthodox Church, and the Central Union of Jewish Religious Communities) whose combined membership covers 98.6% of all believers in Slovakia.

legal and natural persons has restarted gradually. However, the church-related property restitution legislation did not entitle the churches to be given back their entire nationalised property or to claim financial compensation for unreturned property.¹²² Compared to the size of the property originally owned by the churches in 1948, the churches have already received back at least 78%.

160. Representatives of the Jewish minority reported that the Ministry of Culture gives grants to create a platform for various projects that support interfaith dialogue. They acknowledged also greater attention paid by the majority and other national minorities to Jewish history and culture, and that monuments, such as synagogues and Jewish cemeteries, are being repaired. More efforts are, however, needed regarding the restitution of religious communal properties. Other representatives of national minorities informed the Advisory Committee about the lack of places of worship for members of national minorities practicing the Orthodox Christianity in the western parts of the country, thus creating considerable impediments for the practice of this religion. The Advisory Committee was also informed that members of the Roma national minority receive support from various churches and neo-Pentecostal and charismatic denominations.¹²³ Churches publish occasionally religious content in languages spoken by Roma, and organise national and regional events, music festivals and pilgrimages and summer camps for children.¹²⁴

161. The Advisory Committee reiterates the importance for persons belonging to national minorities practising a particular religion of having adequate access to places of worship. In some contexts, this may entail the restitution of religious property previously confiscated. Therefore, the Advisory Committee reiterates that solutions should be found through continued dialogue in order to facilitate the return of buildings and monuments that are of crucial importance to the maintenance of the religious and cultural identities of the national minorities concerned.

162. The Advisory Committee notes with satisfaction that the adoption of the Act on Financial Support to Activities of Churches and Religious Societies is regarded by members of national minorities as a positive example providing support to activities of churches and religious societies and as a breakthrough decision on relations between the state and various churches which ensures continued partnership and introduces clear and transparent rules of support to their activities, while maintaining mutual solidarity with smaller churches. The

¹²² Of the 18 registered churches and religious societies, a majority of restitution claims were made mainly by the Roman Catholic Church, the Greek Catholic Church, the Evangelical Church of the Augsburg Confession, the Reformed Christian Church, and the Central Union of Jewish Religious Communities. A few restitution cases involved the Seventh-day Adventist Church and the Baptist Union in Slovakia.

¹²³ The Roman-Catholic church, the Greek-Catholic Church, the Evangelical Church of the Augsburg Confession, the Reformed Christian Church, the Orthodox Church, the Apostle Church, the Brethren Church, the Church of Seventh-day Adventists among others are actively involved in working with Roma communities. Pastoral ministry is also carried out through charity, social and educational activities directly in Roma settlements. According to the [2011 population census](#), 65.13% of Roma declared to be Roman-Catholic, 7.41% Greek-Catholic, 2.86% Orthodox, 1.26% Jehovah Witnesses and 9.98% without any religion.

¹²⁴ As an example, [The Pastoral Ministry of the Romani People and its Benefits for Society Conference](#) was held in Bratislava on 20 September 2019. See also the following [news article](#) (in Slovak).

Advisory Committee also takes note that churches and religious societies are free to carry out their activities irrespective of whether they are registered or not provided they comply with the applicable law.

163. The Advisory Committee also praises progress made so far in terms of restitution of religious properties. Whilst noting that a number of laws provided for the restitution of private property seized by the Communist regime between 1948 and 1990, the Advisory Committee regrets that these laws required Slovak citizenship and permanent residency and therefore excluded most former Jewish property owners since their property had typically been seized prior to 1948 and most Jewish survivors are no longer Slovak citizens.¹²⁵

164. The Advisory Committee encourages the authorities to take further steps to ensure that persons belonging to national minorities and practising a religion have adequate access to places of worship and that the process of restitution of religious property is continued. This process, along with decisions on the building or allocations of new places of worship, should be taken in close and timely consultation with representatives of the groups concerned.

Minorities' printed and digital media and broadcasting (Article 9)

165. If soon accepted by the Parliament, a new Media Services Act proposed by the Government should amend the Act No. 532/2010 on Radio and Television Slovakia (hereinafter "the RTVS Act") and put on the RTVS an obligation to ensure broadcasting of content and regionally balanced programmes for national minorities and ethnic groups in the languages of national minorities and ethnic groups living in the territory of the Slovak Republic in a time range proportionate to the national and ethnic structure of the Slovak population according to the latest census results.¹²⁶ According to this bill, the RTVS shall establish separate organisational units to provide for the production and broadcasting of programmes for national minorities and ethnic groups. The bill also foresees a radio programme service intended exclusively for the broadcasting of programmes for national minorities and ethnic groups living in Slovakia.¹²⁷ RTVS produces and broadcasts programmes for thirteen national minorities in 11 languages: for Bulgarians, Croats, Czechs, Germans, Hungarians, Poles, Roma, Russians, Ruthenians, Serbs and Ukrainians in their "mother tongue", for Moravians in Czech and for Jews in Slovak. In addition to RTVS, Radio Rusyn FM and Radio Roma provide radio broadcasting in respective minority languages.¹²⁸ Since September 2021, the RTVS broadcasts one hour every working day in the language of national minorities, instead of half an hour previously. Minority languages are, however, almost absent from private broadcasting. Act No. 373/2013 amending and supplementing

¹²⁵ See [World Jewish Restitution Organization](#). See also [The JUST Act Report: Slovakia](#) for more details.

¹²⁶ According to the [2021 census results](#) published on the Statistical Office website, 600 000 residents declared themselves belonging to national or ethnic minorities, which makes up 10.8% of the total resident population.

¹²⁷ See § 27a of the RTVS Act for more details. The bill also foresees that the average time range of daily television broadcasting time during working days is at least 120 minutes and that at least 500 hours are broadcast annually in television programmes altogether. A transitional period until 2024 is envisaged, during which the RTVS will be obliged to reach a specified number of hours.

¹²⁸ Source: [Report on the Use of the Languages of National Minorities in the Slovak Republic for 2017-2018](#), adopted in May 2019.

Act No. 308/2000 on Broadcasting and Retransmission created a special category of EU broadcasters and introduced an exception from the rule for this category.¹²⁹ This did not change, however, the situation and challenges of existing regional broadcasters in minority languages.

166. Until the end of 2017, support for periodicals, books, electronic media focusing on the cultural life, language, religion and education of members of national minorities was provided by the grant programme 'Culture of National Minorities' of the Government Office (hereinafter the "CNM Grant Programme") which was administered by the Office of the Plenipotentiary for National Minorities. The grant could also be used for the establishment and development of national radio and television broadcasting, as well as internet radio and television broadcasting.¹³⁰ Since 2018, support for media in minority languages and inclusion of respect and understanding of minority languages and cultures in the mass media has been provided by the Fund for the Promotion of the Culture of National Minorities (hereinafter "the Fund"). Following a governmental decision taken in May 2021, from 2022 onwards, operational costs of periodical press projects may also be considered eligible expenditure.¹³¹

167. Representatives of national minorities highlighted heavy bureaucratic procedures and legal restrictions in the use the CNM grant programme.¹³² This has unfortunately not been solved with the setting up of the Fund in 2018. Interlocutors from national minorities complained about the need to submit annual grant applications to receive financial support for their regular audio-visual and printed media. They also complained about late payments of the agreed funding which makes it impossible for them to implement planned and agreed media-related activities in such conditions (see also Article 5 above). This may also explain why daily or weekly newspapers exist only in Hungarian and few other minority languages. Another complaint related to the fact that the Fund does not allow for covering translation and subtitling costs of TV broadcasting.¹³³ Provided that the Media Services Act - as proposed by the Slovak Government - enters into force, the latter problem should be solved as it will no longer require a television broadcaster authorised to broadcast in the languages of national minorities to provide the Slovak language version of this broadcast.

168. The Advisory Committee reiterates that the abundance of information and media available in today's digital media environment does not lessen existing state obligations to facilitate the production and dissemination of content by and for

national minorities.¹³⁴ The Advisory Committee also reiterates that the possibility to receive information in a minority language is a precondition for equal and effective participation in public, economic, social and cultural life. In order to reach out to the national minority as a whole, media in minority languages should cover content from various genres, including local and national news, entertainment and culture, and address different generations. The availability of print, broadcast and electronic media in minority languages has very specific emblematic value for national minorities, in particular for those which are numerically smaller. Through them, persons belonging to national minorities not only gain access to information, but minority language media also raise the visibility and prestige of the minority language as an active tool of communication. The regularity and duration of broadcasts and the publication intervals of print or online media in minority languages should be adequate to achieve the aforementioned objectives and contribute to the use and development of the minority language.¹³⁵

169. The Advisory Committees takes note that radio and television programmes in minority languages continue to be broadcast mainly by the public broadcaster and include magazines and, for some minority languages, also news. Considering that the share of broadcasting time is set in relation to the share of the national minority, this leads to television broadcasting in a minority language for a few hours or once to twice per year, for example as for German, Bulgarian, Croatian or Polish. If the authorities' approach is to consider that the allocation of time slots should be decided in light of census results, the Advisory Committee highlights that each minority should still obtain an appropriate minimum presence on television, irrespective of census results. In today's society, presence on television that is less frequent than at least once per week would be ineffective and pointless for information and language promotion purposes, whilst for radio, a daily presence is more appropriate.

170. The Advisory Committee takes positive note that programmes in Bulgarian and Croatian have been introduced by the public radio in 2015, that the RTVS is involved in exchanges with media partners in Ukraine (see below Articles 17-18), that the Slovak Press Agency has started publishing news in Hungarian and that a RTVS representative participates as permanent observer in the Committee on National Minorities and Ethnic Groups. It also notes that both the Council of the RTVS and the Council for Broadcasting and Retransmission include a few members belonging to a national minority but that there is no specific legal provision ensuring that the users of minority languages are represented in such bodies and no affirmative actions are taken in this sense.

171. The lack of media professionals and qualified journalists among national minorities, the lack of journalists who can speak minority languages, as well as the limited duration of the programmes, the lack of regularity of the use of particular minority languages and the total absence of some minority languages in the audio-visual environment raise concerns. In this respect, the Advisory Committee notes that the Committee of Ministers of the Council of Europe has recommended the Slovak authorities to increase the duration and frequency of

¹²⁹ The new Act allows broadcasters from one EU state wishing to settle in another EU state to broadcast for citizens of other EU states settled in Slovakia. Therefore, the law allows broadcasting in Hungarian for citizens of Hungary living in Slovakia.

¹³⁰ See the [fifth state report](#), para. 227, for detailed information about the number of supported projects under the CNM grant programme per national minority in 2015, 2016 and 2017 respectively.

¹³¹ Applicants will be entitled to use the relevant amount to cover the following overhead costs: water, sewage, gas and electricity during project implementation; project-related charges for telecommunication (landlines and mobile phones) and internet services; lease of operational and office premises demonstrably related to the project.

¹³² See examples of legal and bureaucratic restrictions imposed by the Press Act in the [fifth state report](#), para. 224 and 225.

¹³³ The Fund could theoretically be used to cover some of the subtitling costs in case of new TV productions.

¹³⁴ OSCE High Commissioner on National Minorities, [Tallinn Guidelines on National Minorities and the Media in the Digital Age](#), February 2019, §. 7.

¹³⁵ See [ACFC Thematic Commentary No. 3](#), para. 40-41.

broadcasting in minority languages in public and private media and, where still required, facilitate the creation of newspapers in these languages.¹³⁶ The Advisory Committee is of the view that further efforts are needed from the authorities to fully comply with these recommendations. The Advisory Committee also considers that the rules concerning funding allocated through the Fund should be reviewed to allow the possibility for pluri-annual financial support for regular media activities (minority printed magazines, newspapers, radio and television programmes, etc.), thus meeting the intended role of the fund to help promoting the national minorities' media, instead of creating unnecessary barriers.

172. The Advisory Committee welcomes the proposed new legislation governing television and radio programmes for national minorities and in minority languages which – if adopted – would be more conducive to promote local and regional minorities' media or the use of minority languages in media. The Advisory Committee maintains, however, its view that the envisaged duration of public programmes remains overall insufficient for meeting the needs of the national minorities, considering the fact that there is hardly any private radio information available in minority languages.

173. The Advisory Committee also conceals that the amendment introduced in the Act No. 373/2013 did not address the main problems in the Act on Broadcasting and Retransmission regarding the language of broadcasting. Regional TV broadcasters who wish to broadcast at least partly in minority language are still required to translate or subtitle all their broadcasting to Slovak and cover those costs from their own budgets. This significantly hinders their ability to broadcast some types of programmes, especially live programmes. The Advisory Committee underlines that these broadcasters are not country-wide; they serve specific regions, which are bilingual to different degrees. They are therefore not interested in broadcasting solely in a minority language but in both minority language and Slovak according to their programmatic needs. This is still impossible for them since broadcasting without translations and subtitles in Slovak is only allowed for the special category of EU broadcasters created by the Act No. 373/2013.¹³⁷ The Advisory Committee therefore regrets that the Act on Broadcasting and Retransmission does not promote Hungarian or any other minority language broadcasting by domestic local and regional broadcasters in any way, not even in a subtitled or translated form.

174. The Advisory Committee encourages the authorities to further increase the duration and frequency of broadcasting in the minority languages in public media, to promote and financially support minority language broadcasting by domestic broadcasters and guarantee the allocation of sufficient pluri-annual financial resources for minority radio and TV programmes, as well as printed and digital media developed for, about and by national minorities, in close consultation with their representatives.

Use of minority languages with administrative authorities and the judiciary (Article 10)

¹³⁶ See [Committee of Ministers' Recommendation CM/RecChL\(2019\)5 on the application of the European Charter for Regional or Minority Languages by the Slovak Republic](#) adopted by the Committee of Ministers on 5 November 2019.

¹³⁷ There is only such an EU broadcaster transmitting only in Hungarian in Slovakia: Régio TV.

175. According to the Act on the State Language of the Slovak Republic and the Act on the Use of Languages of National Minorities, minority languages may be used in private without limitations, while official use of minority languages in contacts with local authorities is regulated according to set thresholds (previously 20% and now 15%).¹³⁸ The list of municipalities where the right to use the language of a national minority in official communication can be applied will be updated, once the results of the 2021 census are known.

176. Representatives of national minorities underlined that even with a reduced threshold at 15%, some national minorities like Bulgarians and Poles will not be able to reach it, and others, like Croats, Germans and Ukrainians will do only in a limited number of municipalities. Concerns were also raised by representatives of the Croat and Hungarian national minorities about the increasing difficulty to meet the threshold, even reduced to 15%, either due to migration to the capital city or to bigger cities abroad or due to amended Act No. 377/1990.¹³⁹ Minorities who are both geographically dispersed and numerically smaller, like Czechs, Russians and Serbs, have similar difficulties to reach the threshold.

177. Representatives of the Hungarian national minority informed the Advisory Committee that, where applicable, Hungarian is generally used in oral communication with local authorities but only to a lesser extent in writing (written applications, bilingual forms and documents, or publication of official documents). Birth, marriage and death certificates are among the very few documents which the law explicitly mentions as to be issued bilingually. Only part of the municipalities which have such a legal obligation provide bilingual forms.¹⁴⁰ When they do, these documents continue to be filled in by municipal offices only in Slovak, in breach of the applicant's language rights guaranteed by the law and international conventions ratified by Slovakia as it was confirmed by a recent decision by the Nitra Regional Court.¹⁴¹ Furthermore, representatives of national minorities also raised the problem of limited or non-existing use of minority languages in court procedures and pre-trial investigations, partly due to a lack of qualified interpreters.

¹³⁸ By Act No. 204/2011, amending the Act on the Use of Languages of National Minorities, citizens of the Slovak Republic have the right to use the language of a national minority in municipalities where citizens of national minorities make up at least 15% of the population according to two consecutive population censuses. However, this will only occur after the results of the 2021 census have been announced.

¹³⁹ Representatives of the Croat minority contend that their substantial residence in the former localities of Jarovce and Čunovo does not entitle them under the Minority Language Act, as these locations have become boroughs of Bratislava and are no longer included in the list of municipalities.

¹⁴⁰ Only few municipalities publish other official documents, such as regulations, in Hungarian.

¹⁴¹ On 22 July 2020, the Nitra Regional Court held that domestic law must be interpreted in line with the Framework Convention and the European Charter for Regional or Minority Languages. Consequently, a birth certificate filled in in Slovak only, violates the law. The court also found that the municipal office issuing the form cannot fill in the certificate bilingually as it is in the competence of the Ministry of the Interior to modify the central electronic registration system in a way which allows for bilingual certificates to be issued. The ministry indicated that it had no intention in this case to modify the central electronic registration system. See [additional written comments on the fifth state report submitted by the Round Table of Hungarians in Slovakia](#) (28 September 2020), para 20-22 and annex no. 5.

178. The Advisory Committee was informed that the Office of the Plenipotentiary for National Minorities regularly communicates with relevant authorities on new possibilities for electronic publishing of bilingual registry statements in the language of national minorities and the adaptation of the form in the minority language using the spelling rules of that language so that they meet the legal requirements. The Plenipotentiary also initiated measures in the field of language training for civil servants aimed at increasing the level of mastery of minority languages, especially for the group of civil servants performing civil service in municipalities listed in Regulation No. 221/1999 Coll, as amended. In May 2017, the Plenipotentiary addressed letters to 578 municipalities and towns where deficiencies were observed in the application of the law asking these municipalities for their correction or removal, whilst providing information on how to remedy the shortcomings. Furthermore, 'Methodological Guidelines on the Act on the Use of Languages of National Minorities' developed in June 2017 by the Plenipotentiary pursuant to Government Resolution No. 15/2017 state *inter alia* that "the employment of professional staff who speak the language of a national minority is the only way of ensuring the use of the language of the national minority in communication with the competent public administration authority".

179. The Advisory Committee reiterates that states should give careful consideration to the setting up of thresholds for determining the areas inhabited by persons belonging to national minorities in substantial numbers and welcomes any measures taken by the authorities to lower any such thresholds as appropriate. The Advisory Committee also reiterates that numerical thresholds must not constitute an undue obstacle to the use of certain minority languages in areas inhabited by persons belonging to national minorities either traditionally or in substantial numbers.¹⁴² Irrespective of a threshold foreseen by law, the authorities should rather define the term "areas traditionally inhabited by persons belonging to a national minority" referred to in Articles 10.2 and 11.3 of the Framework Convention and permit the use of national minority languages in these areas on a sustainable basis and irrespective of thresholds.

180. The Advisory Committee also reiterates that States Parties to the Framework Convention should carefully study the demand and assess existing needs in the geographical areas where there is substantial or traditional settlement of persons belonging to minorities, taking also into account the specific local situation. 'Need' in this context does not imply the inability of persons belonging to national minorities to speak the official language and their consequent dependence on services in their minority language. A threat to the functionality of the minority language as a communication tool in a given region is sufficient to constitute a 'need' in terms of Article 10.2 of the Framework Convention.⁶¹ Protective arrangements must be in place to maintain services in the minority language, even if it is not widely used, as it may otherwise disappear from the public sphere.¹⁴³

181. In light of the above, the Advisory Committee considers that the 15% threshold does not sufficiently take into account that the demographic situation of the national minorities has traditionally been very different. In addition, Article 10.2 of the Framework Convention applies also in areas not inhabited by persons belonging to national minorities "in substantial

numbers", but only "traditionally". Therefore, relevant legislation should be amended with a view to specifying also those municipalities which are "traditionally" inhabited by persons belonging to the national minorities who do not reach the 15 % threshold in these places. This would help numerically smaller national minorities which do not inhabit certain areas in substantial numbers, as well as persons belonging to national minorities who might not be in substantial numbers but who have been traditionally settled in certain municipalities, to exercise minority rights.¹⁴⁴

182. The Advisory Committee welcomes the fact that birth, marriage or death certificates or other documents such as building permits shall upon request be issued bilingually in the legally designated municipalities.¹⁴⁵ It deeply regrets, however, that the bilingual issuance is sometimes explicitly refused, in particular with regard to birth certificates, and that modifications of the central electronic registration system to allow for bilingual forms and certificates to be filled in bilingually has until now not been modified. The Advisory Committee was, however, informed by the Ministry of the Interior that the translations of the civil registry documents into five languages of national minorities (German, Hungarian, Romani, Ruthenian, and Ukrainian) are awaited in 2022 and will subsequently be submitted to the supplier, the Information System CISMA.¹⁴⁶

183. The Advisory Committee notes that both the Plenipotentiary for National Minorities and the Plenipotentiary for Roma Communities raise the awareness of relevant civil servants, local government authorities and territorial self-governing bodies regarding their legal obligations under national law and international instruments. Since this has not changed the situation, stronger measures need to be taken to ensure their implementation, especially when it comes to the issuance of birth, marriage and death certificates in minority languages and scripts.¹⁴⁷ Despite the provision of minority language training, the number of municipal employees with adequate language proficiency is still limited; this is particularly the case for Romani. Furthermore, minority languages do not develop as a legal language due to the limited or non-existing use of minority languages in court proceedings and pre-trial investigations. The Advisory Committee is of the view that the use of minority languages could be enhanced by lowering thresholds, but also by increasing the learning of minority languages in administration or - as an affirmative measure - favour the recruitment of civil servants with minority language skills.

184. The Advisory Committee takes positive note of several good practices by various public institutions that actively encourage the use of minority languages in the public sphere: the Office of the Public Defender replies to all requests in the

¹⁴⁴ See [ACFC Thematic Commentary No. 3](#), para. 65-66.

¹⁴⁵ See Article 2(5) of the Act on the Use of Languages of National Minorities.

¹⁴⁶ The changes in the Information System CISMA and the issuance of civil registry documents in the required format, i.e. in the Slovak language and also in the language of the national minority, will be implemented within about half a year from the date of ordering from the contractor. The amount of funds to ensure the implementation of this requirement for the extension in the language of national minorities is estimated at €350,000.

¹⁴⁷ The right to use one's personal name in a minority language and have it officially recognised, in line with the national legal order, is contained in Article 11(1) of the Framework Convention to which no territorial conditions apply and is considered a core linguistic right of persons belonging to national minorities.

¹⁴² See [ACFC Thematic Commentary No. 3](#), para. 57.

¹⁴³ See [ACFC Thematic Commentary No. 3](#), para. 56.

language of communication; the Plenipotentiary for Roma Communities provides translations into Romani of educational or promotional material, as well as crucial Slovak legislation and official documents templates, whilst ensuring a uniform professional terminology; selected legislation, particularly concerning national minorities, has been translated into five languages and published on the SLOV-LEX portal, thus enabling members of national minorities to have more consistent access to legislation in their native language. In addition, to facilitate the exercise of voting rights, the Ministry of the Interior issued a sample of the labelling of a polling room, as well as information for voters, in the Romani language. The Advisory Committee also observes that mayors of visited municipalities publish information in minority languages and scripts on their respective municipalities' website: Nové Zámky does it in Hungarian and refer to the name of the municipality in this language; Prešov municipality website contains information in German, Polish, and Russian and designate the city in the minority language, except in German. However, it does not provide any information in Romani, Ruthenian or Ukrainian despite sizable minorities in this city.¹⁴⁸ The Advisory Committee also noted that municipalities with Roma mayors do not promote Romani or other spoken minority language by Roma on their respective municipality webpages.

185. The Advisory Committee calls on the authorities to take all necessary measures to ensure the practical and technical implementation of minority language legislation, in particular when it comes to the issuance of birth, marriage and death certificates, and intensify training efforts to ensure that municipal employees are able to use minority languages and that this use is, as far as possible, actively encouraged in official communication with persons belonging to national minorities.

186. The Advisory Committee invites the authorities to consider enhancing the use of minority languages with administrative authorities and the judiciary by increasing the learning of minority languages in administration or, alternatively, favouring the recruitment of civil servants with minority language skills.

Display of minority language signs and topographical indications (Article 11)

187. Act No. 184/1999 on the Use of the Languages of National Minorities provides for the display in minority languages of topographical and traffic signs in the legally designated municipalities based on the threshold to be lowered from 20% to 15% as of 2022, as well as signs on public administration buildings in addition to and below the state language. This Act further states that on signs for railway stations or bus stops as well as other road signs in municipalities, the minority language may also be provided, in addition to the state language and using a smaller font size.

188. During the monitoring period, the Slovak Government undertook to ensure the harmonization of the Act No. 513/2010 on Railways with the Act on the Use of Languages of National Minorities in the field of railway stations and stops name designation in linguistically mixed areas. As of early 2017, railway stations began to be designated in the languages of national minorities in 55 railway stations of respective municipalities. A similar legal harmonization took effect on 1 February 2018 for traffic signs thus enabling the designation of

a municipality in a minority language on traffic signs at the beginning and the end of the municipality. In 2018, the Ministry of Transport also prepared a new standard for the signs marking the beginning and end of the municipality. These signs are now required to be the same colour and the same size in minority languages as the Slovak sign. The authorities informed the Advisory Committee that, as of April 2021, 128 railway stations and stops were designated in the languages of national minorities.

189. The Advisory Committee was also informed that the Office of the Plenipotentiary for National Minorities approached private carrier companies, business chains, post offices, bus companies, or local authorities (e.g. in Nové Zámky) for the display of bilingual signs. The Office also translated the names of all railway stops on the Bratislava - Dunajská Streda - Komárno route, on the basis of which a bilingual announcement of stops on the route was provided. It also negotiates with relevant authorities on visual bilingualism on the ways and means of publicising information on the threat to life, health, safety or property of Slovak citizens, whether on energy equipment, traffic signs, public spaces and so on. Preparations are also being made to make translations of relevant legal regulations available in five minority languages.¹⁴⁹ However, representatives of the Hungarian national minority expressed great concerns about the activities of the Department of Cross-Cutting Policies, within the Ministry of Culture, and in particular of one of its Units in charge of enforcing the State Language Act¹⁵⁰ which they regard as "a tool of harassment" of this minority due to numerous orders to remove the Hungarian language from *inter alia* municipality buildings, topographical signs, commemoration plaques and even advertisements of private nature.¹⁵¹ They also regretted that the new standard form for signs marking the beginning and the end of a municipality is too slowly implemented; too many such signs in minority languages are still placed on separate sign below the Slovak sign, and written with smaller font than the Slovak sign.

190. The Advisory Committee points out the important symbolic value of bilingual or multilingual topographical indications as affirmation that the presence of linguistic diversity is appreciated, and that a given territory is shared in harmony by various national and ethnic groups. It reiterates that topographical indications in minority languages also contribute to the maintenance of the local linguistic and cultural heritage and raise awareness of local national minorities. If such indications depend on a threshold, the latter should not constitute a disproportionate obstacle with respect to certain minority languages, should take due account of the specific conditions and consider the demographic structure of the area in question over a certain period.

191. The Advisory Committee welcomes the follow-up given to its previous recommendation regarding the harmonization of other relevant legislation with the Act on the Use of Languages of National Minorities and underlines the necessity to pursue its progressive implementation in all linguistically mixed areas and for all minority languages. It also welcomes pro-active initiatives

¹⁴⁹ See [fifth state report](#), para. 257-260, for more details.

¹⁵⁰ See [competences of the State Language Department](#) (*Odbor prierezových politík*), available in Slovak. This Department has three separate Units dealing respectively with the State language, the Culture of National Minorities and the Culture of Slovaks living abroad.

¹⁵¹ See numerous examples in the [alternative report submitted by the Round Table of Hungarians in Slovakia](#), para. 155-166.

¹⁴⁸ See [Prešov municipality website](#) and [Nové Zámky/Érsekújvár municipality website](#).

undertaken by the Plenipotentiary for National Minorities towards municipalities, public services and private companies to have the law of the use of minority languages respected. The Advisory Committee also takes positive note of the initiative of the Ministry of the Interior to issue a sample of the labelling of a polling room in the Romani language.

192. The Advisory Committee observed that most municipalities with a substantial number of persons belonging to national minorities it has visited adhere to the law and display signs in minority languages on various buildings (shops, schools, public authorities' offices, etc.). Taking note that as of 1 February 2018, "all inscriptions and announcements intended to inform the public on the streets and on the roads can also be indicated in the minority language" in the legally designated municipalities,¹⁵² the Advisory Committee would welcome an extension of the application of the legislation already applied to place-name signs at the entrance/exit of a municipality to directional signs and signposts.¹⁵³

193. The Advisory Committee is concerned about a very extensive application of the State Language Act by the Unit on the State language of the Ministry of Culture's Department of Cross-Cutting Policies on the ground. On occasions, actions taken by this Unit contradict the spirit of the Act on the Use of Languages of National Minorities which - according to the Advisory Committee's understanding - should be equally enforced by the Unit for the Culture of National Minorities within the same Department. Indeed, Article 5 of the Framework Convention englobes "language" as one element of national minorities' culture and identity. The Advisory Committee also notes a lack of transparency and of legal remedy since the orders of the State Language Unit do not have a form of a decision and the rules of administrative procedure are not available to municipalities or to other public and private actors concerned; the latter have therefore no legal remedy against them.

194. Regarding the threshold, the Advisory Committee considers that it constitutes a significant obstacle with respect to the numerically smaller minorities. It is of the opinion that authorities should interpret and apply legislation in a flexible manner without relying too strictly on the threshold requirement. In this respect, municipalities should be encouraged to voluntarily introduce topographical signage in a minority language in areas traditionally inhabited by national minorities even where the threshold cannot be met. Close consultations should be conducted between the authorities and representatives of minorities and the majority regarding the display of bilingual signs as a demonstration of the diverse character of the region, traditionally and at present.

195. The Advisory Committee encourages the authorities to actively support the practical implementation of the right to display topographical indications in minority languages where the legal requirements are met, and to apply the threshold in a flexible manner.

196. The Advisory Committee invites the authorities to encourage and financially support municipalities to voluntarily introduce topographical indications and signs in minority languages in areas traditionally inhabited by national minorities.

¹⁵² See [fifth state report](#), para. 256.

¹⁵³ See [Fifth report of the Committee of Experts on the European Charter for Regional or Minority Languages in respect of the Slovak Republic](#), para. 33, adopted on 2 September 2019.

Intercultural education, teacher training, textbooks and teaching materials (Article 12)

197. The Fund for the Promotion of the Culture of National Minorities supports the creation of textbooks and other educational resources, as well as training of pedagogical and professional staff in schools with the language of instruction of national minorities. It also supports teaching at primary schools and secondary schools about the life and history of national minorities in Slovakia, as well as research of national minorities' history or ethnology conducted by higher education institutes. The National Roma Integration Strategy up to 2020 included among various measures the preparation of a methodological guideline for a correct and inclusive depiction of the multi-ethnic and multinational composition of the Slovak society in textbooks and learning platforms, as well as teaching materials to teach about the genocide of the Roma.¹⁵⁴

198. A textbook "National Minorities – Let's meet", addressing all primary education pupils in Slovakia about their history, language and culture was prepared together with representatives of national minorities.¹⁵⁵ Education standards for the 1st and 2nd grades are being revised and additional teaching material for teachers will include aspects from the culture of national minorities in different subjects, such as music or the arts. The Committee of Experts has been informed of the steps taken by the authorities, in the framework of different projects, the authorities have developed textbooks, reading books, and teaching materials for Romani bilingual digital education content for kindergarten and grade 0 (IKATIKA), including on the Romani culture and history. As far as the teaching of history Hungarian-language schools is concerned, an adapted standard for history at secondary school has been introduced to respond to the needs of Hungarian-language schools, and history books have been prepared for such schools. At a meeting of the Joint Slovak-Hungarian Commission for Minority Affairs in 2016, the Slovak authorities agreed to make available alternative textbooks and teaching materials, prepared by experts belonging to the Hungarian minority in Slovakia. In 2017, a representative of the Hungarian-language schools was included in the Central Subject Committee of the National Institute for Education. With respect to teacher training, project-based initiatives supported by the authorities under the National Roma Integration Strategy mainly concern the training of teachers and pedagogical assistants using Romani language as a support language in teaching on how to teach Romani culture, language and history in schools.¹⁵⁶

199. Representatives from the Hungarian national minority reported delays in the transmission on new teaching material designed at the national level and indicated that available textbooks still do not fully and adequately reflect the contribution of Hungarian speakers to the history and culture of Slovakia. Translations of the Slovak secondary school history textbooks still continue to be used by Hungarian-language schools. The interlocutors of the Advisory Committee also raised the lack of multiple perspective in history teaching textbooks and teaching materials in general.

¹⁵⁴ The genocide of the Roma is referred to as "Roma Holocaust" in the state report.

¹⁵⁵ See textbook '[National Minorities – Let's meet](#)' (in Slovak) published by the National Centre for Education.

¹⁵⁶ In the year 2017, 190 such educators were trained through this education programme.

200. Interlocutors from Institutes for Ukrainian, Ruthenian and Romani Studies at Prešov University indicated that, it has been very difficult for these institutes during the Covid-19 pandemic to digitalize programmes and teaching materials and offer online educational platforms to their students, despite technical equipment made available at Prešov University because their students were not necessarily equipped to follow online education. It was also reported that teaching materials and textbooks, especially for scientific subjects, are missing in Romani and Ruthenian. Romani speakers, whilst welcoming recent initiatives to train Romani-speaking teaching assistants on teaching Romani culture, language and history in schools expressed concerns about the sustainability of these measures since many initiatives are project-based.

201. The Advisory Committee points out that States Parties to the Framework Convention are expected to review the curricula and textbooks in subjects such as history, religion and literature regularly so as to ensure that the diversity of cultures and identities is reflected and that tolerance and intercultural communication are promoted.¹⁵⁷ In this respect, the Advisory Committee highlights the Council of Europe's recommendation on the inclusion of the history of Roma in school curricula and teaching materials.¹⁵⁸

202. The Advisory Committee welcomes the publication of the textbook "National Minorities – Let's meet". Such an intercultural pedagogical material could be widely distributed and used in all schools. The Advisory Committee has not been able to confirm the existence of the envisaged methodological guideline describing the multi-ethnic and multinational dimension of the Slovak society in textbooks. It also regrets that the state report provides no information concerning intercultural education. It considers that efforts are needed to ensure that elements of the culture of national minorities, including their history and contribution to society at large, in the past and at present, are promoted, introduced in curricula and taught in all schools, irrespective of the school model in place, and in co-operation with persons belonging to national minorities.¹⁵⁹

203. The Advisory Committee calls on the authorities to develop intercultural education programmes in all schools taking into account respective cultural sensitivities, accommodating multiple perspectives in history teaching and promoting critical thinking, with a view to increasing knowledge among all pupils and students about the contribution of national minorities to society and to reducing the prevalence of negative stereotypes. Textbooks and teaching materials should be updated and distributed in a timely manner, and teacher training provided to fulfil the demand. The contents of the curricula related to intercultural education should be designed in co-operation with representatives of national minorities.

204. The Advisory Committee encourages the authorities to conduct an independent research to evaluate how new teaching and learning materials covering national minorities are used in schools and what effect they have on the attitudes of pupils and

¹⁵⁷ See [ACFC Thematic Commentary No. 3](#), p.11. See also OSCE High Commissioner for National Minorities (2012), [The Ljubljana Guidelines on Integration of Diverse Societies](#), p.56.

¹⁵⁸ See [Recommendation CM/Rec\(2020\)](#) of the Committee of Ministers to member states on the inclusion of the history of Roma and/or Travellers in school curricula and teaching materials, adopted by the Committee of Ministers on 1 July 2020.

¹⁵⁹ See [ACFC Thematic Commentary No. 1](#) on Education, adopted 2 March 2006, para. 30.

students enrolled either in mainstream or minority language teaching schools.

Effective access to education (Article 12)

205. The segregation of Roma children in education is still a widespread problem. Too many Roma children in Slovakia are educated in segregated schools and/or classes and many of them are educated in schools for children with intellectual disabilities. The Centre for Civil and Human Rights has monitored the occurrence of segregation of Roma children in primary education with particular focus on the region of eastern Slovakia, advocated for necessary desegregation measures and conducted strategic litigation in this area. Following their findings, thousands of Roma children in Slovakia still remain segregated in special schools and classes for children with "mild mental disabilities" or segregated in separate classrooms and schools within mainstream education.¹⁶⁰

206. The segregation of Roma children is the subject of cases in the domestic courts. The cases are litigated by NGOs, mostly as *actio popularis* claims or by legally representing individual claimants in court proceedings. However, in the vast majority of cases, the complaints are dismissed by courts.¹⁶¹ The first - and so far the only final – judgment on allegation of segregation of Roma children in education was ruled in 2012 and concluded that the education of Roma children in separate mainstream classes amounted to racial discrimination and undermined the human dignity of segregated Roma children.¹⁶²

207. Slovakia also faces infringement proceedings by the European Commission for violating the EU Racial Equality Directive (2000/43/EC) in the practice of discriminating against Roma children in special and mainstream education systems. On 10 October 2019, the European Commission communicated its reasoned opinion to Slovak authorities in the context of infringement proceedings for non-compliance with the Race Equality Directive on equal treatment of Roma children in education.¹⁶³ The European Commission argues that, despite measures that Slovakia took after the Commission's formal notice in April 2015, a disproportionate percentage of Roma are still educated in special schools, classes for children with mental disabilities, separate Roma-only classes or Roma-only schools.

208. The Public Defender works systematically on the issue of equal access to education of Roma children in the Slovak educational system on her own initiative or upon received complaints. The findings from several pieces of research conducted by the Public Defender's Office have repeatedly

¹⁶⁰ See [alternative report by the Centre for Civil and Human Rights Poradňa](#), September 2021, pp. 3-4.

¹⁶¹ See Decision of the district court in Prešov, No. 19C/14/2016 of 13 March 2019 upheld by the regional court of Prešov Judgment No. 16Co/21/2019-483; Regional Court judgment No. 4Co/260/2017-441 from 29 April 2020; and Decision of the District Court in Malacky, No. 5C/212/2014, 17 May 2018. For more details, see [Slovakia - The Appeal court confirmed that state authorities have no obligation to take measures on the elimination of segregation of Roma children in a local primary school](#) and [Slovakia - The Appeal Court confirmed that education of marginalised Roma children in ethnically homogenous primary school does not amount to discrimination](#).

¹⁶² See [Decision of the Regional Court in Prešov](#), No. 19C/14/2016, 30 October 2012.

¹⁶³ European Commission, Reasoned opinion to Slovakia issued on 10 October 2019 about non-conformity with Directive 2000/43/EC on Racial Equality especially on the discrimination of Roma children in education. Source: [Fundamental Rights Report – 2020 by the European Union Fundamental Rights Agency \(FRA\)](#), page 91.

shown the unjustified enrolment of Roma children in schools and classes for children with mild mental disabilities and the illegal practice of setting up ethnically homogeneous classes or ethnically homogeneous mainstream schools for Roma children. In her annual report, the Public Defender concluded that although the government has been continuously working on introducing steps to improve the implementation of the rights of all children and pupils to education, this has not led to obvious progress. The Public Defender recommended that the Parliament adopts legislation implementing the prohibition of discrimination, and especially segregation, in education and creating an effective monitoring and sanctioning system. The Public Defender also recommended that the Parliament adopts legislation ensuring that the children are diagnosed based on longer-term monitoring and evaluation of their development through diagnostic examinations that consider the abilities of children from the socially disadvantaged environment of "marginalised Roma communities" and are based on the recognition of the strengths and weaknesses of each child for inclusive education. At the same time, the Public Defender drew attention to the need to ensure adequate support measures for pupils from the socially disadvantaged environment of "marginalised Roma communities" to reduce the impact of their socio-cultural background on their success at school.¹⁶⁴

209. In its Report on the Right to Education and on the Observance of Human Rights Including the Principle of Equal Treatment in the Slovak Republic for the Year 2019, the Slovak National Centre for Human Rights draws a comprehensive picture of the situation and concludes that "segregation of Roma pupils in education is still present in Slovakia and that it is not possible to exclude the possibility of reaching the state of a large number of schools with 100% of pupils belonging to the Roma communities because segregation in education is conditioned by the number, accessibility and spatial possibilities of school facilities. There is a need to create school districts based on the desegregation principle. As long as the state fails to be active in this regard, self-governing regions will be forced to adopt their own rules."¹⁶⁵

210. A quantitative research from January 2019 of the Ministry of Finance made in partnership with the Ministry of Education confirmed that Roma children from "marginalised" communities remain severely overrepresented in the special education system and are segregated in mainstream schools and classes.¹⁶⁶ The report provides a mapping of the segregation of Roma pupils. It finds that Roma pupils, especially those from "marginalised communities", are seven to eight times more likely to repeat a school year – and eight times less likely to enter university. According to independent monitoring by Roma non-governmental organisations, a disproportionately high number of children have to repeat a year and poor school results; only half of Roma children who attend Year 5 reach Year

9 and obtain a certificate.¹⁶⁷ Another cause of the segregation of thousands of Roma children lies in the power that municipal and regional authorities have to set the boundaries of school catchment areas themselves, as this power is used to create or maintain segregation.

211. Authorities referred to some progress made in the educational inclusion of Roma children through various measures. In 2019, the Slovak Parliament passed an act amending the Schools Act, the relevant parts of which entered into force from 1 January 2021.¹⁶⁸ The amendments introduced compulsory preschool education for all children from the age of five and removed from the legislation the possibility of creating so-called zero-grade classes. According to the authorities, the aim of these legislative changes is to prepare Roma children from "marginalised environments" to start attending primary school directly in the first grade, with the other children. In 2019 the Slovak Ministry of Education organised 60 two-day seminars for 1,211 teachers and school staff on desegregation. They led to the development of 117 desegregation plans for schools. In 2020, the Ministry of Education declared its commitment to eliminate discrimination and segregation of Roma pupils in the education system. In 2021, it introduced an Amendment to the Schools Act that proposes several measures to strengthen inclusive education. The Amendment was approved by the Slovak Government and will be discussed in Parliament in autumn.

212. According to the findings of the Office of the Plenipotentiary for Roma Communities, some key reform areas in the educational system do not yet have a financial allocation from both the Recovery and Resilience Plan and the European Structural and Investment Funds or the state budget. The financial allocations will be apparent only after the end of the process of creating action plans and submitting them to the government in December 2021. The Office of the Plenipotentiary highlighted that action plans created under the 2030 Roma Strategy cannot and are not the only tool to achieve the desired results. These plans will be complementary to other strategic documents of the Ministry of Education. According to the Plenipotentiary, fundamental change in the inclusion of "marginalised Roma communities" requires a high financial allocation since, at least in the field of education, complex changes are needed not only in diagnostics, introduction of inclusive education, desegregation, but also in changing curricula.

213. Transition to distance learning during the COVID-19 pandemic has exacerbated inequalities of access to education for Roma children from "marginalised communities". Research estimates that 60% of Roma pupils had no contact with a teacher during the first wave of the pandemic, and 70% of them were not involved at all in teaching due to lack of computer equipment, internet access or lack of skills and family conditions for working in virtual space. According to the latest information transmitted by the authorities, digital distance education was not introduced in most Roma settlements during the containment phase which was ordered due the Covid-19 pandemic. To ensure the continuation of education, workbooks and other educational materials were printed for the pupils of the first cycle of primary education. They were distributed in some settlements on the personal initiative of several teachers and by

¹⁶⁴ See [Ombudsperson's Report](#) published in May 2018 assessing the implementation by the Ministry of Education of proposed measures made in 2013, 2014 and 2015 against discrimination of Roma children in education.

¹⁶⁵ See conclusions of the Report by the Slovak National Centre for Human Rights on the Right to Education and on the Observance of Human Rights Including the Principle of Equal Treatment in the Slovak Republic for the Year 2019, pages 45-46, and its recommendations on pages 47-48.

¹⁶⁶ For more details, see [2020 Slovakia Country Report on Non-Discrimination](#), pages 45-54.

¹⁶⁷ See [Roma Civil Monitor 2019](#), page 10.

¹⁶⁸ Act No. 209/2019 amending the Act No. 245/2008 on Education (Schools Act).

associations. No information was available concerning preparation of teachers for distance teaching.

214. According to interlocutors, the most urgent problems relating to the impact of the Covid-19 pandemic on equal access to education have been identified in schools attended by students of the Roma national minority who live in Roma settlements in conditions of extreme poverty and where internet access is often unavailable. Also, information about educational television programmes is often unavailable to them, and it is difficult to follow online classes for children living in often large families and inadequate housing conditions.

215. The Advisory Committee has been also made aware of some controversies about the elementary school it visited in Ostrovany which has been built on the land of the municipality in close proximity to a Roma settlement. Because the school welcomes mostly - if not exclusively - Roma children and works in two-shift, it has regarded by state authorities, and also by some human rights organisations, as a segregated school. Whilst it would certainly welcome more inclusiveness in this school, the Advisory Committee notes, however, that the main difference with other segregated "special schools" that it had visited during prior visits, has been the welcoming school environment, the quality of education provided and the dedication of the teachers who have done their best to keep children in school even during the Covid-19 pandemic.

216. The Advisory Committee reiterates that Roma pupils should not be separated from other non-Roma students in a discriminatory manner and that any segregation based on ethnic affiliation must be avoided. Segregated education, often of lower standard than that offered to other students, is one of the most extreme examples of the precarious position of Roma parents and pupils. The Advisory Committee has repeatedly criticised practices of segregation of Roma pupils and welcomes efforts to end such practices.¹⁶⁹

217. In this respect, the Advisory Committee remains deeply concerned about the continued alarming over-representation of Roma children in special classes and schools for pupils with mild mental disabilities. It is even more alarmed by the fact that a number of Slovak courts continue to affirm that education of "marginalised Roma children" in ethnically homogenous primary school does not amount to discrimination. It considers that their enrolment in such schools significantly impacts how Roma later succeed in the labour market. After completing special schools, these children cannot continue their education at higher-level schools and obtain, for example, complete secondary vocational education, full secondary general education or a university degree. By being deprived from their right to receive a qualitative education without discrimination and segregation, entire generations of Roma children are closed into a vicious circle of poverty.

218. The Advisory Committee regrets the limited progress on this recurrent issue despite numerous surveys and assessments confirming for years the emergency of the situation, despite concrete recommendations addressed to the authorities by the Public Defender and human rights NGOs. The sporadic measures implemented by the authorities in this area have fallen short of preventing discrimination of Roma children in access to inclusive education. Bearing in mind that the government programme statement announced the task of developing a definition of "national education" and that an amendment to the

Schools Act is under preparation, as well a new Act on the status of national minorities that will cover also education aspects, the Advisory Committee points out the need to ensure that these pieces of legislation promote inclusive education of Roma children in mainstream schools and not further prolong the school segregation system.

219. Furthermore, the Advisory Committee notes with deep regret that disproportionate testing and diagnosing of special needs in Roma children leads to their enrolment in low-standard programmes and "special schools" and prevents them from continuing their studies at next levels of education. This overemphasis on the need for diagnoses and physical and psychological testing is not conducive to a rapid desegregation process. Their initial difficulties in the school readiness of these children are very often the result of poor housing and living conditions and other social problems suffered by Roma families than due to their own intellectual capabilities. The Advisory Committee notes that the unjustified placement of a large number of Roma children in special education contributes in addition to their strong segregation, recalling that 82% of the Roma do not live integrated with the majority of the population has a negative impact to create a climate of tolerance and dialogue and to promote equal opportunities for access to education.

220. The Advisory Committee welcomes amendments to the Schools Act which introduced compulsory preschool education for all children from the age of five and removed from the legislation the possibility of creating so-called zero-grade classes. In order to further increase preschool attendance of Roma children, increasing compulsory preschool education for more than one year could produce even better results. The Advisory Committee considers that measures to tackle school segregation cannot be ad hoc, piecemeal, and temporary. They must be bold and sustainable and reflect a long-term vision of inclusion shared by all stakeholders and supported across all levels and areas of the public administration. The Advisory Committee considers that promoting inclusive schools, with quality education, and preschool – possibly as from the age of three - should be priorities of the 2030 Roma Strategy. Indeed, enabling Roma children to learn the Slovak language before entering primary school, whilst keeping a link with the language spoken at home through the help of teaching assistants speaking this language, is instrumental to counter segregation and to ensure the inclusion of Roma pupils in mainstream schools. Teachers, especially those working in special schools, as well as prosecutors and judges, should be trained about the importance and the meaning of inclusive education.

221. The Advisory Committee considers that there is a lack of adequate research and consultation with the Roma community about the root causes of absenteeism and school dropouts and the possible role of early marriages within this community in the school drop-outs rate which makes it difficult to address the problems in the most effective way. In order to further reduce school absenteeism of Roma children and their early drop-out between primary and secondary education, it considers that an in-depth study on both internal and external causes for these dropouts should be conducted, closely involving children, parents, school professionals, teaching assistants, and all competent authorities at state and municipal levels so as to adjust educational policies and measures.

222. The Advisory Committee urges the authorities to promote inclusive and quality education of Roma children by

¹⁶⁹ See [ACFC Thematic Commentary No.1](#), page 21.

resolutely and without any further delay discontinuing school segregation and disproportionately high testing and diagnosing of special needs in Roma children to avoid their enrolment in low-standard programmes and "special schools".

223. The Advisory Committee calls on the authorities to take measures in order to further increase preschool attendance of Roma children and possibly extend the duration of compulsory preschool education, and further reduce their school absenteeism and early drop-out between primary and secondary education; to conduct an in-depth study on both internal and external causes of these phenomena, closely involving children, parents and teaching assistants, as well as all competent authorities at state and municipal levels with a view to adjusting educational policies and measures.

224. Whilst acknowledging that some efforts have been undertaken to mitigate the consequences of the Covid-19 pandemic on pupils and students of national minorities, the Advisory Committee strongly encourages the authorities to evaluate the effect of measures taken; to consult all relevant stakeholders to identify past and remaining challenges, including in relation to online education and digitalisation of pedagogical materials; to monitor future developments very closely, especially with regard to Roma children, and take steps to remedy shortcomings, where necessary.

Teaching in and of minority languages (Article 14)

225. The Fund for the Promotion of the Culture of National Minorities provides grants to increase the support and ensure the development of the education of pupils and students belonging to national minorities in their native language, to support the change of the methodology of teaching Slovak language at minority schools in the interest of its better mastery, to promote vocational education and training in schools with the language of instruction of national minorities, including vocational education and training in the dual education system. The Fund supports the exemption of all schools with a small number of students from compulsory quotas in linguistically mixed areas, and also financially supports the preparation of a concept for the development of the teaching of the Ruthenian language and culture in kindergartens, primary schools and secondary schools. Qualification requirements of Romani language teaching and literature have increased by creating and adapting existing framework curricula for the specifics of Romani language teaching.

226. Since 1 September 2017, primary schools can choose between two framework curricula for primary schools with the teaching of the language of a national minority. The Ministry of Education also approved, with effect from 1 September 2017, framework curricula for grammar schools with a four year and an eight-year study programme teaching the language of a national minority. Schools are recommended to use optional lessons to strengthen the language of national minority and literature and to use a pedagogical approach to content and language-integrated teaching within general education subjects to improve the language competence of pupils in the language of the national minority.

227. There are eight schools with Romani language teaching in Slovakia. The Ministry of Education has so far received no requests to have a school with Romani as a language of instruction. As regards support provided for education in the Romani language, measures have been taken to increase the qualification of Romani language teaching and literature by

creating and adapting existing framework curricula for the specifics of Romani language teaching. The Ministry of Education also published in 2017 'Pedagogical and Organisational Guidelines', according to which the directors in schools with a high number of children and pupils from "marginalised communities" should take into account the mastery of Romani language when recruiting pedagogical assistants. These guidelines also instruct school directors to inform secondary school pupils about the possibility of passing a school-leaving examination in Romani language and literature as an optional school-leaving subject, to inform the legal representatives of pupils from Roma communities about the possibility of teaching the Romani language and literature and, in the event of interest of the legal representatives, to provide education in the Romani language. These Guidelines also instruct schools to use - when planning the teaching of Romani language and literature - innovative educational standards of Romani language and literature for each level of education issued by the National Institute for Education.

228. An Amendment to the Education Act under preparation shall guarantee the rights to education in "mother tongue" and the development of education for all national minorities and also guarantee such education from pre-school education to lifelong learning. The draft law foresees that national minorities have the right to participation, such as to influence the policy of minority education and to create a professional counselling background for minority education. Furthermore, accreditation rules and processes are currently being evaluated by an accreditation agency for higher education which is independent from the Ministry of Education.¹⁷⁰

229. Representatives of the German and Russian national minorities have expressed satisfaction about positive developments in the teaching of German and Russian in primary and secondary schools. They welcomed the preparation by the State Pedagogical Institute and approval by the Ministry of Education in 2018 of educational standards for the subjects 'Russian language and literature' and 'German language and literature' for primary and lower secondary education for schools teaching respectively the Russian and the German languages.

230. Representatives from various national minorities, in particular Ruthenians, Ukrainians, and Serbs complained about the lack of teaching in their minority language. There has been a continuous decrease in the number of kindergarten and preschools, primary, secondary and vocational schools teaching in Ukrainian during the last decade. Serbs are a numerically small and dispersed national minority, but they consider that considering the large number of Serbian migrants, teaching in Serbian language could be further promoted. As regards the Hungarian national minority, the main problem concerns the lack of vocational education in Hungarian. Some of these minorities, as reported by a Ruthenian interlocutor, faces a vicious circle: on the one hand, there are no secondary schools where their minority language is taught and, on the other hand, they lack minority language-speaking teachers. Only few subjects are taught in minority language teaching schools, which does not help pupils acquiring sufficient knowledge to imagine becoming minority language teachers. The fact that there is a lower interest in joining such schools is, according to minority representatives, partly also the responsibility of the state which does not make them attractive or provide them with necessary support in terms of equipment, minority language textbooks, etc.

¹⁷⁰ See the [Slovak Accreditation Agency for Higher Education website](http://www.sakk.sk).

A more general problem which concerns national minorities at large and affects the use of minority languages in teaching is the fact that in schools and school facilities where education and training is provided in the language of national minorities, administrative documentation of the school, such as school regulations, time tables of teaching hours and all exam reports, should be kept bilingually, in the state language and in the language of the relevant national minority, according to Section 11 of the Schools Act. The teachers are therefore required to produce these materials in two languages – especially for the school inspectorate - which in practice prevents them from using the minority language in a scale they would want and be capable.

231. The Prešov University Faculty of Arts provides a variety of institutes of relevance for young people belonging to national minorities: namely the institutes for German Studies, Hungarian Studies, Russian Studies, Ukrainian Studies, and more recently, Ruthenian Studies and Romani Studies. Students, independently of their ethnic background, can learn respective language, culture, history and literature with a view to becoming teachers, translators or interpreters. The newly established Institute for Romani Studies is the only institute to train future Romani teachers. The number of students remain, however, very low (three students enrolled in the Institute for Ruthenian studies, seven enrolled in the Institute for Romani Studies, 16 in the Institute for Ukrainian Studies). Students coming from Ukraine can also benefit from the same free of charge studies as Slovak students, thanks to a co-operation agreement between Slovakia and Ukraine. If there are eligible, students can also obtain social scholarships. Performance scholarships are also attributed, on a case by case, for the best students by Prešov University. Scholarships for Roma students provided by the Roma Education Fund have decreased in recent years. Due to inflation, these institutes receive less and less money every year and rely very much on the generosity of the Prešov University and municipality.

232. Apart from an insufficient number of qualified teachers and lecturers for Romani and Ruthenian, another problem raised by these institutes was the introduction of further restrictions for their accreditation.¹⁷¹ It has also been increasingly difficult for higher education establishments, as raised both in Prešov and Komárno, to attract students who often prefer pursuing their studies in Budapest, Prague or Vienna, which in turn reduce the state subsidies per student. Institutes in Prešov also indicated that they have also the difficulty to diversify their programmes and obtain new accreditation because of the lack of minority language materials in scientific subjects. The Selye János University in Komárno also raised the problem of accreditation of Hungarian-speaking teachers from abroad. Both Komárno and Prešov universities produce their own textbooks which may partly fill in the gap of insufficient materials in respective minority languages, but these books are not necessarily accredited. Similar complaints from

various educational professionals in Prešov, Komárno, Galanta and Ostrovany related to heavy bureaucracy and complexity to obtain timely grants for their educational activities and specific needs, as well as delays in receiving new pedagogical materials produced by the Ministry of Education, including those promoting intercultural education (see Article 12 above).

233. The Advisory Committee reiterates that the preservation of local minority language school networks should be guaranteed, and persons living outside the areas of traditional settlement should, where feasible and, where living in substantial numbers, be given opportunities to be taught their language or in their language. As the fulfilment of the conditions set out in Article 14 of the Framework Convention with regard to demand for minority language education and substantial numbers of persons belonging to national minorities in certain areas may vary, the measures taken by states to offer minority language education should be flexibly designed in order to adapt well to a given situation, including for instance by developing complementary online education in minority languages.¹⁷² For minority languages that are only spoken by small numbers of people, there may be a particular need to revitalise the language, for instance through the creation of separate classes or through language immersion. The functions and needs of the different languages and language speakers must thus be assessed to establish 'demand' in line with Article 14 (2) of the Framework Convention. In addition, requests for minority language teaching must be accommodated in an equitable manner and refusals made subject to the possibility of legal challenge.¹⁷³

234. The Advisory Committee welcomes the recent establishment of the Institute for Romani Studies and takes a positive note that the Selye János University in Komárno has now become a familiar element of the higher education spectrum in Slovakia. There is a need to further promote the visibility and good practice of both the Institute for Romani Studies in Prešov and the Selye János University in Komárno and to create incentives, in particular for Ruthenian, Romani, Ukrainian and Hungarian minority students, that would increase the added value for them to pursue their higher education in Slovakia and to envisage becoming minority language teachers. The Advisory Committee was also impressed by the Elementary School in Ostrovany, notably the welcoming school environment, the quality of education provided and the dedication of the teachers, as well as by the Zoltán Kodály Grammar School in Galanta which hosts two sections – one for Slovak-teaching and one for Hungarian-teaching - in the same building, which permits students to receive schooling in the language of their choice, whilst being able to meet students from the other language teaching environment in the same school.

235. The Advisory Committee observes a lack of comprehensive and coherent approach in the education policy towards national minorities' education. For example, a strong focus has been placed on providing preschool, primary education and higher education for Roma children; on the one hand, there is a huge gap in secondary education due to numerous dropouts between primary and secondary levels. Furthermore, the Advisory Committee considers that it might be difficult for minority institutes to meet the requirements regarding the accreditation of study programmes in higher education;

¹⁷¹ In order to provide study in a field, one must have, for example, for Bc. degree 3 x associate professor and for Mgr. degree 1 x professor and 2 x associate professor. However, there is currently no professor or associate professor of Romani language and literature in Slovakia. If an institute would like to use someone from abroad the person must know Slovak, have 100% employment at the university and, most importantly, must be physically present at that university which is almost impossible. It takes about 10 years to educate new associate professors and professors. No transitional period has been envisaged for minority studies institutes.

¹⁷² See [COMEX statement on regional and minority languages in online education in the context of the COVID-19 pandemic](#), 3 July 2020.

¹⁷³ [ACFC Thematic Commentary No. 3](#), para. 69.

these requirements should be implemented in a flexible manner in order not to create additional barriers for the functioning of these institutes.

236. The Advisory Committee has not been made aware of any other particular recent changes in the situation regarding the teaching in and of minority languages at pre-school, primary, secondary and university levels since the publication of the fifth report of the Committee of Experts of the European Charter for Regional or Minority Languages in respect of the Slovak Republic and therefore refers to this report for a detailed description of the situation of each minority languages in this regard.¹⁷⁴

237. The Advisory Committee calls on the authorities to extend the offer of education in minority languages, in particular in Ruthenian and Ukrainian languages in areas inhabited by these minorities, ensuring local continuity from pre-school to secondary education; and examine, in co-operation with representatives of the Roma minority, ways of raising the interest in and, subsequently, extending the offer of Romani teaching in mainstream pre-school, primary and secondary education.

238. The Advisory Committee encourages the authorities to remove the excessive state language legal requirements when using minority languages in teaching.

239. The Advisory Committee invites the authorities to regularly consult representatives of all national minorities as to whether there is demand for teaching in or of minority languages in mainstream education and, if so, to offer such teaching and encourage parents to make use of it. The Advisory Committee also invites the authorities to take measures to increase knowledge of minority languages among the population at large.

Effective participation in public affairs: political representation at all levels (Article 15)

240. Elections to the National Council of the Slovak Republic (hereinafter "the Parliament") are held pursuant to Act No. 180/2014 on the conditions for the exercise of the right to vote and on the amendment of certain acts. There are no provisions in Slovak law that guarantee national minorities' representation in Parliament. A 5% threshold for gaining access to the Parliament is applied for political parties, whether there are mainstream or minority-only parties.

241. The two political parties representing specifically the interests of the Hungarian minority¹⁷⁵ failed to pass the 5% threshold and gained no seats in the 2016 and 2020 parliamentary elections. Most-Híd, an interethnic political party whose programme calls for greater co-operation between the country's Hungarian minority and ethnic Slovak majority - and which is also regarded as a political party defending the interests of the Hungarian minority - passed the threshold in 2016 and was even part of the governmental coalition. However, this party lost all its seats in the last parliamentary election. As a result, the interests of the Hungarian minority are no longer

represented in the Slovak Parliament by any political party. The three political parties representing specifically the interests of the Roma minority¹⁷⁶ have never managed to obtain any seats in the Parliament since their creation. However, a Rom from Rimavská Sobota entered the Parliament in 2018 as an alternate for another Most-Híd parliamentarian who was appointed as Deputy Minister. Currently, there are six members of Parliament, elected on mainstream political parties' lists, who self-declare a minority "nationality": three Hungarian, two Roma and one Czech.¹⁷⁷ This has halved since 2012-2016 and 2016-2020 parliamentary terms.¹⁷⁸ At the latest European Parliament election, for the first time, a Slovak of Roma "nationality" was elected member of the European Parliament.

242. The precise number of persons belonging to national minorities in elected bodies at local and regional levels was not made available. The representatives of the Hungarian minority state that the present administrative division discriminates them in the political, economic and social spheres and constitutes several obstacles to the use of minority languages in official communication in municipalities due to the applied threshold (see above Articles 10 and 11).¹⁷⁹

243. At the local elections held on 4 November 2017, the estimated number of Roma elected has grown once again since 41 Roma mayors were elected, 39 male and two female representatives.¹⁸⁰ An Association of Slovak Municipalities with Roma Mayors was created along with a similar Association of Hungarian speaking Roma Mayors in Gemer region. According to the authorities, Roma mayors and deputies who publicly declared their belonging to the Roma ethnic group, as well as mayors of cities with "marginalised Roma communities", received information about the priorities the National Roma Integration Strategy, as well as about the possibilities offered by the Fund Act for supporting Roma cultural activities. The Plenipotentiary for Roma Communities, in partnership with various municipalities, organised a series of activities aimed at promoting the participation of young Roma in consultation and decision-making processes.¹⁸¹ The Advisory Committee also notes that both the training programme provided by the Slovak Office of the National Democratic Institute for International Affairs and the joint Council of Europe/European Commission project ROMACT have contributed to an increase in the number of elected Roma mayors.

244. Representatives of the Hungarian and Roma national minorities expressed regrets that Slovakia does not support the parliamentary representation of national minorities by cancelling the 5% threshold which represents a barrier for minority-only political parties to gain access to the Slovak Parliament. Recent elections show that what used to be impossible for numerically smaller national minorities proves also to be extremely difficult for the two largest national minorities. At the same time,

¹⁷⁶ The Roma Coalition Party, the Roma Initiative and the Party of Roma Union

¹⁷⁷ Source: [Slovak Parliament website](#). Initially, seven had been elected but one of the Roma parliamentarians resigned.

¹⁷⁸ See [fifth state report](#), para. 273 for the number of seats filled by representatives of national minorities at the 2012 and 2016 elections.

¹⁷⁹ See [alternative report submitted by the Round Table of Hungarians in Slovakia](#), para. 205-209, for argumentation and various examples.

¹⁸⁰ This number is an estimate based on information on self-identification collected from local NGOs and the Plenipotentiary for Roma Communities. There are no official ethnic-based statistics in political participation.

¹⁸¹ See [fifth state report](#), para. 164 and 279 for more details.

¹⁷⁴ See [fifth report of the Committee of Experts of the European Charter for Regional or Minority Languages in respect of the Slovak Republic](#), para. 21-24 (assessment on the use of minority languages in education) and para. 50-60 (individual situation of minority languages), adopted on 22 March 2019.

¹⁷⁵ Hungarian Christian Democratic Alliance (Magyar Keresztyéndemokrata Szövetség) and Hungarian Community Party (Magyar Közösségi Pártja).

representatives of national minorities agreed that minority-only parties should not be the only model of political representation provided that mainstream political parties accommodate the views and concerns of national minorities in their political programmes which is, however, rarely the case. As a consequence of this lower representation of national minorities' interests in the Parliament, representatives of national minorities highlighted that the potential impact on national minorities in general or on specific national minorities of the bills discussed, is rarely addressed under the current parliament composition.

245. Whilst acknowledging that the numerical proportion of minority members of parliament should not be the only element to measure successful minority participation in political life,¹⁸² the Advisory Committee notes a persistent decline in representation of national minorities through minority-only parties in the Slovak Parliament and a still insufficient inclusion of members of national minorities on eligible places of mainstream party lists. The Advisory Committee observes that, at the local level, however, the situation looks better, especially as regards the increasing number of Roma mayors elected, which the Advisory Committee welcomes. The total estimated number of 41 Roma mayors should, however, be relativised bearing in mind that 2,900 mayors are elected country-wide. The Advisory Committee observes a gender gap between male and female Roma elected as mayors, which once again indicates that a stronger focus on gender aspects mainstreaming is needed under the 2030 Roma Strategy (see Article 4 – National Roma Integration Strategy), including within its specific chapter and action plan related to "Participation". It also observes a general lack of co-ordination between the Association of Roma Mayors and the Association of Towns and Municipalities in Slovakia, Roma mayors apparently counting on mutual assistance to push forward their respective initiatives rather than expecting support from the government or the umbrella association of mayors. The Advisory Committee commends the authorities for the distribution of specific information on access to funding and dedicated programmes of the National Roma Integration Strategy to Roma mayors and to mayors of the cities with "marginalised Roma communities" and welcomes activities aimed at promoting the participation of young Roma in decision-making processes.

246. The Advisory Committee encourages the authorities to increase the effective representation and participation of all national minorities in decision-making processes at the central, regional and local levels, and to pay more attention to gender mainstreaming in the promotion of the participation of Roma in decision-making processes.

Effective participation in public affairs: consultative mechanism (Article 15)

247. The Committee on National Minorities and Ethnic Groups (hereinafter "the CNMEG") of the Government Council for Human Rights, National Minorities and Gender Equality (hereinafter "the Council") is an advisory body to the Council headed by the Plenipotentiary for National Minorities. In February 2018, the statute of the CNMEG was changed. It now consists of a chamber consisting of 23 elected representatives

¹⁸² To illustrate this, some Roma minority representatives - who had great expectations during the elections - expressed disappointment regarding Roma parliamentarians elected in the Slovak and European parliaments since they see no major improvement in their daily life.

of national minorities¹⁸³ and a chamber consisting of eight representatives of central government authorities. The new statute grants voting rights to members of both chambers. In addition, a number of institutions are also invited on a permanent basis to CNMEG meetings without the right to vote.

248. The Advisory Committee was informed by the authorities that a law on the status of national minorities is under preparation and that the drafting process is conducted in a participatory manner, in close co-operation with elected representatives of national minorities and experts in the field, so as to ensure a broad consensus and legitimacy. The level and form of participation of national minorities and the consequences of previous changes introduced in their consultative body have already been discussed several times at CNMEG meetings. Opinion No. 4 of 23 January 2020 approved by the CNMEG defines in the section "Participation of national minorities" several levels of participation from local, regional, governmental to parliamentary. The Office of the Plenipotentiary for National Minorities indicated that it expects the new Act on the status of national minorities – once adopted – to reflect the intentions and priorities of national minorities in this area.

249. Whilst numerous interlocutors from national minorities expressed overall satisfaction that the CNMEG exists as it provides them with the possibility to be represented and consulted, the Advisory Committee also heard criticism about its lack of effectiveness and little impact on legislation that is directly relevant for national minorities. Numerous interlocutors regretted that the CNMEG had no decision-making powers and was only a consultative body whose opinions are not binding, nor regularly considered. They stated too that the way it is structured makes it difficult to be an effective mechanism for expressing minorities' views because not all issues discussed affect all minorities equally. All minority representatives vote on opinions relating to matters that may not affect their respective minority group directly. They would prefer the CNMEG to rather address issues concerning the state's relationship with minorities in general, rather than being the only forum for discussing minority policy and minority-related issues.

250. Whilst welcoming the Plenipotentiary for National Minorities' dedication, elected representatives of national minorities consider that the Plenipotentiary Office's low number of competences, budget and staffing allow this Office little space to influence the promotion and protection of minority rights. They complained about the decision to transform what used to be the 'Council of the Government for National Minorities', a body headed by a Deputy Prime Minister responsible for the agenda of human rights and minority rights, into the CNMEG. They indeed perceived this change as a political will to downgrade the level of consultation and form of participation of national minorities and regret that despite a previous recommendation by the Advisory Committee, the position of the Plenipotentiary for National Minorities was not reviewed within the broader human rights governmental agenda to ensure that high-level political attention is accorded to all issues pertaining to national minority protection, and that the views and concerns of all

¹⁸³ The number of elected representatives of the Chamber for National Minorities varies according to the size of the respective national minority: Hungarians have 5 representatives, Roma 4, Czechs, Ruthenians and Ukrainians 2 each, Bulgarians, Croats, Germans, Jews, Moravians, Poles, Russians, and Serbs 1 representative each. For the full and nominal composition of the CNMEG, see the [dedicated page of the website of the Plenipotentiary for National Minorities](#).

minorities are effectively considered in relevant decision-making processes. Under the present structure, it is impossible for elected representatives of national minorities to influence the final outcome of the advisory procedure, even if very different from their own proposal or for them to have no decisive role in the monitoring and evaluation of minority-related policies. There is no institutional mechanism within or outside the CNMEG for elected minority representatives to publicly voice a dissenting opinion.

251. Elected representatives of national minorities also reported that a number of bills or amendments to existing legislation proposed by the Slovak Government and/or discussed in the Parliament are not put on the CNMEG agenda for consultation, whilst they feel these bills or legal amendments are of utmost importance to them. They also see as problematic the lack of proper and timely co-ordination between ministries, especially when amendments to existing legislation or bills are being discussed in parallel but in different settings, quoting for instance current parallel discussion on amendments to the Schooling Act and the proposed new Act on the status of national minorities, although the authorities expressed a different view on this. They also regret that some prior competencies of the Plenipotentiary were transferred to the Director of the Fund for the Promotion of the Culture of National Minorities. Some of them pointed out that the fact that the Plenipotentiary for National Minorities is not a member of the government, but an employee of the Government Office, could provide an explanation for this low consideration. In this respect, they regretted that no position of Deputy Prime Minister for Human Rights and Minority Rights was created after the 2020 parliamentary elections as some of them had suggested.

252. The Advisory Committee underlines that consultation alone does not constitute a sufficient mechanism for ensuring effective participation of persons belonging to national minorities and points out that effective participation for persons belonging to national minorities requires a substantial influence for national minorities on decisions and as far as possible a shared ownership of decisions taken. It also reiterates that it is essential that the legal status, role, duties, membership and institutional position of consultative bodies be clearly defined and underlines the importance of this principle in order to ensure the effective participation of persons belonging to national minorities and to build trust between them and the authorities. The authorities may also enter into a direct dialogue with representatives of individual national minorities to consider those issues which concern only a specific national minority.¹⁸⁴ The Advisory Committee observes that national minority representatives' perception of a downgrading of their consultative power is not shared by the authorities and regrets this difference of perceptions which is not conducive to bring trust in this consultative mechanism. There is a need to increase co-ordination between all relevant ministries, elected representatives of national minorities and other relevant stakeholders during consultation procedures, so as to ensure synergies and avoid overlaps.

253. The Advisory Committee calls on the authorities to increase the level of efficiency of the consultation mechanism with the elected representatives of national minorities. Any

¹⁸⁴ See [ACFC Thematic Commentary No. 2](#) on participation, para. 19, 106-108 and 116. See also [The Lund Recommendations on the Effective Participation of National Minorities in Public Life & Explanatory Note](#), OSCE-HCNM, September 1999, point 12.

legislative process that could have an impact on the situation and rights of national minorities should give these representatives a possibility to have substantial influence with the aim of achieving effective participation and a shared ownership of decisions taken. Co-ordination between all national institutions, representatives of national minorities and other stakeholders during such consultations should be increased. The implementation of the respective legislation should be monitored and evaluated in close consultation with the persons belonging to national minorities concerned.

Effective participation in socio-economic life: access to employment (Article 15)

254. The right to the access to employment is guaranteed to all citizens, irrespective of their "nationality" and language. Besides, under the Employment Services Act, support for participants in entering the labour market is provided by employment services, namely in finding employment, changing jobs, filling vacancies and applying affirmative measures with regard to the employment of disadvantaged jobseekers, which include long-term unemployed citizens, the low-skilled, the elderly and the disabled, including persons belonging to national minorities.¹⁸⁵

255. According to some available data,¹⁸⁶ one in five Slovak Roma aged 16 years and older described their main activity as employed or self-employed; 43% of Roma declare any paid work done in the last four weeks; and almost half of the Roma households declare themselves as unemployed (48%). Roma women exhibit lower rates of paid work (32%) than Roma men (54%). The proportion of young Roma not in work, education or further training (NEET) is 65% compared to 14% for the general Slovak NEET rate of those aged 16-24. The worst situation is observed for young Roma women, of which 77% are not in work, education or further training, compared to 52% of young Roma men. Roma suffer from a high risk of poverty and social exclusion: their at-risk-of-poverty rate reaches 87% compared to 13% in the general Slovak population. European surveys show a large gap between Roma and the general population in terms of work intensity in households. The second biggest gap among EU survey countries is observed in Slovakia (53% versus 15%).¹⁸⁷

256. According to the authorities, "the main cause of poverty of people of working age, including "marginalised Roma communities", is unemployment, especially long-term unemployment, where there is a risk of an intergenerational reproduction of poverty. Low wages and minimum qualifications

¹⁸⁵ See Article 8, para. 1 and Article 14, as well as Part Seven (Active Labour Market Measures) and Part Eight (Support of employment of disabled citizens) of the [Act No. 5/2004 on Employment Services and on Amendments to Certain Acts, as amended](#).

¹⁸⁶ Martin Kahanec - Lucia Kováčová - Zuzana Poláčková - Mária Sedláčková (April 2020), [The social and employment situation of Roma communities in Slovakia](#), page 7.

¹⁸⁷ See [Second EU-MIDIS Roma survey published by the European Union Agency for Fundamental Rights in 2016](#), page 22. Work intensity is the ratio between the number of household members of working age – 18 to 59 years, excluding persons aged 18 to 24 years in education – who are currently working and the total number of persons of working age in the household. For a comparison of the situation of Roma women to that of Roma men and to that of women in the general population from the 2016 survey results, see [EU-MIDIS survey published by the European Union Fundamental Rights Agency in 2019](#).

can also cause a poverty trap.¹⁸⁸ According to data of the Institute of Financial Policy, the unemployment rate of Roma in municipalities with concentrated settlements was 20.72% in 2017. The unemployment rate of the Roma overall is 28.60%, of which 41.34% live in municipalities with concentrated settlements.¹⁸⁹

257. In the framework of the applied Active Labour Market Measures and in accordance with the Act on Employment Services, the authorities have adopted over the monitoring period a number of measures aimed at promoting employability, maintaining existing jobs and preventing job cuts, and increasing employment of jobseekers by supporting the creation of new jobs, reducing unemployment, especially long-term unemployment, as well as supporting the development of local and regional employment in the least developed districts.¹⁹⁰ Several national projects implemented by the Ministry of Labour, Social Affairs and Family¹⁹¹ are being implemented in the least developed districts. There is specific financial support provided to employers in the private and public spheres who employ a jobseeker from the target group. In 2020, assistance was aimed at improving the labour integration of disadvantaged and vulnerable persons and their subsequent stay on the labour market was provided through the National Programme Support for Integrating Enterprises.

258. Other national projects administered by the Plenipotentiary for Roma Communities for the years 2014-2020¹⁹² have contributed to promoting the integration of "Roma marginalised groups and individuals" or "groups at a risk of discrimination, poverty or social exclusion", including young people, and to increasing their participation in the labour market.¹⁹³ Another national project supported the social inclusion of persons in a "socially disadvantaged situation" or threatened by social exclusion by providing *inter alia* work counselling, reading and writing, language and computer courses, financial literacy and communication courses, supporting to maintain work habits and social and work incubators.¹⁹⁴

259. The authorities are also promoting the involvement of qualified Roma in the position of teacher's assistant (see Article 12 – Access to education). In this respect, a national project includes the creation of rules for the preferential

employment of Roma job seekers.¹⁹⁵ For the year 2017 alone, the authorities estimate that a total of 46,074 persons belonging to the Roma national minority living in the urban settlements of "marginalised Roma communities" were placed on the labour market, using all Active Labour Market Measures and demand-driven calls. Furthermore, 7,786 long-term sustainable jobs were created for "marginalised Roma community" members for cultural monuments, flood protection works, and seasonal agricultural work.¹⁹⁶ About 2,000 Roma have been recruited as members of civic patrols. Under the 'Healthy Communities' programme, 270 health mediators and 25 co-ordinators, mostly of Roma origin in/from "marginalised Roma communities", have been employed.

260. As regards employment contracts, members of the Hungarian national minority raised concerns about the applicability in practice of Article 8, para. 2 of the State Language Act which states that "all documents and written communication with legal effect in the employment or a similar working relationship shall be executed in the state language; beside the version in the state language identical version in another language can also be executed". However, in practice, public authorities only accept the Slovak version. Persons belonging to the Hungarian national minority consider it as a restriction on the use of minority languages, because it restricts the purpose and scope of the use of these languages in the employment area. They are not convinced by the past argument of the Slovak Government¹⁹⁷ as it is nowhere explained why public authorities could not deal with documents in minority languages. They consider that the government implicitly admits that no effort has in fact been made to ensure that public authorities could handle minority language versions of employment contracts.

261. The Advisory Committee reiterates that in order to promote effective integration of persons belonging to disadvantaged minority groups in socio-economic life, comprehensive and long-term strategies should be designed and implemented. Adequate resources need to be provided in a timely manner at all levels of operation, especially locally. Furthermore, the implementation of such policies should be carefully monitored, and their impact evaluated, in close co-operation with representatives of the minorities concerned, with a view to adapting and strengthening them over time.¹⁹⁸

262. The Advisory Committee welcomes the adoption of various projects and measures aimed at promoting the employment and employability of persons belonging to most vulnerable groups, Roma included, which seem to have started producing some positive effects.¹⁹⁹ The Advisory Committee

¹⁸⁸ See [fifth state report](#), para. 45 and 165. Comparing the 2011 and 2016 EU-MIDIS survey findings, the proportion of Roma living in households in which at least one person went to bed hungry at least once in the previous month did not change in Slovakia. See [Second EU-MIDIS Roma survey published by the European Union Agency for Fundamental Rights in 2016](#), page 16.

¹⁸⁹ See [fifth state report](#), para. 282.

¹⁹⁰ According to Act No. 336/2015 on the Support of the Least Developed Districts. See more details in [fifth state report](#), para. 58.

¹⁹¹ Such as 'We want to be active in the labour market' (for jobseekers aged 50+) and 'The road to the Labour Market – Phases 1-3'.

¹⁹² Such as 'Support for Selected Social Crisis Intervention Services at the Community Level' and 'Field Social Work in Municipalities I'. The latter was implemented in 234 municipalities and towns. In 2017, 40,425 clients benefited from the project, out of 560,759 interventions, 11% from employment, 18% from finance and management and 7% from education. Compared to 2016, the number of connected clients increased by approximately 7,000.

¹⁹³ For more details, see [fifth state report](#), para. 60.

¹⁹⁴ See project called 'Support for Selected Social Crisis Intervention Services at the Community Level', implemented between 2015 and 2019 in [fifth state report](#), para. 61.

¹⁹⁵ The project 'Take-away package' is set up to enable people in work positions to co-operate with school staff and school facilities, such as pedagogical-psychological counselling and prevention centres, and with *inter alia* NGOs active in the field. Co-ordination is provided by a methodologist working with nine Regional Co-ordinators, placed at the field offices of the Office of the Plenipotentiary for the Roma Communities.

¹⁹⁶ See Operational Programme called 'Competitiveness and Economic Growth' in [fifth state report](#), para. 280 and 281.

¹⁹⁷ See the [Slovak Government's fifth periodical report](#) on the European Charter for Regional or Minority Languages, pages 10-11.

¹⁹⁸ [ACFC Thematic Commentary No. 2](#), para. 49.

¹⁹⁹ Following an EU funds allocation of €26,511,131 in April 2018, the 'Field Social Work in Municipalities I.' project involved 142 municipalities, out of which 133 implement the project. 470 job positions

praises the authorities for their targeted approach towards Roma youth and for some preferential employment measures benefiting most vulnerable persons belonging to the Roma national minority. A more gender-focused approach would also be necessary to address disparities between men and women in access to employment, whilst then also considering the gender-related factors more in general hampering the access of Roma women to the labour market such as possible impact of early marriages within the Roma communities.

263. The Advisory Committee welcomes several initiative by the Plenipotentiary for Roma Communities, such as the conclusion of a Memorandum of understanding and co-operation in the field of increasing the employability and employment of "marginalised Roma communities" with the Central Office of Labour, Social Affairs and Family in 2017, or its intervention during the elaboration process of the Act No. 112/2018 on the social economy and social enterprises, which contributed to the inclusion of the concepts of 'positive social impact', 'social economy', 'social economy entities', as well as individual types of 'social enterprise'.²⁰⁰

264. Despite favourable policy measures, the Advisory Committee remains nevertheless concerned by the overall still precarious employment situation of persons belonging to the Roma national minority, in particular women, and their over-representation in unemployment figures. Almost half of the unemployed Roma participate in public works schemes, which often provide the only available income; however, these programmes do not improve relevant skills for the participants who end up unable to escape the unemployment trap and find a job in the open labour market. Social partners do not pay sufficient attention to the labour market integration of Roma workers, who then lack collective representation in the labour market.

265. Whilst taking note that a number of lessons learnt from the early years of implementation of the National Roma Integration Strategy dedicated chapter to employment have been taken into consideration over recent years, the Advisory Committee notes that European Structural and Investment Funds have still been extensively used during the monitoring period to finance several national projects aimed at improving the employment and social inclusion of vulnerable groups on the labour market. The Advisory Committee is deeply concerned that most of these measures are financially supported only by time- and scope-limited projects, largely dependent on EU funds. Relevant authorities, at all levels, do not seem to assume their responsibilities in implementing and funding through their own budget good practices that deserve to be developed sustainably on the necessary scale. There seems to be also a general lack of co-ordination and evaluation of different approaches from state and other stakeholders, such as local governments and NGOs.²⁰¹ There is also a need for adequate monitoring and evaluation of the undertaken measures, as well as a strategic evidence-based planning.

have been created and been made available to members of the Roma national minority. In the project, 174,046 interventions were implemented for 84,232 clients, of which 23,824 concerned the section of employment and access to the labour market. Source: [fifth state report](#), para. 165.

²⁰⁰ See [fifth state report](#), para. 106.

²⁰¹ See Daniel Klimovský - Tomas Zelinsky - Kvetoslava Matlovičová - Alexander Mušinka, [Roma settlements and poverty in Slovakia - Different policy approaches of the state, local governments and NGOs](#), Anthropological Notebooks, July 2016.

266. As regards employment contracts, the Advisory Committee understands that the Act on the State language does not restrict as such the use of minority languages for their drafting and was even a progress compared to prior legislation on that matter. However, in practice, employment contracts are only established in Slovak since public institutions only accept contracts drafted in the state language. The Advisory Committee is concerned about the situation as it, in practice, discourages the use of minority languages in the context of employment contracts.

267. The Advisory Committee strongly encourages the authorities to pursue their efforts in promoting employment opportunities and employability of persons belonging to the Roma national minority, targeting also women and youth, whilst progressively moving from a project-based to a structural, long-term, sustainable state funding approach.

268. The Advisory Committee invites the authorities to engage in constructive dialogue with representatives of the Hungarian and other relevant national minorities on the practical enforcement of the Act on the State Language of the Slovak Republic as regards employment contracts in minority language versions.

Effective participation in socio-economic life: access to healthcare (Article 15)

269. According to Article 40 of the Constitution of the Slovak Republic and international obligations, every Slovak citizen has the guaranteed access to healthcare. In areas with a large number of persons belonging to national minorities, the use of the minority language is guaranteed. As per Section 2, para. 3 of the Act on the Use of Languages of National Minorities, a citizen who is a person belonging to a national minority, during communication with the personnel of healthcare facilities and social services facilities or facilities for the social protection of children and social welfare in the municipality can use the language of the minority. A medical facility, a social service facility, or a child-care facility and a social guardianship facility will allow him/her to use the language of the minority if the conditions of the facility so permit. According to the authorities, the use of the language of a national minority in a healthcare facility is open to all patients and clients through verbal communication, especially in the Hungarian, Romani and Ruthenian languages, without distinction. It is sufficient for a healthcare facility if one of the medical personnel can speak the language of a national minority and, consequently, the communication in question does not require a qualified interpreter.

270. Members of the Hungarian national minority alerted the Advisory Committee about practical limitations regarding the use of their minority language in relation to healthcare professionals, or when calling emergency help lines. The Advisory Committee finds it highly problematic, in particular for emergency situations when patients are forced to explain their situation in a language that they might not master at a proficient enough level. Similar concerns were raised regarding the planned closure of the public hospital in Komárno. Members of the Hungarian minority are concerned that they would have to go to an hospital further away which might not have sufficient staff being able to communicate in Hungarian, and therefore be deprived of their right of communication in minority language provided by the Act on the Use of Languages of National Minorities.

271. Efforts have been made by the authorities to develop regional health policies for improving the situation of Roma in segregated settlements. The 'Healthy communities programme' aims at identifying social determinants of health, at overcoming barriers in access to healthcare, at increasing health literacy and healthcare awareness and at improving health-related behaviour.²⁰² More concretely, programme activities promote access to drinking water in the environment of separated and segregated "marginalised Roma communities", support the maintenance of a high level of vaccination of children, and improve municipal waste management.²⁰³ In the framework of the project, 270 health mediators and 25 co-ordinators are employed. Most of the employees are Roma themselves (90%). Employees of the programme are systematically trained, the programme also achieves a strong emancipation effect for a number of its employees, and dozens of employees completed or increased their formal education due to their employment in the programme. An interesting point of the programme is that the workers in the programme are *de facto* employees in public interest, which provides them with relatively stable working conditions.

272. European survey results show that 95 % of Roma in Slovakia are covered either by the national basic health insurance scheme or additional health insurance.²⁰⁴ Nevertheless, inequalities in health status and access to health services for Roma persist, caused by a combination of factors such as substandard living conditions, environmental hazards, the distance of many Roma settlements from health centres, as well as the costs of health services or medication even if subsidised. According to the same survey, 34% of Roma respondents indicated that their everyday activities had been limited in some way – either severely or to some degree – by health problems. The share of Roma facing long-term activity limitations, women in particular, is higher than the share of the general population experiencing similar problems. The situation remains worrying with regard to access to clean drinking water through a connection to a water supply system with public access. Despite progress compared to earlier surveys, 27% of Roma were still living in households without tap water inside the dwelling in 2016, whilst the figure was less than 13% for the general population, and 29% of Roma were living in dwellings without a toilet and shower or bathroom inside the dwelling, whilst nearly the entire general population lives in households with these amenities. According to the Public Defender, progress made by Slovakia in the implementation of the right to drinking water in Roma settlements has been very slow. In the case of settlements whose residents depend on unsafe water,

²⁰² This programme is implemented by 'Healthy Regions' a grant organisation of the Ministry of Health, which started as an NGO project initially financed by diverse private donors and which has been ultimately developed into a systematic programme. For more details about its missions and areas of interventions, see the [Zdravé Regióny \(zdraveregiony.eu\)](http://zdraveregiony.eu) website.

²⁰³ For concrete examples of implementation of the 'Healthy communities programme' in Raslavice and Moldava nad Bodvou municipalities and Luník IX district in Košice, see Martin Kahanec - Lucia Kováčová - Zuzana Poláčková - Mária Sedláková (April 2020), [The social and employment situation of Roma communities in Slovakia](http://www.zdraveregiony.eu/2020/04/15/the-social-and-employment-situation-of-roma-communities-in-slovakia/), pages 33-36.

²⁰⁴ See [Second EU-MIDIS Roma survey published by the European Union Agency for Fundamental Rights in 2016](http://www.eurona.org/2016/06/16/second-eu-midis-roma-survey-published-by-the-european-union-agency-for-fundamental-rights-in-2016/) (p.29). According to this survey, 34% of Roma respondents indicated that their everyday activities had been limited in some way – either severely or to some degree – by health problems, page 30.

Slovakia currently fails to meet even the minimum scope of the right to drinking water. Although the Public Defender recommended the Parliament to adopt legislative amendments ensuring that everyone could have access to drinking water, this recommendation had not been adopted.

273. Following developments in the Czech Republic in this respect,²⁰⁵ a joint Working Group of the ministries of Justice and of Health was established to "explore a response to possible sterilisations, especially in the communist past". The authorities stressed that § 27 of Act 20/1966 in force in Czechoslovakia stated that "sterilisation may be performed only with the consent or at the own request of the person to be sterilized". They also reminded the Advisory Committee that after inspections made by the ministries of Health and the Interior of all medical records between the years 1993-2002, physical inspection and interviews with patients, the Government Office of the Slovak Republic had concluded in 2003 that "the occurrence of forced sterilisations was not confirmed".

274. The sterilisation is currently regulated and defined in Article 40 the Act No. 576/2004 on Healthcare where it is explicitly stated that sterilisation cannot be executed earlier than 30 days after informed consent. Decree No. 56/2014 contains samples of informed consents in the languages of national minorities, namely: Bulgarian, Czech, Croatian, Hungarian, German, Polish, Romani, Ruthenian and Ukrainian. In order to investigate sterilisations performed without informed consent after 2004, the Office for Healthcare Supervision was established as a first instance authority for any claims of misconduct by health-care professionals. Training programmes for health-care professionals on instruction and obtaining informed consent before sterilisation of a person in the state language and in the languages of national minorities have taken place as well. The medical practice of performing optional sterilisations during births was also abolished. Forced sterilisation was also included as a criminal offense in the Criminal Code of 2005.

275. Notwithstanding the above, the ministries of Health and Justice are seeking to propose a way to allow potential victims of sterilisation without informed consent from before 2004 to seek compensation from the Slovak Government. The newly set-up Joint Working Group plans to identify persons to whom sterilisation without informed consent would apply by communicating with field staff from the 'Healthy Regions' programme, the Public Defender, chief experts in the field of gynaecology and interviews with experts in the Czech Republic. The focus will be placed on persons who were minors at the time of procedure, with limited legal capacity or deprived of legal capacity, all persons who underwent the procedure during childbirth, and, generally, persons who did not give consent at all. As this is a very sensitive issue for women themselves, the Ministry of Health will set up a careful communication channel that would allow patients to have their cases examined.

276. The Advisory Committee stresses the importance that instructions and measures regarding health and prevention, even more during a pandemic, are made available not only in Slovak but also in minority languages, and that information reaches vulnerable and remote minorities.

²⁰⁵ I.e. the adoption by the Czech Republic of Act No. 297/2021 on the provision of a one-time compensation to persons sterilized in violation of the law, as amended in September 2021, for patients who have undergone illegal sterilisation since 1 July 1966.

277. In this regard, the Advisory Committee welcomes the fact that all current and valid instructions and measures taken were regularly communicated to the population in Slovak and in a number of national minority languages. Basic information and regulations concerning Covid-19 have been translated into five minority languages (German, Hungarian, Romani, Ruthenian, and Ukrainian) and published on the websites of the relevant regional public health authorities,²⁰⁶ and of the Plenipotentiary for National Minorities. This information was also sent directly to the municipalities with German, Hungarian, Romani, Ruthenian, and Ukrainian national minorities.

278. The management of the Covid-19 pandemic in Roma communities received a number of criticisms. The Office of the Public Defender, which received numerous complaints in this regard, criticised the Slovak Government for having put a number of Roma settlements under a compulsory quarantine during the first wave of the pandemic, arguing that such measures were not necessary for the protection of public health and safety.²⁰⁷ After examining the cases of the villages in Žehra, Krompachy and Bystrany, the Public Defender concluded that the fundamental rights of the inhabitants in these areas had been violated since the compulsory quarantine of the whole area did not meet the proportionality criteria, highlighting that the purpose pursued could have been achieved in a less invasive way and it did not serve the protection of isolated persons, but only for protecting persons located "out of quarantine". During the second wave of the pandemic, the Public Defender expressed her doubts to the Regional Public Health Office in Trenčín and to the chief hygienist as to the proportionality of the closure of entire apartment buildings in Bánovce nad Bebravou in a situation where, due to four cases of positively tested residents for Covid-19 disease, 500 people ended up in quarantine.²⁰⁸ Based on media and NGO reports, the Public Defender also criticised the fact that, during the Covid-19 pandemic, some healthcare facilities restricted women's right to a birth companion of her choice. In addition, some healthcare facilities denied women access to pain relief (epidural analgesia), or perform caesarean section, or separate women from their new-borns without proper medical indication. Some doctors have also been using the Covid-19 pandemic to suspend abortion care.²⁰⁹

279. The Advisory Committee welcomes progress achieved by the Ministry of Health and the Office of Public Health and civil society organisations in increasing Roma's access to healthcare and in employing Roma health mediators. In this respect, the Advisory Committee would welcome an increase of state

support the 'Healthy Communities' programme²¹⁰ so as to ensure long-term sustainability to its valuable actions. Stronger focus should be devoted to Roma women's access to maternal, sexual and reproductive health services. The Advisory Committee also takes note of the role of members of the Local Civil Order Service in the field of health education. Members of the police force assigned to the position of senior clerk for community work distributed in Roma communities 30,000 "Protect yourself from coronavirus" leaflets developed by order-keeping police department of the Presidium of the Police Force, and organised educational activities and preventive actions. They also co-operated with the Armed Forces of the Slovak Republic in the ordered closure of sites.²¹¹

280. The Advisory Committee was informed by health experts who have been monitoring pandemic developments in Roma settlements for the Ministry of Health that serological testing showed anti-SARS-CoV-2 IgG antibody positivity rates of up to 60% in some communities. Furthermore, 45% of individuals living in settlements hospitalised with Covid-19 and 22% of those who died with the disease were younger than 50 years. According to data of the Ministry of Health, in the general population 98% of deaths were among people older than 65 years. All these numbers indicate a much harsher pandemic impact in lower age groups in segregated settlements, compared to national and international averages.²¹²

281. Health experts observed a deep hesitancy towards Covid-19 vaccinations among Roma, despite the fact that the national vaccination programme specifically mentions Roma among priority target groups, that testing and vaccination outreach teams go to the so-called "low-threshold vaccination against Covid-19 marginalised Roma communities" or that community centres have been transformed into testing and vaccination centres.²¹³ This low vaccine uptake among Roma has been attributed to a combination of factors, among which mistrust of national health-care systems and authorities linked to specific episodes of violation of health ethics principles, such as decades of forced sterilisation of Roma women, in former Czechoslovakia,²¹⁴ or of decades of Roma neglect.²¹⁵

282. Although the Atlas of Roma communities provides data concerning Roma living in segregated settlements, the Advisory Committee would welcome any further independent research

²⁰⁶ See an example of Covid-19 information published in Hungarian on [Dunajská Streda public health authority website](#), and in five minority languages on the [website of the Plenipotentiary for National Minorities](#).

²⁰⁷ In April 2020, five municipalities and towns in Spiš region were quarantined after 32 positives tested for Covid-19 disease. As a result, more than 6,000 people ended up under a compulsory quarantine. The Ombudsperson addressed her conclusions and recommendations to the municipalities of Krompachy, Žehra and Bystrany, as well as to the Regional Public Health Office in Spišská Nová Ves.

²⁰⁸ The Ombudsperson proposed to the Regional Public Health Office in Trenčín to reduce compulsory isolation to households or apartment buildings. In the case of quarantine of apartment buildings in Bánovce nad Bebravou, she received a statement from the Public Health Authority, which specified the procedure of the Regional Office of Public Health in Trenčín but did not respond further to the concerns raised.

²⁰⁹ See April 2020 Ombudsperson's statement on Access to sexual and reproductive health services during the Covid-19 pandemic.

²¹⁰ Out of an annual budget of about €5.8 million the state financially supports this programme, through the Ministry of Health, with €200,000 annually. A total of €15,825,000 in funding has been already committed until 2022.

²¹¹ See criticism expressed by Amnesty International on 22 April 2020 about the use of police patrols and the army to control the forced quarantine imposed on five entire Roma settlements in eastern Slovakia (three in the village of Krompachy, and one each in the villages of Bystrany and Žehra).

²¹² See Andrej Belak, Senior Researcher at the Institute of Ethnology and Social Anthropology at the Slovak Academy of Sciences (July 2021) [COVID-19 vaccination among Roma populations in Europe](#), The Lancet.

²¹³ The community centre managed by the municipality of Prešov closed minimum two months during the Covid-19 pandemic for that reason.

²¹⁴ See Gwendolyn Albert and Marek Szilvasi (December 2017), [Intersectional Discrimination of Romani Women Forcibly Sterilized in the Former Czechoslovakia and Czech Republic](#), NCBI.

²¹⁵ In this respect, see Željko Jovanović, Director of Open Society Foundations (22 September 2021), [Low COVID-19 immunization rate among the European Roma is the result of decades of government neglect](#), published on Romea.cz.

which could investigate the impact of the Covid-19 pandemic on national minorities, especially those living in remote areas. Previous research indeed showed that numerous communities of Roma had no or limited access to healthy water sources, healthcare services in general, or sewage and drinking water pipeline systems, which makes it difficult for these communities to respect basic hygiene measures.²¹⁶ Bearing in mind that one of the factors to judge pupils as mildly mentally disabled in Slovakia is insufficient hygiene skills, the Advisory Committee highlights that the lack of basic amenities and hygiene conditions is not just a health problem but can have multiple repercussions in Slovakia, including determining children's school career. The official, scientific, legal definition and assessment of the category of "mildly mentally disabled/mental retardation" and the way that this definition determines placement in a particular set of medico-educational institutions or so-called "special schools" is another aspect of deep concern which has similar long term repercussions.

283. As concerns the compensation of victims of forced sterilisations, the Advisory Committee highlights the urgent need to create effective forms of redress for these victims stressing long-standing calls to address these human rights violations.²¹⁷ Whilst acknowledging the potential difficulty of seeking compensation through civil proceedings in cases where the alleged sterilisation has taken place many years in the past, the Advisory Committee stresses that there were successful cases decided by general courts involving women who underwent sterilisation without informed consent prior to 2004, in which the courts referenced the *V.C. v. Slovakia* judgement of the European Court of Human Rights.²¹⁸ Civil proceedings are, however, largely ineffective for other potential victims, as pointed out by the Public Defender. The Advisory Committee also notes with regret that the term "forced sterilisation" itself is not defined in the legislation in force. Neither the Healthcare Surveillance Authority nor the Ministry of Health currently records information on the occurrence of sterilisation of women without their free and informed consent.

284. The Advisory Committee urges the authorities to investigate cases of forced sterilisation of Roma women and compensate without further delay women who have undergone forced sterilisation.

285. The Advisory Committee calls on the authorities to ensure in practice the full implementation of the Act on the Use of Languages of National Minorities as regards communication with the personnel of healthcare, law enforcement and social services facilities, as well as emergency services, and ensure that any decision regarding restructuring hospitals has no

²¹⁶ See Rochovska, A.; Hornak, M.; Hluskó, R. (2021), [On the way from poverty and social exclusion? Access to drinking water in Roma communities in eastern Slovakia](#), Geographia Cassoviensis, which provides an analysis of the quality of access to various water sources in Roma communities located in NUTS2 East Slovakia consisting of Prešov and Košice Self-Governing Regions.

²¹⁷ See the [Council of Europe Commissioner for Human Rights' letter to the Prime Minister and the Minister of Justice of the Slovak Republic](#), dated 12 July 2021, as well as [the reply of the Minister of Justice of the Slovak Republic](#).

²¹⁸ See [final resolution](#) for V.C. v. Slovakia, final judgment of 08/02/2012 concerning violations of Articles 3 and 8 on account of the applicants' forced sterilisation. See also [final resolution](#) for K.H. and Others v. Slovakia, final judgment of 06/11/2009 concerning violation of Article 6§1 and 8 on account of the lack of justification for preventing the applicants from obtaining copies of their medical records.

disproportionate negative impact on the access of rights to healthcare services for persons belonging to national minorities.

286. The Advisory Committee encourages the authorities to further conduct independent research and reflect on any possible disproportionate impact of the Covid-19 pandemic on national minorities, especially those living in remote areas, and effectively address the challenges identified.

287. The Advisory Committee invites the authorities to increase state budget support to the 'Healthy Communities' programme to ensure long-term sustainability of healthcare actions for persons belonging to the Roma minority.

Effective participation in socio-economic life: access to housing (Article 15)

288. According to the data from the 2019 Atlas of Roma communities, there are 818 municipalities with Roma settlements in Slovakia.²¹⁹ Bearing in mind that 200 of these municipalities register two or more settlements; the total number of Roma settlements is estimated at 1,043. Based on this data, 48% of all settlements (498) are located on the outskirts of a municipality, 34% (351) inside a municipality and 18% (194) are outside of a municipality or are remote; there is no road or walkway leading to 17 of these settlements. The electrical grid is accessible to more than 50% of the population in 97% of the settlements. There are still 67 settlements where the connection on the electrical grid is used by less than 10% of the population of the settlement and 53 settlements, where the connection to the electrical grid does not exist. Gas (or green sources) as a source of heat is virtually not used; in case of 83% of the settlements (872), more than 50% of the population uses solid fuel for heating. Waste management is also a problem; 38% of the settlements have no solid waste landfill in their vicinity.

289. Another major problem is the ownership of the land under the individual settlements and the ownership of the individual dwellings. Difficulties with the land ownership is also one of the basic obstacles in the implementation of investment projects in the municipalities. Approximately two thirds of the people living in Roma settlements (about 170,000 people) live in legal buildings (houses or apartments with a conscription number).²²⁰ The remaining third of the population of the Roma settlements (about 90,000 people) live in irregular housing (without a final building approval certificate); these are usually shanties, camper vans, or other structures not suitable for housing. Despite the gradual improvement of roads leading to segregated communities, improving access to public transport and building paved roads to segregated communities remain challenges for the period ahead, as acknowledged by the state authorities who highlighted the responsibility and administration of local governments in this area.

²¹⁹ For the purposes of the [2019 Atlas of Roma communities](#) (in Slovak), a settlement is defined as a concentration of a minimum of 30 people or five houses, which provide sub-standard quality of living and are inhabited by people who are considered Roma by the majority.

²²⁰ Even though these may be legal dwellings, ownership of these dwellings may not be resolved, or quality of the dwellings may be substandard. A situation when the dwelling is legal, and the ownership is settled, but the ownership of the property under the dwelling is unresolved, is also not exceptional. Source: Martin Kahane - Lucia Kováčová - Zuzana Poláčková - Mária Sedláčková (April 2020), [The social and employment situation of Roma communities in Slovakia, pages 15-16](#).

290. Social housing represents an extremely low weight in the housing stock.²²¹ To improve the housing situation of Roma, the authorities have amended debts-related legislation, taken mainstream policy initiatives, as well as financed and implemented a number of targeted projects. Some of those projects concern the facilitation of access to housing (pre-housing programmes, transitional housing projects, temporary housing programmes, self-dwelling projects, etc.), whilst others seek to improve housing conditions (access to drinking water, construction of a waste recycling centre or stand, assistance in legalisation/additional clearance for technically suitable residential buildings, etc.).²²² The 'Healthy communities programme' (See above Article 15 – Access to healthcare) also contributes to individual integration of "marginalised Roma community" residents by introducing a system of affordable housing and accompanying social assistance, reducing the rate of non-payment, supporting financial education for the protection of consumers, and making debt elimination tools accessible.

291. In the area of spatial planning, no special measures have been implemented in connection with illegal constructions. Spatial planning is not even a tool by which buildings can be legalised. The first prerequisite for any solution would be the settlement of land ownership under these dwellings. An amendment to the Land Act, effective from 1 September 2017, makes it possible to address the issue of the arrangement of ownership and use conditions for land located under settlements in the form of land readjustments. If the land readjustments are successful, the land under the settlement will be acquired by the municipality, which can then sell it to the Roma. According to this amendment, there is always a proposal procedure, which can only be requested by the municipality in whose territory the settlement is located. The administrative authorities will, however, only allow the proceedings if the conditions specified by the law are met.

292. The Public Defender indicated that housing remains one of the grave concerns and has a direct impact on health, access to education, and employment of Roma. Forced evictions, although less numerous, have continued to occur in the past years and walls or fences separating Roma from non-Roma are still present in some municipalities.²²³

293. Some of the Advisory Committee's interlocutors in visited municipalities pointed out the lack of visible progress in renovating buildings and houses in "urban marginalised settlements", as well as a too limited number of rehousing projects. The latter might be explained by the fact that rental housing market is significantly under-developed and the municipalities own very few housing units. In this respect, the

²²¹ Social rental flats with regulated rents represented only about 3% of the total housing stock. In Slovakia, social housing is provided by local governments with the financial support of the state and has been mostly built after 2000. Former state-owned rental housing built before 1989 was transferred to municipalities. In the case of social flats owned by local governments with state support, only households with an income of up to three times the subsistence level can receive rent in such flats; the criteria for selecting tenants are set by local governments themselves.

²²² See [fifth state report](#), para. 171-173 and 175.

²²³ The Advisory Committee is not aware of any new walls or fences but was informed that walls or fences that were built in the past to separate Roma from non-Roma communities are still present in some municipalities, including in Ostrovany despite the fact that a Roma mayor was elected.

Advisory Committee was made aware of a positive initiative, the project DOM.ov, which helps individual Roma families from mostly rural "marginalised settlements" in eight localities to get affordable and decent self-constructed legal housing.²²⁴

294. The Advisory Committee stresses that poor housing conditions have a negative impact on socio-economic life overall. It reiterates that the placement of Roma in housing units outside the main residential areas increases the isolation of the Roma and contributes to the stigmatisation of this minority. Therefore, the Advisory Committee considers that the authorities should legalise informal settlements, make effective and affordable access to social housing and rehousing programmes, stop forced evictions, and monitor that walls and fences separating Roma from non-Roma communities are destroyed.

295. The Advisory Committee finds it difficult to evaluate the real impact of the projects and programmes in the absence of data on the number of Roma families reallocated or rehoused, the number of Roma families that have accessed social housing, etc.²²⁵ The investment made, often subject to the availability of external EU funding and to the willingness of local authorities, tends to be limited in view of the housing needs of the Roma population and to be guided towards specific measures to the detriment of promoting more facilitating and transparent mechanisms for accessing public housing. Despite state and some municipalities' efforts and investment in developing infrastructure and rehousing projects for the Roma, the Advisory Committee regrets the lack of visible and tangible progress in improving the substandard housing conditions faced by too many Roma families.

296. It also observes that persistent regional and municipal disparities still exist. Roma slums and informal settlements remain globally an unaddressed problem in eastern regions of Slovakia.²²⁶ Greater efforts are needed to remedy to the poor housing conditions and access to basic services and infrastructure (access to drinking water, electricity and sewerage) of many Roma living in informal buildings and settlements in Slovakia. Whilst acknowledging that decisions and responsibilities in this area are primarily in the competence of the local authorities, the Advisory Committee highlights also the critical role of the state to obtain their commitment so as achieve long-term improvement of Roma housing conditions. The setting up of an independent mechanism would help to monitor forced evictions and access to social housing, drinking water and other basic facilities and infrastructure.

²²⁴ Project DOM.ov is a joint venture between three NGOs (For Better life, People in Need and ETP) and a commercial bank (*Slovenska sporiteľna*) by which a participating family is eligible to apply for a mortgage provided by the bank which is used for the construction of a house. The house is low-cost and is constructed by family members, who are supervised by a construction instructor. Instructors are contracted by the project DOM.ov which also assists in obtaining all necessary permits from relevant authorities. Newly constructed houses are inspected by the Construction Authority in order to receive an official permit to inhabit them. Source: [The social and employment situation of Roma communities in Slovakia](#), page 19.

²²⁵ The Ministry of Transport and Construction does not have a register of houses and flats (only real estate) registered in terms of forms of ownership or the way of using flats, included rented flats. It has no information about the extent the social criteria are applied in the selection of tenants and the calculation of rent social restrictions.

²²⁶ See the [map extracted from the Atlas of Roma Communities](#) showing a geographical distribution of Roma and other minorities in Slovakia.

297. The Advisory Committee urges the authorities to implement coherent and sustainable housing policy measures for persons belonging to the Roma national minority in line with the goals of the national housing policy and relevant governmental strategies aimed at *inter alia* eliminating spatial segregation of Roma communities. The authorities should evaluate these policies and strategies in order to assess their impact on the housing conditions of Roma, in consultation with those concerned.

Bilateral agreements and bilateral and multilateral co-operation (Articles 17 and 18)

298. A number of bilateral agreements with neighbouring states exist, namely with Hungary and Ukraine, and bilateral intergovernmental commissions have been established in order to oversee and further promote cross-border co-operation.²²⁷ Representatives of relevant state institutions and of the respective national minorities participate in these joint commissions which activities shall aim at promoting the preservation, expression and development of the identity of the respective minorities in the interest of preserving the values of Europe's cultural heritage.

299. On 19 February 2019, during the 14th meeting held in Slovakia, the Slovak-Hungarian Joint Commission²²⁸ assessed the implementation of the bilateral agreement on the mutual support of national minorities in the field of education and culture and adopted by consensus 16 new recommendations for the promotion and development of the Slovak minority in Hungary and the Hungarian minority in Slovakia, seven for both sides, six for the Slovak side and three for the Hungarian side. Topical issues discussed included the promotion of mutual educational activities, the possibility of co-financing cultural centres, improving conditions for the creation of national programmes and the development of tourism. Both sides appreciated the establishment of the Fund for the Promotion of National Minority Culture in the Slovak Republic, as well as the fact that the Slovak Press Agency has started publishing news in Hungarian.

300. The Slovak-Ukrainian Intergovernmental Commission for National Minorities, Education, Culture²²⁹ monitors the overall bilateral relations in the fields of education, culture, science and research, and pays attention to the support of national media and the exchange of programmes of the Slovak Radio and Television with media partners in Ukraine. This Commission has met 14 times so far, alternately in Slovakia and Ukraine. Educational, cultural and informational needs of

²²⁷ For instance, the 1995 Treaty on Good Neighbourhood and Friendly Cooperation between the Slovak Republic and the Republic of Hungary, specifically which includes the Slovak-Hungarian Joint Commission on Minority Issues. See also the Treaty on Good Neighbourhood, Friendly Relations and Cooperation between the Slovak Republic and Ukraine (signed in Kyiv on 29 June 1993). In accordance with the said Treaty the Slovak-Ukrainian Intergovernmental Commission for National Minorities, Education, Culture was established by Government Resolution No 362/1994.

²²⁸ The Slovak part of this commission consists of representatives of the ministries of Foreign Affairs, Education and Culture; as well as the Office for Slovaks Living Abroad, the Office of the Plenipotentiary for National Minorities, the Fund for the Promotion of National Minority Culture and representatives of the Hungarian national minority.

²²⁹ The Slovak part of this Commission consists of representatives of the ministries of Foreign Affairs, Education and Culture, representatives of minority organisations, the Prešov Self-Governing Region, RTVS, the University of Prešov, the Office for Slovaks Living Abroad and the Office of the Plenipotentiary for National Minorities.

national minorities were discussed at the last meeting organised in Bratislava in March 2017.

301. During the visit, the Advisory Committee was informed by representatives of the Serb national minority about a letter addressed to the Slovak Ministry of Culture by the Holy Synod of Bishops of the Serbian Orthodox Church in Belgrade dated 18 January 2017 suggesting the setting up of a specific institution - or specific section or department of an existing institution - for the protection, care and promotion of the cultural and historical heritage of the Serb national minority in Slovakia. Cultural institutions of the Serbian Orthodox Church, such as the Serbian Patriarchal Library and the Museum of Archive of the Serbian Orthodox Church offered to contribute to this project. The Ministry of Culture informed the Advisory Committee that it responded to the Serbian patriarch and has received a similar request for the establishment of a reciprocal institution (structure/museum) created and financed from state resources from the Serbian Minister of Culture. The Advisory Committee was further informed that possibilities of professional protection and presentation of cultural heritage objects, which are a testimony to the presence of the Serb national minority, are currently being analysed by the Ministry of Culture of Slovakia.

302. The Advisory Committee takes note of the authorities' interest in improving, through bilateral agreements, the mutual protection of national minorities with all countries in which a Slovak national minority lives, and which are, at the same time, "kin states" of a particular national minority living in Slovakia. The Advisory Committee notes in particular the beginning of some technical co-operation with neighbouring states also on contested issues, such as citizenship, and expresses its anticipation that this will be instrumental in finding longer-term solutions in line with good neighbourly relations. It further welcomes a recent agreement with Hungary regarding the development of infrastructure and economic conditions in southern Slovakia, a still underdeveloped area where persons belonging to national minorities reside in substantial numbers.

303. The Advisory Committee also observes that Slovakia takes an active part in the Roma-related intergovernmental work of the Council of Europe on Roma-related issues and its participation in some Roma-related joint Council of Europe/European Union programmes.²³⁰ These efforts should be pursued. The Advisory Committee sees also an opportunity for the Slovak authorities to exchange with the competent authorities of the Czech Republic on possible legislative solutions for the compensation of victims of forced sterilisation (see Article 15 – Effective participation in socio-economic life - access to healthcare).

304. The Advisory Committee encourages the authorities to pursue their efforts to maintain good neighbourly relations and cross-border co-operation and facilitate bilateral agreements that promote the access to rights, including of economic-social nature, of persons belonging to national minorities.

305. The Advisory Committee invites the authorities to pursue dialogue with the Serbian authorities about the setting up of a specific institution for the protection and promotion of the cultural, religious and historical heritage of the Serb national

²³⁰ Such as [ROMACT](#), implemented in Slovakia between November 2013 and December 2017, and [INSCHOOL](#) (implemented between 2017 until 2021. The Slovak authorities will participate in the new [INSCHOOL 3](#) joint Council of Europe/European Commission project starting in October 2021 up to 2023.

minority, and to engage in consultations with the representatives of the Serb national minority on this issue.

306. The Advisory Committee invites the authorities to further develop bilateral and multilateral co-operation with other states

in the field of Roma policy implementation, involving persons belonging to the Roma national minority, so as to increase exchanges of good practices.

The Advisory Committee on the Framework Convention for the Protection of National Minorities is an independent body that assists the Committee of Ministers of the Council of Europe in evaluating the adequacy of the measures taken by the Parties to the Framework Convention to give effect to the principles set out therein.

The Framework Convention for the Protection of National Minorities, adopted by the Committee of Ministers of the Council of Europe on 10 November 1994 and entered into force on 1 February 1998, sets out principles to be respected, as well as goals to be achieved by the states, in order to ensure the protection of national minorities. The text of the Framework Convention is available in English and French, as well as in Slovak among many other languages.

This opinion contains the evaluation of the Advisory Committee following its fifth country-visit to the Slovak Republic.

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