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Advisory Committee on the Framework Convention for the Protection of National Minorities

Opinion on Slovakia,
adopted on 22 September 2000

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EXECUTIVE SUMMARY

Following the receipt of the initial Report of Slovakia on 4 May 1999 (due on 1 February 1999), the Advisory Committee commenced the examination of the Report at its 4th meeting on 25 - 28 May 1999. In the context of the examination, a delegation of the Advisory Committee visited Slovakia, on 28 February - 2 March 2000, in order to seek further information on the implementation of the Framework Convention from representatives of the Government as well as from NGOs and other independent sources. The Advisory Committee subsequently adopted its opinion on Slovakia at its 8th meeting on 22 September 2000.

The Advisory Committee finds that Slovakia has made valuable efforts to support minorities and their cultures including through the Council of National Minorities and Ethnic Groups. The Advisory Committee also welcomes the improvements achieved in recent years in the inter-community relations in particular between the Hungarian minority and other parts of the population of Slovakia.

Nevertheless, legal guarantees pertaining to some articles of the Framework Convention need to be strengthened, and, in a number of areas where satisfactory legal guarantees exist, further efforts are required to ensure their full implementation.

While welcoming the recent improvements in the legal status of minority languages in official contacts, the Advisory Committee finds that the legislative framework touching upon minority languages still contains shortcomings stemming *inter alia* from the content of the State Language Law and from the lack of detailed legislative provisions on education in minority languages.

Despite a marked increase in the efforts of the Government, the Advisory Committee is of the opinion that there remain problems in the implementation of the Framework Convention as concerns Roma. The Advisory Committee is particularly concerned about the discrimination encountered by Roma in various fields as well as the treatment of this minority by law-enforcement officials, including reported collection of personal ethnicity data without clear legal basis. The Advisory Committee is also concerned about extremely wide socio-economic differences between some of the Roma and the majority population, which are aggravated by the unsatisfactory status of Roma in the educational system.

The Advisory Committee is of the opinion that specific conclusions and recommendations by the Committee of Ministers could help to improve further the implementation of the

Framework Convention in Slovakia. It believes that such conclusions and recommendations could be helpful in a continuing dialogue between the Government and national minorities. The Advisory Committee, therefore, submits detailed draft conclusions and recommendations for consideration by the Committee of Ministers. The Advisory Committee stands ready to be involved in the monitoring of the follow-up to the conclusions and recommendations adopted by the Committee of Ministers in accordance with Rule 36 of the Committee of Ministers' Resolution (97) 10.

I PREPARATION OF THE PRESENT OPINION

1. The initial Report of Slovakia (hereinafter: Report), due on 1 February 1999, was received on 4 May 1999. The Advisory Committee commenced the examination of the Report at its 4th meeting on 25 - 28 May 1999.

2. Further to a request from the Government of Slovakia to meet with the Advisory Committee in accordance with Rule 32 of the Committee of Ministers' Resolution (97) 10, a number of meetings were organised between representatives of the Advisory Committee and the Deputy Prime Minister for Human Rights, Minorities and Regional Development and other representatives of the Government of Slovakia in Bratislava from 28 February to 2 March 2000. In this connection, the Deputy Prime Minister for Human Rights, Minorities and Regional Development also invited the Advisory Committee to pay a further visit to Slovakia in 2001 in order to discuss the implementation of the results of the first cycle of the monitoring mechanism of the Framework Convention. In the course of the visit to Slovakia, the representatives of the Advisory Committee also held meetings with the Council of National Minorities and Ethnic Groups, the Plenipotentiary for the Solution of the problems of the Roma Minority, various Parliamentary Committees and representatives of minorities and of NGOs as well as other independent bodies/experts in order to seek further information on the implementation of the Framework Convention. When preparing the present opinion, the Advisory Committee also consulted a range of written materials from various Council of Europe bodies, other international organisations as well as from NGOs and other independent sources.

3. The Advisory Committee subsequently adopted the present opinion at its 8th meeting on 22 September 2000 and decided to transmit this opinion to the Committee of Ministers.

4. The present opinion is submitted pursuant to Article 26(1) of the Framework Convention, according to which, in evaluating the adequacy of the measures taken by the Parties to give effect to the principles of the Framework Convention, "the Committee of Ministers shall be assisted by an advisory committee", as well as pursuant to Rule 23 of Resolution (97) 10 of the Committee of Ministers, according to which the "Advisory Committee shall consider the state reports and shall transmit its opinion to the Committee of Ministers".

II GENERAL REMARKS ON THE REPORT

5. The Advisory Committee notes that the Report, which was received some months late, touches primarily on relevant legislation and gives only very limited amount of information on the relevant practice. Considering that even some of the information on legislation is provided in a cursory manner, the Advisory Committee would have welcomed the inclusion of appendices containing the full texts of the main laws related to protection of minorities.

6. The Advisory Committee did, however, obtain a considerably fuller picture of the situation through the Government's prompt written reply to a questionnaire by the Advisory Committee and, in particular, through the above-mentioned visit to Slovakia (see paragraph 2 of the present opinion). The Advisory Committee finds that the visit organised upon an invitation by the Government of Slovakia provided an excellent opportunity to have a direct dialogue with various sources. The additional information provided by the Government and by other sources, including by representatives of national minorities, was most valuable, especially as concerns the implementation of relevant norms in practice.

7. The Advisory Committee welcomes the fact that a number of minority organisations have provided their input in the process leading to the adoption of the Report. The Advisory Committee should however like to emphasise that, notwithstanding this consultation, the content of the Report is the responsibility of the Government and not, as suggested in the final passage of the Report, of all bodies and institutions who have participated in the process.

8. The Advisory Committee recognises the co-operative spirit in which Slovakia has participated in the process leading to the adoption of the present opinion.

9. In the following part of the opinion it is stated in respect of a number of articles that, on the basis of the information currently at its disposal, the Advisory Committee considers that implementation of the article at issue does not give rise to any specific observations. The Advisory Committee wishes to make clear that this statement is on no account to be understood as signalling that adequate measures have now been taken and that efforts in this respect may be diminished or even halted. Indeed, the Advisory Committee considers that the nature of the obligations of the Framework Convention requires a sustained and continued effort by the authorities to respect the principles and achieve the goals of the Framework Convention. Furthermore, a certain state of affairs may, in the light of the recent entry into force of the Framework Convention, be considered acceptable at this stage but that need not necessarily be so in further cycles of monitoring. Finally, it may be the case that issues that appear at this stage to be of relatively minor concern, prove over time to have been underestimated.

III SPECIFIC COMMENTS IN RESPECT OF ARTICLES 1 - 19

Article 1

10. The Advisory Committee notes that Slovakia has ratified a wide range of relevant international instruments. On the basis of the information currently at its disposal, the Advisory Committee considers that the implementation of this article does not give rise to any further observations.

Article 2

11. On the basis of the information currently at its disposal, the Advisory Committee considers that the implementation of this article does not give rise to any specific observations.

Article 3

12. The 1991 census contains information on the following groups, all of which are considered by the Government to be covered by the Framework Convention: Bulgarians, Croatians, Czechs, Germans, Hungarians, Jews, Moravians/Silesians, Poles, Roma, Ruthenians, Ukrainians. In addition, the Government considers Russians to constitute a "newly developing national minority". The Advisory Committee is of the opinion that it would be possible to consider also the inclusion of persons belonging to other groups in the application of the Framework Convention on an article-by-article basis, and the Advisory Committee takes the view that Slovakia should consider this issue in consultation with those concerned.

13. In the context of the census of 2001, on condition that the principles identified in the Committee of Ministers' Recommendation (97) 18 to Member States concerning the protection of personal data collected and processed for statistical purposes are respected, persons belonging to national minorities should be encouraged to make use of the possibility to identify themselves (see also below the comments under Article 4).

14. The Advisory Committee notes that it has received conflicting information from different governmental sources as to whether governmental bodies, in particular the Police operating under the authority of the Ministry of Interior, continue to collect regularly personal data on the ethnicity of alleged offenders, in particularly those considered to be Roma. The Advisory Committee acknowledges that collection of ethnicity data may under certain circumstances contribute to programmes aimed at ensuring full and effective equality. However, the Advisory Committee finds the reports suggesting that such collection continues in Slovakia disconcerting, especially since such a practice would appear to have no clear legal basis. Indeed, it appears to be incompatible with Order No. 50 of the Ministry of Interior, issued on 31 December 1999, on "Measures for Implementing the Slovak Government's Strategy for Dealing with Issues Relating to the Roma National Minority within the Sector of the Ministry of the Interior and the Police Corps in 2000" as well as with the "Strategy for the Solution of the Problems of the Roma National Minority", approved by the Government on 27 September 1999 (hereinafter: the Strategy).

15. An additional factor that makes these reports disconcerting is that this collection is said to be carried out, not solely on the basis of voluntary identification by the persons concerned, but also, in some cases, at the discretion of the officials concerned and on the basis of what these officials consider to be "visible characteristics" of a person belonging to a particular national minority.

16. Finally, in addition to the aforementioned situation in the field of law-enforcement, the Advisory Committee is concerned about the reports suggesting that such non-voluntary collection of ethnicity data is carried out, to a varying degree, also in a number of other areas, including in governmental employment offices and in the military forces, again without clear legal basis. The Advisory Committee is of the opinion that collection of personal data on individuals' affiliation with a particular national minority without their consent and without adequate legal safeguards would not be in compliance with Article 3 of the Framework Convention, which also contains the right not to be treated as a person belonging to a national minority. (It should be noted that this issue also raises questions with regard to the implementation of Article 4 of the Framework Convention.)

Article 4

17. The Advisory Committee recognises the efforts that have been made to expand the scope of legislative guarantees against discrimination by both public authorities and private entities. Considering that there are still some uncertainties concerning the scope of related legislation (see also below comments under Article 6), the Advisory Committee welcomes the fact that the above-mentioned Strategy, approved by the Government in September 1999, envisages an analysis of the existing situation as concerns racial discrimination, including, if necessary, draft amendments to relevant laws or new draft laws.¹ The Advisory Committee invites the relevant Ministries to allocate adequate resources for this work, with a view to securing a thorough and timely analysis and its follow-up (see also related comments under Article 5).

18. While recognising the need to analyse the legal situation concerning discrimination, the Advisory Committee is particularly concerned about problems related to the implementation of such legislation in practice and credible reports concerning *de facto* discrimination in particular against Roma in various fields ranging from health care facilities to education. The Advisory Committee regrets the fact that the Government was not in a position to provide detailed information on the cases of discrimination investigated and brought to trial in various fields, and considers that the Government should monitor and react to cases of discrimination in a more effective manner. The Advisory Committee notes that the potential effectiveness of such measures is evidenced by certain past examples, such as the intervention, in 1999, by the central authorities that led to the cancellation, in the municipalities of Nagov and Rokytovec, of local ordinances that had explicitly banned Roma from entering these towns.

19. In addition to the legislative guarantees and mechanisms that are currently in place, the Advisory Committee notes that the Government is considering the establishment of an Ombudsman Office.

¹ The analysis was due to be completed by April 2000 but the results were not available to the Advisory Committee by the time of completion of the present opinion.

20. The Advisory Committee welcomes the fact that the Government has designed a range of initiatives aimed at promoting full and effective equality, notably in the above-mentioned Strategy concerning Roma, adopted in September 1999. Such initiatives are clearly needed since full and effective equality between persons belonging to Roma and those belonging to the majority has not yet been achieved in Slovakia and the socio-economic differences between the majority population and many of the Roma remain considerable (see also comments under Article 15). Areas where the Advisory Committee finds the current situation particularly alarming include employment, housing and education. Bearing in mind that earlier governmental programmes for Roma, such as those adopted in 1991, 1996 and 1997, were not fully implemented in practice, the Advisory Committee considers it important that the Government ensure that adequate attention is paid to, and resources allocated for, the implementation of the new Strategy. In this connection, the Advisory Committee notes that, at the initial stage of the process, the degree of commitment to the implementation of the Strategy appears to vary greatly between different Ministries involved, and that, therefore, particular care should be taken to ensure that the Strategy is fully and consistently put into practice by all Ministries charged with its implementation. Finally, the Advisory Committee underlines that, when implementing such programmes, particular attention should be paid to the situation of Roma women.

21. The Advisory Committee notes that there are wide discrepancies between the official statistics of the Government and those of national minorities about the numbers of persons belonging to national minorities in Slovakia. The Advisory Committee is concerned that such wide discrepancies in figures can seriously hamper the ability of the state to target, implement and monitor measures to ensure the full and effective equality of persons belonging to national minorities. The Advisory Committee therefore considers that the Government should seek to identify ways and means of obtaining reliable statistical data. Without such data being available it is very difficult for the Slovak authorities to operate effectively and for the international monitoring bodies to ascertain whether Slovakia meets its obligations flowing from the Framework Convention.

Article 5

22. The Advisory Committee welcomes the fact that the Government has in recent years increased efforts to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture, especially for the Hungarian minority but also for the Roma and other minorities.

23. As regards the above-mentioned Strategy, it needs to be ensured that the Strategy is implemented with full respect to Roma culture and fundamental human rights and that no element that can be interpreted as assimilation against the will of the persons concerned is included in such implementation measures of the Strategy as the project entitled "Preparing Roma citizens for marriage and family planning".

24. The Advisory Committee considers that the above-mentioned Strategy and other initiatives concerning Roma can be successful only if they are designed and implemented in close consultation and co-operation with Roma and only if the persons involved in these initiatives have a full understanding of, and respect for, Roma culture.

Article 6

25. The Advisory Committee notes with satisfaction that there has been a significant improvement in attitudes towards the Hungarian minority and that there is an attempt to improve attitudes also towards Roma. Nevertheless, the Advisory Committee finds that a certain lack of a spirit of tolerance and of intercultural dialogue underlines many problems raised in the present opinion. In particular, the Advisory Committee is convinced that a fuller understanding of Roma culture by the public at large and by officials, which can only be gained if Roma themselves are willing to provide input, would help to counter discriminatory acts and attitudes. In this connection, the Advisory Committee also notes that studies suggest that the attitudes of the majority towards the Hungarian minority are most positive in the regions where Hungarians constitute a relatively high proportion of the population and where there is constant interaction between the majority and the said minority. With a view to the foregoing, the Advisory Committee believes that it would be helpful to design further initiatives aimed at promoting inter-cultural dialogue and welcomes related plans that are already underway.

26. In the field of media, the Advisory Committee is concerned about the fact that certain outlets report in a manner that strengthens existing negative stereotypes of minorities, in particular of Roma. The Advisory Committee is of the opinion that support for journalists' professional exchange programmes and other measures aimed at promoting accurate and balanced reporting on minority questions would be helpful, bearing in mind freedom of expression and the principles contained in the Committee of Ministers' Recommendation No. R (97) 21 on the Media and the Promotion of a Culture of Tolerance.

27. The Advisory Committee welcomes the fact that the Government has, on a number of occasions, called for increasing tolerance in society. The Advisory Committee, however, regrets that such a stand is not consistently reflected in statements of officials on specific issues and that, for example, in connection with the discussion on Roma who left Slovakia to seek asylum, some senior officials challenged *en masse* the stated motivations of these individuals and thereby possibly contributed to the climate of intolerance in Slovakia.

28. The Advisory Committee is concerned about the continuing occurrences of racially motivated violent crime, often targeted at Roma but also at other ethnic groups, including persons belonging to small immigrant groups. The situation is exacerbated by the fact that, as is recognised by the Government, most of these offences are not reported to police authorities. This regrettably low rate of reporting reflects, at least partially, a prevailing mistrust between police and the minorities concerned and the negative attitudes that many police officers are perceived to have towards these minorities, which in its most extreme and disturbing form has allegedly amounted to abuse of minorities by the police themselves, as reported *inter alia* by the European Commission against Racism and Intolerance (ECRI) in its Second Report on Slovakia, adopted on 10 December 1999. The Advisory Committee therefore considers that further efforts should be made to improve relations between the police and national minorities and to foster tolerance within the police. Furthermore, the Advisory Committee notes with

satisfaction that the above-mentioned Strategy recognises related training needs in the Police, and the Advisory Committee finds it important that the Ministry of Interior pays particular attention to the implementation of this task.

29. The Advisory Committee welcomes the commitment made by the Minister of Interior to increase the vigour with which racially motivated crime is investigated and prosecuted. The Advisory Committee expresses the hope that this commitment will be fully implemented in practice. This increased emphasis is clearly needed since relatively few cases of racially motivated crime that eventually reach the police have at times been addressed in a manner that, in the opinion of the Advisory Committee, is problematic from the point-of-view of the Framework Convention. In particular, police appear to be over-hesitant to qualify alleged crime as racially motivated. The Advisory Committee believes that further measures should be considered to address this issue (including in the context of the analysis mentioned above under Article 4). If necessary, such measures could include amending existing legislation with a view to ensuring that Roma, as well as other minorities, are fully and consistently protected against crime committed as a result of their ethnic identity.

Article 7

30. Although the information that the Advisory Committee has at its disposal suggests that in the current practice the freedoms enumerated in Article 7 are generally guaranteed, the Advisory Committee considers that the related legislative safeguards could be strengthened. The Advisory Committee finds that the wording of certain legislative provisions could allow interpretation that would not be in conformity with freedom of expression. These questions are addressed in more detail below under Articles 9 and 10.

Article 8

31. On the basis of the information currently at its disposal, the Advisory Committee considers that the implementation of this article does not give rise to any specific observations.

Article 9

32. The Advisory Committee notes with approval the Government's increasing support for electronic and print media of national minorities. The Advisory Committee also welcomes the minority language programmes on public television and radio, although it regrets that relatively little broadcasting time is devoted to radio programmes in the Roma language. The Advisory Committee calls for the continuation of these commendable practices and considers that more detailed legislative provisions on broadcasting in the languages of national minorities could be helpful in ensuring the consistent implementation of these practices in the future.

33. As concerns the State Language Law of 1995, the Advisory Committee recognises that its implementation has not, to date, had widespread negative impact on minority languages and that, according to the Government, no sanctions have been imposed for non-compliance or violations of the said law.

34. There are, nevertheless, provisions in the State Language Law that could lead to undue limitations on the freedom to receive and impart information and ideas in minority languages. Such provisions include, but are not limited to Article 5(6) which provides, *inter alia*, that "occasional publications" intended for the public, and programmes of cultural events, must be

published in the state language (if necessary, they may include translation into other languages). In order to determine conclusively to what extent this provision, as well as a number of other provisions of the said law touched upon in the present opinion, are compatible with the Framework Convention, it needs to be ascertained to what degree the State Language Law affects minority languages. The Advisory Committee finds that, in this essential question, the State Language Law is lacking in clarity.

35. The Advisory Committee considers that the above-mentioned ambiguous legal situation is unsatisfactory from the point of view of legal certainty and that it may give rise to negative consequences for persons belonging to national minorities. Even in the absence of sanctions imposed by the authorities for non-compliance, the law in its current form can produce a "chilling effect" extending to legitimate activities of minorities. With a view to the foregoing, the Advisory Committee considers it essential that this issue be addressed through proposals for amending the State Language Law if necessary, with a view to ensuring that the rights of persons belonging to minorities are protected in a clear and comprehensive manner in both law and practice. When discussing possible measures that could help to reach this aim, due consideration should also be given to proposals to adopt a wide-ranging law concerning the protection of national minorities.

Article 10

36. The Advisory Committee considers that the adoption of the Law on the Use of National Minority Languages in 1999 significantly improved the legal protection of minority languages, affecting predominantly persons belonging to the Hungarian minority but also Roma, Ruthenians, Ukrainians, Croats and Germans in the municipalities where the minority concerned makes up more than 20 percent of the population. The Advisory Committee is of the opinion that the law constitutes a positive step in terms of the implementation of Article 10 of the Framework Convention. The Advisory Committee considers it essential that the reported problems relating to its implementation, such as lack of language skills in the offices concerned, are addressed, including by allocating adequate resources for training and for other necessary implementation measures. The Advisory Committee notes that the Law on the Use of National Minority Languages does not explicitly address the issue of interrelations between it and the State Language Law. While the Government has indicated in its correspondence with international bodies that the Law on the Use of National Minority Languages, as *lex specialis*, should take precedence, the Advisory Committee considers it important that the public and officials concerned are also made aware of this and that all instructions relating to the implementation of the said law fully reflect this view.

Article 11

37. The Advisory Committee notes with satisfaction that legislative provisions exist aimed at protecting the right of persons belonging to national minorities to use their first names in a minority language and the right of official recognition of them. The Advisory Committee has, however, received disturbing reports suggesting that the Slovak form of a surname is still imposed in some instances on women belonging to national minorities. The Advisory Committee finds it important that the Government review the situation and, where necessary, take measures against the imposition of the Slovak form of surnames and to ensure that such practices are not tolerated in the public sector.

Article 12

38. The Advisory Committee welcomes the efforts to ensure that textbooks (in particular those on history), and the educational system in general do not foster negative stereotypes of national minorities, and that they provide adequate information on minorities, including on their culture and language. Against this background, it welcomes the fact that the Government prohibited the use, in the school curricula, of a controversial history textbook.

39. The Advisory Committee is deeply concerned about the reports according to which a high proportion of Roma children are placed in so-called special schools. While these schools are designed for mentally handicapped children, it appears that many Roma children who are not mentally handicapped are placed in these schools due to real or perceived language and cultural differences between Roma and the majority. The Advisory Committee considers that such practice is not compatible with the Framework Convention. The Advisory Committee stresses that placing children in such special schools should take place only when it is absolutely necessary and always on the basis of consistent, objective and comprehensive tests.

40. The Advisory Committee notes with satisfaction that the above-mentioned problem is recognised by the Government and that it is designing new measures aimed at ensuring that Roma children have equal access to, and opportunities to continue to attend, regular schools. The Advisory Committee considers that a key to reaching this aim is to secure that the education system reflects and also fully takes into account the language and culture of the minority concerned, as provided in the principles contained in the Committee of Ministers' Recommendation No. R (2000) 4 on the education of Roma/Gypsy children in Europe. Such an approach would also help to increase mutual understanding between Roma parents and schools. In this connection, experiences gained by minorities at pre-school level are often of central importance. Considering that the proportion of Roma children attending kindergartens has dropped drastically in recent years in Slovakia, the Advisory Committee welcomes the initiatives aimed at improving opportunities for Roma in kindergartens and expresses the hope that they will have a positive impact on the relevant practice at local level.

41. The Advisory Committee welcomes the fact that the Ministry of Education is currently considering plans to introduce a multicultural and multiethnic component in the core curriculum of schools. The Advisory Committee expresses the hope that these plans will be pursued further and that adequate resources will be allocated for their implementation. The Advisory Committee is convinced that the implementation of this initiative would be helpful in addressing the concerns raised in the preceding paragraph as well as a number of other issues raised in the present opinion.

Article 13

42. On the basis of the information currently at its disposal, the Advisory Committee considers that the implementation of this article does not give rise to any specific observations.

Article 14

43. The Advisory Committee welcomes the fact that Article 34 of the Constitution guarantees the right of Slovak citizens belonging to national minorities to receive education in their mother tongue. However, there are only very limited legislative provisions concerning the implementation of this constitutional guarantee. Indeed, it appears that the only legislative provision dealing specifically with this issue is Article 3 of the Law on the System of Elementary and Secondary Schools, which guarantees to citizens belonging to the "Czech, Hungarian, German and Polish and Ukrainian (Ruthenian) minority" the right to education also in their mother tongue "to the extent necessary for the interest of their national development". Given the very general nature of this provision, the Advisory Committee supports the efforts to provide more detailed legislative guarantees in this sphere.

44. The Advisory Committee welcomes the improvements that have been achieved in recent years as concerns the practice of education in minority languages, especially with regard to the Hungarian language but including also the introduction of Ruthenian in a number of schools. The Advisory Committee notes, however, that the role of the Roma language is recognised only in a very limited fashion. Despite the fact that the above-mentioned constitutional provision on education in minority languages extends to all national minorities, the scope of the School Act is limited to the languages enumerated in the above paragraph and, consequently, no school in Slovakia offers instruction in the Roma language. The Advisory Committee is therefore of the opinion that it needs to be examined to what extent the current legal and practical status of the Roma language in the education system of Slovakia meets the demands of the said population. Such an examination would help to establish whether further measures are needed to ensure adequate opportunities for being taught the Roma language or for receiving instruction in this language.

45. The Advisory Committee notes that there is a lack of qualified teachers in minority languages. The Advisory Committee therefore considers that the Government should strengthen its efforts in the field of teacher training. Such measures could include for example the implementation of the existing proposals to introduce a department for the training of Hungarian language teachers at the Konstantin University in Nitra, but they should also accommodate the needs of individuals belonging to other minorities seeking education in their language.

Article 15

46. The Advisory Committee welcomes the fact that, whereas previously a majority of the members of the Council of National Minorities and Ethnic Groups were representatives of the Government, at present a majority represents minorities, and that this body is being consulted increasingly often in the context of decision-making regarding minority issues.

47. The Advisory Committee notes with deep concern the shortcomings that remain as concerns the effective participation of the Roma in social and economic life and the negative impact that these shortcomings have on the social and economic living-conditions of this minority in general and of Roma women in particular. While recognising that a number of initiatives have been designed to address and alleviate these shortcomings, the Advisory Committee believes that efforts in this sphere could be further intensified and that, in these efforts, particular attention needs to be paid to the situation of Roma women. Sufficient additional resources should be sought to help combat this substantial problem.

48. The Advisory Committee notes the Government's on-going efforts to introduce a public administration reform. Given that such a reform would also affect national minorities, the Advisory Committee expresses the wish that the reform is designed in a manner that contributes also to the effective participation of persons belonging to national minorities in public affairs.

Article 16

49. On the basis of the information currently at its disposal, the Advisory Committee considers that the implementation of this article does not give rise to any specific observations.

Article 17

50. The Advisory Committee notes that there are plans in Slovakia to impose visa requirements on the citizens of a number of countries. The Advisory Committee expresses the wish that this initiative will be implemented in a manner that will not cause undue restrictions on the rights of persons belonging to national minorities to establish and maintain contacts across frontiers.

Article 18

51. The Advisory Committee welcomes the fact that Slovakia is party to numerous bilateral treaties and cultural agreements touching upon the protection of persons belonging to national minorities and in this context welcomes the attempts to improve the functioning of the joint commissions envisaged in the 1995 Treaty on Good Neighbourliness and Friendly Co-operation between Slovakia and Hungary.

Article 19

52. On the basis of the information currently at its disposal, the Advisory Committee considers that the implementation of this article does not give rise to any specific observations.

IV CONCLUDING REMARKS

53. The Advisory Committee finds that Slovakia has made valuable efforts to support minorities and their cultures including through the Council of National Minorities and Ethnic Groups. The Advisory Committee also welcomes the improvements achieved in recent years in the inter-community relations in particular between the Hungarian minority and other parts of the population of Slovakia.

54. Nevertheless, legal guarantees pertaining to some articles of the Framework Convention need to be strengthened, and, in a number of areas where satisfactory legal guarantees exist, further efforts are required to ensure their full implementation.

55. While welcoming the recent improvements in the legal status of minority languages in official contacts, the Advisory Committee finds that the legislative framework touching upon minority languages still contains shortcomings stemming *inter alia* from the content of the State Language Law and from the lack of detailed legislative provisions on education in minority languages.

56. Despite a marked increase in the efforts of the Government, the Advisory Committee is of the opinion that there remain problems in the implementation of the Framework Convention as concerns Roma. The Advisory Committee is particularly concerned about the discrimination suffered by Roma in various fields as well as the treatment of this minority by law-enforcement officials, including reported collection of personal ethnicity data without clear legal basis. The Advisory Committee is also concerned about extremely wide socio-economic differences between some of the Roma and the majority population, which are aggravated by the unsatisfactory status of Roma in the educational system.

57. The Advisory Committee is of the opinion that specific conclusions and recommendations by the Committee of Ministers could help to improve further the implementation of the Framework Convention in Slovakia. It believes that such conclusions and recommendations could be helpful in a continuing dialogue between the Government and those concerned. The Advisory Committee, therefore, submits detailed draft conclusions and recommendations for consideration by the Committee of Ministers. The Advisory Committee stands ready to be involved in the monitoring of the follow-up to the conclusions and recommendations adopted by the Committee of Ministers in accordance with Rule 36 of the Committee of Ministers' Resolution (97) 10.

V PROPOSAL FOR CONCLUSIONS AND RECOMMENDATIONS BY THE COMMITTEE OF MINISTERS

With a view to the foregoing, the Advisory Committee is of the opinion that the Committee of Ministers should consider the adoption of the following draft conclusions and recommendation with respect to Slovakia:

The Committee of Ministers,

Having regard to the Framework Convention for the Protection of National Minorities and the initial Report submitted by Slovakia, on 4 May 1999, on the implementation of the Framework Convention;

On the basis of the opinion adopted by the Advisory Committee on 22 September 2000;

Welcoming the efforts that have been made by Slovakia to implement the Framework Convention;

Considering that specific conclusions and recommendations could help further to improve the implementation of the Framework Convention by Slovakia;

Adopts the following conclusions and recommendations and invites Slovakia to inform the Advisory Committee, within one year from the adoption of the present decision, of follow-up made in this respect.

In respect of Article 3

The Committee of Ministers *concludes* that it would be possible also to consider the inclusion of persons belonging to other groups in the application of the Framework Convention on an article-by-article basis, and the Committee of Ministers *recommends* that Slovakia consider this issue in consultation with the persons concerned.

The Committee of Ministers *concludes* that governmental sources have given conflicting information as to whether law-enforcement officials continue to collect ethnicity data on alleged offenders. The Committee of Ministers *concludes* that collection of personal data on individuals' affiliation with a particular national minority without their consent and without adequate legal safeguards is contrary to Article 3 of the Framework Convention and *recommends* that Slovakia ensure that its law-enforcement bodies and other agencies fully respect this principle.

In respect of Article 4

The Committee of Ministers *concludes* that the socio-economic differences between the majority population and the Roma remain considerable and *recommends* that Slovakia pay full attention to, and allocate resources for, the implementation of new initiatives aimed at promoting full and effective equality, including those contained in the Strategy concerning Roma, adopted in September 1999.

The Committee of Ministers *concludes* that there are still some uncertainties concerning the scope of legislation related to racial discrimination in Slovakia and *recommends* that Slovakia allocate adequate resources for the envisaged review of the existing practical and legal situation as concerns racial discrimination.

The Committee of Ministers *concludes* that the wide discrepancies between the official statistics of the Government and those of national minorities about the numbers of persons belonging to national minorities seriously hamper the ability of the state to target, implement and monitor measures to ensure the full and effective equality of persons belonging to national minorities. The Committee of Ministers *recommends* that the Government considers ways and means of obtaining reliable statistical data.

In respect of Article 5

The Committee of Ministers *concludes* that Slovakia has increased its efforts to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture and *recommends* that Slovakia continue to pursue these efforts on the basis of the real situation of the minorities concerned.

The Committee of Ministers *recommends* that Slovakia ensure that its Strategy on Roma is implemented in close consultation and co-operation with Roma, with full respect to Roma culture and individual human rights.

The Committee of Ministers *concludes* that there is a need for a fuller understanding of Roma culture by the majority and *recommends* that Slovakia design further initiatives aimed at promoting inter-cultural dialogue.

In respect of Article 6

The Committee of Ministers *concludes* that certain media outlets report in a manner that strengthen existing negative stereotypes of minorities and *recommends* that Slovakia consider support for journalists' professional exchange programmes and other measures aimed at promoting accurate and balanced reporting on minority questions, bearing in mind freedom of expression and the principles contained in the Committee of Ministers' Recommendation No. R (97) 21 on the Media and the Promotion of a Culture of Tolerance.

The Committee of Ministers *concludes* that the Government has unequivocally denounced certain manifestations of intolerance and *recommends* that Slovakia continue to react, in an appropriate manner, to such manifestations.

The Committee of Ministers *concludes* that there are problems related to the implementation of non-discrimination legislation and it *recommends* that Slovakia monitor and react to cases of discrimination in a more effective manner.

The Committee of Ministers *concludes* that racially motivated violent crime continue to occur in Slovakia and that most of these offences are not reported to police authorities. The Committee of Ministers *recommends* that Slovakia increase its efforts to improve relations between the police and national minorities and to foster tolerance within the police.

The Committee of Ministers *concludes* that police appear to be overly hesitant to qualify alleged crime as racially motivated and *recommends* that Slovakia implement its plans aimed at increasing the vigour with which racially motivated crime is investigated and prosecuted.

In respect of Article 7

The Committee of Ministers *concludes* that the State Language Law of 1995 contains a number of provisions which could give rise to interpretations threatening freedom of expression and assembly of persons belonging to national minorities, depending on the law's applicability to minority languages (see the recommendations below in the context of Article 9 and 10).

In respect of Article 9

The Committee of Ministers *concludes* that the Government provides increasing support for electronic and print media of national minorities and that minority language programmes is available on the public television and radio. The Committee of Ministers *recommends* that Slovakia continue these commendable practices and consider whether more detailed legislative provisions on broadcasting in the languages of national minorities could be helpful in ensuring the consistent implementation of these practices in the future.

The Committee of Ministers *concludes* that there are provisions in the State Language Law that could lead to undue limitations on the freedom to receive and impart information and ideas in minority languages and *recommends* that Slovakia address this issue, through proposals for amending the State Language Law if necessary, with a view to ensuring that the rights of persons belonging to minorities are protected in a clear and comprehensive manner in both law and practice.

In respect of Article 10

The Committee of Ministers *concludes* that the Law on the Use of National Minority Languages of 1999 has significantly improved the legal protection of minority languages and *recommends* that Slovakia take appropriate measures, including by allocating adequate resources, to ensure the full implementation of the Law.

The Committee of Ministers *concludes* that the Law on the Use of National Minority Languages does not explicitly address the issue of inter-relations between it and the State Language Law and *recommends* that Slovakia inform the public and officials concerned that the Law on the Use of National Minority Languages, as *lex specialis*, should take precedence and ensure that all instructions relating to the implementation of the said law fully reflect this view.

In respect of Article 11

The Committee of Ministers *concludes* that despite legislative provisions aimed at protecting the right of persons belonging to national minorities to use their first names in a minority language and the right of official recognition of them, reports suggest that the Slovak form of a surname is still imposed in some instances on women belonging to national minorities. The Committee of Ministers *recommends* that Slovakia review the situation and, where necessary, take measures against the imposition of the Slovak form of surnames.

In respect of Article 12

The Committee of Ministers *concludes* that the efforts to ensure that the educational system does not foster negative stereotypes of national minorities has led to certain concrete measures and *recommends* that Slovakia continue such efforts by ensuring *inter alia* that books available in schools contribute to the reaching of this aim.

The Committee of Ministers *concludes* that a high proportion of Roma children are placed in so-called special schools. While these schools are designed for mentally handicapped children, it appears that many Roma children who are not mentally handicapped are placed in these schools due to real or perceived language and cultural differences between Roma and the majority. The Committee of Ministers *concludes* that such a practice is not compatible with the Framework Convention. The Committee of Ministers *recommends* that Slovakia design further measures aimed at ensuring that Roma children have equal access to, and opportunities to continue to attend, regular schools, bearing in mind the principles contained in the Committee of Ministers' Recommendation No. R (2000) 4 on the education of Roma/Gypsy children in Europe.

The Committee of Ministers *concludes* that the implementation of the plans to introduce a multicultural and multiethnic component in the core curriculum of schools contributes to the implementation of the Framework Convention and *recommends* that Slovakia pursue these plans and allocate adequate resources for their implementation.

In respect of Article 14

The Committee of Ministers *concludes* that there are only very limited legislative provisions concerning the implementation of the constitutional right of Slovak citizens belonging to national minorities to receive education in their mother tongue. The Committee of Ministers *recommends* that Slovakia pursue the Government's plans to provide more detailed legislative guarantees in this sphere.

The Committee of Ministers *concludes* that the provisions on minority languages contained in the School Act do not cover Roma language and that no school in Slovakia offers instruction in Roma language. The Committee of Ministers *recommends* that Slovakia examine to what extent the current situation concerning the status of the Roma language, in both law and practice, in the education system of Slovakia meets the demands of the said population and consider, if appropriate, further measures aimed at ensuring that adequate opportunities for being taught the Roma language or for receiving instruction in this language are provided.

The Committee of Ministers *concludes* that there is a lack of qualified teachers in minority languages and *recommends* that Slovakia strengthen its related efforts in the field of teacher training.

In respect of Article 15

The Committee of Ministers *concludes* that a majority of the members of the Council of National Minorities and Ethnic Groups represent national minorities and *recommends* that Slovakia continue to consult this body increasingly often in the context of decision-making regarding minority issues.

The Committee of Ministers *concludes* that there remain shortcomings as concerns the effective participation of the Roma in social and economic life and *recommends* that Slovakia intensify its efforts in this sphere and, in doing so, pay particular attention to the situation of Roma women.

The Committee of Ministers *concludes* that the envisaged public administration reform will also affect national minorities and *recommends* that Slovakia design the said reform in a manner that contributes also to the effective participation of persons belonging to national minorities in public affairs.

In respect of Article 17

The Committee of Ministers *recommends* that visa requirements be implemented in a manner that does not cause undue restrictions on the rights of persons belonging to national minorities to establish and maintain contacts across frontiers.