

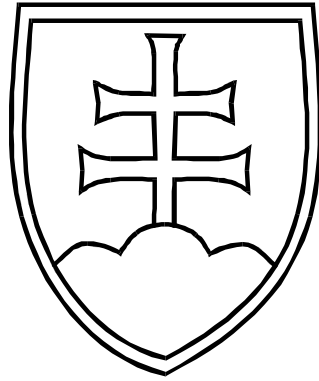


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**SECOND REPORT SUBMITTED BY THE SLOVAK REPUBLIC
PURSUANT TO ARTICLE 25, PARAGRAPH 1
OF THE FRAMEWORK CONVENTION FOR
THE PROTECTION OF NATIONAL MINORITIES**

(Received on 3 January 2005)



***Second Report on the Implementation
of the Framework Convention for the Protection of National Minorities
in the Slovak Republic***

Bratislava 2004

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Introduction

The Slovak Republic is an active party to the Framework Convention for the Protection of National Minorities (hereinafter referred to as the "Framework Convention"). Slovakia participated in its preparation and, on 14 September 1995, it became the third member State of the Council of Europe to ratify the Framework Convention. On its own initiative, Slovakia submitted reports on the implementation of all provisions of the Framework Convention to the Council of Europe bodies every year even prior to its entry into force in February 1998. The Slovak Republic's accession to the Framework Convention documents that, on the one hand, Slovakia, being a multi-ethnic country, ascribes extraordinary importance to the harmonic co-existence of nationalities according to fair and democratic rules and, on the other hand, it intends to deal with issues of ethnic relations and rights of persons belonging to national minorities in a transparent way, on the basis of international standards enshrined, *inter alia*, in this Framework Convention.

Slovakia submitted its first official implementation report No. ACFC/SR(1999)008 in accordance with Article 25 (2) of the Framework Convention on 4 May 1999. The Opinion of the Advisory Committee on this report was adopted on 22 September 2000 and made public on 6 July 2001 under No. ACFC/INF/OP/I(2001)001. The Comments of the Slovak Government on the Opinion were made public on 5 June 2001 – no. GVT/COM/INF/OP/I(2001)001.

Resolution of the Committee of Ministers ResCMN(2001)5 on the implementation of the Framework Convention for the Protection of National Minorities by Slovakia was adopted at the 773rd meeting of Ministers' Deputies. In the conclusion of the Resolution, it highlights Slovakia's efforts to support national minorities and their cultures and appreciates the improvements achieved in inter-community relations, in particular between the Hungarian minority and other parts of the population. It expresses the need to strengthen the legal guarantees pertaining to some articles of the Framework Convention and to ensure the full implementation of existing legal guarantees in some areas. It points to the shortcomings in the legislative framework for minority languages, despite improvements in their legal status in official contacts. It reiterates that despite efforts by the Government problems remain in the implementation of the Framework Convention as concerns Roma, among others, the extremely wide socio-economic differences between some of the Roma and the majority population.

The submitted second report on the implementation of the Framework Convention was elaborated in line with the Resolution of the Committee of Ministers (97)10 establishing a five-year cycle for implementation reports and in accordance with the outline for state reports under the second monitoring cycle approved by the Committee of Ministers on 15 January 2003.

One of the base documents for the report was the aforementioned Resolution of the Committee of Ministers on the implementation of the Framework Convention by Slovakia, as well as the Opinion of the Advisory Committee on the first implementation report. The report also responds to those comments of the Advisory Committee on the first report that the Slovak Government has explained or commented on in the official statement made public on 2 July 2001.

Slovakia continued its dialogue with the Advisory Committee at the follow-up seminar on the implementation of the first results of the monitoring of the Framework Convention for the Protection of National Minorities in respect of Slovakia held on 8 July 2003 in Bratislava.

The present members of the Advisory Committee were informed about measures being adopted, as well as open issues and possible solutions.

The report focuses in particular on the presentation of the developments in legislation and social practices in the field of the protection of national minorities, i.e. the preservation of their national awareness and support for their intellectual, cultural and linguistic identity, as well as the prevention and suppression of discrimination on an ethnic basis against persons belonging to national minorities in the monitored period between February 1999 and December 2003. The most important steps taken by Slovakia in this respect include the adoption of the act on the use of national minority languages (July 1999), ratification of the European Charter for Regional or Minority Languages, which became effective for the Slovak Republic on 1 January 2002, and the report on the implementation of the Charter delivered to the Council of Europe in December 2003. In order to avoid duplicity, this report deals with the language issue only to the necessary extent. Also adopted were important amendments to the relevant legal regulations, such as the provisions of the Criminal Code concerning racially motivated crime.

As regards international co-operation in the field of support for national minorities, the Agreement between the Government of the Slovak Republic and the Government of the Republic of Hungary on Mutual Support for National Minorities in the Fields of Education and Culture of 12 December 2003 is of extraordinary and principal importance.

The report also includes information relating to developments after the period in question, such as the entry into effect of the measures of the social reform that produced a negative reaction from a part of the Roma national minority, which occurred at the time this report was being completed. The adopted Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination, amending and supplementing certain other laws (Anti-discrimination Act) was also eventually incorporated into the report as a separate annex with commentary within the information under Article 4.

On the other hand, in the case of some articles of the Framework Convention the report deals with events that took place before the period in question. Hence, the report takes into consideration the comment under (5) of the Opinion of the Advisory Committee on the first report and supplements the first report with information commented in more detail and more thoroughly, thereby not only continuing from where the first report ended, but also complementing it. In accordance with this comment, the annexes to the report provide the laws mentioned, or relevant sections of the laws, case-law, governmental documents, statistical overviews, etc.

The steps taken by the Government, the Parliament and other state authorities, as well as initiatives of the civil society relevant for the given area were confronted with the relevant provisions of the Framework Convention in line with Article 7 (4) and (5) and Article 154 c) of the Constitution cited later in the text. Naturally, the aforementioned Resolution of the Committee of Ministers and the comments from the Opinion of the Advisory Committee on the first implementation report were also taken into account. The linkage of individual measures to the Framework Convention is apparent from the information that this report provides on individual articles of the Framework Convention.

Article 1

The protection of national minorities and of the rights and freedoms of persons belonging to those minorities forms an integral part of the international protection of human rights, and as such falls within the scope of international co-operation.

Legislation

Amendment to the Constitution (Constitutional Act No. 90/2001 Coll.)

The relationship between international and domestic law in the legal system of the Slovak Republic was governed by Article 11 of the Constitution of the Slovak Republic until 1 July 2001. Since the adoption of Constitutional Act No. 90/2001 Coll. amending and supplementing the Constitution effective from 1 July 2001, these relations have been governed by Article 7 of the Constitution, specifically sections (4) and (5) thereof. The continued application of the international treaties on human rights and fundamental freedoms that had been adopted (former Article 11 of the Constitution) is assured and carried out pursuant to added Article 154c of the Constitution, which lays down that international treaties on human rights and fundamental freedoms ratified by the Slovak Republic and promulgated in the manner prescribed by law prior to the entry into force of this constitutional act will be part of its legal system and have precedence over laws, if they provide for a greater scope of constitutional rights.

Under Article 7 (4) of the Constitution, approval by the National Council of the Slovak Republic is required prior to the ratification of international treaties on human rights and fundamental freedoms, international political treaties, international treaties of a military nature, international treaties establishing membership of the Slovak Republic in international organizations, international economic treaties of a general nature, international treaties whose execution requires a law, and international treaties which directly confer rights or impose obligations on natural persons or legal entities.

Under Article 7 (5) of the Constitution, international treaties on human rights and fundamental freedoms, international treaties whose execution does not require a law and international treaties directly conferring rights or imposing obligations on natural persons or legal entities, which were ratified and promulgated in the manner prescribed by law, take precedence over laws.

The requirement of approval by the National Council concerns international treaties defined with respect to both content and form of application. Article 86 d) of the Constitution, according to which the National Council decides whether international treaties that it is approving are international treaties under Article 7 (5) of the Constitution, should be seen from this perspective. The purpose of this provision is to enable the National Council to decide whether an international treaty under Article 7 (4) of the Constitution is at the same time an international treaty under Article 7 (5) of the Constitution.

According to the new provision, prior to submitting a negotiated international treaty to the Parliament, the President or the Government may submit a proposal to the Constitutional Court of the Slovak Republic (hereinafter referred to as the Constitutional Court) to decide on compliance of the negotiated international treaty with the Constitution or a constitutional act (Article 125a). This is the so-called *preventive control of constitutionality*, which means that the purpose of this provision is to prevent potential incompatibilities or conflicts between the application of national law and the provisions of an international treaty.

Constitutional complaint

Under the amended Article 127 of the Constitution (effective from 1 January 2002), which introduced the **system of constitutional complaint**, the Constitutional Court decides on complaints from natural persons or legal entities when they object to infringement of their fundamental rights or freedoms specified in the Constitution, or human rights and fundamental freedoms arising from an international treaty ratified by the Slovak Republic and promulgated in the manner prescribed by law, unless decisions on the protection of these rights and freedoms are within the jurisdiction of another court. If the Constitutional Court accepts the complaint, it establishes in its decision that the rights or freedoms were violated by a decision, measure or other action in force and cancels such decision, measure or other action. At the same time, the Constitutional Court may return the case for further proceedings, prohibit the continued violation of fundamental rights and freedoms specified in the Constitution, or human rights and fundamental freedoms arising from an international treaty, or, if possible, order the entity that has violated the rights or freedoms to reinstate the status quo prior to the violation. Since 2001, the system of constitutional complaints has become an important and effective instrument of internal remedy, which eliminates the submission of complaints directly to the European Court of Human Rights.

Article 2

The provisions of this framework Convention shall be applied in good faith, in a spirit of understanding and tolerance and in conformity with the principles of good neighbourliness, friendly relations and co-operation between States.

The relations between Slovakia and the states whose kin-minorities live in the territory of Slovakia did not change in the monitored period and no changes have occurred in the basic bilateral treaties with these states. Details of co-operation in the relevant areas can be found in information on Article 18 or in the reply to question no. 3 of the Advisory Committee's questionnaire. The Agreement between the Government of the Slovak Republic and the Government of the Republic of Hungary on Mutual Support for National Minorities in the Fields of Education and Culture, which contributes to the application of the principles specified in this Article, was concluded in December 2003. *(The Agreement forms Annex No. 16 and the reply to question No. 3 of the questionnaire also contains information on the Agreement).*

Article 3

1. Every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice.

2. Persons belonging to national minorities may exercise the rights and enjoy the freedoms flowing from the principles enshrined in the present framework Convention individually as well as in community with others.

Article 12 (3) remained unchanged in the amended Constitution: "Everyone has the right to freely decide their nationality. Any influence on this decision and any forms of pressure aimed at assimilation are forbidden".

The May 2001 Population and Housing Census was conducted in accordance with Act No. 165/1998 Coll. on the 2001 Population and Housing Census. The annex to the Act contains the list of data surveyed in the census – under no. 11. State citizenship, 12. Nationality, 13. Mother tongue, 14. Religion. This information has the nature of personal data and as such is protected pursuant to Act No. 428/2002 Coll. on the Protection of Personal Data.

Through Resolution No. 285/2001 of 28.03.2001, the Government approved the support for a campaign in the languages of national minorities to acquire credible data in the process of the 2001 population and housing census. Non-governmental social or cultural organisations of 11 national minorities received financial assistance amounting to SKK 20,000 to 50,000 for projects within the framework of this campaign.

**Development in the nationality structure of the population
as for the May 2001 Population and Housing Census**

Nationality	1980		1991		2001	
	Population	%	Population	%	Population	%
Slovak	4 317 008	86.5%	4 519 328	85.7%	4 614 854	85.8%
Hungarian	559 490	11.2%	567 296	10.8%	520 528	9.7%
Roma	-	-	75 802	1.4%	89 920	1.7%
Czech	57 197	1.1%	52 884	1.0%	44 620	0.8%
Ruthenian	-	-	17 197	0.3%	24 201	0.4%
Ukrainian	36 850	0.7%	13 281	0.3%	10 814	0.2%
German	2 918	0.1%	5 414	0.1%	5 405	0.1%
Moravian	-	-	6 442	0.1%	2 348	0.05%
Croatian	-	-	-	-	890	0.02%
Polish	2 053	0.04%	2 659	0.05%	2 602	0.06%
Bulgarian	-	-	1 400	0.02%	1 179	0.02%
Jewish	-	-	134	0.002%	218	0.004%
other	2 898	0.1%	3 476	0.06%	5 350	0.1%
unknown	10 344	0.2%	8 782	0.16%	56 526	1.1%
Total:	4 991 168	100%	5 274 335	100%	5 379 455	100%

* * *

Imprisoned persons can exercise their rights and freedoms arising from the principles enshrined in the Framework Convention to an extent that does not jeopardise the purpose of custody or imprisonment.

In correctional institutions, **the Prison and Court Warden Corps** abides by the principle that persons belonging to national minorities can, on their own consideration, declare their belonging to a national minority in a questionnaire completed upon commencement of the imprisonment. Everyone has the right to freely decide on their nationality. Any influence on this decision and any forms of pressure aimed at assimilation are forbidden. The differentiation between convicts serving imprisonment sentences is based exclusively on the prisoner's penitentiary category designated by court and the degree of the prisoner's personality disorder.

Article 4

1. The Parties undertake to guarantee to persons belonging to national minorities the right of equality before the law and of equal protection of the law. In this respect, any discrimination based on belonging to a national minority shall be prohibited.

2. The Parties undertake to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority. In this respect, they shall take due account of the specific conditions of the persons belonging to national minorities.

3.3. The measures adopted in accordance with paragraph 2 shall not be considered to be an act of discrimination.

Article 4 (1) of the Framework Convention commits the Slovak Republic mainly to the following with respect to the persons belonging to national minorities:

- to observe the right of equality before the law,
- provide them with equal protection of the law,
- refrain from any discrimination.

Right of equality before the law

This right is guaranteed by Article 12 of the Constitution cited below.

Right to equal protection of the law

1. The Constitution

Article 12 (2) of the Constitution lays down that "fundamental rights and freedoms are guaranteed in the Slovak Republic to everyone regardless of sex, race, colour of skin, language, belief and religion, political affiliation or other conviction, national or social origin, belonging to a nationality or ethnic group, property, descent or other status; no one may be harmed, preferred or discriminated against on these grounds." Under section (4), this Article further declares that "no one's rights can be restricted because of exercising his or her fundamental rights and freedoms".

As regards adherence to the principle of equality from the procedural standpoint, in proceedings before the court, it is dealt with in Article 47 (2) and (3) of the Constitution.

Article 47 (2) and (3):

(2) Everyone has the right to legal counsel in proceedings before courts or other state or public administration authorities from the very beginning of the proceedings, under conditions defined by law.

(3) All participants in proceedings under (2) are equal.

2. Civil court proceedings

In the context of the provisions of the Constitution cited above, the principle of equality of participants in civil court proceedings is laid down as follows:

Section 18 of Act No. 99/1963 Coll. – the Code of Civil Procedure as amended (hereinafter referred to as the "CCiP"):

“The participants in civil court proceedings have equal status. ... The court shall ensure equal conditions for the exercise of their rights.”

3. Criminal court proceedings

In criminal court proceedings, adherence to the right to equal protection of the law and the principle of "equality of arms" before the court is expressed in a whole range of provisions of Act No. 141/1961 Coll. on Criminal Court Proceedings (Code of Criminal Procedure) as amended (hereinafter referred to as "CCrP"). This concerns mainly the following provisions of the CCrP:

- the right to be informed of the nature and the grounds of the charges in a language that the accused can understand (Section 2 (1) and (14) of the CCrP),
- the right to have adequate time and conditions for the preparation of his defence (Section 163 (1) of the CCrP);
- the right to defend himself personally or to be assisted by legal counsel of his choice (Section 2 (13) of the CCrP; Section 33 (1) of the CCrP)
- the right to free legal counsel if the accused lacks sufficient means to pay for defence counsel and where the interests of justice so require (Section 33 (2) of the CCrP),
- right to interrogate or have interrogated witnesses for the prosecution and to obtain and interrogate, pursuant to the same conditions, the witnesses for the defence (Section 2 (5) and (6) of the CCrP);
- to have the free services of an interpreter if he does not understand or speak the language used in the hearing (Section 2 (14) of the CCrP; Section 28 (1) of the CCrP; Section 151 (1) of the CCrP);
- the principle of oral proceedings (Section 2 (11) of the CCrP).

The principle of "equality of parties" and "equality of arms" in criminal court proceedings is expressed in Section 12 (6) of the CCrP, under which "a party is understood to be the person against whom criminal proceedings are being held, participating person and the victim, and, in court proceedings, also the prosecutor and community representative; any other person, who proposed or requested the proceedings that are being held or filed an appeal, enjoys equal status as the party".

Representatives of the Roma minority point out that there are shortcomings in the practical application of the right to equal protection of the law, in particular the financial inaccessibility of quality legal counsel and services for a substantial part of the Roma community.

4. Administrative proceedings

Section 4 (2) of Act No. 71/1967 Coll. on Administrative Proceedings (the Code of Administrative Procedure) as amended reads: "All parties have equal procedural rights and obligations."

Right to use the mother tongue in court proceedings

In Article 6 (1), the Constitution declares that "the Slovak language is the state language on the territory of the Slovak Republic".

At the same time, Act No. 270/1995 Coll. on the State Language of the Slovak Republic as amended, under Section 7 (1), specifies that the contact between courts and citizens, court proceedings, administrative proceedings, and decisions and records of courts and administrative authorities are conducted and issued in the state language; the rights of persons belonging to national minorities and ethnic groups, or the rights of foreigners, who have no command of the state language, arising from special regulations, remain unchanged. The above suggests that obligations are imposed only on state authorities. No special legal regulation, such as the state language act, or other procedural law regulating criminal or civil court proceedings, contains a legal provision that would impose such an obligation on persons, or make the execution of an action by a state authority conditional upon the

submission (delivery) of a document in the state language. When such an obligation is not imposed or the issue itself is not regulated by legislation, the principle that "all that is not forbidden is allowed" is applied. This means, for instance, that a criminal complaint filed under Section 158 of the CCrP cannot be rejected on the grounds that it was delivered in other than the Slovak language, since the only possible grounds for rejection of a complaint is that it does not contain facts indicating that a criminal act has been committed. Authorities involved in criminal proceedings may not deny the obligation to act on any other grounds.

Civil court proceedings

Section 18 of the CCiP:

"The parties of civil court proceedings have equal status. They have the right to use their mother tongue in court actions. The court shall ensure equal conditions for the exercise of their rights."

Section 141 (2) of the CCiP:

"The costs of evidence that are not covered by the advance payment, as well as cash expenses incurred by the appointed counsel, who is not an attorney-at-law, and costs related to the fact that the participant uses his mother tongue in the proceedings shall be borne by the State."

The cited provisions suggest that a party of proceedings has the right to produce proposals and other written communication and oral presentations in his mother tongue and the court has the obligation to have such communication translated or appoint an interpreter to ensure the exercise of the right of the party of the proceedings to communicate in his mother tongue. Costs incurred in this way are borne by the state.

Case-law confirms this practice (e.g. case R 21/1986: "The duty to reimburse the costs of appointment of an interpreter to enable a party to use his mother tongue in civil court proceedings cannot be imposed on the participant.")

Criminal court proceedings

Section 2 (14) of the CCrP:

"Everyone has the right to use his mother tongue before authorities involved in criminal proceedings."

Section 28 (1) of the CCrP:

"If the content of a testimony or written document needs to be translated or if the accused declares that he does not have command of the language used in the proceedings, an interpreter shall be appointed; the interpreter may also act as the recorder."

Section 55 (3) of the CCrP:

"Records of oral testimony from a person who does not have command of Slovak shall also be drawn up in Slovak; if a verbatim record of the testimony is necessary, the recorder or the interpreter shall also enter the relevant part of the testimony into the records in the language, in which the testimony was provided."

Section 151 (1) of the CCrP:

"The costs necessary for the conduct of criminal proceedings, including executive proceedings, are borne by the state; it, however, does not bear own expenses of the accused, a participating person or the victim, nor the costs incurred by choosing a defence

counsel or attorney. Nevertheless, the state bears the cost of necessary defence incurred to the accused by filing a complaint for violation of the law."

Section 152 (1) b) of the CCrP:

"If the accused is convicted with a final judgement, he shall reimburse the state...

(b) for the remuneration and cash expenses paid to the counsel assigned by the state, unless he is entitled to free counsel, ..."

The cited provisions suggest that "everyone" has the right to use their mother tongue in criminal proceedings, i.e. not only the accused, but also every party to the proceedings, the victim or witness, if they declare that they do not understand the language used in the proceedings. This right can be exercised at any stage of the proceedings. The costs of criminal proceedings are understood to be the expenses (costs) related to an individual criminal case and this particularly applies to costs incurred in actions taken (e.g. those of the interpreter).

The accused and convicted can be informed about the conditions of custody or imprisonment in their mother tongue.

The right to use national minority languages in official contact

- Constitution
 - Article 6 (2)
 - Article 34 (2) b)
- Act No. 184/1999 Coll. on the Use of National Minority Languages (*Annex No. 1*); *see commentary in the information on Article 10*

Prohibition of any discrimination

The principle of prohibition of any discrimination is closely related to the principle of the right to equal protection of the law.

In the Constitution, provisions on the prohibition of discrimination can be found

- in Article 12 (1), (2) and (4);
- Article 33;
- Article 34 (3).

(Relevant provisions of the Criminal Code and Code of Criminal Procedure, Selected Case-Law Relating to Racially Motivated Crime and Statistical Data on Racially Motivated Crime can be found in Annex No. 2)

In connection with the Third World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the proclamation of 2001 as the International Year of Mobilization against Racism, Racial Discrimination, Xenophobia and Related Intolerance, events aimed at supporting the application of the rights recognised by the International Covenant on Civil and Political Rights without discrimination were organised at the national level.

The National Conference against Racism, Xenophobia, Anti-Semitism and Discrimination was held on 18 May 2000 in Bratislava. The conclusions of the working groups from this conference were determined mainly for internal authorities, but also formed a part of the Slovak Republic's national contribution to the European Conference against

Racism, Racial Discrimination, Xenophobia and Related Intolerance, held between 11 and 13 October 2000 in Strasbourg under the title: "All Different - All Equal: From Principle to Practice."

By signing Protocol No. 12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms on 4 November 2000 in Rome, the Slovak Republic joined the common effort of European countries to effectively promote the principles of humanity and observance of human rights.

The draft act on the application of the principle of equal treatment, the so-called Anti-discrimination Act, was among the Government's priority legislative tasks in the monitored period. Since then until the beginning of 2004, the basic concept of how to address the issue (one anti-discrimination act vs. amendment of several legal regulations) and certain specific grounds of prohibited discrimination (sexual orientation) were subject of controversial discussions between government members, between their political parties, in the Parliament, as well as in the media and the general public.

During this period, the **Deputy Prime Minister for Human Rights, National Minorities and Regional Development**, or, after the 2002 elections, the **Deputy Prime Minister for European Integration, Human Rights and Minorities**, submitted two drafts of the anti-discrimination act, which the National Council did not include in its agenda in June 2002 and October 2003.

The expert discussion within the governmental coalition on how to deal with the anti-discrimination legislation, i.e. whether it is necessary to amend individual laws or enact a single comprehensive law, was concluded in January 2004 with a compromise solution. The draft act on equal treatment, protection against discrimination, amending and supplementing certain other laws was approved by the Government in the first half of February 2004 and the National Council of the Slovak Republic passed **Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination, amending and supplementing certain other laws** (*Annex No. 17*) on 20 May 2004. By transposing Council Directives No. 2000/43/EC and 2000/78/EC, Slovakia fulfilled its commitment to transpose the so-called EU anti-discrimination legislation.

The approval of this legal regulation concluded the process of several years when anti-discrimination measures were incorporated into individual laws, which the relevant directives concern. Amendments of the relevant laws should ensure that the transposition of the directives will be reflected in those areas of the legal order, for which the directives were adopted at the EU level. This particularly concerns amendments to acts such as the act on the establishment of the Slovak National Human Rights Centre, the Labour Code, state service laws, including on customs, Police Corps, intelligence service, Prison and Court Warden Corps and Railway Police officers, the trade licensing act, the act on prosecutors and candidate prosecutors, the so-called school acts, the act on social assistance, the act on social insurance, healthcare and health insurance laws, the consumer protection act, etc.

The Anti-discrimination Act specifies the conditions for the application of the principle of equal treatment and establishes the means of legal protection should these rights be violated.

The act recognises two areas of relations in which discrimination on different grounds is prohibited.

- Discrimination against persons on the grounds of their **sex, racial origin, and national or ethnic origin** is prohibited in social security, healthcare and in the provision of goods, services and education.

- Discrimination against persons on the grounds of their **sex, religion or belief, racial origin, national or ethnic origin, health disability, age or sexual orientation** is prohibited in labour relations and in similar and related legal relations.

The reason for the different scope of the prohibition of discrimination in individual areas is the effort to transpose the aforementioned EU directives accurately.

In both areas of relations, the act considers discrimination on the grounds of attitude to a person of a certain racial, national or ethnic origin as discrimination on the **grounds of racial, national or ethnic origin**.

If a person believes that his rights or law-protected interests or freedoms were violated by a failure to observe the principle of equal treatment, he can defend his rights at court in a procedure with reversed burden of proof, where "the defendant has the obligation to prove that there was no violation of the principle of equal treatment if the evidence submitted to court by the plaintiff gives rise to a reasonable assumption that such violation indeed occurred." The plaintiff may demand remedy, appropriate compensation, including in the form of compensation of non-pecuniary or pecuniary damage.

The act prescribes the extension of the competences of the Slovak National Human Rights Centre to include activities related to the control of adherence to this act.

During the process of approval of the anti-discrimination act in the National Council, the provision on the "special positive actions" (Section 8 (8)) was incorporated into the act upon an MP's proposal. The relevant provision reads as follows: "With a view to ensuring full equality in practice and compliance with the principle of equal treatment, specific positive actions to prevent disadvantages linked to racial or ethnic origin may be adopted."

Upon proposal from the Deputy Prime Minister and Minister of Justice, through Resolution No. 941 of 06.10.2004, the Government approved the filing of a complaint with the Constitutional Court – the proposal to commence proceedings on compliance of the "Anti-discrimination Act", specifically the section on the "special positive actions", with the Constitution (*Annex No. 18*). The Constitutional Court has yet to commence proceedings on this complaint.

Through Resolution No. 283 of 3 May 2000, the Government approved the Action Plan for the Prevention of All Forms of Discrimination, Racism, Xenophobia, Anti-Semitism and Other Expressions of Intolerance for 2000–2001. On the basis of this document, the National Conference against Racism, Xenophobia, Anti-Semitism, and Discrimination was organised, an internet website devoted to the prevention of intolerance was created and various educational and training activities were carried out. The implementation of the tasks arising from this Action Plan was monitored semi-annually.

Through Resolution No. 207 of 6 March 2002, the Government approved the Action Plan for the Prevention of All Forms of Discrimination, Racism, Xenophobia, Anti-Semitism and Other Expressions of Intolerance for 2002–2003, which, similarly to the preceding document, contained tasks for the relevant members of the Government, namely a variety of educational, educational and cultural activities, including with assistance from non-governmental organisations active in the field of human rights, for individual occupational groups (policemen, judges, prosecutors, teachers, etc.).

The Government has discussed and approved the first and second regular reports on the implementation of the action plan (for the periods between March and August 2002 and between September 2002 and February 2003).

Through the Resolution No. 446 of 13 May 2004, the Government approved the Action Plan for the Prevention of All Forms of Discrimination, Racism, Xenophobia, Anti-Semitism and Other Expressions of Intolerance for 2004-2005. This is the third subsequent document of this type. Similarly to the preceding Action Plans for 2000-2001 and 2002-2003, it focuses on a variety of areas of social and cultural life.

In connection with the **agriculture sector's** activities to support the employment of persons with low qualifications, who have problems to enter the labour market, through the measures under the National Employment Plan, which was elaborated pursuant to Governmental Resolution No. 1036 of 25 November 1999, the 2001 amendment to Act No. 378/1996 Coll. on Employment created room for a broader use of assistance from the National Labour, Social Affairs and Family Office in the creation of publicly beneficial jobs in agriculture and forest management that are suitable for the long-term unemployed without qualifications.

Projects aimed at increasing the educational level and subsequent employment of Roma and retraining courses focused on traditional crafts were executed via sectoral educational institutions.

A project was implemented in co-operation with the Ministry of Education where, beginning from the 2002/2003 school year, classes of the Stará Ľubovňa Agriculture Apprentice School were opened in the village of Lomnička with a majority Roma population.

The **Prison and Court Warden Corps** applies the rule that persons interested in recruitment for the Corps who belong to the Roma minority are preferred, provided they met the set criteria.

Social care

The **Ministry of Labour, Social Affairs and Family** also deals with the issue of marginalized population groups in Slovakia, which include a part of Roma population in Slovakia. The sector underwent a change in its organisational structure effective from 1 February 2003 – the *Social Inclusion Division*, which includes the *Equal Opportunities and Anti-discrimination Department*, was created.

The Social Inclusion Division performs state administration and fulfils tasks that fall under the Ministry's competence in the field of social assistance and health and medical assessment activities in the field of social assistance. Within the framework of this competence, it elaborates legislative objectives preceding the preparation of laws based on socio-economic and legal analyses, as well as proposals of acts and generally binding legal regulations relating to endangered and marginalized population groups.

When elaborating concepts and proposals of generally binding legal regulations, it builds upon the basic international documents binding for Slovakia, the current social situation and urgency of the solution of social problems that by nature fall under the Ministry's competence.

The Equal Opportunities and Anti-discrimination Department has significantly participated in the implementation of tasks arising from the governmental documents (Governmental Resolution No. 278 of 23 April 2003) Evaluation of the Slovak Government's Priorities with Regard to Roma Communities in 2002 and of the Slovak Government's Strategy to Address the Problems of the Roma Community in 2001 and the Basic Positions of the Slovak Government's Roma Communities Integration Policy (*Annexes no. 3 and 4*). The tasks of the Minister of Labour, Social Affairs and Family and the Government's Plenipotentiary for Roma Communities concern above all the position of Roma women in the

society. This orientation is directly related to the recommendation of the Advisory Committee, which, under point 21, *inter alia*, states that special attention should be paid to Roma women in the implementation of the various programmes. The Ministry is preparing specific measures for the governmental document that will be aimed at balancing the opportunities of Roma women in the society at various levels. The measures were consulted with Roma women. Legislative conditions are being prepared for the field social work in Roma communities at the local state administration and self-government levels. The final version of the document, which will comprise the remuneration and introduction of field social work into the catalogue of public service work activities, including a proposal for methodical guidance and training for the workers, is being prepared at present. The field workers will be selected from among Roma.

In accordance with the fundamental human rights and freedoms enshrined in the Constitution of the Slovak Republic, the exercise of the right of every citizen to basic living conditions is ensured through Act No. 195/1998 Coll. on Social Assistance. This right is put into practice by defining the basic living conditions for the purposes of social assistance. It is the lowest level of sustenance consisting of one hot meal a day, necessary clothing and shelter. Foreigners, stateless persons, refugees and exiles are guaranteed the same rights as citizens of the Slovak Republic, if they meet the conditions specified by the act mentioned above. Act No. 195/1998 Coll. on Social Assistance as amended applies equally to all persons residing in the territory of the Slovak Republic, including persons belonging to an ethnic group or national minority.

Act No. 5/2004 Coll. on Employment Services and on Amendment of Certain Other Laws (effective from 01.02.2004) lays down a non-discriminatory method of access to the labour market for disadvantaged population groups (Section 14 and Section 62). In comparison to the legislation previously in force, when the employer could not make public job offers containing any restrictions or discrimination on the grounds of race, colour of skin, sex, age, language, belief and religion, health disability, political or other convictions, trade union activities, national or social origin, belonging to a nationality or ethnic group, property, descent, or marital or family status, the act was extended with respect to restrictions on direct or indirect discrimination in access to employment as follows: the employer is not allowed to require information relating to nationality, racial or ethnic origin, political views, membership in trade unions, religion, sexual orientation, information contradictory to good morals, and personal data not necessary for the fulfilment of the employer's obligations, even in employee selection. Upon the person's request, the employer is obliged to prove that the personal data requested are necessary. The employee selection criteria must guarantee equal opportunities for all citizens.

In connection with the application of the right of access to employment, no one may be persecuted or punished for filing a complaint with an office of labour, social affairs and family, a court complaint or proposal for the commencement of criminal proceedings against another person or against the employer. Everyone has the right to file a complaint with the office of labour, social affairs and family in connection with a violation of the right of access to employment or if discrimination occurs in the access to employment, or defend their rights at court, including appropriate compensation of non-pecuniary damage. The office of labour, social affairs and family must respond to the person's complaint without unnecessary delay, take corrective measures, and withdraw from and remove the consequences of such action. If a person who considers himself injured due to a failure to apply the principle of equal treatment provides evidence indicating that direct or indirect discrimination has occurred, the office of labour, social affairs and family must prove that the principle of equal treatment has not been breached. The office of labour, social affairs and family must not punish or

disadvantage a person because he defends his rights arising from the right of access to employment.

In accordance with Article 1 of the Basic Principles of Act No. 311/2001 Coll. – the Labour Code, natural persons have the right to work and to a free choice of employment, to just and favourable conditions of work and protection against unemployment. These rights belong to them without any limitations and direct or indirect discrimination on the grounds of sex, marital or family status, race, colour of skin, language, age, health, belief and religion, political or other beliefs, trade union activities, national or social origin, belonging to a nationality or ethnic group, property, descent, or other status, with the exception of cases specified by law, or if there is a material reason for the performance of the work, based on qualifications or requirements and nature of the work to be performed by the employee.

Under Section 13 (1) of the Labour Code, employees can enjoy the rights arising from labour relations without any limitations and direct or indirect discrimination on the grounds of sex, marital or family status, race, colour of skin, language, age, health, belief and religion, political or other convictions, trade union activities, national or social origin, belonging to a nationality or ethnic group, property, descent, or other status, with the exception of cases specified by law or if there is a material reason for the performance of the work, based on qualifications or requirements and nature of the work to be performed by the employee.

In early 2004, the **reform social measures** concerning the amount, differentiation and method of payment of financial benefits to the unemployed and persons in material distress entered into force. Subsequently, protests of members of the Roma community, including plundering of grocery stores, took place mostly in eastern Slovakia in February 2004. The Roma reasoned their action by the worsening social situation of their community in the country.

The Ministry of Labour, Social Affairs and Family adopted the reform measures based on the civic principle, not on the ethnic principle. On the other hand, it is true that most affected by social reform was a part of the Roma population. The Ministry is therefore elaborating various programmes and proposes measures to address the specific problems of a part of the Roma population in a targeted way.

The aim of the proposal for such measures is to motivate persons in material distress to improve their social situation on their own initiative, motivate employers to create new jobs by employing disadvantaged groups of the unemployed, ensure activation of persons in material distress and increase public information on the possibilities of suppressing and preventing usury.

Effective from 15 April 2004, the Government valorised the activation benefit per recipient from SKK 1000 to 1500. It was proposed that, in regions where the occurrence of usury is assumed, municipalities pay out the benefits by means of a special recipient. The municipality, in co-operation with the office of labour, social affairs and family, can now make use of the system for the activation of the unemployed for these activities. If it is not possible to secure the payment of the benefits by means of the special recipient, the benefit should be paid in at least three instalments a month.

The Government intends to financially motivate organisers of projects who will engage more than a 100 jobseekers in the activation activities by providing a contribution of SKK 300 per one jobseeker for the purchase of the necessary tools. The Labour, Social Affairs and Family Headquarters have prepared a special methodical instruction for the offices of labour, social affairs and family on how to increase the motivation for employment of the long-term unemployed with special disadvantages.

From April 2004, the staff of the offices of labour, social affairs and family are tasked to visit settlements with majority of Roma or Roma settlements in monthly intervals (or weekly if necessary) and inform the local jobseekers about the possibilities of how and where they can perform the activation activities. According to the amendment to the decree on the provision of scholarship allowances to students of secondary schools, which is under preparation, every student whose family receives benefits in material distress (around 28 000 students) will be entitled to scholarship allowance and the amount will depend on their school results. The state will, under special and clearly-defined conditions, also subsidise catering and purchase of school supplies.

Jobseekers maintained in the register of the offices of labour, social affairs and family become entitled to reimbursement of a portion of travel expenses incurred in connection with job placement activities. Regular information days on entitlements to contributions for active labour market measures and on the possibilities for participation of Roma in projects and programmes directly in Roma settlements, where specially trained social field workers will operate, should become another new measure of the offices of labour, social affairs and family.

The Social Development Fund was established on 1 March 2004 as an instrument for grant financing of small projects. This concerns support for projects that focus on assistance to socially weak and vulnerable groups enabling them to take active part in their own development. The Fund should be active in three basic areas – economic and employment development; physical infrastructure; public and social services.

The activation of jobseekers will be extended to include activities related to removal of fallen wood from forests or other activities depending on local needs. It will be possible to use a portion of the wood collected for the needs of the municipality or the community.

Beyond the framework of this measure, it is being considered that the activities could be conducted as part of seasonal agricultural work, such as weed mowing, maintenance of cart-roads, etc., on the basis of agreements between municipalities and agriculture businesses.

Information about the measures taken with a view to enhancing positive effects of changes in the system of benefits in material distress for certain groups of the population can be found in Annex No. 5.

As regards **healthcare**, a part of the members of the Roma minority have certain characteristics that make them a specific group in this respect, requiring a special approach in this area. Information from the field of healthcare therefore almost exclusively concentrates on this part of the Roma population or marginalized population groups. The information as a whole corresponds with question No. 6 from the Advisory Committee's questionnaire and is included in the information therein.

Funding

The expenditure on projects to address the **Roma Community** issues was budgeted under the General Treasury Administration chapter. These figures can be found under column A.

Resources for the financing of activities and needs of **national minorities** were provided from budget chapters in accordance with the figures under column B. However, these figures do not include the state budget resources used for education of children, pupils and students at schools and school establishments with instruction in national minority

languages (*Annex No. 14*) since the per-child contributions were not set in the monitored period.

<i>YEAR</i>	A - in thousands of SKK	B - in thousands of SKK
1999	15 000	62 102
2000	15 000	61 528
2001	15 000	73 810
2002	18 000	152 242
2003	15 000	174 064

Article 5

1. The Parties undertake to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage.

2. Without prejudice to measures taken in pursuance of their general integration policy, the Parties shall refrain from policies or practices aimed at assimilation of persons belonging to national minorities against their will and shall protect these persons from any action aimed at such assimilation.

Legislation

No changes were made to the legislation covering the relevant area in the monitored period. The conditions for supporting national minority cultures are currently governed by more than 30 partial regulations.

In 2003, the **Ministry of Culture** prepared a working version of the draft act on the status of national minorities and draft act on the financing of national minority culture, which were scheduled to be submitted to the Parliament by 31 December 2003.

In the process of preparation of the laws, the need arose for a society-wide discussion and consultation of the act with representatives of individual national minorities living in Slovakia, as well as with international institutions. It was also necessary to address this issue as a cross-sectoral one. In view of this, the Government through its Resolution No. 1182/2003 of 10 December 2003 transferred the responsibility for the legislative task to the Deputy Prime Minister for European Integration, Human Rights and Minorities with a deadline for submission of the draft to the Parliament by 31 December 2004 (*see the information to the first question of the Advisory Committee's questionnaire*).

Since the act on the financing of national minority culture is linked to the adoption of the act on the status of national minorities, the deadline for the submission of the relevant draft act to the Government was also postponed by a year, to 31 December 2004. The Ministry of Culture remains to be responsible for this task.

Support for national minority cultures

In the monitored period, the basic distribution of funding was carried out by the Ministry of Culture from the purpose-aimed budget transfer – minority culture. In 2003, the

expert commission, through national sub-commissions, distributed a sum amounting to SKK 80,000,000 to organisations developing minority cultures. This sum was used to support:

- cultural activities of civic associations with the sum of SKK 32,465,000
- periodical press with the sum of SKK 21,482,000
- non-periodical press with the sum of SKK 16,565,000
- other – multicultural, multiethnic organisations and disadvantaged groups with the sum of SKK 9,488,000.

(Reviews of the distribution of funds from the special-purpose budget transfer of the Ministry of Culture – minority culture, from 1999 to 2002 can be found in Annex No. 6.)

Representatives of the Russian national minority were admitted to the Council of the Government for National Minorities and Ethnic Groups in 2003. In this context, the Ministry delegated a representative of the Russian national minority to the expert commission for the Ministry's special-purpose budget transfer and allocated funding for the development of its culture.

In 2003, the Ministry supported the publication of periodical and non-periodical press of national minorities with the sum of SKK 35,760,000. Of this sum, publishing companies of the Hungarian minority received the sum of SKK 25,411,000. Most important of them include the publishers Kalligram – supported with the sum of SKK 6,088,000; Lilium Aurum – SKK 1,636,000; NAP Kiadó – SKK 2,000,000; LOAR – SKK 1,353,000, Madách–Pozonium – SKK 2,508,000, Petit Press – SKK 1,200,000, Gabriel Méry-RATIO – SKK 1,000,000; Francis Attila–AB Art – SKK 995,000; and KT – SKK 858,000 (*see also Annex No. 6.*). In 2003, the Ministry provided support for 77 non-periodicals in Hungarian with the total sum of SKK 13,856,000.

In the same year, SKK 11,555,000 was allocated from the special-purpose budget transfer – minority culture, for the periodical press of the Hungarian minority. The most important periodicals which received funding include: the cultural supplement of the Új Szó daily, Vasárnap weekly, magazines and newspapers, such as Katedra, Kalligram, Žitný ostrov – Csallóköz, Komárňanské listy, Új Nő, Irodalmi Szemle, Jó Gazda, Gömörország, Tábortűz, Szabad Újság, etc. Publishing companies of the Hungarian minority in Slovakia also extensively participate in the exchange of literature by means of partner publishing companies and distribution networks in Hungary. An example of such exchange is the Kalligram publishing company, which distributes all of its books published in Hungarian (around 100 copies of each title) in Hungary through the Budapest-based company Pesti Kalligram.

In 2003, the Ministry provided support for periodical press of the following national minorities (see the annexed tables for information on preceding years and further details):

- Bulgarian national minority – the *Roden Glas* magazine with the sum of SKK 315,000.
- Czech national minority – the *Česká beseda* magazine with the sum of SKK 1,087,000 and the *Info-Zpravodaj* magazine with the sum of SKK 19,000.
- Croatian national minority – the *Hrvatska Rosa* magazine with the sum of SKK 480,000.
- Moravian national minority – the *Moravský hlas* magazine with the sum of SKK 432,000.
- German national minority – the *Karpatenblatt* and *IkeJA News* magazines with the sum of SKK 820,000 and SKK 82,000 respectively.
- Polish national minority – the *Monitor Polonijny* magazine – SKK 315,000.
- Ruthenian national minority – the *Rusyn* magazine with the sum of SKK 500,000 and *Národné novinky* newspaper with the sum of SKK 1,100,000.
- Russian national minority – the *Vmeste* (Together) magazine with the sum of SKK 420,000.

- Ukrainian national minority – the *Dukľa* magazine with the sum of SKK 380,000 and *Nove Žytta* magazine with the sum of SKK 590,000.
- Jewish national minority – the *Acta Judaica* magazine with the sum of SKK 90,000.

In 2003, the Ministry of Culture prepared a new grant scheme for 2004, which contains a special grant programme Support for National Minority Cultures.

Support of Roma culture

In the effort to improve the support for the development of Roma culture, the Ministry co-operated and co-ordinated its activities with central state administration bodies – the Ministry of Education, Ministry of Labour, Social Affairs and Family, the parliamentary committees, the Human Rights, Minorities and Regional Development Section of the Office of the Government, the Human Rights department of the Ministry of Foreign Affairs, the Secretariat of the Government's Plenipotentiary for Roma Communities, as well as with self-governments at all levels.

In 2003, the Ministry provided support amounting to **SKK 7,387,800** for 72 Roma projects submitted by 50 Roma civic associations comprising both events and literature. These financial resources were used for festivals of Roma music and dance, presentations of Roma art, assistance to periodical and non-periodical press, and for the support of activities on the occasion of the International Day of Roma. Representatives of Roma civic associations participated in the distribution of the financial resources allocated for the needs of the Roma minority. Representatives of the Ministry participated in the monitoring of individual cultural events directed at the development of Roma culture. The most important activities included:

- National Festival of Roma Culture in Snina, organised by the Ternipen civic association of Snina – SKK 740,000.
- Day of Roma, folklore festival, organised by the Roma under the Tatras Association of Poprad, July 2003 – SKK 120,000.
- People of Roma Family, festival, organised by the Culture Association of Roma in Slovakia of Banská Bystrica – SKK 194,800.
- Balvalfest, festival, organised by the Lácho Drom Cultural and Educational Civic Association of Kokava nad Rimavicou – SKK 100,000.

In 2003, 4 periodicals developing the culture of the Roma national minority received financial resources from the special-purpose budget transfer – minority culture: *Romano Nevo Lil* published by the JEKHEANE (Together) civic association of Prešov – SKK 1,100,000; the *Ternipen* monthly published by the ROMA Gemer Cultural and Educational Organisation of Rožňava – SKK 400,000; the *Štvorlístok* children's magazine published by the Dobrá rómska vila Kesaj foundation of Košice – SKK 400,000; and, the *Rómsky list* bimonthly – published by the Roma Press Agency of Košice as a supplement of the Domino Fórum weekly – SKK 200,000. The assistance provided by the Ministry to Roma periodicals in 2003 totalled SKK 2,100,000.

The Ministry also used the purpose-aimed budget transfer minority culture to support the publication **Customs and Traditions of the Vlach Roma**. The funding provided amounted to SKK 300,000.

In 2003, the Ministry organised the **Seminar on Roma Culture**. The seminar contained a discussion on issue of Roma identity and language, a new model of teaching the Roma language at schools and an analysis of the situation and development of the Roma language in Roma periodicals.

The seminar was also devoted to seeking possibilities for co-operation between the state, churches and church civic associations by means of "Roma missions" that would prepare the ground for the adoption of the state's social, educational and cultural programmes in Roma settlements.

It provided room for discussion on the importance of Roma community and pastoral centres and the possibilities for the development of Roma culture in settlements, as well as on the issues of the integration of Roma communities by supporting the development of Roma culture.

The aim of the seminar was to gain impetus for a balanced strategy and action by the Ministry in supporting Roma culture and its integration into the majority culture. Two seminars on similar topics were also held in 2000 and 2001. In addition, the Ministry organised an international conference on national minorities in 2001.

In connection with the extended support for the development of minority cultures, the **department for the culture of disadvantaged population groups**, whose roles include the improved and extended support for the development of Roma culture, was created at the Ministry's Minority Culture Division in July 2003.

In December 2003, the Ministry also organised a working meeting with representatives of individual churches with the aim of creating room for discussion on the operation of Roma missions in Roma settlements and the possibilities of supporting culture programmes carried out by churches within the framework of community and pastoral centres.

Minority theatres play an important role in the development of the culture of national minorities. The current position and financing of minority theatres is governed by Act No. 384/1997 Coll. on Theatre Activities as amended by Act No. 416/2001 Coll. on the Transfer of Certain Competencies from State Administration Authorities to Municipalities and Higher Territorial Units. In compliance with the state decentralisation concept, this act transferred all minority theatres under the competence of regional self-governments. Besides financial support that they receive from regional self-governments, the minority theatres can also apply for financial assistance from the Ministry's grant system.

Minority museums and documentation centres are organisational units of the Slovak National Museum. This includes the following organisations: the Jewish Culture Museum, Carpathian Germans Culture Museum, Ukrainian and Ruthenian Culture Museum, Croatian Culture Documentation Centre, Czech Culture Documentation Centre, and the Roma Culture Documentation Centre. The Museum of the Culture of Hungarians in Slovakia at the Slovak National Museum was established through transformation of the Documentation Centre of Hungarian Culture in 2002. Two regional museums falling under the competence of regional self-governments are devoted to the development of Roma culture: Vihorlat Museum in Humenné and the Gemer-Malohont Museum in Rimavská Sobota.

Bilateral agreements between the Republic of Hungary and the Slovak Republic played an important role in the implementation of the Framework Convention for the Protection of National Minorities in the monitored period: Agreement between the Government of the Slovak Republic and the Government of the Republic of Hungary on Cooperation in the Areas of Culture, Education, Science, Sports and Youth; Agreement between the Governments of the Slovak Republic and of the Republic of Hungary on Mutual Support for National Minorities in the Fields of Education and Culture; Agreement between the Republic of Hungary and the Slovak Republic in the Area of Monument Protection; the Joint Commission for the issues of culture and press holds regular sessions (for more detailed

information on bilateral co-operation see information under question 3 of the Advisory Committee's questionnaire).

As regards the legislation on the use of languages, no changes were made to the Constitution, however, on 10 July 1999 the Parliament passed the governmental draft act on the use of national minority languages (Act No. 184/1999 Coll.), thereby removing the legal vacuum that was created by abolishing Slovak National Council Act No. 428/1990 Coll. on the State Language of the Slovak Republic by the Act No. 270/1995 Coll. on the State Language of the Slovak Republic (hereinafter referred to as the "state language act"). As a result, from 1 January 1997, the right to use the languages of national minorities and ethnic groups in official contacts guaranteed by Article 34 (2) b) of the Constitution was not regulated by legislation.

According to the Section 1 (4) of the state language act, this act does not concern the use of the languages of national minorities and ethnic groups. The use of these languages is regulated by special laws that Section 1 (4) refers to (the following is a demonstrative list): Code of Criminal Procedure, Code of Civil Procedure, Act No. 81/1966 Coll. on Periodical Press and Other Means of Mass Media, Act No. 29/1984 Coll. on the System of Elementary and Secondary Schools (Schools Act) as amended, Act No. 254/1991 Coll. On the Slovak Television (new Act No. 16/2004 Coll. On the Slovak Television abolishing Act No. 254/1991 Coll. is effective from 01.02.2004), Act No. 255/1991 Coll. On the Slovak Radio (new Act No. 619/2003 Coll. on the Slovak Radio abolishing Act No. 255/1991 Coll. is effective from 01.01.2004), and Act No. 191/1994 Coll. on the Indication of Names of Municipalities in National Minority Languages.

The relevant provisions of the Code of Criminal Procedure and Code of Civil Procedure are cited in the information concerning equality before the law and equal protection of the law provided for Article 4.

The **schools act** contains one provision relating to minority languages:

"Section 3 Education and schooling are conducted in the state language. The right of citizens of Czech, Hungarian, German, Polish and Ukrainian (Ruthenian) nationality to education in their language shall be secured to an extent appropriate to the interests of their national development."

In the process of preparation of the new schools act, it is being considered that the new act would allow for education of all national minorities without restrictions, i.e. not only for citizens belonging to the national minorities listed in the cited Section 3 of the act in force. Three types of schools and classes are being considered:

- schools using a national minority language as the language of instruction, where all subjects would be taught in the language of a national minority except Slovak language and literature and Slovak conversation,
- schools with instruction in a national minority language, where the language of a national minority would be taught,
- in schools and classes under the preceding point, further subjects could also be taught in the language of the national minority depending on personnel capacity and requirements of the minority.

The draft act being prepared should also deal with the admission of students to secondary schools if they completed an elementary school with a language of instruction other than that of the school they are applying for.

The use of national minority languages in the press and electronic media is covered by information on Article 9.

Act No. 191/1994 Coll. on the Indication of Names of Municipalities in National Minority Languages forms Annex No. 7 to this Report.

Act No. 270/1995 Coll. on the State Language of the Slovak Republic forms Annex No. 8 to this Report.

The use of the state language in the means of mass media, at cultural events and at public gatherings is governed by Section 5 of the state language act. As for exceptions from the use of the state language in this area, the act refers to the acts on the Slovak Radio and the Slovak Television, as well as Act No. 81/1966 Coll. on Periodical Press and Other Means of Mass Media as amended (*see information on Article 9*). In addition, Section 5 (7) provides for an exception for cultural events of national minorities, ethnic groups, visiting foreign artists and music works with original lyrics, however, the accompanying introduction must be first provided in the state language. Regional or local television stations, radio stations and radio systems broadcast by principle in the state language. Other languages can be used before and after a particular programme is broadcast in the state language (Section 5 (4)).

The use of the state language in court and administrative proceedings is regulated by the Section 7 (2) of the state language act, which states the following: "Rights arising from special regulations of persons belonging to national minorities and ethnic groups or rights of foreigners, who do not have command of the state language, remain unchanged," and refers to the Code of Civil Procedure, Code of Criminal Procedure and Act No. 36/1967 Coll. on Expert Witnesses and Interpreters (*see information on Article 4*).

The use of the state language in the economy, services and healthcare is addressed in Section 8 of the state language act. For the area of healthcare, Section 7 (4) lays down that the contact between healthcare personnel and patients is usually conducted in the state language; if the patient is a citizen or foreigner who does not have command of the state language, it is conducted in a language that makes communication with the patient possible.

Eventually, for signs, advertisements and announcements designed to inform the public, Section 8 (6) of the state language act allows for translating them into other languages, but the texts in different languages must follow equally large text in the state language.

Act No. 184/1999 Coll. on the Use of National Minority Languages forms Annex No. 1 to this Report; commentary on the act can be found in the information on Article 10.

Article 6

1. The Parties shall encourage a spirit of tolerance and intercultural dialogue and take effective measures to promote mutual respect and understanding and co-operation among all persons living on their territory, irrespective of those persons' ethnic, cultural, linguistic or religious identity, in particular in the fields of education, culture and the media.

2. The Parties undertake to take appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identity.

Information provided on Article 5 and 9 also relates to the provisions under 1 concerning culture and the media.

Education

In its Policy Statement of November 2002, the Government declared that it would financially support the education and training of talented students, as well as the education and training of disadvantaged groups of children, while making emphasis on the integration of these groups into the society. It declared that it would promote pre-school preparation of children as a service to the family, while making priority emphasis on the utilisation of pre-school preparation for the integration of Roma pupil population and other disadvantaged groups.

Under the section Target State of Education and Training, the National Programme for the Development of Education and Training in Slovakia for the next 15 to 20 years deals with the access to higher education of children from the less stimulating social environments, special attention to Roma and other national minorities, as well as the guarantees for the parents' right to the free choice of education for their children. It makes emphasis on the command of the state language and the languages of national minorities, in particular their communication element.

It makes further emphasis on

- the development of the system of instruction of foreign languages,
- computer and information literacy,
- extension and improvement of work in nursery schools, in particular the enactment of compulsory attendance of the last year of nursery school.

Fundamental human rights are applied in our education system irrespectively of nationality already in pre-school education. Conditions have been created in legislation to provide education in nursery schools for all children whose parents request the placement of their child in a pre-school establishment regardless of nationality, i.e. also for children of national minorities, including the Roma minority. The educational process in nursery schools is implemented in accordance with the basic pedagogical document – the Programme of Education in Nursery Schools, which contains human rights essentials. This issue is most extensively applied in pro-social education, which creates the foundations of pro-social attitudes and behaviour of the child, positive interpersonal relations, ability to accept and respect others, ability to solve conflicts non-violently, ability of mutual help, understanding and empathy, etc.

In the pedagogical approach of teachers, emphasis is placed on respecting the child as an individual and respecting his rights, as well as on developing his sense for meeting certain requirements and creating the foundations of personal responsibility.

Pre-school education is directly followed by elementary education. At the 1st level of elementary school (1st – 4th classes), education in the spirit of democracy, peace and humanity forms part of a number of subjects: ethics, reading, history and geography, religion. Using suitable literary texts and topics, the desire for peace, friendship and mutual help is formed in an unobtrusive manner, together with the basics of personal independence based on considerate behaviour, ability to accept different opinions on the same problem, and awareness of one's rights and obligations.

At the 2nd level of elementary school (5th – 9th grades), the young person continues to be formed in the spirit of the generally recognised moral principles and standards of a democratic society. Various topics in literature, history and ethics classes are used for this purpose, but the focus is moved to a separate compulsory subject of Civics taught in the 6th to 9th classes of elementary school. It integrates and extends the knowledge and behavioural

models acquired in earlier grades and provides new knowledge appropriate for the age and level of the pupils.

In civics classes the pupils learn about fundamental human rights, freedoms and the rights of the child, and gradually shape their idea of their rights and obligations as citizens of a democratic state. In addition, the teachers work with the methodical document *Tolerance – the Building Block of Peace*, which comprises the following topics: *Why Should We Learn Tolerance*, *Tolerance at School and in Practice*, *Tolerance at Every Class*, and *Model Classes*. The *Declaration on the Rights of the Child* and international documents on human rights are the basic documents that form the core of the questions for the Human Rights Olympics for secondary school students. Teachers received the free publications *Human Rights, Tolerance, and Experience Teaching* as aids for preparation for this competition.

By incorporating this issue into the curricula of individual subjects of vocational training through expert commissions, they pay appropriate attention to the preparation of students for a responsible life in a free society in the spirit of understanding, peace, tolerance, equality of genders, and friendship between all nations, ethnic groups, and national and religious communities, as stipulated by the *Convention on the Rights of the Child*.

The Ministry of Education pays permanent attention to this issue.

The tasks of the fight against racial discrimination are implemented at quantitatively and qualitatively different levels in organisations directly subordinated to the Ministry in the following forms:

- further training for civics and ethics teachers,
- co-operation with non-governmental organisations,
- active participation in conferences and publication in journals on the relevant issues,
- seminars for district methodologists on civics and ethics with relevant programme and the provision of methodical materials,
- pedagogical creativity of teachers,
- topics of individual surveys of teachers and final papers within the various forms of further training.

Further activities:

- in the implementation of the "Declaration on the Rights of the Child" programme, a separate training block on human rights and specifically on the rights of the child was included in the specialisation innovation studies (SIS) on the "Development of the Professionalism of Homeroom Teachers",
- anti-drug activities and activities for the prevention of child delinquency and crime are carried out within the framework of the active protection of children from negative social phenomena,
- continuous training on "Aggression and Harassment, Possibilities of Survival",
- training seminars aimed at the prevention of vandalism, on the need for the observance of laws, as well as on the protection of human rights and specifically the rights of the child,
- many papers of teachers' reading, first qualification examination, final papers of qualification studies on ethics and preparation of school managers are oriented so that the teachers present their educational objectives and activities and propose methods for the education of students towards the observance of human rights, the rights of the child and prevention of drug addiction,
- in co-operation with the Citizen and Democracy foundation, periodic training on civil rights in a democratic society is organised with human rights and their protection as the main topic; workshops on political science, law and psychology have been organised,

- Milan Šimečka Foundation presented its activities in the field of the observance of human rights and the rights of the child to teachers and methodologists,
- further activities are directed at the implementation of the "ASP UNESCO", i.e. at education towards peace and the fight against racism, xenophobia and intolerance,
- various publications on this topic, especially publications relating directly to the rights of the child, are published for the needs of teacher training.

The Pedagogical and Organisational Instructions for schools and school establishments and state administration authorities in the education sector in the Slovak Republic for 1998/1999 included the instruction to focus on educational activities aimed at eliminating expressions of racism among students, with emphasis on Roma youth.

The teachers incorporated this topic into their plans and used it above all in civics, ethics and religion classes. On the first day of the school year, homeroom teachers informed students about the Declaration on the Rights of the Child with the aim of actively protecting them from negative social phenomena.

Appropriate attention is paid to the preparation of students for a responsible life in a free society in the spirit of understanding, peace, tolerance, equality of genders and friendship between all nations and ethnic, national and religious groups, as stipulated by the Convention on the Rights of the Child. Suitable topics of the civics, social science, religion and ethics curricula, as well as the links between individual subjects, are used to reinforce tolerance and eliminate racism, anti-Semitism and xenophobia.

The Pedagogical and Organisational Instructions for the 2003/2004 school year touch upon the relevant topic in the section dedicated to further training for teachers. The State Pedagogical Institute continues the testing of the pilot project Specialisation and Innovation Study for the Teachers of Roma Children approved by the Ministry on 25.06.2001 under no. 474/2001-46, which is implemented in co-operation with the Orava Association for Democracy in Education. Co-operation with the Child Psychology and Pathopsychology Research Institute is recommended in the organisation of educational events focused on work with talented children, children with special educational needs, members of minorities, children from socially disadvantaged environments, as well as events aimed at developing social skills and creativity of pedagogical workers.

We are aware of the broader contexts of the fight against discrimination and crime and the importance of increased efficiency of prevention, including primary prevention of drug addiction. This issue is therefore part of a variety of educational projects, such as the Preparation of School Managers, Specialisation Qualification Studies, the SIS, Introduction of Young Teachers into the Profession, and so on.

Section 2: Legislation – the Criminal Code

In connection with individual provisions of the Constitution, the Criminal Code in force (Act No. 140/1961 Coll.) defines the criminal law sanctions for acts violating human rights and fundamental freedoms on the basis of racial discrimination. This concerns the following criminal acts defined in the Criminal Code:

- Section 196: violence against a group of citizens and against an individual
- Section 198: defamation of a nation, race or belief
- Section 198a: incitement of national, racial and ethnic hatred
- Section 219 (2) f): murder – racial motive
- Section 221 (2) b): intentional injury to health – racial motive

- Section 222 (2) b): unintentional injury to health – racial motive
- Section 259: genocide
- Section 259b: crime against humanity
- Section 260 and Section 261: support and propagation of movements directed at suppressing the rights and freedoms of citizens
- Section 263a: persecution of the population.

The following amendments to the Criminal Code were adopted in the monitored period:

- Act No. 183/1999 Coll. amending and supplementing the Criminal Code as amended supplemented the definition of the criminal act of murder with a new indication – racial motive (letter f) was added to Section 219 (2), which reads as follows: ...(a person who intentionally murders another person)... "...because of his race, belonging to an ethnic group, nationality, political conviction, belief or because the person is without belief").
- Act No. 253/2001 Coll. amending and supplementing the Criminal Code as amended supplemented the definitions of racially motivated criminal acts (Section 196 (2) – violence against a group of citizens and against an individual, Section 198 – defamation of a nation, race or belief, Section 198a – incitement of national, racial and ethnic hatred, Section 219 (1), (2) f) - murder, Section 221 (2) b) and Section 222 (2) b) – injury to health), with a new indication, which is the belonging to an ethnic group.

This amendment was needed due to problems that occurred in the application of the legislation in force in the given period. It was disputed whether belonging to the Roma minority means belonging to another race.

A breakthrough moment was a case where the court expressed the opinion that Roma are not a different race from Slovaks if they affiliate themselves with the Slovak nationality, which meant that the Criminal Code in force at that time did not allow the court to punish more strictly attacks motivated by hatred against Roma. The amendment removed this shortcoming.

The amendment also changed the provisions on racially motivated crimes by removing the criterion that the attacked person had to be a member of a different race. On the basis of this modification, it is also possible to punish attacks with a racial motive against a person of the same race. This was a response to the need to protect people who may become victims of such attacks due to their involvement in antiracist activities.

- Act No. 485/2001 Coll. amending and supplementing the Criminal Code extended the definition of the criminal act of support and propagation of movements directed at suppressing the rights and freedoms of citizens by creating the possibility of not only criminally prosecuting acts of public expression of inclination towards fascism and other movements verifiably directed at suppressing the rights and freedoms of citizens, but also acts that openly and publicly cast doubt on, deny, approve or attempt to justify the terror of fascism and other totalitarian movements.
- Another amendment to the Criminal Code - Act No. 421/2002 Coll. – entered into force on 1 September 2002. The amendment introduced a new criminal act into the Criminal Code under Section 259b “crime against humanity”, which is defined in conformity with Article 7 of the Statute of the International Criminal Court. The amendment was adopted in connection with the Slovak Republic's accession to and the subsequent process of ratification of the Rome Statute of the International Criminal Court. Simultaneously with the supplementation of Section 15a of the Criminal Code, crimes against humanity were made imprescriptible, similarly to the crime of genocide.

(The relevant provisions of the Criminal Code and Code of Criminal Procedure, Selected Case-Law Relating to Racially Motivated Crime and Statistical Data on Racially Motivated Crime can be found in Annex No. 2)

Information from practice

23 final judgements were made in the area of racially motivated crime in 1998, 12 judgements in 1999 and 13 judgements in 2000. The extent of criminal prosecution of racially motivated crime substantially increased in 2000 and 2001. While 8 cases with a racial motive were criminally prosecuted in 1997, 15 cases in 1998 and 11 cases in 1999, in 2000 criminal prosecution was conducted in 25 and in 2001 in 27 racially motivated cases. This increase is not evidence of an increase in this type of crime in 2000 and 2001. It is more a result of training provided to prosecutors and policemen, their guidance by the administrative authorities in both sectors and the resolution of disputes surrounding the interpretation of certain provisions of the Criminal Code.

Immediately after a crime is discovered, already in the preparatory proceedings, the racial motive is much more thoroughly examined and reflected in the legal qualification of the perpetrator's act than in the past. In preceding years, racially motivated crime was sometimes treated only as disorderly conduct or criminal acts of injury to health, without applying the stricter provisions of the law for racially motivated crime, or only as offences. Since 2000, these acts have been prosecuted by applying the provisions of the Criminal Code intended for the protection against expressions of racism. Not least, the increased extent of criminal prosecution of racially motivated crime is a consequence of greater activity of the victims in the reporting of such crime, which is largely the result of work of non-governmental organisations. The increased number of reports also shows improved trust of the victims in authorities involved in criminal proceedings.

In 2000, violent attacks or threats of violence slightly exceeded verbal and other expressions of racism in this type of crime. Of the total number of 30 criminal acts committed, six were cases of injury to health, of which four were cases of intentional severe injury to health. In one of the cases the act resulted in death.

In ten cases, the crimes discovered were acts of violence against a group of citizens and against an individual. These were usually attacks involving physical violence, which, however, did not result in health injuries as defined by the Criminal Code.

The verbal criminal acts were in six cases qualified as defamation of a nation, race or belief and in one case as incitement of national and racial intolerance.

After extensive investigations, criminal proceedings were initiated and charges were brought for the criminal act of support and propagation of movements directed at the suppression of the rights and freedoms of citizens against two creators and distributors of printed materials entitled *Edelweis* and *Biely boj* (White Fight), containing articles and drawings promoting a movement directed at the suppression of rights and freedoms of citizens. The prosecutor brought charges against both of the accused. The court has yet to deliver its final verdict.

The 25 cases of racially motivated crime in 2000 were committed by 44 discovered perpetrators.

The prosecution of verbal and violent racially motivated crime reached the same extent in 2001. This concerned 18 non-violent and 19 violent acts. As for the violent acts, in eleven cases they were criminal acts of violence against a group of citizens and against an

individual, in six cases they were criminal acts of injury to health and in two cases criminal acts without injury to health.

The non-violent acts committed in 2001 included 6 criminal acts of defamation of a nation, race or belief, 5 criminal acts of incitement of national, racial and ethnic hatred and 7 criminal acts of support and propagation of movements directed at suppressing the rights and freedoms of citizens. In two cases, criminal prosecution was taken against criminal acts of a more serious nature, however, the perpetrators were not discovered.

40 persons were prosecuted for the above racially motivated crimes committed in 2001, which is almost the same number as in 2000 (42 persons).

The **Prison and Court Warden Corps** pays much attention to the issue of the protection of the rights of persons belonging to national minorities, since more than 45% of the accused and convicted in the Slovak Republic belong to a national minority or have foreign citizenship. In compliance with the Corps's Training Concept, all members are acquainted with the relevant basic standards and international treaties and conventions, to which the Slovak Republic is a party, with the aim of guaranteeing democracy, legality, human rights and freedoms. Attention is also paid to professional training of the personnel of correctional institutions with emphasis on acquiring skills for the performance of their duties in a multicultural environment. Specialised training programmes focused on the areas of education, culture and elimination of prejudices leading to racial discrimination for those members of the force who are in direct contact with the accused and convicted in custody and imprisonment institutions are organised by the custody and imprisonment department of the General Directorate of the Prison and Court Warden Corps. Specialists of the Corps' general directorate elaborate methodologies for the treatment of this category of prisoners.

The Corps has adopted effective measures to support mutual respect of the ethnic, cultural, linguistic and religious identity, both on the part of the personnel of correctional institutions towards prisoners and vice versa. The systematic training of the members of the Corps, in conformity with their further training in the field of human rights and with a view to the prevention of all forms of discrimination, racism, xenophobia, anti-Semitism and other expressions of intolerance, has been elaborated in the new concept of specialised training for the members of the Corps at its secondary school in Nitra. Since 2001, the subject of human rights is taught in 5 hours as part of the curriculum for basic vocational training under the subject "Fundamental Rights", 3 of which are devoted to the issue of the Roma ethnic minority. Specialised vocational training pays attention to this issue under the subject "Fundamental Rights" in the same extent and this is extended by 2 hours in the subject "Correctional Systems and Correctional Organizations Abroad". In court warden training, this issue is taught in 2 hours under the subject "Vocational Preparation – Charter of Fundamental Rights and Freedoms". The course for shift commanders also includes the subjects "Selected Legal Topics – Human Rights and Fundamental Freedoms" covered in 2 hours and "Romology" in 4 hours. A section of the curriculum on Roma issues is taught by a visiting teacher from the Roma Culture Department of the Social Sciences Faculty at the University in Nitra.

Since 2000, the Corps's general directorate, in co-operation with the OPEN SOCIETY FOUNDATION and the Citizen and Democracy foundation, has organised the "Weekend Training Programmes for the Corps' Members", which also cover the issue of prevention of all forms of discrimination, racism, xenophobia, anti-Semitism and other expressions of intolerance in prisons. The general directorate issues methodical documents concerning this issue under the title "Prosocial Programmes". A programme entitled "Multicultural and Anti-

Prejudice Training – Education Towards Tolerance and Against Racism" was prepared in June 2002.

Within the framework of methodical activities and in compliance with the Training Concept, the custody and imprisonment department has provided a training course for lecturers on the area of human rights since 2002, which is attended by 25 members of the Corps. The document Methodology for the Application of Specific Forms and Methods of Treatment of Prisoners of Roma Origin was elaborated in January 2001.

Article 7

The Parties shall ensure respect for the right of every person belonging to a national minority to freedom of peaceful assembly, freedom of association, freedom of expression, and freedom of thought, conscience and religion.

No legislative changes occurred as regards the rights to assembly and association in the monitored period. The legal regulations specified in the first implementation report with respect to Article 7 of the Framework Convention for the Protection of National Minorities continue to be in force.

The number of political parties and movements, civic associations, foundations, non-profit organisations providing generally beneficial services, non-investment funds and interest associations of legal persons established by citizens of the Slovak Republic who belong to a particular national minority has increased.

At present, the plural political systems in Slovakia comprises, among other political parties and movements, 25 political parties and movements, which associate citizens of the Slovak Republic belonging to individual national minorities. Of these, 20 political parties and movements were established by Roma, 4 political parties and movements by persons belonging to the Hungarian national minority and one political movement was established by persons belonging to the Ruthenian and Ukrainian national minority.

Political parties and movements established by persons belonging to the Hungarian national minority:

1. Hungarian Coalition Party (SMK)
2. Party of Hungarian Socialists (SMS)
3. Hungarian Socialist Party (MSSS)
4. Hungarian Federalist Party (MFS)

Political parties and movements established by persons belonging to the Roma ethnic minority:

1. Party for the Integration of Roma in Slovakia (SIR)
2. Party for the Protection of the Rights of Roma in Slovakia (SOPR)
3. Romany Civic Initiative in Slovakia (ROI SR)
4. Social Democratic Party of Roma in Slovakia (SSDR)
5. Union – Romany Civic Initiative in Slovakia (U – ROI)
6. Labour and Security Party (SPI)
7. Romany Congress of the Slovak Republic (RK SR)
8. Democratic Movement of Roma in the Slovak Republic (DHR)
9. Movement of the People with the Lowest Standard of Living (HLNŽŮ)
10. Party of Roma of Slovakia (SRÓS)

11. Romany National Party (RNS)
12. Party of Romany Democrats in the Slovak Republic (SRD)
13. Democratic Alliance of Roma in Slovakia (DAR)
14. Romany Initiative of Slovakia (RIS)
15. Party of the Democratic Unity of Roma (SDJR)
16. Romany Christian Democratic Movement in Slovakia (RKDH)
17. Movement of the Vlach Roma in Slovakia (HORS)
18. Party of the Romany Coalition in the Slovak Republic (SRK)
19. Romany Civic Unity of the Slovak Republic (ROJ SR)
20. Political Movement of Roma in Slovakia – ROMA (ROMA)

Persons affiliated with the Ruthenian and Ukrainian national minority have established one political party:

1. Regional Democratic Assembly – East (RDH – Východ)

The number of civic associations, foundations and other organisations of a non-profit nature established by persons belonging to national minorities living in the Slovak Republic also increased in the period between 1999 and the end of 2003.

Information from the Prison and Court Warden Corps on the application of Articles 7 and 8

During the time of imprisonment, the civil rights of prisoners are restricted only in cases when the exercise of these rights would be at variance with the purpose of serving custody or imprisonment sentences; also restricted are rights that cannot be exercised due to the specific conditions of serving custody or imprisonment sentences.

Activities are developed and supported in correctional institutions, in conformity with the purpose of serving imprisonment sentences, for the preservation of the basic elements of national and ethnic identity and development of culture and all of its positive characteristics. Everyone has the right to freely express their religion or belief either individually or in community with others, in private or public, in worship, practice, observance or teaching of religious rituals. Restrictions concern exclusively the organisational framework in line with the set daily schedule, the extent of movement of prisoners arising from the type of the institution with respect to penitentiary category and with a view to adherence to security measures.

Article 8

The Parties undertake to recognise that every person belonging to a national minority has the right to manifest his or her religion or belief and to establish religious institutions, organisations and associations.

No changes occurred in the application of this right in the monitored period.

Article 9

1. The Parties undertake to recognise that the right to freedom of expression of every person belonging to a national minority includes freedom to hold opinions and to receive and impart information and ideas in the minority language, without interference by public authorities and regardless of frontiers. The Parties shall ensure, within the framework of their legal systems, that persons belonging to a national minority are not discriminated against in their access to the media.

2. Paragraph 1 shall not prevent Parties from requiring the licensing, without discrimination and based on objective criteria, of sound radio and television broadcasting, or cinema enterprises.

3. The Parties shall not hinder the creation and the use of printed media by persons belonging to national minorities. In the legal framework of sound radio and television broadcasting, they shall ensure, as far as possible, and taking into account the provisions of paragraph 1, that persons belonging to national minorities are granted the possibility of creating and using their own media.

4. In the framework of their legal systems, the Parties shall adopt adequate measures in order to facilitate access to the media for persons belonging to national minorities and in order to promote tolerance and permit cultural pluralism.

Act No. 81/1966 Coll. on Periodical Publications and Other Types of Mass Media does not contain any provisions restricting the use of the languages of national minorities in the media.

Section 2 paragraph 8 of Act No. 212/1997 Coll. on Legal Deposit Copies of Periodical Publications, Non-Periodical Publications and Copies of Audio-Visual Works explicitly provides for the freedom of publishing any type of publication in other than the State language as follows: “Publishing periodical publications, non-periodical publications or the production of copies of audiovisual works in other than the State language shall not be restricted, unless this Act or separate legal acts provide otherwise.”

Act No. 16/2004 Coll. of 4 December 2003 on the Slovak Television, Section 5 paragraph (1) provides that main activities of the Slovak Television include:

“f) broadcasting balanced programmes, in terms of content and regional coverage, in the languages of national minorities or ethnic groups living in the territory of the Slovak Republic; in order to secure production and broadcasting of programmes for national minorities or ethnic groups, the Slovak Television shall set up independent organisational units.”

According to Section 7(a) of the Act, one of the bodies of the Slovak Television is the Council of the Slovak Television; Section 9 paragraph 2 provides that its 15 members:

“shall be elected from among the candidates proposed by the relevant Committee of the National Council of the Slovak Republic; nominations of Council members shall be submitted to the Committee by Members of Parliament or by legal persons defined in a separate legal regulation, operating in the area of audiovision, mass media, culture, science, education, promotion and preservation of spiritual values, human rights, the environment or health protection, representing the interests of national minorities or ethnic groups, other minorities, or of registered churches or religious societies.”

According to Act No. 619/2003 Coll. of 4 December 2003 on the Slovak Radio, Section 5 paragraph (1), main activities of the Slovak Radio include:

“e) broadcasting balanced programmes, in terms of content and regional coverage, in the languages of national minorities or ethnic groups living in the territory of the Slovak Republic; in order to secure production and broadcasting of programmes for national minorities or ethnic groups, the Slovak Radio shall set up independent organisational units.”

According to Section 7(a) of the Act, one of the bodies of the Slovak Radio is the Council of the Slovak Radio; Section 9 paragraph 2 provides that its 15 members:

“shall be elected from among the candidates proposed by the relevant Committee of the National Council of the Slovak Republic; nominations of Council members shall be submitted to the Committee by Members of Parliament or by legal persons defined in a separate legal regulation, operating in the area of production of radio programmes, mass media, culture, science, education, promotion and preservation of spiritual values, human rights, the environment or health protection, representing the interests of national minorities or ethnic groups, other minorities, or of the registered churches or religious societies.”

Act No. 308/2000 Coll. on Broadcasting and Retransmission as amended contains the following relevant provisions:

Section 3 (h) point 5

“h) a programme in public interest is a programme aimed at satisfying informational and cultural needs of listeners or viewers in the territory covered by the signal of the broadcaster; it is, in particular ...

5. a programme presenting culture with emphasis on the Slovak national culture and the culture of national minorities or ethnic groups, their life and opinions,”

Section 16 paragraph 1(g)

“g) to provide for the use of the State language and of the languages of national minorities in the broadcasting of programmes and other elements of programme service in accordance with separate regulations,”

Section 18 paragraph 2 (d)

“d) to ensure a varied programme structure, in particular that majority of programmes be programmes in public interest,”

Section 19 paragraph 2(a)

“(2) The programme service or any of its component parts may not

a) promote violence or incite, covertly or overtly, hatred on the basis of gender, race, colour of skin, language, faith or religion, political or other thinking, national or social origin, membership in a national or ethnic group,”

Section 32 paragraph 4(b)

“(4) Broadcast advertising and teleshopping may not

b) include any kind of discrimination on the grounds of sex, race, colour, language, national or social origin or nationality or membership of an ethnic group.”

We note that as regards Article 9 paragraph 1 and with reference to paragraph 2, twelve local television stations operating in the territory of the Slovak Republic as of 31 December 2003 (out of a total of 76 local/regional TV stations) had bilingual broadcasts, i.e. programmes in the Slovak language and in the languages of national minorities (the Hungarian language was represented in all of them).

As regards local broadcasting in minority languages, mention can be made of Section 17 paragraph 1(b) of Act No. 308/2000 Coll. on Broadcasting and Retransmission, and of amendment to Act No. 195/2000 Coll. on Telecommunications as amended, which facilitates access to the media by laying down the obligation of cable operators to reserve one channel for local broadcasting.

Also relevant from the point of view of public service broadcasters is the real share of minority broadcasting in the total broadcasting time (the number of persons who declare belonging to national minorities represents 13.2% of the population):

Slovak Television (STV):	Slovak Radio (Sro):
2001 – 0.9% of total broadcasting time	2001 – 7.2% of total broadcasting time
2002 – 0.9% of total broadcasting time	2002 – 7.4% of total broadcasting time
2003 – 0.7% of total broadcasting time	2003 – 8.5% of total broadcasting time

Most of the Slovak territory is covered not only by the signal of European satellite television broadcasters, but also by a good quality terrestrial signal of main television stations of the neighbouring countries.

Article 10

1. The Parties undertake to recognise that every person belonging to a national minority has the right to use freely and without interference his or her minority language, in private and in public, orally and in writing.

2. In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if those persons so request and where such a request corresponds to a real need, the Parties shall endeavour to ensure, as far as possible, the conditions which would make it possible to use the minority language in relations between those persons and the administrative authorities.

3. The Parties undertake to guarantee the right of every person belonging to a national minority to be informed promptly, in a language which he or she understands, of the reasons for his or her arrest, and of the nature and cause of any accusation against him or her, and to defend himself or herself in this language, if necessary with the free assistance of an interpreter.

On 10 July 1999, the National Council of the Slovak Republic adopted **Act No. 184/1999 Coll. on the Use of National Minority Languages** (*Annex No. 1*), which entered into effect on 1 September 1999. The enactment of the law was welcomed by the OSCE High Commissioner on National Minorities, the Council of Europe and the European Union. The objective of the law is to set out the rules for using minority language also in official communication in the municipalities where, according to the latest census, the citizens of the Slovak Republic belonging to a national minority represent at least 20% of the population.

According to the latest census of 2001, the above provision of Act No. 184/1999 Coll. applies to 655 municipalities, in 502 of which the 20% threshold is reached by the citizens of the Slovak Republic belonging to the Hungarian national minority, in 6 by those belonging to the Ukrainian national minority, in 92 by those belonging to the Ruthenian national minority, in 54 by those belonging to the Roma national minority, and one municipality where the threshold is reached by persons belonging to the German national minority. The list of municipalities in which the citizens of the Slovak Republic belonging to national minorities constitute at least 20% of the population (according to the 1991 Population and Housing Census) is given in Government Ordinance No. 221/1999 Coll.. This list, however, is not identical with the list of municipalities based on the 2001 Population and Housing Census.

The comparison of the two lists reveals changes that occurred as regards the number of municipalities concerned. Thus, the number of municipalities with the required share of the Hungarian minority dropped from 512 to 502, those with the Roma minority from 57 to 54,

those with the Ukrainian minority from 18 to 6. An increase from 68 to 92 municipalities was recorded for the Ruthenian minority. No change took place as regards municipalities with the German minority (there is still 1 such municipality), although it is a different municipality that meets the criteria set out in Section 2 paragraph 1 of the Act.

In addition to the aforesaid national minorities, the 2001 Population and Housing Census also produced data on the Moravian, Polish, Croat, Serbian, Bulgarian, Russian and Jewish national minorities.

(The lists of municipalities where the citizens of the Slovak Republic belonging to various national minorities constitute at least 20% of the population according to the Population and Housing Census are given in Annexes 9 to 14.)

Act No. 184/1999 Coll. provides that if the citizens of the Slovak Republic belonging to national minorities constitute at least 20% of the population of a municipality according to the latest population census, they can use the minority language in official communication. Thus, according to this provision

- a citizen of the Slovak Republic belonging to a national minority shall have the right to file petitions with a local State administration or local government authorities written in his minority language,
- the public administration body that handles the petition shall reply in both the State language and the minority language, except for public instruments,
- the decision of the public administration authority that handles the petition shall be issued, if so requested, also in the minority language as a counterpart to the decision issued in the State language,
- names of public administration authorities shall be displayed on the buildings also in a minority language,
- local self-governing authority in the municipality shall issue official forms within its competence to citizens in the State language and, where so requested, also in a minority language,
- deliberations of local self-governing authorities may be conducted also in a minority language, subject to the consent of all those present,
- municipal council members have the right to use their minority language during the deliberations of that body; interpretation is arranged for by the local authority,
- entries into the memorial book of the municipality may be made also in a minority language,
- street signs and other local topographical indications may be displayed also in a minority language,
- important information in a municipality, in particular warnings, cautions and health information, shall be posted in publicly accessible sites in both the State and a minority language,
- the right to use a minority language in court proceedings or in other areas is provided for under separate laws (*information concerning Article 4*).

Article 11

1. The Parties undertake to recognise that every person belonging to a national minority has the right to use his or her surname (patronym) and first names in the

minority language and the right to official recognition of them, according to modalities provided for in their legal system.

2. The Parties undertake to recognise that every person belonging to a national minority has the right to display in his or her minority language signs, inscriptions and other information of a private nature visible to the public.

3. In areas traditionally inhabited by substantial numbers of persons belonging to a national minority, the Parties shall endeavour, in the framework of their legal system, including, where appropriate, agreements with other States, and taking into account their specific conditions, to display traditional local names, street names and other topographical indications intended for the public also in the minority language when there is a sufficient demand for such indications.

No legislative change has taken place concerning the use of first names and surnames of persons belonging to national minorities, or concerning the display of traditional local indications in minority languages. This area continues to be governed by legal provisions referred to in the first implementation report concerning Article 11 of the Framework Convention. They are fully implemented in practical life.

The Ministry of Interior, i.e. the body overseeing compliance with law in this area of State administration, has not received any complaint alleging violations of the rights of persons belonging to national minorities in this area.

Article 12

1. The Parties shall, where appropriate, take measures in the fields of education and research to foster knowledge of the culture, history, language and religion of their national minorities and of the majority.

2. In this context the Parties shall inter alia provide adequate opportunities for teacher training and access to textbooks, and facilitate contacts among students and teachers of different communities.

3. The Parties undertake to promote equal opportunities for access to education at all levels for persons belonging to national minorities.

Decree No. 437/2001 Coll. of the Ministry of Education, amending and supplementing Decree No. 145/1996 Coll. on Admission to Secondary Schools, governing the conditions of admission of pupils from primary schools providing instruction in a minority language to schools providing instruction in the Slovak language or vice-versa, has been in effect since 2001:

“(1) Entrance exams shall consist of a knowledge test concerning the Slovak language and literature and other profile subjects, or of a test of special aptitudes, skills or talents necessary to meet the requirements of study or apprenticeship, or both.

(2) In schools providing instruction in a minority language, the language of instruction used at the secondary school shall be added to the profile subjects referred to in paragraph 1.

(3) Entrance examinations for pupils of primary schools providing instruction in minority languages who apply for study at secondary schools providing instruction in the Slovak language shall consist of:

a) test from the profile subject of Slovak language and literature, at the level taught in the primary school attended by the pupil,

b) test from another profile subject held in the language in which it was taught in the primary school, subject to a request formulated by the legal guardian of the pupil in the application for study at a secondary school.

(4) Entrance examinations for pupils of primary schools providing instruction in the Slovak language, who apply for study at secondary schools providing instruction in a minority language, shall be identical with those referred to in paragraph 1. Entrance examinations on another profile subject shall be held in the language in which it is taught in the primary school, subject to a request formulated by the legal guardian of the pupil in the application for study at a secondary school.”

A Polish school was opened in September 2003 at the Embassy of the Republic of Poland; it is located in the building of the Ján de la Sale primary school in Bratislava.

Concept of Education and Instruction of Roma Children and Pupils

At its management meeting on 19 April 2001, the Ministry of Education approved a Concept of Education and Instruction of Roma Children and Pupils. This concept addresses for the first time, in a comprehensive manner, the issue of improving the quality of education and instruction of Roma children and pupils. The Concept was developed in harmony with the long-term Concept of Education and Instruction in the Slovak Republic / the Millennium project, and the National Programme of Education and Instruction in the Slovak Republic in the next 15 – 20 years. The Programme of the Slovak Government is in line with the Concept and creates social and political prerequisites for successful implementation of the Concept in educational practice.

The Concept takes account of age and individual characteristics of Roma children and pupils coming from an insufficiently stimulating family or social environment, with the aim of eliminating prejudices and existing stereotypes, offsetting negative influences of the insufficiently stimulating environment, eliminating language and communication barriers. The objective of the Concept is to shape positive attitudes to education, obligations, responsibility, to social and cultural values through community and lifelong education. The Concept covers the field of education and instruction at all levels of the school system – in preschool education, compulsory school attendance, in the system of secondary schools and universities, and considers also the training and further training of pedagogical staff involved in education and instruction of Roma children, participation of parents and of the Roma community in the process of education and instruction. The Concept is an open document and, as such, can be complemented on the basis of new facts and knowledge. It outlines the directions to be followed to make Roma pupils succeed in the school system and thus to enhance their education level.

In the course of 2002, the Concept was subjected to an inter-ministerial review. Relevant sectors did not present any comments and the Concept was, on the whole, positively received. Among its outcomes is for instance Act No. 658/2002 Coll. amending and supplementing Act No. 281/2002 Coll. on Child Allowance and Supplementary Child Allowance in connection with avoiding compulsory school attendance. Although the aforesaid law was in force only until 31 December 2003, new Act No. 600/2003 Coll. on Child Allowance, effective from 1 January 2004, sets out even more detailed criteria governing entitlement to child benefits in case of avoidance of compulsory school attendance.

The following legislative provisions and other relevant facts and changes were introduced during the period of implementing the Concept:

- Amendment to Act No. 29/1984 Coll. on the System of Primary and Secondary Schools (School Act) as amended by Act No. 408/2002 Coll. of 27 June 2002. The aforesaid Act contains provisions on opening zero classes in primary schools, introducing positions of teacher's assistants as members of pedagogical staff, and on education and instruction of the children of foreign nationals.
- Government Ordinance No. 570/2002 of 4 September 2002, amending and supplementing Government Ordinance No.111/2002 Coll. on the catalogues of occupational activities in public service and on their amending or supplementing, as amended by Government Ordinance No. 122/2002 Coll. Point 17 of Government Ordinance on Education and Physical Education defines in its section on occupational activities salary grade 7 as follows: "09 Educational and community activities, aimed at creating supportive learning environment for children coming from insufficiently stimulating social and cultural environment, conducted by teacher's assistants in schools or pre-school facilities who meet the requirements set out in a generally binding legal provision."
- Act No. 281/2002 Coll. on Child Allowance and Supplementary Child Allowance as amended (repealed as from 1 January 2004 by Act No. 600/2003 Coll. on Child Allowance and on amending and supplementing Act No. 461/2003 Coll. on Social Insurance). The law deals with the issues related to avoiding compulsory school attendance (Section 18, and/or Section 12 Act No. 600/2003 Coll.).
- Act No. 597/2003 Coll. on the Financing of Primary Schools, Secondary Schools and Educational Facilities (it repealed Act No. 506/2001 on the Financing of Primary Schools, Secondary Schools and Educational Facilities and on supplementing Act No. 303/1995 Coll. on Budgetary Rules as amended with effect from 1 January 2004).
- Government Ordinance No. 2/2004 Coll., laying down the details of State budget allocations for primary schools, secondary schools, practical training centres, primary schools of art and educational facilities (Section 6 paragraph (c) "allowances payable to the founders for providing education to pupils coming from socially disadvantaged environment").
- Government Ordinance No. 162/2002 Coll. on the Scope of Teaching and Educational Activities of Pedagogical Staff as amended by Government Ordinance No. 269/2003 Coll. Section 2 paragraph 3(c) of the Act sets out the basic teaching assignment for teacher's assistants in primary schools, teacher's assistants in primary schools with kindergartens, teacher's assistants in special primary schools, teacher's assistants in sports classes of primary schools at 23 hours/week, Section 2 paragraph 3(d) sets out the basic teaching assignment for teachers in zero grades of primary schools, teacher's assistants in zero grades of primary schools, teacher's assistants in the first grade of primary schools, teacher's assistants in preparatory classes of special primary schools and teacher's assistants in the first grade of special primary schools at 22 hours/week.
- Through its Resolution No. 912 of 21 August 2002 on Government-commissioned research and development projects launched in 2002 and their financial backing, the Government approved the funding for the Government-commissioned project on "Improving the Level of Socialisation of the Roma Community through Education Systems, Mission Workers and Teacher's Assistants" at a total of SKK 10,300,000 by the year 2005. On the basis of a tender, Constantine the Philosopher University of Nitra became chief coordinator for the project in cooperation with pedagogical faculties of Matej Bel University at Banská Bystrica, Prešov University and Comenius University in Bratislava.
- Methodological Instruction of the Ministry of Education No. 600/2002-43 on opening zero grades in primary schools with effect from 1 September 2002.

- Methodological Instruction on introducing positions of teacher's assistants in preschool facilities, primary schools and in the special primary school No. 1631/2002-sekr. issued by the Ministry of Education on 26 August 2002 with effect from 1 September 2002.
- Methodological Guideline of the Ministry of Labour, Social Affairs and Family and the Ministry of Education for Regional Authorities, District Authorities and Local Government Authorities for ensuring compliance with the provisions of Section 18 paragraph 2 of Act No. 281/2002 Coll. on Child Allowance and Supplementary Child Allowance as amended by Act No. 658/2002 Coll. (avoidance of compulsory school attendance).
- Curricula for grades 1 to 9 of primary schools, approved by the Ministry of Education on 14 May 2003 under No. 521/2003-41 with effect from 1 September 2003, comprising curricula for grades 1 to 4 of primary schools teaching the Roma language; curricula for grades 5 to 9 of primary schools teaching the Roma language – two teaching units for the subject of Roma language and literature a week; curricula for a training course designed to receive education offered by primary school.
- Printing and distribution of school report cards for pupils of zero grades of primary schools (857 pupils in 66 classes).
- Publication and approval of a textbook in Roma language *Romaňi čhib* on 30 October 2002 under No. 643/2002-43, and of a manual for Roma language textbook for primary and secondary schools. of 30 October 2002 under No. 659/2003-43.
- Publication and approval of a complementary textbook *Ludia z rodiny Rómov* (People from the Roma Family) on 26 August 2002 under No. 566/2002-43.
- Report on the current situation in education and instruction of Roma children and pupils, approved by the Minister's board meeting on 23 September 2003.
- Methodological Instruction on introducing positions of teacher's assistants in education and instruction of children and pupils with special educational needs in preschool facilities, primary schools and special primary schools No. 184/2003-095, issued by the Ministry of Education on 6 December 2003 with effect from 1 January 2004.
- Methodological and Pedagogical centre at Prešov carries out a project of specialised studies for teacher's assistants starting in the 2003/2004 school year (approved by the Ministry of Education under No. 82/2002-10 on 18 July 2003).
- In the framework of KEGA (Cultural and Educational Grant Agency) project No. 3/0130/02 – Training teachers for specific work with Roma children, under coordination of PF UK (Pedagogical Faculty of Comenius University) in Bratislava and the National Institute for Education. The teacher training initiated in 2002 and 2003 still continues. Final examinations will be held and final papers defended this year.

Status of implementation of certain projects, programmes, etc.

PHARE programmes implemented within the framework of the 1998, 1999, 2000, 2001, 2002 and 2003 Financing Memoranda, aimed at improving the situation and life of minorities, in particular the Roma minority, in the Slovak Republic

Results of implemented PHARE projects:

Supported/established were:

25	community centres
3	methodological centres + ROCEPO (<i>Roma Educational, Information, Documentation, Counselling and Consultation Centre</i>)
110	kindergartens
235	primary schools
18	secondary schools
12	university departments
20	special primary schools
15	training centres – at regional labour offices
14	employment promoting incubators

Also supported were:

- training of 67 social workers working in 25 community centres
- establishing of ROCEPO – Roma Training, Information, Documentation, Counselling and Consultancy Centre – that was subsequently included into the organisational structure of the Methodological Centre at Prešov,
- training courses for local government and opinion-makers in 77 municipalities
- under a grant scheme, funds were subsequently allocated for 33 smaller projects carried out by non-governmental organisations in the above localities,
- a tolerance campaign that included the presentation of 10 documentaries on coexistence with ethnic or national minorities in Slovakia and in Europe,
- the development of curricula for mother-tongue education of minorities and for improving the effectiveness of Slovak language teaching in schools providing instruction in minority languages,
- training of 32 Roma assistants/advisors for district labour offices,
- 518 Roma participated in training courses under individualised plans, and acquired work skills in incubators,
- creating 169 jobs for graduates of these training courses
- the development of multicultural curricula for preschool education, zero grades, cooperation between parents and primary schools, daylong care in school, secondary schools
- the development of multicultural training modules, in particular for teacher’s assistants and teachers in classes with a high number of Roma pupils
- the revision and development of new batteries of tests with a view to reintegrating children from special primary schools to standard primary schools
- the preparation of tender dossiers for 11 tenders relating to the construction of infrastructure for Roma settlements.

Other projects:

- Approval of the project of experimental verification of complementary teaching texts with Roma-related topics “Merry Letters” in 4 primary schools in the Prešov region (2 experimental primary schools and 2 control primary schools, classes with pupils who did not attend kindergartens and one class with pupils repeating the first grade) in the 2002/2003 school year under No. 295/2002-43 on 22 May 2003.
- Approval of the continuation of the project “Reintegrating Roma pupils of special primary schools coming from insufficiently stimulating social and educational environment into majority population” continued in grades 3 and 4 in 10 special primary schools in the regions of Prešov, Košice and Banská Bystrica (5 experimental

and 5 control classes of special primary schools) from 1 September 2002 to 30 August 2004 under No. 355/2002-43 on 24 May 2002.

- Approval of the project “Experimental verification of the effectiveness of curricula for Roma language and literature in primary and secondary schools” under No. 199/2003-44 on 14 April 2003, carried out by the National Institute for Education starting in the 2003/2004 school year in two secondary and one primary schools.
- Decision of the Ministry of Education adopted under No. 265/2002-45 on 16 April 2003 on the inclusion into the school network of a Private Gymnasium, Galaktická ul. No. 9, Košice with effect from 1 September 2003 – one of the schools carrying out the project of verifying the curricula of Roma language and literature.
- Approval of experimental verification of the project “Integration of Roma children from special primary schools to primary schools” from the 2003/2004 school year to the 2005/2006 school year under No. 474/2003-44 of 15 May 2003.
- Project of upgrading the level of teaching and learning of languages in schools providing instruction in minority languages, aimed at improving the teaching of Slovak language and strengthening the teaching of national minority languages, carried out in 2002.

Other important selected projects supported by the Ministry of Education

a) In cooperation with the Kingdom of Sweden

- Given the current state of coexistence between the Slovak majority, Roma and other national minorities in the Slovak Republic, we attach primary importance to introducing and implementing, throughout the school system, multicultural education and education against prejudice as a basic factor determining school results of Roma children and pupils.
- The Kingdom of Sweden in cooperation with the Ministry of Education issued the publication “Katici” by a Swedish-Roma author Katarina Taikon, illustrated by pupils from the Jarovnice primary school. This book about interpersonal relations, understanding and tolerance, written in the Slovak and Hungarian languages, was distributed by means of departments of education, youth and physical culture of district authorities in Slovakia to 367 kindergartens, 1560 primary schools, educational and psychological prevention centres, educational and psychological counselling centres and leisure time centres.

The book was solemnly presented on 5 April 2002 at the Košice State Theatre during the official visit of King Carl XVI Gustaf and Queen Silvia. At a seminar for teachers held on the same occasion, the Department of Roma Culture at the Constantine the Philosopher University in Nitra presented methodology for working with a literary text.

b) Programmes aimed at school-age children of unsuccessful asylum-seekers in the countries of Western Europe

A major exodus of Roma families to western European countries took place especially between 1998 and 2001. Since 2001, the Ministry of Education in cooperation with the International Organisation for Migration (IOM) has addressed the problems connected with reintegrating school-age children of unsuccessful asylum-seekers, who returned to Slovakia, to primary schools. Parallel projects were launched in 2000 under the Concept of Education and Instruction of Roma Children and Pupils, namely the project of “Cooperation between

Roma families and schools in the area of education, instruction and communication". Target groups are pupils of primary schools aged 6-15, parents of children and teachers of these children. The basic objective of the programme is to encourage Roma parents to take interest in the education and instruction of their children through seminars on the use of motivational teaching aids, and thus to positively influence communication within the families concerning school and instruction, and/or improve cooperation between the family and the school in the area of education and instruction. Five primary schools in the Košice region, which recorded the most extensive migration, participated in the project in 2003. 170 pupils, 125 parents and 41 teachers took part in this activity.

It should be noted in this regard that the entities implementing any project or programme are faced with a difficult task to overcome communication barriers and mistrust of the Roma.

Relevant feedback:

- From parents: improvement of knowledge concerning such subjects as mathematics, Slovak language (reading), followed by the subjects: elementary science, foreign language, sciences, history, homeland study, computer work. Interesting proposal: involving grandparents and experienced persons into further education for parents.
- From teachers: recommend that similar seminars should continue and that more teaching aids be provided for various subjects, as well as training in their use; they feel that it is necessary, in particular, to improve the knowledge of Roma history and culture, to introduce more new methods for teaching Roma pupils, their activation, improvement of communication skills. Teachers answered the question "What kind of assistance would you need to help you in your work?" in the following order:
 - more teaching aids, manuals
 - more funds
 - greater recognition of the demanding and responsible work of teachers
 - help from parents in the home environment.
- From pupils: they realise the importance of education and most of them would like to find a job that requires education at the level of secondary vocational school or another type of secondary school. They admit, however, that sometimes they struggle with schoolwork and do not understand the subject matter, and that they do not make sufficient efforts at obtaining education.

Article 13

1. Within the framework of their education systems, the Parties shall recognise that persons belonging to a national minority have the right to set up and to manage their own private educational and training establishments.

2. The exercise of this right shall not entail any financial obligation for the Parties.

There has been no change in the rules for implementing this right in the relevant period.

Article 14

1. The Parties undertake to recognise that every person belonging to a national minority has the right to learn his or her minority language.

2. In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand, the Parties shall endeavour to ensure, as far as possible and within the framework of their education systems, that persons belonging to those minorities have adequate opportunities for being taught the minority language or for receiving instruction in this language.

3. Paragraph 2 of this article shall be implemented without prejudice to the learning of the official language or the teaching in this language.

The following measures were taken in the area of minority schools:

- maintaining bilingual pedagogical records in schools providing instruction in a minority language, and issuing bilingual school report cards;
- entrance examinations to Slovak-language secondary schools for pupils from primary schools providing instruction in a minority language include a test of Slovak language and literature at the level taught in the primary school attended by the pupil, and a test of another profile subject held in the language in which it is taught in the primary school attended;
- introduction of zero grades of primary schools into the school education system and creation of the position of teacher's assistants as members of pedagogical staff – the factors that influences school performance of children and pupils coming from insufficiently stimulating social and educational environment – at kindergartens, primary and special primary schools;
- transfer of certain competences from State administration authorities to municipalities and to self-governing regions in the area of education with effect from 1 July 2002.

The National Programme of Development of Education and Instruction in the Slovak Republic for the next 15 to 20 years, approved by the Government (Government Resolution No. 1193 of 19 December 2001) and the Parliamentary Committee on Education, Science, Youth and Sports (Resolution No. 368 of 7 May 2002) provide for the gradual implementation of educational reforms in primary and secondary schools.

The Government declared in its Programme (November 2002) that, as regards minority education, it would focus mainly on:

- enacting a new school act on education and instruction,
- establishing a university for educating persons belonging to the Hungarian national minority with a view to eliminating the differences in the level and structure of education,
- creating opportunities for the Ruthenian and Roma minorities to receive education in their mother tongues,
- finalising the solution of the issue of funding for the public school system,
- openness of the school system – equal conditions for the establishment and development of religious and private schools,
- expanding the range of courses for university training of teachers belonging to national minorities in their mother tongues.

In its 2002 Programme the Government gave an undertaking that in the first year of its term it would establish a university offering education to persons belonging to the Hungarian national minority. In October 2003 the National Council approved a Government sponsored bill and adopted Act No. 465/2003 Coll. on establishing the Selye János University in

Komárno. The Selye János University established on 1 January 2004 is a public institution of higher studies, which educates mainly specialists in economics, management, information science at its Faculty of Economics, teachers of primary and secondary schools providing instruction in the Hungarian language at its Faculty of Pedagogy, and theologians and catechists of the Reformed Christian Church in Slovakia at its the Reformed Theology Faculty. The university offers courses mainly in the Hungarian language, while attaching special importance to teaching professional terminology to its graduates also in the Slovak, English and other European languages. The University launched instruction on 1 September 2004.

Annex 14 presents an overview of schools and school facilities where languages of nationalities were taught in the 2003/2004 school year. This overview does not include primary schools where the minority language and literature is taught as a subject, while all other subjects are taught in Slovak in accordance with the curricula. These schools are reported in the statistics as schools providing instruction in the Slovak language.

Article 15

The Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them.

No change was recorded in the relevant period in the legislation providing for the participation of persons belonging to national minorities in the running of public affairs. Parliamentary and municipal elections were held in 2002. As a result of both elections, the proportion of members representing national minorities increased both in the National Council of the Slovak Republic and in local government authorities.

Based on the results of 2002 parliamentary elections, the Hungarian Coalition Party obtained 13.3% of votes, i.e. 20 seats in Parliament. Representatives of the Hungarian Coalition Party hold the following positions in Parliament:

- Deputy Speaker of the National Council of the Slovak Republic,
- Chairman of the Committee on Human Rights, Minorities and Status of Women,
- Chairman of the Finance, Budget and Currency Committee,
- Deputy Chairman of the Mandate and Immunities Committee,
- Deputy Chairman of the Special Committee for Overseeing the Slovak Intelligence Service,
- Deputy Chairman of the European Integration Committee,
- Deputy Chairman of the Agriculture Committee,
- Deputy Chairman of the Social Affairs and Housing Committee,

Other MPs are represented in other parliamentary committees.

Based on the results of coalition talks after the 2002 parliamentary elections, the representatives of the Hungarian Coalition Party in the Government hold the positions of Deputy Prime Minister for European Integration, Human Rights and Minorities, Minister of Environment, Minister of Agriculture, Minister of Construction and Regional Development, and 6 positions of State secretaries at various ministries.

In local elections of 2002, the representatives of national minorities obtained 238 positions of the mayors of municipalities, 233 of them being candidates of the Hungarian Coalition Party, 1 a candidate of the Party of Hungarian Socialists, 3 mayors were elected for the Roma Civic Initiative and 1 mayor for the Roma Coalition Party in the Slovak Republic.

2,138 representatives of national minorities were elected to municipal councils – 2,050 of them for the Hungarian Coalition Party, 2 for the Hungarian Federalist Party, 2 for the Party of Hungarian Socialists, 66 for the Roma Civic Initiative of the Slovak Republic, 1 for the Political Movement of Roma in Slovakia, 5 for the Roma Citizen's Union of the Slovak Republic, 2 for the Party of Slovak Roma and 10 for the Roma Coalition Party in the Slovak Republic.

Other representatives of national minorities were elected mayors of municipalities or members of local councils as candidates of other political groupings.

In 2001, the Slovak Republic had its first elections to the bodies of self-governing regions – chairmen of self-governing regions and members of regional parliaments. Based on the results of these elections, the post of the chairman of one self-governing region was obtained by a candidate running for the coalition of five political parties and political movements, which also includes the Hungarian Coalition Party. 60 candidates of the Hungarian Coalition Party were elected to regional parliaments. Other representatives were elected for local councils as candidates of coalitions of different political groupings.

The Governmental Council on National Minorities and Ethnic Groups, comprising the representatives of all national minorities living in the Slovak Republic, continues to act as an advisory body to the Government.

Article 16

The Parties shall refrain from measures which alter the proportions of the population in areas inhabited by persons belonging to national minorities and are aimed at restricting the rights and freedoms flowing from the principles enshrined in the present framework Convention.

No legislative acts or measures adopted in the relevant period change the proportions of population in the areas inhabited by persons belonging to national minorities.

Act No. 221/1996 Coll. on Territorial and Administrative Division of the Slovak Republic as amended, which provides that the self-governing units in the Slovak Republic are municipalities and self-governing regions, continues to be in force. Administrative units of the Slovak Republic are represented by 8 regions and 79 districts, which exercise the competences of the State.

Public administration of the Slovak Republic is governed also by Act No. 302/2001 Coll. on self-governing regions as amended. Eight self-governing regions were created under the aforesaid law. The boundaries of self-governing regions coincide with the boundaries of administrative regions (created under aforesaid Act No. 221/1996 Coll.).

Compared with the situation in 1996, neither the current version of the 1996 law nor the abovementioned law on self-governing regions has affected or changed the relative proportions of the population living in the areas referred to in Article 16 of the Framework Convention.

Article 17

1. The Parties undertake not to interfere with the right of persons belonging to national minorities to establish and maintain free and peaceful contacts across frontiers with

persons lawfully staying in other States, in particular those with whom they share an ethnic, cultural, linguistic or religious identity, or a common cultural heritage.

2. The Parties undertake not to interfere with the right of persons belonging to national minorities to participate in the activities of non-governmental organisations, both at the national and international levels.

No legislative changes has taken place in this area during the relevant period that would affect and/or restrict the rights of persons belonging to national minorities to maintain contacts across frontiers, in particular those with persons living in other States with whom they share an ethnic, cultural, linguistic or religious identity.

Cross border cooperation has become one of the most important attributes for the development of regions in the Slovak Republic and in the central European framework. Thanks to concrete results of activities of Euro regions, intergovernmental commissions on cross border cooperation, chambers of commerce and the NGO sector, established jointly with neighbouring countries of the Slovak Republic; this cooperation has attained a higher level of quality. Within the framework of such groupings, the towns, villages and local State administration have conducted a number of successful activities in the economic, social, legal, scientific, cultural and other fields. These include, e.g., an increase in the number of border crossings and in simplifying the crossing of the borders, improved transport, environmental protection, etc. One aspect that cannot be expressed in financial terms is the quality of interpersonal relations established through cross border cooperation, which is beneficial not only for persons belonging to the specific national minority that lives in the frontier region, but for everybody living in that area.

The most important international associations that are active in this area include the Carpathian Euroregion, Tatra Euroregion, Pomoravie Euroregion, Beskyds Euroregion, White Beskyds Euroregion, White Carpathian Euroregion, Vah – Danube – Ipel Euroregions, Neogradiensis Euroregion, Slaná – Rimava Euroregion, Triple Danube Euroregion and association Kras Euroregion.

Article 18

1. The Parties shall endeavour to conclude, where necessary, bilateral and multilateral agreements with other States, in particular neighbouring States, in order to ensure the protection of persons belonging to the national minorities concerned.

2. Where relevant, the Parties shall take measures to encourage transfrontier co-operation.

An important development in the relevant period was the signing on 16 January 2003 of the **Agreement between the Government of the Slovak Republic and the Government of the Republic of Hungary on Cooperation in the Fields of Culture, Education, Science, Sports and Youth** (*Annex No. 15*), whose absence was felt for a long time.

A document of special importance, that has also a more general impact on the strengthening of international legal standards in the area of promoting national minorities, is the **Agreement between the Governments of the Slovak Republic and of the Republic of Hungary on Mutual Support Provided to National Minorities in the Areas of Education and Culture** (*Annex No. 16*), signed by the ministers of foreign affairs of the Slovak Republic and of the Republic of Hungary in Brussels on 12 December 2003 (entered into force on 13 February 2004).

More detailed information on the developments in the area of bilateral cooperation with Hungary is given in the reply to Question 3 of the Questionnaire of the Advisory Committee.

**Information Provided in Connection with the Questionnaire of the Advisory
Committee for the Second Report on the Implementation of the Framework
Convention for the Protection of National Minorities
in the Slovak Republic**

1. What are the recent developments with respect to a possible introduction of a law on the position of national minorities, mentioned in the Government's Programme Declaration?

A draft law on national minorities, envisaged in the Plan of Legislative Tasks of the Government for 2003, was to be submitted to the Government by the Minister of Culture in December. However, because in the Minister's opinion the subject of the draft law goes beyond the sphere of culture and requires a more comprehensive solution, he asked, in agreement with the Deputy Prime Minister for European Integration, Human Rights and Minorities, to change the sponsorship of the bill and prolong the time limit for its submission. The Government approved the above proposal by Resolution No. 1182 of 10 December 2003. According to the Resolution and to the Plan of Legislative Tasks of the Government for 2004, the draft law on national minorities is to be put forward to Government by the Deputy Prime Minister for European Integration, Human Rights and Minorities in December 2004.

2. Please provide information on the investigation concerning the alleged forced or coerced sterilisations of Roma women and other measures taken by the authorities to address this issue.

As regards alleged unlawful sterilisations of Roma women, the General Director of the Section for Human Rights and Minorities of the Government Office, acting on an instruction from the Deputy Prime Minister for European Integration, Human Rights and Minorities, filed a criminal complaint against unknown offenders on a suspicion of criminal offence of bodily harm pursuant to Sections 221 to 224 of the Criminal Code. The criminal complaint was filed because there were indications that at an unidentified point in time between 1999 and the present, medical intervention – sterilisation – was allegedly performed on IG, born 20 Feb. 1983, and RH, born 7 Jan. 1972, while they were giving birth at the Gynaecology and Obstetrics Department of the Hospital with Polyclinic at Krompachy, by the as yet unidentified doctors of that establishment.

The competent investigator of the Regional Investigation Authority of the Košice Police Force re-qualified the criminal complaint on 31 January 2003 and launched prosecution on a suspicion of the criminal offence of genocide pursuant to Section 259 paragraph 1(b) of the Criminal Code. In the reasoning to his resolution the investigator stated that, in addition to 2 cases of unlawful and involuntary sterilisations of Roma women, there was a reason to believe that another 26 such sterilisations were performed in several hospitals in eastern Slovakia.

Roma activist and advisor to the Minister of Interior Mgr. Ladislav Fízik was immediately contacted and asked for cooperation on 3 February 2003.

The investigation was conducted by the Regional Judicial Police Services of the Police Force in Košice.

A working meeting was held on 21 February 2003 with a legal consultant of the European Roma Rights Centre in Budapest who stated that the Centre was conducting a preliminary survey to identify cases of forced sterilisations of Roma women in Slovakia.

The Minister of Interior appointed a specialised investigation team composed of investigation and criminology specialists. The State Supervision and Control Section of the Ministry of Health created a control group composed of gynaecology and obstetrics experts who initiated an inspection of medical records covering a period of several years, starting in medical establishments of Krompachy and Gelnica mentioned in the report. Investigation into the matter was overseen by the competent supervising prosecutor and a prosecutor from the General Prosecution Office of the Slovak Republic.

Criminal investigation into the cases of alleged illegal sterilisations of Roma women, which was closed on 24 October 2003, did not establish the commission of genocide against the Roma population in the Slovak Republic as an act of Government policy. The investigator reached that decision on the basis, among other things, of the conclusions of expert opinion delivered by the most prestigious institute of its kind in the Slovak Republic, the Faculty of Medicine of Comenius University in Bratislava. In June 2003, the Committee of the National Council of the Slovak Republic on Human Rights, Nationalities and the Status of Women was presented the results of the inspection carried out by a group of medical experts. Neither this inspection proved the commission of genocide, segregation or discriminatory practices. No intimidation of alleged female victims occurred during the investigation. Prosecution against the authors of the 'Body and Soul' report (on the grounds of spreading alarming news) was never instigated, since the General Prosecution Office dismissed the motion to this effect, invoking the freedom of speech guaranteed under the Constitution of the Slovak Republic.

Given the results of the investigation, the Government of the Slovak Republic did not accept any political responsibility for the performance of alleged illegal sterilisations. Sterilisations of Roma women were never an official governmental policy in the Slovak Republic, nor did the Government officially condone such practice. Individual cases of women who feel to have suffered harm will be heard before independent courts. Should any violation be proven on the part of hospitals or concrete physicians, they will be severely punished and the victims will be compensated.

The Government of the Slovak Republic admits that although investigations failed to uphold serious accusations made in the 'Body and Soul' report, certain shortcomings were nevertheless identified in the Slovak healthcare legislation, and administrative irregularities were committed by certain physicians and medical establishments in connection with obtaining informed consent with sterilisation from patients (although the obligation to perform sterilisations only on the basis of medical indications was always respected).

Being aware of this fact, the Government of the Slovak Republic approved on 29 October 2003 a "Report on the Developments Regarding Suspicions of Alleged Forced Sterilisations of Roma Women in the Slovak Republic and on Implemented Steps and Measures", and a statement concerning the report and a related resolution whereby it instructed the Plenipotentiary of the Government of the Slovak Republic for Roma Communities and relevant ministries to adopt specific measures.

The tasks concerned involve mainly amendments to the relevant healthcare legislation (comprehensive legal provisions concerning the right to non-discriminatory access to medical care; new legislation on access to medical files; amendment of legal provisions relating to healthcare aimed at incorporating the principle of voluntary and informed consent). To this end, the amendment to the law on healthcare has been elaborated by the Ministry of Health and adopted by the National Council with incorporated amended directive on sterilisations.

The Minister of Health was instructed to hold the physicians and hospitals that violated applicable regulations liable for their misconduct, and to perform in-depth controls and analyses of all medical establishments with a view to verifying allegations of involuntary sterilisations, identifying discriminatory practices against the Roma, and examining compliance with the procedures for obtaining voluntary and informed consent of the patients. Other relevant tasks include a review of access of marginalized groups to healthcare, and the strengthening of human rights education of police officers, healthcare personnel, and employees of public administration authorities.

The Slovak Republic is fully aware of the magnitude of problems faced by members of the Roma national minority living in Slovakia. Addressing these problems became one of the Slovak Government's policy priorities, and the need for their solution was also expressed in the Government Programme adopted after the 1998 parliamentary elections, as well as its Programme adopted after the last election in 2002.

Notwithstanding extraordinary efforts of the Slovak Government at improving the living conditions of Roma in Slovakia, the standard of a relatively large percentage of members of the Roma national minority still falls behind that of the majority population. The Slovak Government therefore deems it necessary to continue implementing measures in various areas with the objective of ensuring equal opportunities. Basic theses of the Slovak Government's policy on integrating Roma communities, adopted in April 2003, comprise a series of specific steps that reflect the abovementioned political will. The principle of "temporary equalising measures" has become an underlying prerequisite for improving the situation of the Roma in the most sensitive areas, including healthcare – and reproductive health in particular. To achieve a *de facto* access of Roma to healthcare, the Basic Theses of the Government's Policy Concept for the Integration of Roma Communities include adoption of temporary medium-term (2003-2006) and long-term (until 2010) equalising measures under the competence of the Ministry of Health of the Slovak Republic, including extensive programmes aimed at the prevention of all forms of discrimination, racism and intolerance in healthcare and adoption of a comprehensive national programme of reproductive health. Special attention should be paid particularly to women from marginalized groups.

3. Please, provide information on the latest bilateral contacts with Hungary and other developments connected with the content and effect in Slovakia of the 2001 Hungarian Law on the Hungarians living in neighbouring countries.

Contractual framework and institutional support for cooperation

Bilateral cooperation with Hungary is carried out on the basis of the **Treaty on Good Neighbourliness and Friendly Cooperation between the Slovak Republic and the Republic of Hungary** signed in Paris on 19 March 1995.

Eleven joint commissions were created under Article 5 of the Treaty on Good Neighbourliness and Friendly Cooperation between the Slovak Republic and the Republic of Hungary and the protocol concluded between the Ministries of Foreign Affairs of the Slovak Republic and of the Republic of Hungary on 24 November 1998, approved by the Government on 9 December, including a **Slovak-Hungarian joint commission on minority affairs**.

The Slovak part of the commission was re-constituted after parliamentary elections of 20 and 21 September 2002. The commission also includes persons belonging to the Hungarian national minority living in Slovakia. One of its members is also the Slovak Government's plenipotentiary for Slovaks living abroad.

The Slovak and the Hungarian parts of the joint commission for minority affairs met four times till now. The first (instituting) session was held on 8 February 1999 in Budapest, the second on 29 September 1999 in Bratislava, the third on 23 February 2000 in Budapest and the latest, fourth meeting, was held on 5 June 2003 in Bratislava.

The Slovak part of the joint commission has held regular meetings and conducted assessments of the current status of fulfilment of recommendations adopted by joint sessions of the Slovak and the Hungarian parts of the joint commission, approved by resolutions of the Slovak and the Hungarian Governments that instructed individual members of Government to take measures for their implementation.

The Agreement between the Governments of the Slovak Republic and of the Republic of Hungary on Cooperation in the Areas of Culture, Education, Science, Sports and Youth (*annex to Report No. 15*), signed on 16 January 2003, has a general character; it is not oriented exclusively on national minorities and deals with the relevant matters in the framework of broader cooperation between the two countries.

The Agreement draws on the Basic Treaty of 1995 and recommendations of joint commissions. Among other things, it is driven by the ambition to ensure comparable and full-fledged preservation and improvement of life of the Hungarian national minority in the Slovak Republic and of the Slovak national minority in the Republic of Hungary, attaching special importance to a mutually balanced satisfaction of spiritual, educational and cultural needs of the minorities.

All provisions of the Agreement are aimed at fostering mutual relations and understanding between the two nations, irrespective of whether the measures are targeting members of the Slovak or of the Hungarian minority living in the territory of the other Contracting Party. In this context, the assessment should focus on all of its provisions and not only on those that explicitly mention minorities. Cooperation in the areas of culture and education of national minorities is addressed in Articles 8, 9, 10 and 11.

The Agreement between the Republic of Hungary and the Slovak Republic in the Area of Monument Protection – proposals relating to the restoration and reconstruction of cultural monuments were put forward at a meeting of State secretaries on 26 January 2004 in Budapest together with financial backing required for individual projects. The draft Agreement on Slovak-Hungarian Cooperation in the Area of Monument Protection for 2004 is currently under interministerial review.

The Agreement between the Governments of the Slovak Republic and of the Republic of Hungary on Mutual Support for National Minorities in the Areas of Education and Culture (*annex to Report No. 16*) – see also information on the Hungarian *status law*.

Joint commission for the issues of culture and press was set up under Article 1, paragraph 1 of the Protocol between the Ministries of Foreign Affairs of the Slovak Republic and of the Republic of Hungary on the creation of a mechanism facilitating the implementation of the Treaty on Good Neighbourliness and Friendly Cooperation between the Slovak Republic and the Republic of Hungary, signed on 24 November 1998 in Bratislava. The joint commission meets alternatively in Bratislava and Budapest. To date, it met five times.

A relatively intensive and successful **cultural exchange and cooperation** takes place between the Slovak Republic and the Republic of Hungary at the level of the Slovak Ministry of Culture and the Hungarian Ministry of Cultural Heritage, as well as at the level of non-State cultural institutions.

In the area falling under the competence of the **Ministry of Construction and Regional Development of the Slovak Republic**, several projects are being prepared or implemented to support **cross border cooperation** between Slovakia and Hungary, especially under the PHARE programme: Project SR 0102.01 – Reconstruction of the II/587 Plešivec road – Slovak–Hungarian border, Project SR 0102.02 and Project 2002/000.603.02 – Joint Fund for Small Projects, Project 2002/000-603-01 – Environmental protection and nature conservation in Hungarian frontier regions through local initiatives.

Joint Slovak-Hungarian commission on environmental protection and nature conservation issues was established under a Protocol between the Slovak and Hungarian Ministries of Foreign Affairs on Creating a Mechanism to Assist in the Implementation of the Treaty on Good Neighbourliness and Friendly Cooperation between the Slovak Republic and the Republic of Hungary, and under a separate Agreement between the Governments of the Slovak Republic and of the Republic of Hungary on cooperation in the area of environmental protection and nature conservation, signed in Bratislava on 12 February 1999. Based on the Treaty and on bilateral Agreement on the environment, working bodies were established to deal with specific environmental issues, namely: protection of elements of the environment and computer technology; environmental impact assessment; environmental safety; nature and landscape protection; land-use planning, integrated regional policy; waste management; environmental hygiene; meteorology; geology and 2 specialised consultancy fora: education and shaping environmental awareness, and old environmental liabilities.

In the period between 1999 and the present, the joint commission met eight times; at the same time, working groups have attained a considerable progress in terms of their quality. The cooperation has not been limited to the exchange of information and experience, and it enabled also identification and preparation of development studies for the frontier region, as a basic and important prerequisite for future economic development of frontier regions on both sides of the border. Considerable attention is attached to targeted protection of attractive natural sites; a broad spectrum of measures were taken to make them accessible to the public by crossing the borders through hiking trails; bilingual publications are published containing information about the locations attractive for tourists.

A yearbook on environmental quality of air and waters in the frontier regions is regularly published; air quality monitoring stations are being built. Environmental safety issues continue to receive considerable attention and both sides are taking all the necessary steps, mainly under separate treaties, to secure an on-going exchange of data on monitoring radioactivity of the environment, exchange of information and data aimed at preventing accidents, informing about operations and activities that could have a potential impact on the environment on the other side.

The following documents were produced in cooperation with Hungary: Basic vocabulary of land-use and regional planning terms; Special Study Novohrad – Salgótarján; methodology and proposal for developing a Project of Land Use and Regional Development of the Slovak – Hungarian Frontier Region; methodology for monitoring cross-frontier cooperation; and information about the land-use planning system in the Republic of Hungary and the Slovak Republic.

The Project of Land Use and Regional Development of the Slovak – Hungarian Frontier Region is intended to be a continuously updated common document that should serve as a basis for individual territorial development projects. The objective of the methodology is to harmonise the objectives of development on the two sides and to create conditions for cooperation, communication and coordination with a view to the sustainable development of the territory.

Trade has recorded a steady increase, as documented by the following overview of the trade between the Slovak Republic and the Republic of Hungary in the period from 1993 to Jan. – July 2003

	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	1-7/03
<i>Exports</i>	247.6	365.7	390.9	403.4	430.7	467.3	457.8	577.3	678.9	783.7	589.9
<i>Imports</i>	84.5	110.8	193.2	221.9	242.3	318.2	265.1	268.3	377.0	450.5	397.0
<i>Turnover</i>	332.1	476.5	584.1	625.3	673.0	785.5	723	846	1.056	1.234	987.0
<i>Balance</i>	163.1	254.9	197.7	181.5	188.4	149.1	193	309	302.0	333.0	193.0

Source: Ministry of Economy of the Slovak Republic, Statistical Office of the Slovak Republic

The adoption of the **Law on Hungarians Living in Neighbouring Countries** (Hungarian Status Law) in 2001 raised concerns in the Slovak Republic. In spite of Slovakia's objections, Hungary started to partly implement the law in the territory of the Slovak Republic. In February 2002, the National Council of the Slovak Republic declared that it did not agree with the law having effects in the territory of Slovakia, and urged the Hungarian Parliament to bring the law in conformity with the European standards for the protection of national minorities.

It was not until critical comments were made by international institutions (the Council of Europe, the OSCE High Commissioner on National Minorities, the European Union) that the Republic of Hungary agreed to amend the law. Since not even the amendment took account of all the objections of the Slovak Republic against the law, the Slovak Government reiterated its remaining objections in June 2003, and urged the Republic of Hungary not to apply those provisions of the law that were to have effects in the territory of Slovakia. It also suggested that the Hungarian Government address some of the issues that Hungary intended to deal with through unilateral application of its law within a standard bilateral framework (by mutual agreement). Bilateral negotiations resulted in the conclusion of an Agreement between the Governments of the Slovak Republic and of the Republic of Hungary on Mutual Support for National Minorities in the Areas of Education and Culture. The text of the Agreement was drafted by the Joint Slovak-Hungarian Commission on Minority Affairs, with the representatives of the Slovak national minority in Hungary and those of the Hungarian national minority in Slovakia being involved in its drafting.

The Agreement between the Government of the Slovak Republic and the Government of the Republic of Hungary on Mutual Support for National Minorities in the Fields of Education and Culture (*Annex to Report No. 16*) was signed in December 2003 and took effect in February 2004. The Agreement follows up on the Basic Treaty between the Slovak Republic and the Republic of Hungary of 1995 and on the Agreement between the Governments of the Slovak Republic and of the Republic of Hungary on cooperation in the fields of culture, education, science, sports and youth signed in January 2003. It also takes account of multilateral international instruments that provide for the protection of the rights of persons belonging to national minorities, in particular the Council of Europe's Framework Convention for the Protection of National Minorities of 1995.

The main purpose of the Agreement is to mutually recognise that each State party may support its kin minority living in the territory of the other State party under agreed conditions. The support will be channelled to the process of education in schools and educational facilities, and will not be provided to individual persons. The support is intended to contribute "to the preservation and development of culture and language identity of persons belonging to

national minorities“. Implementation of the Agreement is entrusted to the foundations – Péter Pázmány Foundation in Slovakia and the Union of Slovaks in the Republic of Hungary – and compliance with the purpose of the Agreement will be assessed on an annual basis by the Joint Slovak–Hungarian Commission for Minority Affairs.

The conclusion of the Agreement gives testimony to the fact that the mechanism for cooperation created under the Treaty on Good Neighbourliness and Friendly Cooperation between the Slovak Republic and the Republic of Hungary of 1995 lays down all the necessary prerequisites for a constructive agreement between the two sides to support the language and culture of national minorities in the spirit of international law and good neighbourly cooperation.

4. What has been the impact on the participation of national minorities in decision-making of the implementation of the legislation adopted in 2001 concerning “higher territorial units”?

The legislation on public administration in the Slovak Republic was completed in 2001 with the enactment of Act No. 302/2001 Coll. on self-government of upper-tier territorial units (law on self-governing regions), which entered into effect on the dates of elections to self-governing regional authorities on 1 December and 15 December 2001. Its passage implemented the provision of Article 64 of Chapter Four of the Slovak Constitution which provides that basic units of territorial administration are municipalities. Territorial self-government is represented by municipalities and self-governing regions.

Act No. 302/2001 Coll. on self-government of upper-tier territorial units creates eight self-governing regions; the boundaries of self-governing regions coincide with the boundaries of regions created under Act No. 221/1996 Coll. on territorial and administrative division of the Slovak Republic as amended.

Representatives of national minorities were also involved in drafting and reviewing the law, mainly through their members of Parliament. The law did not change the administrative organisation of the Slovak Republic as set out in Act No. 221/1996 Coll. on Territorial and Administrative Division of the Slovak Republic. It can be unequivocally stated that the law on self-governing regions did not change the proportions of the population in the areas inhabited by Slovak citizens belonging to national minorities as compared with the situation in 1996.

The representation of national minorities in public administration bodies at all levels is given in the report – information to Article 15 of the Framework Convention.

5. Please provide information on the results of work of the Office of Ombudsman pertaining to the protection of national minorities.

The office of the public defender of rights handles complaints in conformity with Section 5 paragraph 1 Act No. 184/1999 Coll. on the use of languages of national minorities. Under Section 11 paragraph 2 Act No. 564/2001 Coll. on the public defender of rights as amended, on the petitioner’s request the office of the public defender of rights handles complaints written in a foreign language by arranging for their calque translation directly in the office. Two petitioners took advantage of this possibility to date. The office of the public defender of rights has not yet received any request to reply to a petition in a minority language. The office has recorded one case when the petition was filed in the Slovak

language, and the petitioner asked for interpretation to Hungarian during his meeting with a lawyer, which was provided.

6. Have there been any attempts within public schools, health care and other public facilities to separate Roma from others and, if so, how have authorities monitored and reacted to these incidents?

Roma national minority in the Slovak Republic

According to the Population and Housing Census, the number of Slovak citizens who declared to belong to the Roma national minority as of 3 March 1991 was 75,802 (i.e. 1.4 %), compared with 89,920 in 2001.

Most ethnic Roma do not declare to belong to the Roma national minority and choose a different nationality. It is of interest that while 99,448 Slovak citizens stated the Roma language as their mother tongue, they declared to belong to the following nationalities:

Slovak	Hungarian	Roma	Czech	Ukrainian	Ruthenian	Other
37,803	2,018	59,174	89	19	17	327

Educational level of the Roma national minority in the Slovak Republic

The 1991 and 2001 Population and Housing Censuses produced the following data about the Slovak population, broken down by nationality and the highest completed education.

<i>School education – Roma national minority</i>	<i>1991</i>	<i>2001</i>
1) <i>primary (including incomplete)</i>	32,931	40,831
2) <i>apprentice (without school-leaving examination)</i>	3,468	5,925
3) <i>vocational</i>	260	1,017
4) <i>complete secondary education, total</i>	363	1,088
<i>of it: apprentice</i>	57	378
<i>vocational</i>	239	508
<i>general</i>	67	202
5) <i>university</i>	56	174
6) <i>no university-level education</i>	4,579	1,963
7) <i>no school education data</i>	1,287	2,204
8) <i>children under 16 years of age</i>	32,858	36,718
<i>Total</i>	<i>75,802</i>	<i>89,920</i>

Statistical data *do not give* the real number of citizens of Roma origin. The number of Roma in the Slovak Republic is estimated at 380,000, of which 43.6% are children under 14 years of age. The highest birth-rate is recorded in the category of Roma women aged 15 to 19 (Source: Demografická charakteristika rómskej populácie v SR (*Demographic Characteristics of Roma Population in the Slovak Republic*), INFOSTAT, Demography Research Centre, Bratislava, July 2001)

Roma live dispersed throughout Slovakia. Their concentrations in individual regions vary widely. The number of Roma settlements registered as of 31 December 2000 was 620; some municipalities have more than one settlement. (The data were compiled on the basis of annual returns concerning residential concentrations at a low socio-cultural level at the end of 2000. Source: Website of the Office of the Government of the Slovak Republic.)

According to the Population and Housing Census, the largest concentration of Slovak citizens who declared to belong to the Roma national minority live in the Prešov region, where 31,653 of a total of 789,968 inhabitants declare to be of Roma origin. A total of 250 Roma settlements are registered in the Prešov region.

The analysis of the school network (kindergartens, primary schools and special primary schools) in municipalities and in Roma settlements, using the Prešov district as an example:

There are 91 municipalities in the district, and 34 registered Roma settlements. The school system comprises 93 kindergartens, 67 of them in villages (rather than towns); 79 primary schools, 57 of them in villages, of which 34 primary schools have grades 1 through 9; 9 primary schools for pupils with mental disabilities, 4 of them in villages.

Of 14 municipalities in the district that have Roma settlements:

- in 2 villages there is no kindergarten, primary school or special primary school
- in 4 villages there is only a primary school with grades 1 to 4
- in 3 villages there is only a kindergarten and a special primary school
- in 5 villages there is only a kindergarten
- in 1 village with no Roma settlement there is only a special primary school.

Evaluation of data concerning education and instruction of Roma children and pupils

Government Resolution No. 294/2000 instructed the Methodological and Pedagogical Centre at Prešov to conduct sectoral research on the situation of Roma children and pupils in the school education system. This broadly conceived sectoral research aimed at mapping out the actual situation of children and pupils of Roma origin in the area of education and instruction, identifying the actual number of Roma children and pupils in specific locations, and the related problems of social, demographic, educational, criminal law or cultural character. The data are from the 2000/2001 school year.

Of a total of 79 districts in the Slovak Republic, background documents for research were provided by 73 departments of education, youth and physical culture of district authorities, i.e. the return rate was 92.41%.

The degree of segregation in education is influenced by several factors, and is also related to the demographic structure of the population in individual localities of the Slovak Republic.

- Out of 154,232 children attending kindergartens, 4,391 were Roma, i.e. 3.41% of total kindergarten population. In 82 kindergartens the percentage of Roma children ranges from 50% to 100%. 31 kindergartens are attended only by Roma children. In 1,631 kindergartens, the proportion of Roma children varies from 0.1 to 100%.
- Of 576,331 pupils attending primary schools 47,701 were Roma, i.e. 8.28% of the primary school population. In 178 primary schools, the percentage of Roma pupils

varies from 50 to 100%. 44 primary schools are only attended by Roma pupils. The proportion of Roma pupils in 1,087 primary schools is 0.1 to 100%.

Representation of Roma children and pupils in the regions:

Region	kindergartens, in %	primary schools, in %
Bratislava	2.09	2.96
Trnava	1.67	3.23
Trenčín	0.20	0.53
Nitra	1.34	2.78
Žilina	0.48	1.09
Banská Bystrica	6.76	14.19
Košice	7.07	19.24
Prešov	5.39	14.49
Slovak Republic	3.41	8.28

Preschool education and performance of Roma pupils in primary schools

Data obtained from the departments of education, youth and physical culture of district authorities in the Slovak Republic suggest that while the total annual number of pupils is falling, the number of pupils belonging to the Roma national minority who start compulsory school attendance is growing. The percentage of Roma pupils attending kindergartens before compulsory school attendance is 5.35%, the percentage of Roma pupils in the first grade of primary schools being 11.12%. According to the results of research, average year-on-year increase in the number of pupils belonging to the Roma national minority at the age of compulsory school attendance has been 6% during the last four years. If this rate does not change, approx. 6,460 Roma pupils should enter first grades. Based on these facts, school attendance of Roma children in kindergartens can be assumed to stand at approx. 25%. (Vyhodnotenie prieskumu o postavení rómskeho dieťaťa a žiaka vo výchovno-vzdelávacom systéme SR [*Evaluation of the research into the situation of Roma children and pupils in the Slovak system of education and instruction*], p. 16. Publisher, Bratislava, year).

The 5.35% proportion of Roma pupils attending kindergartens before entering primary schools is reflected in the fact that 3,491 of a total of 70,476 first graders in Slovakia, i.e. 4.89%, fail to pass to the higher grade. 2,482 of them, i.e. 71.94%, are coming from socially disadvantaged and neglected family environment.

At the same time, the percentage of pupils in all grades of primary schools who failed to pass to the higher grade was 2.44%. Of this percentage, 59.01% are pupils coming from socially disadvantaged and neglected family environment. (The data were obtained from

Reports on the Performance of Primary School Pupils as of 31 August 2001, Institute of Information and Prognoses of Education.)

1,827 of 3,086 pupils who attend the tenth year of compulsory school attendance are Roma.

The objective of the research and collection of statistical data was to ascertain the reasons for the failure of Roma pupils in the first grade, and to uphold the hypothesis that one of the decisive factors underlying this fact is the low percentage of Roma children attending kindergartens. In the search for solutions – given the fact that compulsory schooling of five-year olds foreseen also in the Millennium project has not yet been introduced – “It is necessary to gradually introduce compulsory attendance of the last year of preschool education before the child’s entry to primary school”. (Milénium (Millennium), p. 47. Publisher, Bratislava, year).

Zero grades of primary schools create, among other positive aspects, an opportunity for long-term observation of the child, and improves the possibility to make a diagnosis of the child, whose absence often resulted in placing a child in a special primary school, although the only reason for such placement was social neglect.

In February 2002 the Ministry of Education produced an analysis of school performance of pupils attending zero grades of primary schools between the 1992/1993 and 2000/2001 school years. The relevant data were submitted by competent departments of education, youth and physical culture of district authorities.

Overview of the number of pupils attending zero grades of primary schools, by school year

<i>School year</i>	<i>Number of primary schools</i>	<i>Number of classes</i>	<i>Number of pupils</i>	<i>Average number of pupils per class</i>
1992/1993	15 (1 kindergarten, 1 special primary school)	18	251	13.94
1993/1994	5	7	88	12.57
1994/1995	18	20	271	13.55
1995/1996	17	19	238	12.52
1996/1997	51	56	688	12.28
1997/1998	74	89	1 220	13.70
1998/1999	50	64	807	12.60
1999/2000	70	89	1 178	13.23
2000/2001	61	85	1 057	12.43

In the 2000/2001 school year, zero grades of primary schools in 23 districts were attended by 1,057 pupils. Of them:

- 6-year old pupils 759
- 7-year old pupils 247
- pupils older than 7 years 51
- 178 pupils attended kindergarten and did not meet the requirements for school attendance.

Evaluation of pupil performance in zero grades of primary schools

School performance is currently used as the only quantitative data on educational achievements of pupils.

Out of a total of 4,741 pupils attending zero grades of primary schools in respective school years, the assessment was carried out in a basic set of 1,143 pupils, using detailed data generated in accordance with statistical processing methods.

Excluded from the computation of educational achievements of pupils in the relevant period were

- 112 pupils who moved out, i.e. 9.79%,
- 2 pupils who died, i.e. 0.17 %,
- 5 pupils who stopped attending school for reasons not ascertained, i.e. 0.43 %.

Of the total number (1,024 pupils) included in the basic set for the purposes of statistical processing 686 pupils, i.e. 66.99%, were rated as successful. This means that they did not repeat the year and were able to cope with the school subject matter. Of this number of successful pupils, 40 pupils in zero grades, i.e. 5.83%, were transferred to the regular first grade of primary school. During the relevant period, irrespective of the time of creation of the zero grade in the school year concerned,

- 186 pupils were transferred to a special primary school, i.e. 18.16 %,
- 110 pupils repeated the year during the evaluation, i.e. 10.74 %,
- 44 pupils were not clearly identified, representing a 3.84 % reliability interval.

School attendance

The situation in school attendance of Roma pupils is unfavourable; concrete figures on individual schools indicate that the problem of educational achievements is also linked with school attendance. Roma pupils account for 55% of missed classes, i.e. one Roma pupil misses one month of classes on the average. The situation is even more difficult as regards the number of unexcused classes, where the Roma account for as much as 94.5 %. While one non-Roma pupil misses an average of one unexcused class a year, one Roma pupil misses an average of one week (30 classes) without excuse.

Evaluation of conduct

The data on the evaluation of conduct suggest that Roma pupils are more likely to be reprimanded or to receive a lower grade on conduct than to be praised.

Praise	Reprimands or lower grades	
Total	4,413	2,841
Of which Roma	496 (11.24%)	1,979 (69.66%)

Teacher

One irreplaceable actor in working with Roma pupils is the teacher; he can be successful only if he knows how to work with them and, in particular, if he is committed to such work, if he is familiar with and understands the mentality of Roma children and ethnic group. Roma children need much more love, understanding, patience, and a greater commitment to building and strengthening their self-confidence than the rest of the population.

Of the total number of school workers included in the survey, as many as 22.69% are unskilled. The situation is especially unfavourable at the first level of primary schools where 1/3 of teachers do not meet required qualification criteria (32.28 %); this is certainly reflected in the quality of teaching at the first level of primary schools.

Healthcare

Every citizen of the Slovak Republic, i.e. including persons belonging to the Roma ethnic group and other minority groups, are guaranteed the right to the highest attainable standard of health. Since members of the Roma ethnic group do not adequately exercise their rights due to a variety of reasons, the **Ministry of Health** prepared a comprehensive project designed to secure, in a systematic and comprehensive manner, availability of healthcare to marginalised Roma communities in selected remote locations of the Slovak Republic. The project corresponds to the Slovak Government's priorities regarding the Roma community in 2002, the Government strategy for addressing problems of the Roma community in 2001, and basic theses of the Government's policy concept for integrating Roma communities (*Annexes 3 and 4*).

The availability of healthcare is guaranteed under the current Slovak legislation by the district system of the provision of healthcare, the district being a precisely determined territorial area serviced by a healthcare facility. The healthcare sector strives to improve the availability of healthcare to marginalised Roma communities living in peripheral settlements by means of a comprehensive project as follows:

1. Preferring, where appropriate and possible, permanent outpatient facilities in the municipalities and localities inhabited by Roma communities, through restoring and reconstructing adequate (municipal) buildings in cooperation with local government;
2. Carrying out community social projects, by means of which Roma field assistants offer their cooperation and function as mediators between first-contact healthcare workers and ethnic Roma;
3. Physicians from individual independent regions oversee, from the methodological point of view, the standard of provided healthcare, and monitor the effectiveness and quality of primary outpatient care and special outpatient care in the regions concerned;
4. The network of primary and specialised healthcare services is being expanded in certain areas to meet the relevant needs, and larger districts with a high percentage of Roma population are divided into more units in order to improve access to healthcare for the Roma population;
5. Allocations from healthcare budget are envisaged for medical personnel providing primary healthcare, so as to compensate them for working under more difficult conditions in the areas with the largest number of Roma settlements, since neither the legislation in force nor health insurance companies provide more favourable selective treatment of medical personnel working in these areas.

Because health insurance companies do not reimburse the costs of transportation of patients from their homes to primary healthcare outpatient facilities, and the patients must pay for it themselves, the project also aims at improving access to and bringing healthcare closer to Roma settlements in selected regions of Slovakia, and at encouraging Roma to seek out preventive checkups, including through financial incentives (e.g. making the payment of various benefits conditional on preventive examinations by a general practitioner for children, general practitioner for adults, or a gynaecologist).

The Ministry of Health takes a proactive approach towards improving the provision of healthcare to the Roma population in Slovakia.

- a) It supports, as a matter of priority, prevention measures carried out in recent years in Slovakia to prevent the spread of infectious diseases. It attaches great significance to preventive vaccinations, mainly against hepatitis A, and preventive and repressive anti-epidemic measures including passive and active immunisation (such as administration of gammaglobuline and/or a vaccination) to persons that had been in close contact with the patient. Each year it allocates SKK 6 million, necessary to ensure a free of charge implementation of the project with a view to preventing the spreading of hepatitis in Roma settlements with low hygienic standards. The implementation of the project brought down the number of cases of infectious hepatitis in Slovakia. We note that the rest of the population (if interested) must pay for the vaccination against infectious hepatitis. Vaccination of the child population (including Roma) and of selected risk groups (including Roma) in the Slovak Republic is compulsory and is provided for in the relevant legislation;
- b) Through its numerous educational activities (carried out by the State Faculty Health Institute and regional health institutes), the healthcare sector seeks to improve hygienic habits and general health awareness of Roma, since the reasons for the poor state of health of the Roma minority include: low level of education, poverty, high rate of unemployment, poor standard of personal and communal hygiene, extended families, polluted environment, lack of safe drinking water, bad dietary habits, smoking, alcohol abuse and, more recently, also drug addiction;
- c) The Ministry of Health deals with the problems in a comprehensive manner and supports the projects aimed at improving health awareness of the Roma minority and alleviating the most acute problems. Within the budget chapter of the Ministry of Health, funds derived from lotteries and similar games were allocated for financing the projects under the National Health Promotion Programme. Many projects implemented by the State Faculty Healthcare Institute in cooperation with regional state healthcare institutes were specifically targeting young Roma populations. The objective of these projects was to teach a selected group of Roma youngsters certain hygienic habits, teach them vocational skills and activities necessary to increase the hygienic standard of Roma settlements;
- d) A project on the “Protection of Reproductive Health of Roma Women and Girls in the Selected Region – Rožňava, gynaecologic outpatient facility Plešivec” was launched in November 2000. The project was carried out in cooperation with the Slovak Association for Planned Parenthood and Education for Parenthood with foreign financial assistance. The objective of the project was to develop a model of public education and therapeutic-preventive healthcare aimed at improving the reproductive health of Roma girls and women, and of a smaller group of less socially adaptable non-Roma women. Two years into the project, its contribution to improving care for sexual and reproductive health of the target group has already started to bring better than expected results. As a result of the project, interest of the target group in reproductive health has increased and so did awareness of the need of disease prevention and family planning, lifestyle changes were initiated, and the relationship between female patients and physicians/healthcare workers was transformed from fear and mistrust to understanding and mutual trust. At the same time, it helped overcome deep-seated interpersonal, ethnic, social and societal barriers. There is a pronounced difference between the situation before and after the completion of the project. Before the implementation of the project, women from the target group would visit healthcare facilities in a chaotic manner, and would often seek medical attention only when their

health condition significantly deteriorated. Thanks to the activities carried out under the project this situation has radically changed.

Due to the success of the project on the protection of reproductive health, the Ministry of Health asked the Slovak Planned Parenthood Association to draw up a National Programme of Reproductive Health for Women in the Slovak Republic by 31 December 2003.

In the framework of the provision of healthcare, Roma women have a guaranteed right to the highest attainable standard of health, which includes not only the therapeutic-preventive and dispensarisation care, but also the care for and protection of reproductive health.

Primary care is provided by specialised gynaecological outpatient departments. Primary care involves early diagnosis of pregnancy and prenatal care for women with physiological and high-risk pregnancies. In the framework of primary care, gynaecologists also address planned parenthood and contraception issues, preferring contraception to abortion, actively seeking out women with the risk of undesirable pregnancy and recommend them suitable type of contraception. Women are acquainted with contraception, its reliability, safety, favourable effects, as well as possible side effects and complications. The preferences of women are taken into account when recommending different contraception methods.

The existing network of gynaecological outpatient departments in Slovakia ensures availability of all forms of modern contraception. The number of users of oral contraception in Slovakia grew from 2% (at the beginning of 1990s) to 18.5% in 2002. Over the same period, the number of IUDs dropped from 15% to the current 7%.

Sterilisation as one of the safest and the most reliable forms of contraception is used in Slovakia by only 0.1% of women. This situation is also related to the guideline on the performance of sterilisations, which lays down the list of medical indications and conditions under which sterilisation can be performed.

Act No. 73/1986 on abortion as amended by Article III of Act No. 419/1991 Coll. changing certain legal provisions in the healthcare sector, which is in effect since 1 January 1987, is comparable with the laws in the countries of the European Union, and respects the free choice of the woman. After the enactment of the law, the number of abortions temporarily increased, but after 1988 the number of performed abortions recorded a steep downward trend. Such decline in the number of abortions (by 70%) in 14 years has no parallel in any European country with the exception of the Czech Republic.

Year	Number of women	Number of performed abortions
1988	1000 women aged 15 – 49	43
2002	1000 women aged 15 – 49	11

Women in Slovakia have easy access to medical services in the area of reproductive health, and the standard of these services is good. Dispensarisation is offered not only to pregnant women, but also to those using hormonal contraception or intrauterine devices. This type of care is, as a rule, sought by more highly educated women with greater legal awareness, while Roma women and women from other marginalized groups seek these services less often. The latter usually fail to seek the services of gynaecologists even in connection with preventing sexually transmitted diseases, they do not or only seldom undergo prenatal checkups during their frequent pregnancies, thus risking their health and that of their offspring. They are not aware of the risks of frequent pregnancies, and do not know how to avoid them. Thus, they do not sufficiently realise the value of their reproductive health.

Under the current healthcare system, gynaecological nurses no longer make home visits. Yet, this type of services played an important and irreplaceable role especially in the Roma community and in other marginalized groups. Nurses knew the community, enjoyed the trust of women and were able to motivate them to take advantage of the preventive type of care. Also for these reasons, State health institutes organise a number of training courses on the protection of reproductive health of women and family planning for these categories of healthcare workers and, as a matter of priority, also for members of the Roma community.

Training of healthcare staff

In the system of specialised training of physicians, dentists and further training of medical staff, the issue of the enjoyment of the right to the highest attainable level of health by Roma and other marginalized groups of the population is part of the subject matter of various training events. The Ministry of Health has incorporated the deontological code for individual categories of healthcare personnel into the legislation on the medical profession, pharmaceutical profession, and the profession of nurses and midwives. The code entails a moral obligation and a principle of providing healthcare without difference of ethnic origin, race or religion, and without difference of culture, social status or political conviction. The Slovak Healthcare University, together with the Slovak Medical Chamber, put forward a proposal of continuous training in healthcare provision to the Roma community, designed for doctors involved in the primary care programme, and for various categories of medical staff.

In the preparation of the proposal for addressing the problems of Roma communities, the Ministry of Health also derived inspiration from the experience of other countries, the following of which are seen as relevant in this context:

- a) *Most EU countries make efforts at integrating the Roma community and preventing its marginalisation and exclusion of this group to the periphery of the society.*
- b) *Roma settlements (the so-called shanty towns) are characterised by poor hygienic standards and in many respects remind of our Roma settlements.*
- c) *Health condition of the Roma population in every country is worse than that of the majority population, and individual EU countries struggle with similar problems to a greater or lesser degree.*
- d) *It is important to deal with the problem in a comprehensive and systematic manner through combining efforts of many sectors, local and international foundations.*
- e) *In each EU country efforts are made to identify and prevent direct or indirect discrimination of the Roma population. Certain differences in approaches used to address these issues reflect the economic level of the country and the model of health insurance applied in individual countries.*
- f) *Provision of assistance to ensure adequate healthcare for the Roma population is viewed as a priority task.*
- g) *Efforts at achieving speedy integration of these groups into the majority population must respect their cultural diversity.*
- h) *Great emphasis is laid in the EU countries on drug prevention of the Roma population, since the danger of drug addiction in the young generation greatly aggravates the social situation of the Roma minority.*
- i) *Health condition of the Roma population is only partly dependent on the level of provided healthcare and, for the most part, is negatively influenced by the low level of education, unemployment, poor housing conditions, large families with many children, etc.*

To ensure the coordination of efforts taken to address the issues of Roma communities, a working group was created within the Ministry of Health for implementing

the Slovak Government's policy on integration of Roma communities in the area of healthcare; the group cooperated with the Government Office's Section on Human Rights and Minorities, the Government Plenipotentiary for Roma Communities, and pre-accession advisor Mr. Michel Digne.

Information concerning the investigation into alleged forced or coerced sterilisations of Roma women and other measures aimed at addressing this problem (they also include investigation into the alleged segregation of Roma women in healthcare establishments) is provided in the answer to the second question of the Advisory Committee.

Activities of the Ministry of Interior

A proposal to create a post of a police specialist for working with Roma communities was discussed in 2003 by the management of the Ministry of the Interior and the Government.

In 2003, the Ministry of Interior organised a seminar with international participation for police officers in charge of extremism-related issues, focusing on the detection, clarification and documentation of criminal activities motivated by racial, national or other types of intolerance, or committed by the sympathizers of extremist groups.

The Academy of the Police Force in Bratislava has included into its curricula a course on "Police and the Roma", which deals with Roma history, cultural, educational and other specific characteristics of this community, and outlines various possible ways of communication of police officers with the Roma minority. The issue of working with the Roma community is also part of the curricula of secondary vocational schools of the Police Force.

The Ministry of Interior is engaged in the "CAPRA" project initiated in 2002 in cooperation with the Royal Canadian Mounted Police. The project focuses on the communication of police officers with members of minorities. The project includes the organisation of workshops and meetings with officials from other State authorities, organisations and non-governmental organisations, committed to addressing the Roma problem in the Slovak Republic.

The Ministry of Interior set up a commission for coordinating actions aimed at eliminating racially motivated crime and extremism, which cooperates with the representatives of civil initiative People against Racism, the Citizen and Democracy Association, the League of Activists for Human Rights, the Open Society Foundation, the Inforoma Foundation and the Slovak Helsinki Committee. These cooperating organisations helped recruit collaborators of Roma origin. A total of 95 collaborators from among Roma and non-governmental organisations are currently registered.

The Ministry of Interior carries out a prevention-oriented project "Behave Normally" in primary schools, selected in consultation with officials from education departments of district authorities with a view to including those with the highest risk of delinquent behaviour of pupils. The project was carried out in schools in the municipalities of Spišské Bystré, Sabinov, Podolíneč, Rimavská Sobota, Revúca, Brezno, Bratislava II, Malacky, Jarovnice, Letanovce and Košice Luník IX.