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

### **Fourth Opinion on the Slovak Republic adopted on 3 December 2014**

#### **EXECUTIVE SUMMARY**

Slovakia's institutional structure pertaining to human and minority rights underwent significant changes between 2010 and 2012. Government ability to co-ordinate effectively all issues related to national minority protection weakened as a result, in particular following the abolition of the position of Deputy Prime Minister for Human Rights and National Minorities in 2012. National minority representatives have regarded the changes as a relegation of their concerns within the government agenda which has caused frustration among them. The Government Plenipotentiary for Roma Communities was removed from the human rights structure and placed under the auspices of the Ministry of Interior. This step appears to portray concerns related to Roma equality and access to rights as security challenges. At the end of 2014, the Ministry of Justice was tasked to take over the responsibility for human rights issues at national level as of January 2015.

A National Human Rights Strategy has been elaborated and reportedly contains the aim of developing a coherent legislative framework pertaining to the rights of persons belonging to national minorities. Significant steps, including legislative amendments, have been taken to facilitate an appropriate balance between the aims of promoting the use of the state language and protecting the right to use minority languages. More flexibility should be applied in the implementation of the legislation and closer consultations maintained with representatives of the concerned national minorities to adequately meet the needs and demands of the population, including as regards bilingual topography.

Roma continue to face grave obstacles in accessing rights. The situation of Roma children in the education system remains particularly alarming, constituting often a permanent obstacle to their full and effective equality in life. A special report prepared by the Ombudsperson, revealing serious and continued rights violations through the disproportionately frequent placement of Roma children in special schools and sustained segregation at all levels, has not been discussed by Parliament. Substantial efforts are made by relevant ministries and other governmental actors, such as the Roma Plenipotentiary to promote the access of Roma to education, to the labour market and health services. More co-ordination and strategic planning as well as closer consultation with Roma and civil society representatives are, however, required at central, regional and local level to achieve sustainable progress. Resolute measures must further be taken to combat the widespread anti-Gypsyism in society, including within law enforcement, and to ensure that all cases of racial discrimination are properly and promptly investigated and sanctioned.

### **Recommendations for immediate action**

- **Increase attention to minority rights as an integral part of human rights in the government agenda and ensure effective inter-institutional coordination on all issues pertaining to human and minority rights protection, in close consultation with national minority and civil society representatives;**
- **Comprehensively address anti-Gypsyism in the education system and put in place the necessary measures to ensure that Roma children are systematically placed in integrated regular classes. Placement in special schools must be reserved for specific and exceptional cases only;**
- **Intensify efforts to effectively protect Roma from discrimination in all spheres of life by raising rights awareness and ensuring that law enforcement officers are adequately trained to properly investigate and follow-up all cases of racial discrimination, including through the initiation of independent investigations of alleged cases of police abuse.**

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## **I. KEY FINDINGS**

### **Monitoring process**

1. This fourth cycle Opinion on the implementation of the Framework Convention by Slovakia was adopted in accordance with Article 26(1) of the Framework Convention and Rule 23 of Resolution (97)10 of the Committee of Ministers. The findings are based on information contained in the fourth State Report (link), submitted by the authorities on 28 January 2014, other written sources and on information obtained by the Advisory Committee from governmental and non-governmental sources during its visit to Košice, Prešov, Dunajská Streda and Bratislava from 22 to 26 September 2014.

2. The Advisory Committee welcomes the authorities' overall constructive and cooperative approach towards the monitoring process and the considerable assistance provided by them before, during and after the 4<sup>th</sup> cycle visit. The third cycle Opinion was published promptly and a follow-up seminar organised to discuss its findings among main stakeholders. The fourth State Report was submitted in due time, containing comprehensive and valuable information. While representatives of national minorities were consulted during its preparation, the Advisory Committee received additional written information from representatives of some groups who felt that their views were not sufficiently taken into account in the State Report.

### **General overview of the present situation**

3. The institutional structure pertaining to human and minority rights has undergone significant changes between 2010 and 2012 which have overall weakened Government ability to co-ordinate the human rights related agendas of the relevant ministries. The position of Deputy Prime Minister for Human Rights and National Minorities was abolished in 2012 and a Government Plenipotentiary for National Minorities created instead. The position has been vacant since June 2013 and has mere advisory functions. A Government Council for Human Rights, National Minorities and Gender Equality was established in 2010 as main advisory body to the government, and the former Consultative Council for National Minorities was transformed into the Council's Sub-Committee on National Minorities and Ethnic Groups. The Council was moved under the auspices of the Ministry of Foreign Affairs. As of January 2015 the Ministry of Justice will take over the responsibility for human rights issues at national level. National minority representatives regard the changes overall as a relegation of their issues of concern in the government agenda which has created some frustration. A National Human Rights Strategy has been elaborated and reportedly contains the aim of developing a coherent legislative framework pertaining to the rights of persons belonging to national minorities.

4. Furthermore, the Government Plenipotentiary for Roma Communities was placed under the auspices of the Ministry of Interior, removing this important body from the human rights structure and appearing to portray concerns related to Roma equality and access to rights as security challenge. The "Roma Reform", launched by the Roma Plenipotentiary and the Ministry of Interior in 2012 appears in some parts to reinforce this message, suggesting that a measure of coercion may be appropriate in dealing with some of the challenges. Overall, Roma continue to face grave obstacles in accessing rights in all areas of public life. A special report prepared and submitted by the Ombudsperson revealing serious and continued violations of rights of Roma children in the education system, through disproportionate placement in special schools and sustained segregation at all levels, has not been discussed by Parliament. Substantial

efforts are being made by relevant ministries as well as other governmental actors, such as the Roma Plenipotentiary, with invaluable support of civil society. Yet, more co-ordination and strategic planning of the various projects and initiatives at central, regional and local level is required, and close consultation with Roma representatives themselves is imperative to achieve sustainable progress. Resolute action to combat anti-Gypsyism in society, including within law enforcement, and measures to promote inter-ethnic respect and dialogue must receive priority attention.

### **Assessment of measures taken to implement the recommendations for immediate action from the third cycle**

5. Significant steps have been taken to encourage an appropriate balance between the aims of promoting the state language and of protecting of the right to use minority languages, by amending the relevant legislation. The possibility of imposing fines for not appropriately using the state language, according to Article 9a of the State Language Act, applies to public administration bodies when issuing information intended for the general public or relating to information that alerts to public danger. Efforts have also been made to promote the language capacities of civil servants in municipalities where persons belonging to national minorities constitute over 20% of the population. A reduction of the threshold to 15% is provided for in the law but will take effect in 2021 at the earliest. More flexibility should be applied in the implementation of the legislation and close consultation with minority representatives maintained to ensure that the needs and demands of all minority populations are regularly established and appropriately responded to.

6. While efforts have been made to promote inter-ethnic respect and understanding and relations overall in society are based on tolerance, anti-Roma and other racist messages have increasingly been propagated in the media, public discourse and sometimes in the political arena, particularly during pre-election periods. It is very welcome that the antidiscrimination legislation was amended in 2013 to expressly allow for the adoption of positive measures aimed at eliminating the systemic disadvantages faced by some groups, including Roma. Discrimination continues to be widespread, however. Only a small percentage of victims seek legal remedy, as overall rights awareness and knowledge in society of the antidiscrimination legislation is inadequate, particularly among the groups most regularly identified as victims. Trust in the police among some minority communities is very low, particularly given continued reports of serious cases of abuse of power by police forces that appear not to be effectively and independently investigated and sanctioned.

7. Significant efforts are being made by the Ministry of Education as well as the Roma Plenipotentiary and other actors, notably from civil society, to promote the integration of Roma children in mainstream education. However, the segregation of Roma children in separate classes and the disproportionately frequent placement of Roma in special schools for children with various forms of disability continue, presenting a serious obstacle to full and effective equality in accessing rights for the majority of Roma children.

### **Assessment of measures taken to implement the further recommendations from the third cycle**

8. Considerable efforts continue to be made to implement a variety of programmes and projects related to the improvement of the living conditions and access to rights of Roma. The National Roma Integration Strategy and Decade Action Plan were developed in close

consultation with Roma representatives and civil society and contain comprehensive measures. Their implementation remains scattered, however, and the level of government commitment to the Strategy has been unclear, particularly following the launch of the partially contradictory initiative of the “Roma Reform”. The publication of the Roma Atlas in 2014, prepared by the University of Prešov in cooperation with UNDP, provides a wealth of reliable data on the number and living situation of Roma throughout Slovakia, providing the necessary equality data for targeted policy development.

9. Continued support is provided to the cultural activities of national minorities. Voting procedures within the Sub-Committee for National Minorities and Ethnic Groups have been amended, providing one vote to each minority, irrespective of its size. Size plays a significant role, however, in the calculation of budget allocations. Efforts are being made to regularly consult all national minorities and maintain transparency in relation to all relevant decision-making processes. While broadcasting and print media in minority languages continue to receive support, including in languages of the numerically smaller minorities and Romani, the available offer does not meet the needs of the various minority communities and should be designed in closer consultation with minority representatives.

10. Flexibility in applying the thresholds established by law regarding the use of minority languages is only shown in some localities and by some state actors, such as the Ombudsperson. With regard to efforts to provide greater support to minority language teaching in schools with instruction in the Slovak language, no information was received from minority representatives about areas where requests for minority language classes in mainstream schools had been rejected. Attention to the cultures and identities of all national minorities in textbooks remains insufficient according to minority representatives. The number of persons belonging to national minorities employed in public administration and law enforcement agencies remains overall disproportionately low, particularly as regards Roma. Although there are no seats reserved for minorities, persons belonging to numerically larger groups are represented in elected bodies at central, regional and local levels.

## II. ARTICLE-BY-ARTICLE FINDINGS

### Article 3 of the Framework Convention

#### Personal scope of application

##### *Present situation*

11. The number of groups officially recognised as national minorities in Slovakia has been extended from twelve to 13 since the third cycle of monitoring, with the addition of the Serbian minority in February 2010.<sup>1</sup> Article 34 of the Constitution and Article 1 of the Law on the Use of National Minority Languages (hereinafter Minority Language Act) expressly recognize the right to be treated as national minority only for citizens. While the practical impact of this limitation on the rights enjoyed by persons belonging to national minorities is very small, given that most of them are citizens, the Advisory Committee reiterates its viewpoint that such a general restriction may have a discriminatory effect and should therefore be avoided. The authorities should rather pursue an inclusive approach, reflecting for each right separately whether there is a legitimate ground to differentiate access based on citizenship.<sup>2</sup> It should be borne in mind in this context that amendments to the Citizenship Act in July 2010 abolished the possibility of dual citizenship for citizens who voluntarily acquire a foreign nationality.<sup>3</sup> By July 2014, 855 persons were reported to have lost their Slovak citizenship as a result, the majority of whom in favor of Czech citizenship.<sup>4</sup> The Ministry of Interior is reportedly engaged in the preparation of amendments to the Citizenship Act.

##### *Recommendation*

12. The Advisory Committee encourages the authorities to apply a flexible case-by-case approach to any possible requests for the enjoyment of minority rights by non-citizens belonging to national minorities.

#### Census

##### *Present situation*

13. A Population and Housing Census was organised in 2011, containing for the first time questions related to the most frequently used languages in public and in private. The Advisory Committee welcomes that forms were made available in the four most frequently used minority languages (Hungarian, Romani, Ukrainian and Ruthenian), and that respondents were reportedly informed explicitly of their right to free self-identification. The number of persons declaring themselves as Jewish, Croatian, Serbian, Polish or Moravian, for instance, has significantly increased which is welcomed by representatives as sign that former assimilation trends have been halted. The census results further show a continuation of some trends already observed in the 2001 census, in that the number of persons declaring Roma and Ruthenian ethnicity have

<sup>1</sup> The following national minorities have representatives in the Sub-Committee for National Minorities and Ethnic Groups: Bulgarian, Croatian, Czech, German, Hungarian, Jewish, Moravian, Polish, Roma, Russian, Ruthenian, Serbian and Ukrainian.

<sup>2</sup> Such approach is in line with broader European efforts regarding the use of the citizenship criterion in the protection of national minorities. See also Report on “non-citizens” and minority rights, adopted by the Venice Commission at its 69<sup>th</sup> session on 15-16 December 2006.

<sup>3</sup> See <http://eudo-citizenship.eu/docs/CountryReports/Slovakia.pdf>.

<sup>4</sup> As reported, Slovak citizenship was further lost in 171 cases in favour of German citizenship, 55 cases in favour of Hungarian citizenship, and one each in favour of Ukrainian, Russian and Polish citizenship. [http://spectator.sme.sk/articles/view/54667/10/citizenship\\_act\\_deprived\\_855\\_people\\_of\\_slovak\\_citizenship\\_in\\_four\\_years.html](http://spectator.sme.sk/articles/view/54667/10/citizenship_act_deprived_855_people_of_slovak_citizenship_in_four_years.html).

significantly increased, while the number of persons declaring Hungarian, Czech, or Ukrainian ethnicity has considerably decreased.<sup>5</sup> The Advisory Committee reiterates that population statistics should be collected regularly, should be complemented with information gathered through independent research, and should be carefully analysed in consultation with minority representatives, in particular when using statistics as basis for the applicability of minority rights (see also comments under Article 10 below).

#### *Recommendation*

14. The Advisory Committee calls on the authorities to gather population statistics regularly and to engage with minority representatives in analysing the results, particularly where they are used as basis for the application of some minority rights.

### **Article 4 of the Framework Convention**

#### **Legal and institutional framework for the promotion of equality of persons belonging to national minorities**

#### *Present situation*

15. The Anti-Discrimination Act, as last amended in 2013, contains adequate provisions against direct and indirect discrimination in different spheres of life, including employment, education and social security, covering private-law relationships and actions of public bodies. It is welcome that the most recent amendments have extended the prohibition of discrimination to the threat of discrimination and that the adoption of positive measures aimed at eliminating structural disadvantages of certain groups based on prohibited grounds to promote equal opportunities is now explicitly allowed. Overall however, there appears to be still only limited awareness in society about the anti-discrimination legislative framework, particularly among the most disadvantaged groups. While a number of NGOs are providing legal aid and have, often successfully, taken up civil and administrative cases related to discrimination,<sup>6</sup> there are continuous reports of widespread discrimination, particularly against Roma, in many spheres of life that remain unaddressed.<sup>7</sup> The Advisory Committee considers that the findings of national and international courts in relevant discrimination cases should be disseminated widely to ensure that the population at large, particularly the groups most known to be regular victims of discrimination, are made aware of their rights and encouraged to make use of the legal remedies available to them in case of alleged violations.

16. The Public Defender of Rights (Ombudsperson) receives an increasing number of complaints (4 400 in 2013) from individuals regarding alleged violations of fundamental rights and freedoms by public bodies. According to the interlocutors of the Advisory Committee, she is trusted and viewed as independent by civil society, including national minority representatives. The Ombudsperson may also act on her own initiative and has investigated a number of serious concerns regarding human and minority rights violations, in particular pertaining to equal access

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<sup>5</sup> According to the census results, the proportion of the population identifying as Slovaks has decreased since the 2001 census from 85.8% to 80.7%, Hungarians from 9.7% to 8.5%, Czech from 0.8% to 0.6% and Ukrainians from 0.2% to 0.1%. The number of persons not specifying their ethnic background has increased from 1% to 7%. <http://portal.statistics.sk/showdoc.do?docid=26251>.

<sup>6</sup> As a result, there have been important decisions in favour of plaintiffs by national courts, such as the Prešov District Court, which ordered in May 2013 that damages be awarded to a Roma couple who was not served in a bar in 2009, as well as the European Court of Human Rights, notably with three judgments in cases concerning the involuntary sterilisation of young Romani women in public hospitals around 2000.

<sup>7</sup> See, among others, ENAR Shadow Report 2012-2013 *Racism and related discriminatory practices in employment in Slovakia*, page 3, referring to a study of 2012 revealing that under 5% of victims sought legal remedy or asked for legal assistance, while 92% did nothing to defend themselves.



to education for Roma children and the misconduct of police forces.<sup>8</sup> The Ombudsperson considered the findings of such serious nature that she submitted a special report to Parliament in August 2013, requesting that the report be discussed at the next session. The Advisory Committee deeply regrets that to date, the report has not been discussed by Parliament. In addition, it considers that the Ombudsperson receives insufficient human and financial resources. Only 35 of the 57 positions from the staffing table have been filled and the overall budget, after repeated cuts, is reportedly spent to a large part on the renting of premises. The Advisory Committee further regrets that her recent request to provide funding for the opening of regional offices has not been granted, despite such presence being essential to increase overall awareness of fundamental rights in society.

17. The Slovak National Centre for Human Rights continues to monitor the implementation of the Anti-Discrimination Act, handling cases submitted by individuals (reportedly an average of 2 500 per year), some of whom it proceeds to represent in Court. In addition, it acts as general equality body, disseminating information, organising training activities and spreading awareness to prevent racial discrimination. The Advisory Committee welcomes the Centre's special engagement related to human and minority rights awareness in municipalities with substantial Roma populations, particularly following the police raid in Moldava nad Bodvou (see below comments under Article 6), aimed at increasing rights awareness among the Roma population and municipal authorities to prevent future tension, as well as plans of possible cooperation of the Centre with the Ombudsperson to facilitate a regional presence of the Ombudsperson through the Centre's regional offices. The Advisory Committee notes, however, that the Centre is still not viewed as entirely independent, including by national minority representatives, which may account for the generally low number of cases it receives.<sup>9</sup> It is regrettable in this context that the planned reform of the Centre to strengthen its independence has not progressed and that the timeframe for the adoption of necessary amendments to the respective legislation has reportedly been extended to December 2015.

18. The Advisory Committee further understands that the National Strategy for Human Rights, which the Government Council for Human Rights, National Minorities, and Gender Equality, was tasked with preparing in 2011, has been submitted to the Cabinet after three years of elaboration. According to the interlocutors of the Advisory Committee, the preparation process has been quite participatory. At the same time, national minority representatives and independent observers criticise that the final outcome omitted many of their concerns and that political will is lacking to equip the more sensitive parts of the strategy, including those related to national minorities, with action plans to establish concrete priorities and benchmarks. The Advisory Committee notes that the aim of preparing and adopting a coherent legislative framework pertaining to the rights of persons belonging to national minorities has been included in the strategy. It continues to be unclear however to what extent the various governmental entities involved in minority protection issues will coordinate their activities even after the adoption of the strategy and which body will assume the main coordination task. The Advisory Committee considers it essential for the authorities to engage, in close consultation with minority representatives, in a comprehensive evaluation of the existing minority related legislative and institutional framework to ensure that any future strategy or legislative

<sup>8</sup> See *The Public Defender of Rights' Extraordinary Report regarding facts indicating serious violations of fundamental rights and freedoms by actions taken by some bodies*, submitted to the National Council of the Slovak Republic, Bratislava August 2013.

<sup>9</sup> In March 2014 the Centre was accorded B status by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights. See <http://nhri.ohchr.org/EN/AboutUs/ICCAccreditation/Documents/SCA%20MARCH%202014%20FINAL%20REPORT%20-%20ENGLISH.pdf>.

framework pertaining to minority protection effectively addresses the concerns of persons belonging to national minorities.

19. Following the abolition of the key post of Deputy Prime Minister for Human Rights in 2012, the broader human rights related governmental structure is considered weakened by most observers. While a number of ministries have taken up separate parts of the human rights agenda, the main government advisory body on human rights, the Council for Human Rights, National Minorities and Gender Equality, was moved under the authority of the Ministry of Foreign Affairs. While the Minister also serves as Deputy Prime Minister, the Ministry does not have sufficient capacity or structures to deal with complex domestic human rights issues, its main focus lying in international relations. The Advisory Committee notes in this context the announcement in October 2014 that the Ministry of Justice will be taking over the responsibility for human rights issues at national level as of 1 January 2015. Overall human rights coordination is, however, further complicated by the fact that the Government Plenipotentiary for Roma Communities was placed, also in 2012, under the auspices of the Ministry of Interior, thus removing this important body from the human rights structure (see also further comments under Articles 6 and 15) despite the urgent and complex human rights issues surrounding the situation of Roma in Slovakia.

#### *Recommendations*

20. The Advisory Committee calls on the authorities to increase their efforts to raise awareness of the anti-discrimination legislative framework amongst the population as a whole and in particular amongst groups most prone to discriminatory attitudes.

21. The Advisory Committee further urges the authorities to provide adequate political and financial support to the Office of the Ombudsperson to enable her to effectively pursue her mandate and to speed up the ongoing reform efforts regarding the Slovak National Centre for Human Rights to ensure that it is functioning in full independence.

22. The Advisory Committee further calls on the authorities to ensure that the National Human Rights Strategy is adopted and implemented in full consultation with civil society representatives, and that adequate steps are taken to end the fluctuation in institutional responsibility for human and minority rights and facilitate effective and strategic inter-ministerial coordination on all issues pertaining to human and minority rights protection.

### **Measures to promote the full and effective equality of persons belonging to national minorities**

#### *Present situation*

23. The Advisory Committee welcomes the fact that increasing efforts are made to conduct independent surveys and research into the living conditions of persons belonging to national minorities in Slovakia. The so-called Roma Atlas was published in March 2014 after one year of extensive research about the living conditions of Roma in 1070 out of 2890 municipalities.<sup>10</sup> Research included Roma in segregated settlements, in residential concentration in towns or villages, and those living dispersed among the majority population, gathering information on the level of integration in terms of, among others, housing, access to infrastructure and services, level of education, as well as employment opportunities. According to the results, Roma constitute 7.45% of Slovakia's population, or over 400,000 persons, which exceeds the official

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<sup>10</sup> See an overview at [http://www.romadecade.org/cms/upload/file/9653\\_file2\\_atlas-romadecade.pdf](http://www.romadecade.org/cms/upload/file/9653_file2_atlas-romadecade.pdf).

census results by almost four times.<sup>11</sup> It is welcome that the Ministry of Labour, Social Affairs and Family is additionally engaged in regular statistical monitoring of living conditions of selected marginalised groups to facilitate the development of targeted policies for the promotion of equal opportunities.

24. A multitude of projects and other measures to promote effective equality and access to rights for persons belonging to national minorities, in particular Roma, has been implemented over the reporting period, many with EU funding, and a number of impressive achievements have been made. At the same time, interlocutors of the Advisory Committee refer to the lack of a comprehensive strategy overseeing all of these projects and the many actors involved as problematic. While not considered perfect, the Roma National Integration Strategy (RNIS) exists and a quite comprehensive Action Plan was subsequently adopted.<sup>12</sup> Implementation of both documents remains scattered, however, and insufficient political weight and budgetary funding appears to be provided by government. The additional launching of the so-called “Roma reform” by the Government Plenipotentiary for Roma Communities in 2012 has contributed to a sense of confusion regarding governmental commitment to the RNIS, as it remains unclear to what extent this new initiative replaces or complements the RNIS and what activities are considered a priority.<sup>13</sup> The Advisory Committee further gained the impression that Roma representatives themselves remain too little involved in the actual planning, decision-making and implementation of projects. This jeopardises their effectiveness as they are sometimes developed without understanding of the issues and needs on the ground and often are carried out by persons who are not Roma themselves and speak no Romani, and who therefore have difficulty in interacting with target beneficiaries.

25. Of particular and deep concern regarding full and effective equality and broader access to rights is the situation of Roma children in the education system (see comments under Article 12 below). The Advisory Committee further notes that many Roma continue to face grave obstacles in accessing rights in a number of spheres, such as health, housing, employment, and social services (see further comments under Article 15). Roma women, in particular, are reported to be affected by multiple layers of structural inequalities and discrimination that impede the enjoyment of basic rights.<sup>14</sup> The Advisory Committee acknowledges the efforts made by the government and civil society in this regard, yet points again to the need for a comprehensive strategy in addressing the obstacles faced by Roma as a human rights issue that requires high-level government intervention and close coordination at central, regional and local level.<sup>15</sup> While the Government Plenipotentiary for Roma Communities, who employs 50 staff, 20 of them in six regional offices located in areas where most Roma reside has made some efforts in this regard, he is viewed mainly as political player given the fact that he is also a Member of Parliament. In addition, his “Roma Reform” has been criticised as partially contradictory to the RNIS and as contributing to the public discourse according to which there is a sizeable category of “indecent Roma”, which nurtures underlying prejudice and stereotypes rather than formulating a strategy to overcome them.<sup>16</sup>

<sup>11</sup> 105,738 persons or 2% of the population identified as Roma during the 2011 census.

<sup>12</sup> See Revised National Action Plan of the Decade of Roma Inclusion 2005-2015 for years 2011-2015.

<sup>13</sup> The Advisory Committee regrets in this context that it was not possible during its visit to meet the Government Plenipotentiary for Roma Communities nor any of his staff in Bratislava.

<sup>14</sup> According to estimates provided by some civil society representatives, about 30% of Roma, mainly living in the southern regions of Slovakia, speak Hungarian as first language and often know little Slovak nor Romani.

<sup>15</sup> See in this context also ECRI's General Policy Recommendation No. 13: *Combating anti-gypsyism and discrimination against Roma*, adopted June 2011.

<sup>16</sup> The reform, for instance, introduces the terminology of “high-risk family” and makes reference to the legality of forced evictions as last option to respond to illegal settlements, even without alternative housing having been identified.

### *Recommendations*

26. The Advisory Committee encourages the continuation of independent surveys and research on the living conditions of persons belonging to national minorities, including the numerically smaller ones, to ensure that regular equality data is available for effective policy planning.

27. The Advisory Committee urges the authorities to apply more leadership and comprehensive strategic planning to the implementation of the Roma National Integration Strategy at central, regional and local level. It is essential that Roma are involved in all steps of the implementation, monitoring and evaluation, including at senior level.

## **Article 5 of the Framework Convention**

### **Support for the preservation and development of national minority identities and cultures**

#### *Present situation*

28. The Advisory Committee welcomes the continued allocation of support to all 13 recognised national minorities during the reporting period, both through the provision of support to cultural activities organised by national minorities themselves and through the organisation of inter-cultural projects. It notes that the overall amount has been slightly decreased each year after an increase in 2012 and a number of national minorities, particularly the numerically smaller ones, consider that the available support is barely enough to preserve their cultures and identities, especially when they do not have their own premises. National minority representatives further contend that the reduction in available funds is also a result of the passing of the subsidy programme from the Ministry of Culture to the Government Office of the Slovak Republic in 2011 as there no longer is an independent ministerial budget attached to it.<sup>17</sup> Representatives of the numerically larger minorities have criticised that the per capita support to persons belonging to their national minorities is much smaller than that provided to persons belonging to numerically smaller minorities. The Advisory Committee notes that the support given to numerically smaller minorities is higher on a per capita basis in keeping with the need of numerically smaller minorities for particular assistance to be made visible and present in society.

29. In November 2013, the Sub-Committee for National Minorities and Ethnic Groups, which among others provides recommendations related to the allocation of funding to cultural activities, amended its voting system. While numerically larger minorities maintain a higher number of seats,<sup>18</sup> each minority now has only one vote. The Advisory Committee understands that new allocation rules were adopted under the new voting procedure, however, based on criteria that had been developed previously. The amount of subsidy provided to each national minority is decided according to a mathematical key that takes into account the particularities of each group, such as size, number of speakers of the language, and availability of support from other states.<sup>19</sup> Decisions on individual projects to be funded are taken by the Government Office,

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<sup>17</sup> According to information received from the Government Office, the overall support allocated to the subsidy programme "Culture of national minorities" amounted to some 3.5 million EUR in 2009 and 2010, 4 million EUR in 2011, 4.5 million in 2012, 4.25 million in 2013 and 3.8 million in 2014.

<sup>18</sup> The number of seats per minority was increased in 2010. Of the 23 members belonging to national minorities, there are five representatives of the Hungarian minority, four of the Roma minority, two each of the Czech, Ruthenian and Ukrainian minority, and one each from the other minorities. The previous voting system accorded one vote to each member.

<sup>19</sup> Purpose, conditions and methods of grant allocation are laid down in Act. No. 524/2010 Coll. On the provision of state subsidies in authority of the Government Office of the Slovak Republic.

based on recommendations provided by separate assessment committees for each minority with participation of national minority representatives. The Advisory Committee understands that the current system, while being welcomed in particular by the numerically smaller minorities who reportedly often felt outvoted before,<sup>20</sup> has raised concerns among some of the numerically larger minorities. It considers that constructive dialogue should be pursued with and among all national minority representatives and some flexibility should be maintained so as to avoid further friction among them and ensure that their views continue to be effectively represented in relevant consultation mechanisms (see further comments on Article 15).

30. The Advisory Committee appreciates that endeavours are made to take into account the results from regular statistical surveys and those stemming from independent research, in particular the Roma ATLAS, for relevant budget allocations. It further welcomes that the procedure for the actual disbursement of funds was accelerated in 2013. Problems are, however, still reported where funds are received only towards the end of the year, forcing minority associations to pre-finance their ongoing yearly activities, which is difficult in particular for the numerically smaller ones. The Advisory Committee further notes that the publication in the minority language of magazines or brochures in small editions is a common effort among national minority associations to preserve their language and provide their often aging readership with literature. It finds that such endeavours may be considered as cultural rather than commercially oriented and that consequently no restrictions related to their possible distortionary effect on competition should be applied.<sup>21</sup>

31. The Advisory Committee welcomes the fact that the Ministry of Culture continues to support eight national minority museums, subordinate to the Slovak National Museum, which play an important role in promoting awareness of national minority cultures and histories in Slovakia, particularly as regards the numerically smaller minorities. In this context, it wishes to underline the importance of presenting national minority cultures not only in their traditional customs but also reflecting on more recent history and expressions of modern identities. As regards the Museum of Roma Culture, it is particularly significant that the distinct Roma identities and cultures, including the vast diversity within them, are adequately portrayed and presented, as the focus in public discourse appears to be almost exclusively on socio-economic issues or, even worse, on security challenges related to Roma, thereby ignoring the very specific status of Roma as national minority with distinct cultural heritage. The Advisory Committee considers that more efforts should be made to ensure that positive images of Roma identities and cultures are portrayed to the public, including to Roma themselves. It notes with regret in this context that a festival with the participation of Roma and non-Roma musicians to emphasise tolerance and inter-cultural understanding near the settlement of Budulovská, long-planned for early September 2014, was cancelled at the end of August by the local council and with the support of the Ministry of Interior, reportedly because of security concerns.

32. The Advisory Committee welcomes the fact that amendments made to the State Language Act in 2011 abolish the requirement to provide full translations into the state language of cultural print matters such as catalogues or programmes of cultural events organised in national minority languages. It regrets, however, that the use of minority languages in related publications and advertisements still creates tension in some localities, mainly in southern Slovakia, and considers that government and minority representatives should engage in a

<sup>20</sup> The Advisory Committee learned that the representatives of eleven of the 13 national minorities voted for the change.

<sup>21</sup> The Ukrainian minority was reportedly informed that support to its Ukrainian language literature magazine had to be limited due to the obligations arising from Commission Regulation (EU) 651/2014, which declares certain categories of aid, such as aid to press and magazines, incompatible with the internal market.

constructive dialogue to find flexible and pragmatic solutions to the diverging interests of minority and majority populations within the established legal framework (see also comments on Article 10).

#### *Recommendations*

33. The Advisory Committee encourages the authorities to maintain their regular support to national minority cultural activities, to promote the effective participation of national minority representatives in relevant decision-making, and to continue efforts to facilitate speedy allocation and disbursement procedures.

34. The Advisory Committee further encourages the authorities to continue and expand their support to national minority museums to promote the dissemination of positive images of national minority identities and their contributions to Slovakian society in the broader public.

### **Article 6 of the Framework Convention**

#### **Tolerance and inter-cultural dialogue**

##### *Present situation*

35. The Advisory Committee welcomes the numerous efforts engaged by the authorities at central, regional and local level to promote inter-ethnic tolerance and understanding in society. Most national minorities report an overall respectful attitude prevailing between and within representatives of majority and minority populations. Some incidents of harassment based on the use of minority languages, mainly Hungarian, in public have been reported and tensions are observed in some localities in southern Slovakia also regarding minority language sign-posts (see further comments under Articles 10 and 11). It is of deep concern to the Advisory Committee, however, that a strong anti-Roma discourse persists in society overall, frequently referring to persons belonging to Roma communities as “lazy” and “criminal” and “a burden” to the social benefit scheme. The Advisory Committee notes with deep concern that the use of such damaging language appears to have gradually become accepted as normal, including by some officials. While acknowledging the many encouraging initiatives run by public officials or civil society in many parts of Slovakia to promote inter-ethnic understanding and deconstruct prejudice, the Advisory Committee shares the concern of many of its interlocutors that the public is increasingly impatient with the lack of progress in effectively promoting the socio-economic integration of Roma communities, and expresses its frustration by progressively blaming Roma themselves. The subordination of the Plenipotentiary for Roma Communities under the Ministry of Interior is particularly regrettable in this context as it appears to reflect and perpetuate the image of Roma as security challenge (see also above comments under Article 4).

36. The Advisory Committee observes with concern that the use of anti-Roma and anti-minority rhetoric has been politically beneficial for some politicians and parties from the far-right spectrum in local and regional elections, as they actively instrumentalise the presence of such sentiment amongst the population.<sup>22</sup> It considers that any racist, anti-Roma or anti-Semitic discourse by politicians and public figures must be immediately and strongly condemned by senior government officials to ensure that a clear message is sent to the public that this is not

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<sup>22</sup> The leader of the far-right party *Our Slovakia* (SLNS), a party which has used the symbols of the World-War II-era fascist Slovak state and organised numerous marches and gatherings throughout 2012, was elected in November 2013 as governor of Banská Bystrica region, the region with the third largest Roma population in Slovakia.

acceptable.<sup>23</sup> In this context, it is deeply concerned by campaign material being used during the run-up to the local elections in November 2014 by a regional party, proposing one-way flights to Brussels for Roma, and advocating for voluntary sterilisation of Roma women for EUR 10,000.<sup>24</sup> The Advisory Committee further observes that some, mainly private, media also contribute to the propagation of prejudice against minorities, in particular Roma. While public media outlets may not openly refer to Roma and therefore not formally violate ethical codes, the implications of many articles is evident to the reader and perpetuates stereotypes, seemingly without paying attention to the impact this may have on inter-ethnic relations.<sup>25</sup> The Broadcasting Council informed the Advisory Committee that it has not received any complaints concerning racial language being used in public broadcasts. According to interlocutors of the Advisory Committee, however, it is not viewed as a powerful player to steer the media debate, which may account as reason for it not being addressed.<sup>26</sup>

37. The Advisory Committee regrets the apparent absence of a comprehensive governmental strategy to counter the increasing anti-Roma and anti-minority rhetoric in public discourse and to proactively enhance respect and appreciation for diversity and for the contributions made by all national minorities to Slovakian society. It considers that urgent attention must be paid by senior government officials to combatting stereotypes and prejudice and promoting tolerance and inter-cultural dialogue throughout society as a whole. It is essential that targeted and concrete measures involving, among others, the media and the education system be applied without delay as the mounting anti-Gypsyism amongst society has a direct negative impact on the access to rights of persons belonging to the Roma minority (see also comments on Articles 4 and 12). The Advisory Committee regrets that apparently no follow-up was given to the plans for developing an action plan to combat Roma exclusion and discrimination by approaching also the majority population and creating a common pro-integration platform.<sup>27</sup>

#### *Recommendations*

38. The Advisory Committee urges the authorities to systematically and promptly condemn all instances of anti-Roma rhetoric in public discourse, particularly in the political arena and in the media.

39. The Advisory Committee further calls on the authorities to intensify their efforts to promote respect and intercultural understanding among the different groups in society overall, including through comprehensive measures that target the majority population.

### **Protection from hate crime**

#### *Present situation*

<sup>23</sup> The former Deputy Prime Minister for Human Rights issued a number of such public statements, criticising among others the rhetoric of right-wing parties in the run-up to the early elections in 2012. He is also credited by civil society representatives as the only high ranking government official who publicly acknowledged and rejected the practice of involuntary sterilisation of Roma women in the past.

<sup>24</sup> The campaign was promptly condemned by the acting Plenipotentiary for National Minorities as well as the Plenipotentiary for Roma Communities and a criminal investigation has reportedly been launched.

<sup>25</sup> The media reporting on an incident in June 2012 when a former police agent shot three members of a Roma family suggested consistently that the Roma had provoked the attack, despite the lack of any evidence supporting this view. See *The situation of Roma and Travellers in Slovakia*, European Roma and Travellers Forum, 2013. See also, for instance, "Local settlers have beaten a young man to death" <http://www.aktuality.sk/clanok/258420/miestni-osadnici-na-smrt-dobili-mladika/>.

<sup>26</sup> The Public Broadcaster RTVS swiftly discontinued the contract with a TV-anchor who posted a racist statement in the social media. <http://www.romea.cz/en/news/slovakia-tv-anchor-taken-off-air-loses-job-over-racist-statement>.

<sup>27</sup> See reference in the State Report, para. 52, to the initiative of the Government Plenipotentiary for Roma Communities.



40. As regards the Criminal Code and its applicability to effectively sanction hate crime in Slovakia, the Advisory Committee refers to the recent assessment made by ECRI in its fifth monitoring cycle.<sup>28</sup> It welcomes references made in the state report to plans to introduce new articles that punish racial violence against migrants and minorities as extremist offences. The Advisory Committee gained the impression during its visit, however, that the main challenge lies in the implementation of the legislation. In particular, it expresses deep concern about the fact that overall only very few cases reach the courts and that most prosecutions, if launched, appear to end with a suspended sanction.<sup>29</sup> According to the interlocutors of the Advisory Committee, victims of hate crimes, including Roma, remain highly reluctant to approach the police in the first place, as they do not trust that their rights and concerns will be adequately considered and protected. While welcoming the organisation of some training of police officers, including on measures to combat new forms of extremism, the Advisory Committee considers that continued and targeted training is required to increase the ability of law enforcement to gather evidence and lead investigations, with the level of detail and protection of the victim that is required to facilitate conviction in the courtroom. In addition, it regrets that a comprehensive system to gather data on all cases involving hate crime from the investigation stage through completion does not exist to provide a basis for broader analysis and evaluation.

41. The Advisory Committee is further deeply concerned by continued reports about serious police violence and misconduct, often displayed in their contacts with persons belonging to national minorities.<sup>30</sup> Despite evidence of regular misconduct by law enforcement targeting in particular Roma, the Advisory Committee notes that the Control and Inspection Section of the Ministry of Interior has consistently since 2010 rejected over 80% of complaints it received without initiating criminal proceedings.<sup>31</sup> In cases where criminal proceedings are launched, however, these are often excessively long, thereby hampering the effectiveness of the investigation.<sup>32</sup> The Advisory Committee expresses its deep concern about this situation as inadequate police investigation and prosecution may prompt a climate of impunity which can encourage further violence against Roma.<sup>33</sup> In this context, it notes with deep concern that the Inspection Service of the Ministry of Interior considered lawful without further investigation a police raid undertaken in June 2013 in the Roma settlement Moldava nad Bodvou, that involved 63 police officers and reportedly resulted in injuries to some 30 persons, including children. A thorough investigation of the event was ordered only in December 2013, and only following the intervention of the Prosecutor General, and was ongoing at the time of the visit.<sup>34</sup> The Advisory Committee considers that this case demonstrates again the need for an independent mechanism to be established outside the structure of the Ministry of Interior, mandated to investigate all alleged cases of racial discrimination and abusive behaviour by law enforcement, including

<sup>28</sup> See ECRI Report on Slovakia (fifth monitoring cycle), adopted on 19 June 2014.

<sup>29</sup> See, for example, statistics provided in the State Report, pages 20 and 21.

<sup>30</sup> See for further detail the written submission of the Center for Civil and Human Rights for consideration of the CPT, 24 July 2013, <http://poradna-prava.sk/wp-content/uploads/2013/11/PDF-119-KB.pdf>.

<sup>31</sup> The annual reports on criminal offences by members of the police force show that the Inspection Service rejected 84% of complaints in 2010, 89% in 2011, 83% in 2012, 88% in 2013 and 89% until September 2014. The number of complaints received varied between 150 and 200.

<sup>32</sup> Evidence and testimony from victims and their parents was sought only in February 2014, for instance, regarding the infamous case of harassment and ill-treatment of three boys of Roma origin by police officers in Košice in March 2009.

<sup>33</sup> See also *Call for Immediate (Re)Action: Stop the Escalation of Violence against Roma*, ERTF, August 2013, at [http://www.ertf.org/images/Press\\_Releases/2013/Call\\_for\\_Reaction\\_06082013\\_EN\\_F.pdf](http://www.ertf.org/images/Press_Releases/2013/Call_for_Reaction_06082013_EN_F.pdf).

<sup>34</sup> On 20 January 2014, the inspection unit of the Ministry of Interior in Banská Bystrica launched a criminal investigation into the police intervention. The investigation is supervised by the Regional Prosecutor's Office in Prešov. By September 2014, 176 witnesses had been heard. A request for a thorough and independent investigation had been made by the Ombudsperson already in August 2013. For more information see the response of the Slovak authorities to the CPT report, published on 25 November 2014, <http://www.cpt.coe.int/documents/svk/2014-30-inf-eng.pdf>.



municipal police officers, whose possible wrongdoings do not seem to currently fall within the investigative competence of the Inspection Section but are handled directly by the police.

42. The Advisory Committee notes that a number of training seminars are being organised at the Police Academy for the members of the Police Corps, which includes special training for policemen "focused on performing their work in Roma communities". Since 2008, a total of 233 "Roma specialists" have been trained to deal with "the specifications of criminal acts committed by and on the Roma community," including tactics for interventions in Roma communities and emphasising respect for fundamental rights and freedoms. Reportedly, specialists have also been trained to liaise between Roma leaders and municipal authorities in case of necessary interventions. While welcoming an initiative that aims at promoting trust and dialogue between Roma representatives and the police, the Advisory Committee regrets to have learned that the number of specialists with Roma background or knowledge of the Romani language is very small. It considers that particular efforts must be made to ensure that the recruitment of Roma into the police force and in particular among the "Roma specialists" is prioritised as essential to promote trust in the police among Roma communities.

#### *Recommendations*

43. The Advisory Committee urges the authorities to intensify their efforts to raise public awareness of the legal remedies available against racial violence and to ensure that all cases brought to the attention of the law enforcement authorities are effectively investigated and appropriately sanctioned.

44. The Advisory Committee further urges the authorities to establish an independent and specialised body to investigate all cases of alleged police abuse and misconduct, and to inform the public about the available legal remedies in such cases, so as to ensure that trust in the police, in particular among Roma communities, is restored.

### **Article 9 of the Framework Convention**

#### **Minority language print media and broadcasting**

##### *Present situation*

45. The Advisory Committee notes overall a lively and diverse media environment in Slovakia, which favours also the proliferation of minority language print media. A wide variety of Hungarian language dailies and periodicals exist. There are also smaller numbers of weekly and monthly magazines in the languages of numerically smaller minorities, some of which are published with the support of the Government Office. In addition, the large number of bilingual print media promotes appreciation for the presence of minority cultures and languages also amongst broader society. The Advisory Committee regrets, however, that in spite of this variety, there is still a shortage of Romani language papers. While welcoming the launching of *Romske listy*, published by the Roma Media Centre, as well as *Romano nevo l'il*, a magazine focusing on the social and cultural life of Roma in Slovakia, it understands that support for these journals has been reduced. An additional project has reportedly been launched by the Government Plenipotentiary for Roma Communities, aimed at disseminating information on projects for the Roma community to municipalities and field workers. The Advisory Committee appreciates the intention to promote awareness on the Roma situation and considers that the production of such papers should be geared towards Roma readers and the public, ideally in bilingual print to promote knowledge of and respect for Romani in society.

46. With regard to minority language TV and radio broadcasting, many representatives of national minorities, in particular numerically smaller minorities, consider the available offer insufficient. While the Slovak Radio and Television Act prescribes the necessity for regionally balanced programming in the languages of national minorities according to demography, and considerable efforts are indeed made to provide a variety of minority language broadcasts in consultation with minority representatives, the Advisory Committee was told that the available programmes are not always of interest to minority communities, in particular the younger population, and are partially aired at inconvenient times or irregularly. It welcomes efforts aimed at developing radio broadcasting also in Serbian, Croatian, Hebrew, Bulgarian, Russian and Moravian – languages that are currently not represented,<sup>35</sup> as well as efforts to further promote TV and radio broadcasting in Romani. The Advisory Committee considers further that more efforts should be exercised to promote the positive and objective portrayal of national minorities and their main concerns in the mainstream media (see also above comments under Article 6). For this purpose, it is essential that journalists with minority background, including Roma journalists, receive adequate training and support to promote the recognition by the broader public of persons belonging to national minorities as regular members of society with individual interests and concerns, rather than according to stereotypes. In addition, national minorities should also be represented at senior level in relevant media boards and supervisory bodies.

47. The Advisory Committee welcomes that the legislative framework related to the use of minority languages in the broadcast media has been amended. While radio and TV broadcasters are generally still obliged to ensure a Slovak language version of all programmes either through sub-titling or through re-broadcasting, exceptions apply to regional or local broadcasting for national minority communities according to Article 5 of the State Language Act. In addition, amendments to the Broadcasting and Retransmission Act effective as of January 2014 exempt broadcasts in any of the official EU languages from the sub-titling or re-transmission requirement, if the Council for Broadcasting and Retransmission considers that sufficient Slovak language broadcasting is available in the given area. The Advisory Committee understands that up until September 2014, no application by a private broadcaster for such a licence to broadcast exclusively in an EU language had been received by the Council. Representatives from the Hungarian minority consider that a system where they may broadcast some of their programmes in Hungarian and some in Slovak language would most adequately correspond to the needs of the population, particularly in areas where Hungarian speakers constitute the majority.

#### *Recommendations*

48. The Advisory Committee encourages the authorities to enhance their support for minority language print and broadcast media, both traditional and via the Internet, in the languages of all national minorities to ensure that quality programmes are effectively available in the public service broadcasting at central and regional level.

49. The Advisory Committee calls on the authorities to promote the training and recruitment of persons belonging to national minorities in public service broadcasting, including at senior level.

### **Article 10 of the Framework Convention**

#### **Legislative framework for the use of languages**

##### *Present situation*

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<sup>35</sup> See State Report para. 155.

50. The Advisory Committee welcomes the amendments made to the legislative framework pertaining to the use of minority languages, i.e., the State Language Act and the Minority Language Act, in 2011 and 2012. Accordingly, minority languages may be used in private without limitations, while official use of minority languages in contacts with local authorities is regulated according to set thresholds. Article 1(2) of the Minority Language Act defines a minority language as a “codified or standardized language, which is traditionally used (...) by citizens who belong to a national minority and is different from the state language; minority languages include Bulgarian, Czech, Croatian, Hungarian, German, Polish, Roma, Ruthenian and Ukrainian”. The Advisory Committee welcomes that the list of languages is thereby kept open-ended but reiterates its view that the enjoyment of rights to use one’s language should not be limited to citizens only. It understands, however, that the limitation is irrelevant in practice as there are very few non-citizens belonging to national minorities living in Slovakia and if they should be addressing their local authorities, no proof of citizenship is usually required for the processing of their requests. The possibility of imposing fines for not appropriately using the state language, according to Article 9a of the State Language Act, only applies to public administration bodies when issuing information intended for the general public or alerting to danger.

51. The Advisory Committee further notes with interest that Article 2(1) reduces the threshold for the applicability of the right to use a minority language in official contacts to 15%, as shown in two consecutive population censuses. This reduction will thus become effective only as of 2021 at the earliest, when the next population census is scheduled. In the meantime, Article 7c(2) of the Act refers to a Government Regulation that lists all municipalities where citizens belonging to a national minority form at least 20% of the population, as per the results of the 2001 census.<sup>36</sup> The Advisory Committee considers this system rather complicated in its application. While relying on the results of three different censuses, it places particular emphasis on the now outdated results of the 2001 census. This disadvantages those national minorities who registered a significant increase in the last census, among others the Ruthenians and Roma.<sup>37</sup> Generally, the Advisory Committee considers that caution and flexibility must be exercised in the application of thresholds and that efforts must be made to maintain close consultations with national minority representatives to regularly establish demand and need, as stipulated in Article 10.2 of the Framework Convention. Representatives of the Croat minority, for instance, contend that their substantial residence in the former municipalities of Jarovce and Čunovo does not entitle them under the Minority Language Act, as these locations have become boroughs of the capital and are no longer included in the list of municipalities.<sup>38</sup>

52. The Advisory Committee further points to the fact that the rights contained in Article 10.2 are triggered by one of the two main criteria (i.e., substantial number *or* area of traditional residence), particularly with regard to lesser used minority languages that may require protective arrangements as they may otherwise disappear from the public sphere.<sup>39</sup> It regrets the fact that Article 4a of the Minority Language Act foresees the possibility of conducting local referenda on the change of designation of a municipality where minority languages may be used in official contacts, since it considers that any limitation of minority rights may not be decided through majority vote as this would contradict the very essence of minority protection.

<sup>36</sup> The annex of Regulation 221/1999 Coll. lists 656 municipalities, of which 512 have over 20% of Hungarian minority population, 68 Ruthenian, 57 Roma, 18 Ukrainian and 1 German.

<sup>37</sup> The Ruthenians, for instance, constitute 20% of the population according to the 2011 census in 124 municipalities, only 68 of which are included in the Government Regulation.

<sup>38</sup> According to the amended Act No. 377/1990 on the capital city, the boroughs are considered as villages.

<sup>39</sup> See also ACFC Third Thematic Commentary on Language Rights, para. 56.

*Recommendation*

53. The Advisory Committee encourages the authorities to pursue a flexible and pragmatic approach with regard to the application of the rights contained in the Minority Language Act and not to exclusively rely on statistics. Close consultations with representatives of all national minorities should be maintained to regularly establish the existing demands and needs pertaining to the use of national minority languages.

**Use of minority languages in contacts with local authorities**

*Present situation*

54. The Advisory Committee notes that the implementation of the above legislation reportedly remains problematic in a number of municipalities. While efforts are made by the authorities in designated municipalities to accommodate requests made by persons belonging to national minorities in minority languages, the number of staff with adequate language proficiency is still limited. This is particularly the case for Romani.<sup>40</sup> Roma representatives informed the Advisory Committee that Romani is hardly ever used in official communication, even in the municipalities where 20% of the population is Roma. The same is reportedly true for the internal discussions of public authorities, where, according to national minority representatives, almost exclusively Slovak language or sometimes Hungarian are used, but hardly ever any of the other minority languages. The Advisory Committee welcomes that some training has been organised to enable public servants to gain more proficiency in minority languages. It considers, however, that in particular the lesser used languages often require active encouragement to ensure that they are effectively used in the public sphere in daily life. It further considers that proficiency in the minority language should be considered an advantage for the recruitment of public servants in municipalities which have been designated as those where minority languages may be used in official communication. The Advisory Committee welcomes that the Office of the Ombudsperson replies to all requests in the language of communication, irrespective of the fact in which municipality the claimant resides, as one measure that actively encourages the use of minority languages in the public sphere.

*Recommendation*

55. The Advisory Committee calls on the authorities to intensify their efforts to ensure that a sufficient number of municipal employees is adequately trained and able to respond to requests in minority languages, in particular Romani, and that the use of minority languages is actively encouraged in official communication where applicable.

**Article 11 of the Framework Convention**

**Minority languages in documents and on topographical signs**

*Present situation*

56. The Advisory Committee welcomes that in the designated municipalities personal documents such as birth or marriage certificates or other documents such as building permits shall upon request be issued bilingually.<sup>41</sup> It regrets, however, reports that the bilingual issuance is sometimes explicitly refused, in particular with regard to birth certificates. The Advisory

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<sup>40</sup> Information provided in the State Report indicates that 26% of employees in the 57 municipalities where Romani may be used in official communication speak Romani. This figure has been questioned by civil society representatives.

<sup>41</sup> See Article 2(5) of the Minority Language Act.

Committee considers that relevant civil servants must be made aware of their obligations under national legislation as well as Article 11 (1) of the Framework Convention and measures taken to ensure their implementation, in particular when it comes to the issuance of personal identity documents.<sup>42</sup>

57. The Advisory Committee further notes that the Minority Language Act also provides that topographical and traffic signs in designated municipalities as well as signs on public administration buildings shall be displayed in minority languages, in addition to and below the state language.<sup>43</sup> Representatives of national minorities report that most municipalities adhere to the law and display signs in minority languages,<sup>44</sup> with least adherence reported for Romani signs. The Minority Language Act further stipulates that on signs for railway stations or bus stops as well as other road signs in municipalities, the minority language *may* also be provided, in addition to the state language and using a smaller font size. While appreciating efforts of the authorities to implement this provision where possible,<sup>45</sup> the Advisory Committee learned with regret that the lack of clarity on exactly where and how minority languages may be used on touristic welcoming boards, for instance, has sometimes created tension at local level, particularly in southern Slovakia, where residents belonging to national minorities feel that their rights are not sufficiently taken into account while persons belonging to the majority population consider that there are too many signs, including of a private nature, displayed exclusively in minority languages.<sup>46</sup> The Advisory Committee considers that a closer dialogue between municipal authorities and national minority representatives should be maintained to ensure that pragmatic solutions can be found within the legislative framework, that appropriately take the symbolic value of minority languages on topographical and other signposts into account. Overall, the Advisory Committee considers that the use of bilingualism in sign posts and other public displays should be promoted where possible as a positive tool of integration which conveys the message that a given territory is shared in harmony by various population groups.

### *Recommendations*

58. The Advisory Committee calls on the authorities to ensure that the rights contained in Article 4 of the Minority Language Act are effectively implemented in all designated municipalities and with regard to all relevant languages, including Romani.

59. The Advisory Committee further encourages the authorities to engage in close consultations with representatives of all national minorities to identify pragmatic and flexible solutions that accommodate the demands of the population in line with the principles contained in Article 11 of the Framework Convention.

### **Article 12 of the Framework Convention**

<sup>42</sup> The right to use one's personal name in a minority language and have it officially recognised, in line with the national legal order, is contained in Article 11(1) of the Framework Convention to which no territorial conditions apply and is considered a core linguistic right of persons belonging to national minorities. See also ACFC Third Thematic Commentary on Language Rights para. 61.

<sup>43</sup> The provision existed already previously in Law No. 19/1994 on the Denomination of Localities in the Language of National Minorities, see ACFC Second Opinion on the Slovak Republic, May 2010.

<sup>44</sup> The 2012 Government Office report on the use of minority languages in designated municipalities showed that 76% of the relevant local state administration offices have designations in minority languages. For a more detailed assessment of the use of minority languages in municipal signposts, please see Third monitoring report of the Committee of Experts on the European Charter for Regional and Minority Languages, paras 568 ff.

<sup>45</sup> The implementation of this provision is complicated by the fact that some bus services, for instance, are run by private companies who do not always consider the use of bilingualism as commercially viable.

<sup>46</sup> While the display of private signs in minority languages is foreseen in Article 11(2) of the Framework Convention, the Explanatory Memorandum clarifies that the authorities may require persons belonging to national minorities to use, in addition, the state language.

## Equal access to education

### *Present situation*

60. Roma continue to be over-represented in special schools designed for children with various forms of disabilities, including learning difficulties (so-called ‘A variant’, which is defined as ‘mild mental disability’). Based on comparative studies conducted by international and national observers, the proportion of Roma children in special schools accounts for a minimum of 60% overall, reaching some 85% when it comes to the proportion of Roma pupils in special classes in standard primary schools.<sup>47</sup> The special report of the Ombudsperson, following her examination of the situation in 21 schools in eastern Slovakia, raises very serious concerns about the methods applied by the Centres of Pedagogical and Psychological Counselling and Prevention (Psychological Counselling Centres hereinafter), which conduct diagnostic examinations of pre-school aged children to establish their aptitude for schools. It is welcome that the Ministry of Education reacted promptly by providing guidance through the regional education authorities to the District Psychological Counselling Centres, recommending that all children be individually tested with methods that are adapted to their specific social, cultural and language background, that the finding of a child’s socially disadvantaged environment should prompt the inclusion of the child into a preparatory year (so-called zero-class) rather than a special class, and that the child’s educational abilities be re-assessed after one year.

61. Evidence found in some schools, including during the Advisory Committee’s visit, however, suggests that the diagnostic examinations are still regularly performed without adaptation to the specific cultural and language barriers experienced by many Roma children.<sup>48</sup> It is further of deep concern that even when recommendations for placement in zero-class are made, such classes are not always provided,<sup>49</sup> or are often organised in Roma-only classes. The Advisory Committee understands that the financial support provided to schools according to the number of pupils with special education needs (such as the ‘A’ variant) may also support the continued and disproportionate placement of Roma children in either special schools or special classes in standard schools. It further understands that Roma parents may agree with the placement in special education as the schools are often located close to settlements, or because they consider that the child may be better protected in a socially controlled environment, as they may not be comprehensively informed about the consequences of their decision.<sup>50</sup> It is deeply concerned by reports that re-examinations of the educational abilities of children are performed irregularly and do not occur at all in some schools, thereby permanently barring children from access to standard education based on one discussion held, often in a language that is not primarily spoken at home, at the age of 5 or 6, which is contrary to the principles contained in Articles 4 and 12 of the Framework Convention and incompatible with the best interest of the child principle, as contained in Article 3 of the Convention on the Rights of the Child.

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<sup>47</sup> See, among others, for a detailed overview *School as Ghetto: Systematic Overrepresentation of Roma in Special Education in Slovakia*, REF Study September 2009. According to a 2012 UNDP report, only 15.6% of Roma children attended mixed classes in common primary schools.

<sup>48</sup> A survey conducted by the Ombudsperson between 14 May and 3 June 2014 which observed the practice in 22 schools and 21 Psychological Counselling Centres showed that testing is conducted using the same type of test for all categories of children, and – against the Guidance provided by the Ministry of Education in August 2013, the focus is placed on cognitive intelligence, disregarding other abilities. See <http://www.vop.gov.sk/files/Sprava%20VOP%20FINALNA%20VERZIA.pdf>.

<sup>49</sup> The Advisory Committee was informed that the request made by the Director of Šarišské Michaľany school to open a 0-class was rejected by the municipal council.

<sup>50</sup> The agreement of the legal representative is obligatory for placement of a child in special education.

62. The Advisory Committee is further deeply concerned by the continued existence of segregated education of Roma, despite the fact that such practices were outlawed in 2008 and the Ministry of Education has repeatedly provided guidance to schools to eliminate any organisational or spatial exclusion or separation of Roma students.<sup>51</sup> A case initiated by the Centre for Civil and Human Rights in 2010 against the segregation of Roma children in the Primary School in Šarišské Michalany was decided by the Prešov District Court in favour of the claimant, ordering the school to desegregate classes as of the 2012/2013 school year. The Advisory Committee welcomes the sustained commitment of the newly appointed Director of the school, which accommodates up to 60% children from a near-by settlement. The previous spatial separation of children even during breaks and in the canteens has been discontinued and children are now moving freely throughout the school, enjoying the same type of food. The integration of Roma children into mixed classrooms continues to pose a variety of challenges however, including practical considerations including transport, broader didactical concerns, as well as resistance from parents, both Roma and non-Roma, given that Roma only classes often follow a reduced curriculum. While commendable efforts are being made by the Director of the school as well as civil society organisations engaged in addressing segregation in the education system,<sup>52</sup> the Advisory Committee is concerned that regular guidance as well as substantial and sustained financial, conceptual, and methodological support is required to enable schools to effectively deconstruct segregationary practices in the education system, mirroring broader social exclusion and anti-Gypsyism in society, and have often been in place for decades.

63. The Advisory Committee welcomes the employment of teacher assistants in many schools with large numbers of Roma pupils to promote their achievement in school and liaise between schools and parents, as absenteeism and early drop-out are still common challenges regarding Roma access to education, particularly among girls. While noting increased support and commitment by the Ministry of Education and the Roma Plenipotentiary, it considers that the employment of teacher assistants should be further enhanced and institutionalised.<sup>53</sup> More efforts are further required to ensure that staff are recruited who speak Romani. The Advisory Committee further underlines that access to quality education for Roma pupils who often do not speak the language of instruction at home, may require that more teachers are recruited and employed in relevant schools with at least some Romani language skills so that they can facilitate understanding for pupils if necessary. It points to the conclusions of a number of actors, including the Ombudsperson, to urgently promote the attendance of kindergartens or pre-schools by Roma children.<sup>54</sup>

### *Recommendations*

64. The Advisory Committee urges the authorities to desegregate the education system and to allocate adequate resources, both human and financial, as well as continued political and methodological guidance and support to schools. The provision of free spaces in pre-schools for Roma children should be viewed as a priority in this regard.

<sup>51</sup> The Pedagogical-Organisational Instruction for the school year 2013/2014 includes for the first time an attempt at clarifying the full extent of segregation and exclusion experienced by children based on their ethnic affiliation in combination with social marginalisation and disadvantage.

<sup>52</sup> The organisation EduRoma has been assisting school, among others, the Šarišské Michalany Elementary school for years. See a report on their efforts *From Segregation to Inclusive Education: Case of the Elementary School in Šarišské Michalany*, published jointly with UNDP in Bratislava, 2014, [http://www.eduroma.sk/publications/en/case\\_of\\_sarisske\\_michalany-en.pdf](http://www.eduroma.sk/publications/en/case_of_sarisske_michalany-en.pdf).

<sup>53</sup> 110 working positions for teacher assistants have, for instance, been established within the project *Inclusive Model for Pre-primary Education*, see Updated Civil Society Monitoring Report on the implementation of the NRIS and Decade Action Plan in 2012 and 2013.

<sup>54</sup> The research conducted by the Ombudsperson suggests that less than 25% of Roma children attend pre-school, which is widely acknowledged as playing a positive role in promoting achievement in school.

65. The Advisory Committee further urges the authorities to comprehensively address the disproportionately frequent placement of Roma children in special schools or classes. Placement in regular schools should be the rule and special schooling reserved for exceptional cases only. All diagnostic examinations to assess the aptitude of school-aged children must be conducted in a manner that suitably takes the individual background of the child into account, and must be repeated regularly in all cases.

66. The Advisory Committee calls on the authorities to prioritise the recruitment and employment of teachers and teaching assistants with Romani language skills in all schools with large proportions of Roma students.

### **Textbooks and teacher training**

#### *Present situation*

67. The Advisory Committee notes continued efforts to support the university and on-going training of teachers at minority language schools, both for Slovak language and literature and for subjects taught in minority languages, mainly Hungarian, Ukrainian, Ruthenian and some Romani. It is welcome that a number of these courses emphasise contemporary methodologies of language learning, including conversational classes and special aids to promote communication competencies in daily life. It is essential, however, that the attainment of quality standards by teachers in minority language schools is regularly monitored by specialised experts who also provide recommendations for necessary teacher training.<sup>55</sup> While some programmes have also been created to provide training in methodology for teachers of pupils from socially disadvantaged environments, a variety of reports indicate that few teachers are appropriately trained to cope with diversity in the classroom and apply methods that promote the engagement of children from different backgrounds according to their individual abilities, including when undergoing desegregation processes. It is further essential that all teachers for all schools are adequately trained to promote respect for different ethnic, cultural and linguistic backgrounds and promote inclusion and dialogue in the classroom and throughout daily school routines, including extracurricular activities.

68. While there are continued efforts related to the preparation and printing of textbooks in minority languages, including Romani, national minority representatives still consider that the available material is often of low quality, containing inaccurate translations for instance, and is only available in insufficient quantities.<sup>56</sup> It is further of concern that education materials used in all schools reportedly still reflect inadequately about the historical presence of and positive contributions made by national minorities in Slovakia. It is essential for the promotion of inter-cultural understanding and respect that all pupils learn about the wealth of different cultures, languages, traditions and identities living in the Slovak Republic, including those of the numerically smaller minorities, and that positive images of these different cultures are portrayed in teaching materials and school curricula. The close consultation of national minorities in the preparation of history textbooks is especially important in this regard to encourage the accommodation of multiple perspectives in historic research.

#### *Recommendations*

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<sup>55</sup> See also ACFC First Commentary on Education rights under the Framework Convention, page 33. See also third monitoring cycle report of the Committee of Experts on the Application of the European Charter for Regional or Minority Languages, January 2013, paras. 235 – 237.

<sup>56</sup> According to the Roundtable on Ruthenians, the printing of textbooks for the teaching of Ruthenian in first grade, for instance, has reportedly been delayed for a number of years.



69. The Advisory Committee calls on the authorities to ensure that teachers of minority language schools have access to suitable training programmes for teaching in all subjects, and to ensure that they are provided with relevant education materials and textbooks in sufficient quantity and quality.

70. The Advisory Committee further calls on the authorities to ensure that teachers and staff of all schools are effectively trained to accommodate diversity in the classroom and promote intercultural respect and understanding in schools, and that textbooks and school curricula adequately reflect and appreciate the ethnic diversity of Slovakia.

## **Article 14 of the Framework Convention**

### **Instruction in and of minority languages**

#### *Present situation*

71. The authorities continue to provide substantial support to education in and of minority languages. Pupils may either study the minority language and literature as elective subject in classes organised at schools teaching in Slovak or they may attend schools where all subjects are instructed in the minority language, with obligatory classes in Slovak language and literature. Ukrainian language is also taught at bilingual schools where some subjects are taught in Slovak and some in Ukrainian. The Advisory Committee notes that education is mainly provided in Hungarian, followed by Ukrainian and Ruthenian, and that some courses are also offered in Bulgarian, Croatian, German or Polish. It regrets that Romani continues to be taught only as elective subject at two primary schools and five secondary schools. According to its interlocutors, instruction of and in Romani is still considered unnecessary by many teachers and sometimes even viewed as a challenge to wider integration in society. The situation is particularly problematic for Roma children living in southern regions of Slovakia, such as in Rimavská Sobota, who reportedly mainly speak Hungarian at home. The Advisory Committee points in this regard to the substantial research suggesting the benefits of mother tongue learning in schools for broader academic achievement in life, including the proficient learning of second languages.<sup>57</sup>

72. The School Act was amended in December 2013, forcing the closure of very small schools in order to make school management more effective. The fact that minority language schools are generally small has been taken into account by lowering the minimum number of students required to open or maintain a class.<sup>58</sup> As a result of the amendment, about 25% of small elementary schools are expected to close, among them many minority language schools. The Advisory Committee welcomes the special provisions for minority language schools and the possibility for further exceptions to be made in special cases. It considers that the closure of small minority language schools must not lead to assimilation, which some national minority representatives fear, but may, if accompanied with specific measures, among others through the promotion of bi- and multilingual education methods, offer opportunities for children from various language backgrounds to continue their education, while at the same time also promoting inter-cultural understanding and awareness. It is essential, however, that the integration of small minority language schools into larger organisational units is conducted

<sup>57</sup> See also ACFC Third Thematic Commentary on Language Rights, para. 39.

<sup>58</sup> Act No. 245/2008 Coll on Upbringing and Education, as amended in 2013, sets the minimum number of pupils in a first year class of primary schools at 11 (9 for minority language schools), 13 (11) in grades 2<sup>nd</sup> – 4<sup>th</sup> and 15 (13) in grades 5<sup>th</sup> – 9<sup>th</sup>. Exceptions are admissible in special cases, such as if there is no other minority language school within 6 km of the pupil's residence, or for schools where over 80% of pupils come from socially disadvantaged backgrounds.

gradually and in close consultation with school boards, ensuring that the views of parents and national minority representatives are effectively taken into account. Changes must further be appropriately accompanied with expert advice regarding the introduction of bi- and multilingual teaching methodologies to ensure continued high-quality education in minority languages, Slovak language, and possibly also third languages.

#### *Recommendations*

73. The Advisory Committee calls on the authorities to increase their efforts to maintain high quality minority language education and to pursue a close dialogue with national minority representatives, parents and school administration to ensure that the closure of small schools does not hinder effective opportunities for persons belonging to national minorities to learn in their minority languages.

74. The Advisory Committee further calls on the authorities to consider the introduction of modern bi- and multilingual teaching methodologies to improve the quality of language teaching at all schools and to facilitate the accommodation of high-quality learning of different languages in integrated education environments.

### **State language learning**

#### *Present situation*

75. Continued efforts are being made to promote the quality of Slovak language learning at minority language schools, including through the provision of targeted teacher training (see above). The Advisory Committee notes, however, that all non-minority languages are taught using the same foreign language learning methodology and that pupils at Hungarian language schools, for instance, have the same number of classes in Slovak language as they do in English. According to minority and government representatives, graduates of minority language schools are as a result often not fully proficient in the state language, in particular when common daily life is concerned. The Advisory Committee considers it essential to develop appropriate methodology for teaching the state language as second language from pre-school level onwards to ensure that persons belonging to national minorities gain full, mother tongue level, proficiency in the state language. Specific measures must further be taken to respond to the situation of some Roma children attending Hungarian language schools in southern Slovakia, for whom the state language may be the second foreign language, which may present particular barriers to language learning and academic achievement generally.

#### *Recommendation*

76. The Advisory Committee calls on the authorities to devise a comprehensive methodology of teaching Slovak as second language in minority language schools to promote full proficiency of all persons belonging to national minorities in the state language.

## **Article 15 of the Framework Convention**

### **Participation in public life and decision-making processes**

#### *Present situation*

77. National minorities continue to be represented in elected bodies at local, regional and central level, where they, among others, also promote attention to issues of concern to their communities. The Advisory Committee welcomes this as crucial for the effective participation of minority representatives in relevant decision-making processes. It notes, however, that there

is only one Roma MP at central level and only one Roma regional MP which still constitutes a significant underrepresentation. While a number of parties have been created around particular minority communities, such as the Hungarian Coalition party, the Roma Coalition Party, the Roma Initiative and the Party of Roma Union, interlocutors of the Advisory Committee observe that mainstream parties, with exception of MOST-HID, only rarely appear to accommodate the views and concerns of national minority communities in their party programmes. With regard to the local elections conducted in November 2014, the Advisory Committee welcomes the decision of the Constitutional Court of September 2014 to suspend the discussion of a draft bill that made it obligatory for mayoral candidates in local elections to have completed secondary education as an unconstitutional interference with the electoral process. The draft bill was reportedly submitted with the intention to place candidates of Roma origin at a disadvantage.

78. The position of Deputy Prime Minister for Human Rights and National Minorities, which oversaw minority rights related issues and chaired the Consultative Council for National Minorities, was abolished in 2012 and the position of Government Plenipotentiary for National Minorities created. The appointed Plenipotentiary resigned in June 2013 however, after only one year in office, and a senior employee of the Government Office has been carrying out these functions since, given that no agreement on another candidate could be found. A consultative mechanism for national minorities, the Sub-Committee on National Minorities and Ethnic Groups (see above comments on Article 5) continues to function, under the Government Council for Human Rights, and is chaired by the Plenipotentiary, i.e., currently by a government employee. It is welcome that the members of the Sub-Committee are elected by secret ballot rather than appointed by state officials, which promotes the genuine representation of national minority interests and concerns.<sup>59</sup> National minority representatives, however, consider the organisational changes of 2012 as a demotion of their issues in the political agenda, as they have lost direct contact with a ministerial post and feel that they are less able to influence decision-making processes, including on issues that directly affect them. The Advisory Committee considers it essential for the authorities to review the position of the Plenipotentiary for National Minorities within the broader human and minority rights structure, in particular also given the recent transfer of responsibilities for the human rights agenda to the Ministry of Justice. It is key that any entity responsible for issues pertaining to minority protection has the necessary authority and weight in the Cabinet to be able to coordinate effectively governmental policy on issues pertaining to national minority protection, while representing the views and concerns of all national minorities, including the Roma.

79. The participation of national minorities in public administration remains disproportionately low. While the numerically larger minorities are represented at local level in the municipal administrations and other public entities, the Advisory Committee is concerned that very few Roma are employed in public administration and law enforcement at central and local level, despite the quite high number of qualified candidates. It reiterates its view that the recruitment of Roma into public administration, law enforcement, and the judiciary should be promoted as a means to better respond to the needs of Roma, such as with regard to the use of their language, as a means to attest to the government's openness towards the diversity present in Slovak society, and as a means to promote a more proportionate participation of Roma in public life. The fact that only very few Roma are formally employed in the civil service, even in areas where Roma constitute the majority of the population, strengthens stereotypes and prejudice against them, and in turn generates more reluctance to recruit them. The Advisory Committee notes in this context that the number of Roma employed by the Roma

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<sup>59</sup> See also Civil Society Monitoring Report on the implementation of the NRIS and Decade Action Plan in 2012, page 24.

Plenipotentiary Office has significantly increased since the appointment of the current Plenipotentiary.

*Recommendations*

80. The Advisory Committee encourages the authorities to promote the adequate representation of national minorities in public life, including through measures that facilitate their engagement in broader political processes and mainstream political parties.

81. The Advisory Committee further calls on the authorities to review the position of the Plenipotentiary for National Minorities within the broader human rights structure, to ensure that high-level political attention is accorded to all issues pertaining to national minority protection, and that the views and concerns of all minorities are effectively considered in relevant decision-making processes.

82. The Advisory Committee further urges the authorities to promote the recruitment of persons belonging to national minorities, in particular Roma, into public service.

**Effective participation in socio-economic life**

*Present situation*

83. Persons belonging to most national minorities do not face particular obstacles in their access to employment. There are regional disparities, however, and parts of southern and south eastern Slovakia, where national minorities live in substantial numbers, experience particular stagnation in development of infrastructure and economic opportunities, leading to especially high levels of unemployment, for instance in the area of Rimavská Sobota.<sup>60</sup> Unemployment among Roma remains extremely high however, with most estimates averaging at around 80% - 90%. The limited employment opportunities that exist are found mainly in the informal sector. Considerable efforts are made by the authorities and the creation of 1400 jobs has been reported by the Government Plenipotentiary for Roma Communities.<sup>61</sup> The Advisory Committee is concerned, however, about the apparent lack of understanding of the severe obstacles faced by Roma. While the Ministry of Labour and Social Welfare has developed special labour programmes targeting youth or the socially disadvantaged, there are, according to civil society representatives, no specifically designed measures to promote the employment opportunities of often long-term unemployed Roma, taking into account the multiply-layered disadvantages they face, related among others to language, education and cultural barriers, as well as continued prejudice and discrimination in the labour market (see above comments on Article 4). Recent amendments in the legislation governing social assistance appear to reflect the public view that most of the unemployed Roma are choosing to be unemployed, rather than forced by circumstance.<sup>62</sup>

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<sup>60</sup> Unemployment in Slovakia was overall at 14.4% in December 2012, but stood at 35.6% in Rimavská Sobota, 32.5% in Revúca, and at 30.7% in Kežmarok. See ENAR Shadow Report 2012-2013 on racism and related discriminatory practices in employment in Slovakia.

<sup>61</sup> According to information provided by the Office on 30 September 2014 about achievements made in the framework of the "Roma Reform", 11 127 Roma children have been involved in projects for better education and 1 400 jobs have been created in various projects such as positions of teacher assistants or health mediators. The implementation of some employment-generating projects is yet to be launched, however.

<sup>62</sup> Amendments to the law governing assistance in material need allow the conditioning of pay-outs of benefits to the provision of 32 hours of labour for municipal benefit. The legislation has been welcome by the Government Plenipotentiary for Roma Communities and is considered an achievement of the "Roma Reform", as it may "promote work habits among Roma". An 2010 UNDP study showed that most Roma fail to comply with the basic eligibility criteria to collect the main social benefits, thereby disproving the perception that Roma consciously "abuse" the welfare system rather than seek employment. An analysis by the Institute for Economic and Social Studies released

84. According to the Roma Atlas, some 47% of the Roma in Slovakia live integrated with the non-Roma population, while the majority lives in settlements located either within municipalities (12.5%), on the edges of villages (23.5%), or in segregated settlements (17%). Over 10% of Roma houses do not have access to running water, many more have water only during certain hours a day, and access to electricity is intermittent or non-existent in many settlements. Housing thus remains one of the grave concerns, having a direct impact on health, access to education, employment, and other rights. The views and concerns of Roma leaders are reportedly often not sufficiently taken into account by higher-level local authority when decisions related to the allocation of housing or provision of public utilities are made, which undermines the efficiency and practicality of results.<sup>63</sup> It is particularly alarming that forced evictions continue to take place.<sup>64</sup> The Advisory Committee welcomes in this context the efforts made by some municipal authorities, with the assistance of civil society organisations,<sup>65</sup> as well as the Roma Plenipotentiary to promote the legalisation of settlements and thereby increase the security of tenure for inhabitants.<sup>66</sup> As evident from the successful cases where Roma have been closely involved in decision-making and partially innovative approaches have been found to end ghettoization, the role of the local authorities is key in this process.<sup>67</sup> Commitment is, however, lacking in many places and the support for additional construction of housing is used in some areas to boost spatial segregation of Roma, including through the construction of walls.<sup>68</sup>

85. Inequalities in health status and access to health services for Roma persist, caused by a combination of factors such as substandard living conditions, environmental hazards, the distance of many Roma settlements from health centres as well as the costs of health services or medication even if subsidised.<sup>69</sup> In addition, discriminatory attitudes among health professionals towards Roma continue to be widely reported.<sup>70</sup> The engagement of civil society organisations as well as the Ministry of Health and the Office of Public Health, in cooperation with the Roma Plenipotentiary, in employing health mediators to accompany Roma when visiting health centres, must be continued.<sup>71</sup> This remains particularly important for Roma women, including with regard to reproductive health issues. While increased efforts are being made to ensure the fully free and informed consent prior to any intrusive procedures, civil society representatives point to the need for sustained attention to this issue, particularly in eastern Slovakia. The

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in October 2014 shows that less than 2.2% of the public spending goes to Roma citizens, mainly in form of child benefits.

<sup>63</sup> The administration of the Lunik IX settlement, for instance, appears to be run almost exclusively by the city administration of Košice, without sufficient consultation of the mayor of Lunik IX municipality.

<sup>64</sup> According to civil society representatives, 21 evictions took place between August 2011 and February 2013 only, some without provision of alternative housing. See also ERTF: *The situation of Roma and Travellers in Slovakia, 2013*, [http://www.ertf.org/images/Reports/The\\_situation\\_of\\_Roma\\_in\\_the\\_Slovak\\_Republic\\_.pdf](http://www.ertf.org/images/Reports/The_situation_of_Roma_in_the_Slovak_Republic_.pdf).

<sup>65</sup> The organisation ETP, for instance, has been assisting a housing project in Rankovce municipality which is supported by the mayor. Roma families are enabled to purchase land and build houses themselves.

<sup>66</sup> A new draft Construction Act is partially designed to eliminate the estimated 10,000 illegal buildings in Slovakia, many in settlements, through legalisation or removal. The Roma Plenipotentiary has been discussing with the Ministry of Transport, Construction and Regional Development to limit the negative impacts of the law on Roma.

<sup>67</sup> In the municipality of Spišský Hrhov, for instance, a municipal firm has been created which employs Roma and is used to construct low cost and low energy housing. The rent of a low-standard two room flat costs 16 EUR in Spišský Hrhov and can cost up to 130 EUR in other municipalities.

<sup>68</sup> Spatial segregation is reinforced in some areas through walls constructed between the housing areas of Roma and non-Roma. A total of 14 such walls in Slovakia have been counted in 2014.

<sup>69</sup> According to a UNDP survey in 2012, life expectancy for Roma living in settlements is 10 years below average and infant mortality is two to three times higher than among the general population.

<sup>70</sup> Continued segregation of Roma women in maternity and gynaecological wards in eastern Slovakia, for instance, has been justified on "hygienic grounds". See Written Comments Concerning the Ninth and Tenth Periodic Report of Slovakia under the CERD, January 2013.

<sup>71</sup> A programme supporting access to healthcare between 2009 and 2011 was discontinued in 2012 but restored in the beginning of 2013, including with the support of the Roma Plenipotentiary. The number of health assistants has been increased to 120 with plans of a further increase up to 270. Financing is reportedly still uncertain, however.

Advisory Committee underlines in this context the potential role of community centres that in some instances also accommodate the provision of health services for special hours and in proximity to residential areas of Roma. It regrets though that reportedly only some 40 centres work effectively, many others having closed, and considers that efforts should be made to promote the more regular use of community centres at local level, in close consultation with Roma and civil society representatives.

#### *Recommendations*

86. The Advisory Committee urges the authorities to intensify co-ordination and strategic leadership to comprehensively promote access to employment for Roma. Specific vocational training, supported by adequate resources, is needed to support the long-term unemployed and measures must be closely coordinated with Roma themselves at central, regional and local level.

87. The Advisory Committee further urges the authorities to increase their efforts to address the housing situation of Roma living in settlements and often without legal title. Comprehensive measures must be found in close and continued consultation with Roma representatives to discontinue spatial segregation and ghettoization of Roma and promote their integration within communities.

88. The Advisory Committee calls on the authorities to continue and enhance their support for targeted measures to promote equal access to healthcare services by Roma, while paying due attention to the specific concerns of Roma women.

### **Article 18 of the Framework Convention**

#### **Bilateral agreements**

##### *Present situation*

89. A number of bilateral agreements with neighbouring states exist and bilateral inter-government commissions have been established in order to oversee and further promote cross-border cooperation. The Advisory Committee notes in particular the beginning of some technical co-operation with neighbouring states also on contested issues, such as citizenship, and expresses its anticipation that this will be instrumental in finding longer-term solutions in line with good neighbourly relations. It further welcomes a recent agreement with Hungary regarding the development of infrastructure and economic conditions in southern Slovakia, a still underdeveloped area where persons belonging to national minorities reside in substantial numbers.

##### *Recommendation*

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

### III. CONCLUSIONS

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

The authorities are invited to take account of the detailed observations and recommendations contained in Sections I and II of the Advisory Committee's Fourth Opinion.<sup>72</sup> In particular, they should take the following measures to improve further the implementation of the Framework Convention:

#### **Recommendations for immediate action<sup>73</sup>**

- **Increase attention to minority rights as an integral part of human rights in the government agenda and ensure effective inter-institutional coordination on all issues pertaining to human and minority rights protection, in close consultation with national minority and civil society representatives;**
- **Comprehensively address anti-Gypsyism in the education system and put in place the necessary measures to ensure that Roma children are systematically placed in integrated regular classes. Placement in special schools must be reserved for specific and exceptional cases only;**
- **Intensify efforts to effectively protect Roma from discrimination in all spheres of life by raising rights awareness and ensuring that law enforcement officers are adequately trained to properly investigate and follow-up all cases of racial discrimination, including through the initiation of independent investigations of alleged cases of police abuse.**

#### **Further recommendations<sup>74</sup>**

- Continue to collect regular data on the situation and access to rights of persons belonging to national minorities, in close consultation with minority representatives, to base all related policy development on reliable equality data;
- Provide adequate political and financial support to the Office of the Ombudsperson and speed up the reform of the Slovak National Centre for Human Rights;
- Maintain regular support to national minority cultural activities and ensure that representatives of all national minorities are effectively consulted in all relevant decision-making on allocations;
- Systematically and promptly condemn all instances of anti-minority rhetoric in the public discourse and design a comprehensive strategy to promote respect and intercultural understanding among different groups in society, including through the dissemination of positive images of national minorities and their contribution to

<sup>72</sup> A link to the Opinion is to be inserted in the draft resolution before submission to the GR-H.

<sup>73</sup> The recommendations below are listed in the order of the corresponding articles of the Framework Convention.

<sup>74</sup> The recommendations below are listed in the order of the corresponding articles of the Framework Convention

Slovakian society, among others, in the spheres of education, media and culture;

- Establish an independent and specialized body to investigate all alleged cases of police abuse and misconduct, and proactively inform the public about the available legal remedies in such cases;
- Increase support to minority language media, particularly in the languages of numerically smaller minorities and Romani;
- Develop a flexible approach towards the implementation of the legislative framework on the use of minority languages, and promote pragmatic solutions to accommodate the demands of the population in line with the principles contained in the Framework Convention;
- Ensure that teachers of minority language schools have adequate access to relevant training programmes for teaching in all subjects and ensure that textbooks contain adequate portrayals of all national minority communities and their history in Slovakia;
- Take all necessary measures to implement the Roma Integration Strategy and Decade Action Plan at central, regional and local level in close consultation with Roma representatives and intensify efforts to counter anti-Gypsyism in society to effectively promote access of Roma to socio-economic rights.