

Report of the Follow-Up Dialogue meeting on the Fifth Opinion of the Advisory Committee on the Slovak Republic and the Committee of Ministers' Resolution CM/ResCMN(2022)2

Background information on the scope of application of the FCNM in the Slovak Republic and on the organisation of the Follow-up dialogue meeting

The Slovak Republic joined the Council of Europe (hereinafter "CoE") on 30 June 1993. It ratified the Framework Convention for the Protection of National Minorities (FCNM) on 14 September 1995. The Slovak Republic applies the Framework Convention to 14 national minorities: Bulgarians, Croats, Czechs, Germans, Hungarians, Jews, Moravians, Poles, Roma, Russians, Rusyns/Ruthenians, Serbs, Ukrainians, as well as – since 7 June 2023 – to the Vietnamese after this community, present in Slovakia for at least three generations, was officially recognised as the 14th national minority. During the fifth monitoring cycle, the Goral community also made a request to be recognised as a national minority; this request was still under examination at the time of the Follow-Up meeting.

Recommendations contained in the [Fifth Opinion on the Slovak Republic](#), adopted by the Advisory Committee on the Framework Convention (ACFC) on 2 February 2022,¹ as well as priority recommendations addressed to the Slovak authorities contained in the [Council of Europe Committee of Ministers' Resolution CM/ResCMN\(2022\)8](#), adopted by the Committee of Ministers (hereinafter CM) on 3 November 2022, were the basis of the discussions.

¹ See also a summary is also available in [Slovak](#).

This follow-up dialogue meeting was organised in Bratislava on 28 June 2023 at the invitation of the Government Office of the Slovak Republic. An **annotated programme** (see Appendix 1) was prepared by the Plenipotentiary for National Minorities and agreed upon between the CoE Secretariat and the Slovak authorities, notably the Ministry of Foreign and European Affairs and the Permanent Representation of the Slovak Republic to the CoE. Links to the full text of the Advisory Committee's [Fifth Opinion on the Slovak Republic](#) and to the [Council of Europe Committee of Ministers' Resolution CM/ResCMN\(2022\)8](#) were circulated in advance to participants in English and Slovak. It was jointly agreed with the Slovak organisers to focus the discussion on recommendations related to three main thematic priorities: **minorities' languages and cultures** (Article 5 of the FCNM), **education** (Articles 12 and 14), and **effective participation of national minorities** (Article 15). Simultaneous interpretation was provided in English and Slovak during the meeting.

The meeting was organised with physical presence of **about 60 participants** (see Appendix 2),² including representatives of the Hungarian, Roma, Russian, Rusyn/Ruthenian, Serb, Ukrainian and Vietnamese minorities, some of them being also members of the Committee on National Minorities and Ethnic Groups. The Public Defender of Rights and staff members of his Office, academics, members of parliament, mayors and representatives of various state institutions and ministries were also present. Two of the experts of the Advisory Committee who had participated in the fifth cycle monitoring visit, namely Alexandra Castro and Mikko Puumalainen (elected members in respect of Portugal and Finland respectively) took part in the Follow Up meeting, as well as the national member, Tomáš Hrustič. The Slovak national expert of the Committee of Experts of the European Charter for Regional or Minority Languages was also present.

Opening remarks

The meeting was opened by Juraj Podhorský, Director General for International Organisations and Human Rights at the Ministry of Foreign and European Affairs of the Slovak Government. He excused Ingrid Brocková, State Secretary of Foreign and European Affairs, who was unable to participate at the meeting. In his introductory statement, Juraj Podhorský emphasised that 30 June 2023 would mark the 30th anniversary of the accession of the Slovak Republic to the CoE and that this year was also the 25th anniversary of the entry into force of both the Framework Convention and the European Charter for Regional or Minority Languages that he qualified as "some of the main achievements of the CoE". He also stressed the important role played by the CoE in promoting and protecting the rights of persons belonging to national minorities, as recently reiterated in the [Reykjavík Declaration](#) adopted by Heads of States and Governments at the CoE's Fourth Summit held in May 2023.

Juraj Podhorský reiterated the Slovak authorities' appreciation of the dialogue with the Advisory Committee on the Framework Convention for the Protection of National Minorities during the fifth monitoring cycle and reaffirmed the commitment of his authorities to implement Slovakia's obligations under the Framework Convention and to take into consideration the Advisory Committee's and the Committee of Ministers' recommendations with a view to remedying shortcomings and unresolved problems identified in the field of national minorities as described in the detailed findings of the Advisory Committee's Opinion.

Laszlo Bukovszky, Plenipotentiary of the Slovak Government for National Minorities, welcomed the Fifth Opinion of the Advisory Committee and recommendations contained in the Committee of Ministers' Resolution, indicating that the Advisory Committee had captured honestly the situation of national minorities during its visit and that many facts had been well observed. He indicated that, overall, minority issues are better understood at the governmental level, illustrated by the fact that minority rights have been better emphasised and subsidised in recent years. He was more critical regarding discussions in the parliament.

² Invitations had been addressed by the Slovak authorities to more than 110 participants.

Introductory session on the Framework Convention, its monitoring mechanism and main findings of the Fifth Opinion, as well as recent developments in Slovakia since the visit

In his introductory words as a moderator, Zoltán Kovács, Head of the Secretariat of the Plenipotentiary of the Slovak Government for National Minorities recalled that a major recent development had been the possibility to declare two “nationalities” in the 2021 population census. In this respect, Laszlo Bukovszky stressed that there had been initially serious concerns among minority representatives about how the census results would be analysed and interpreted. The fact that the government decided to consider both the primary and the secondary ethnic affiliation for the granting of census-based minority rights has been very well received by all national and ethnic minorities, and in particular by the German, Hungarian, Roma and Rusyn/Ruthenian minorities who have seen an increase in the total number of persons self-affiliating as a minority and/or in the number of municipalities reaching thresholds for minority rights. Referring to the envisaged Law on National Minorities, he recalled that the drafting process involving consultation with minority representative started in December 2021 and regretted that no ministry had been given the task to present the draft bill to the Parliament.

The representative of the Plenipotentiary of the Slovak Government for Roma communities recalled that not all estimated 450 000 Roma live in extreme poverty in Slovakia. He also underlined the importance to dissociate in the public discourse the Romani culture from the socio-economic poverty.

Referring to an evaluation conducted by the Plenipotentiary’s Office of activities under the National Strategy for Roma Inclusion, he highlighted the conclusion that a stronger co-ordination between various ministries was needed to drastically improve the education, employment, health and housing situation of persons belonging to the Roma communities. An external evaluation of the Strategy by the European Commission and Roma civil society showed that, whilst considerable progress had been achieved in the health sector, huge improvements were still needed in the education and housing sectors.

Tomáš Hrustič briefly introduced the Framework Convention’s main principles and provisions, as well as its monitoring mechanism, underlining the recent reform and the introduction of a confidential dialogue³ before the final adoption of the opinion (see FCNM leaflet in Appendix 3). He reminded participants that the Framework Convention does not guarantee collective rights but that persons belonging to national minorities can exercise their rights individually or with others, and that the Advisory Committee understands the monitoring of the Framework Convention as an open-ended process where each cycle builds on the previous one. As part of this process, follow-up meetings are strongly encouraged to maintain dialogue with the authorities in the presence of representatives of national minorities and other relevant stakeholders with a view to finding practical measures to implement in the most efficient ways not only the priority recommendations of CM resolutions but also all those contained in the Advisory Committee’s opinions.

Mikko Puumalainen expressed his gratitude to the authorities for their excellent co-operation before, during and after the monitoring visit, not least for the fact that the visit could take place during the Covid-19 pandemic. He also recalled the important role of Slovakia in establishing the practice of country monitoring visits and thanked them for having accepted to organise this follow-up dialogue meeting, therefore respecting Slovakia’s tradition.⁴ He particularly congratulated the authorities for their decision to cumulate the first and second ethnic census affiliation for the granting of minority rights – a decision warmly welcomed by minority representatives present. He highlighted that this was a positive model worth promoting in those States Parties to the FCNM which include ethnic affiliation in their census questionnaires. Mikko Puumalainen also expressed the appreciation of the Advisory Committee regarding the decision of Slovakia to recognise Vietnamese as a fourteen national minority thus ensuring *de facto* a protection of persons belonging to this community under the FCNM. He highlighted that this decision shows that the mechanism

³ During the confidential dialogue, the authorities can present factual corrections, provide clarifications, or update the Advisory Committee with legislation or policies adopted since the visit.

⁴ The Slovak authorities organised similar follow-up dialogue meeting under each monitoring cycle.

in charge of examining communities' request to be formally recognised as national or ethnic minority functions well in practice. He took note of Vietnamese representatives' satisfaction and that rules and pieces of legislation concerning the Committee on National Minorities and Ethnic Groups and other funding mechanisms for minority cultural activities will be revised in coming months to make their participation as a national minority and access to minority rights effective in practice. He also invited the Slovak Government to also examine the request of the Goral community to be officially recognised as a distinct ethnic minority.

Mikko Puumalainen also answered the question put forward by the moderator, which was to clarify the assessment contained in the Advisory Committee' Fifth Opinion that "there is, overall, an insufficient understanding in Slovakia that minority rights are an integral part of human rights and that minority rights require special attention and dedicated measures" and provided some examples. He referred to the lack of attention and little interest shown by members of the Slovak Parliament regarding the Public Defender's annual reports and human rights-based recommendations concerning national minorities. He mentioned that the Advisory Committee was of the view that the approach of the Slovak authorities to social problems of national minorities in general, and of the Roma minority in particular, was to overlook the ethnic dimension of the social problems and their solution and, instead, to focus on general poverty issues. Although Slovakia has a rather comprehensive and progressive anti-discrimination legislative and criminal law, both are poorly implemented. Slovakia has a very good system for supporting minority cultures, media and languages. However, in practice, this dedicated fund is limited in its capacity because of too many bureaucracy and administrative barriers resulting in considerable delays in the allocation of agreed funding.

Thematic session 1: minorities' languages and cultures (Article 5 of the FCNM)

Mikko Puumalainen highlighted that the Advisory Committee had welcomed the increase of funding during the monitoring period, and extra support provided to national minorities during the Covid-19 pandemic.

Speakers indicated that the functioning of the Fund for the Promotion of the Culture of National Minorities had improved since the visit of the Advisory Committee. The Fund was now more accessible and had been allocated sufficient financial resources. It was also envisaged to simplify the procedures, underlining that this should not be understood by some minority organisations as encouraging a superficial monitoring of the allocation criteria, but to make the allocation process quicker and more meaningful.

Among criticisms raised by participants was mentioned the insufficient funding allocated to meetings of the Committee on National Minorities and Ethnic Groups. Minority representatives, notably from the Rusyn/Ruthenian and Ukrainian minorities, also insisted on the need for a timely disbursement of the funding which otherwise prevent them from carrying out their activities. An interesting remark was made concerning minority organisations' recommendation – which had been echoed by the Advisory Committee in its Fifth Opinion - to introduce multi-annual funding for certain recurrent cultural activities (minority media and printed magazines, museums, etc.). Whilst acknowledging that this had been requested at the time of the visit, a Rusyn/Ruthenian minority representative highlighted that, in the meantime, operational costs had considerably increased due to inflation, making this proposal not so attractive any longer. Members of the Advisory Committee agreed that such a recommendation might need to be reconsidered in the view of the current inflationary context.

Hungarian minority representatives underlined that Slovakia had good legislation; the problem was its poor and slow implementation, including in terms of bilingual signage and road signs. It highlighted by minority representatives that it took seven years to have minority languages used in railway stations, but this has now been successfully implemented. Also, too many exceptions are foreseen in the law or barriers introduced through technical norms which make it difficult to implement the provisions in practice. More pressure should be made on municipalities to display bilingual signs.

Positive developments were, however, reported concerning the media. The new Media Services Act proposed by the Government was approved by the Parliament, thus amending the Act No. 532/2010 on Radio and Television Slovakia and putting on the RTVS an obligation to ensure broadcasting of content and regionally balanced programmes for national minorities and ethnic groups in the languages of national

minorities and ethnic groups in a time range proportionate to the national and ethnic structure of the Slovak population according to the latest census results. As a result, there has been an increase in radio and TV broadcasting hours in minority languages. A negative aspect is however the lack of a digital strategy for media, minorities' media included. The good example of Sweden in terms of media for national minorities and in minority languages was mentioned by Advisory Committee members.

A representative of the State Scientific Library in Prešov reported positive developments concerning the digitalisation of materials about Romani culture and language.

Thematic session 2: education (Articles 12 and 14 of the FCNM)

As an introduction to this session, the moderator and the speakers recalled that the Slovak authorities had undertaken a series of legislative reforms and adopted several strategies and action plans to foster Roma inclusion in education, namely an introduction of compulsory preschool education for all children from the age of five; the removal of so-called zero-grade classes; the adoption of a specific Action Plan for Education for the period 2022-2024; as well as the introduction of definitions of 'segregation' and 'inclusive education' when amending the School Act in October 2021. The Public Defender also recalled that several court decisions had addressed Roma school segregation, referring to the Right of the Child.

Alexandra Castro indicated that the abovementioned developments were all positive steps that should contribute *inter alia* increasing preschool attendance of Roma children and promoting inclusive education. However, she reiterated that despite all these measures, the segregation of Roma children in education was still a widespread problem and a matter of concern of the Advisory Committee and other international institutions referring to the European Commission's decision to refer Slovakia to the Court of Justice of the European Union for not sufficiently addressing discrimination against Roma children at school. As an example, she referred to the decision from the district court in Prešov from 2021 on illegal education of three Roma children in special classes for children with mild intellectual disabilities⁵. She highlighted that it was important for the Advisory Committee that this court decision could be seen as an encouragement for the adoption of systemic measures by the state authorities and for positively influencing other schools which still disproportionately educate Roma children in special education. Alexandra Castro concluded her introductory remarks by inviting participants to consult the four Advisory Committee thematic commentaries, notably the [Thematic Commentary n°1 on Education](#) from 2006 which is currently being updated and the Thematic Commentary n°3 on [The Language Rights of Persons Belonging to National Minorities under the Framework Convention](#).⁶

The representative of the Office of the Plenipotentiary for Roma Communities confirmed that more than 25% Roma pupils are still taught in segregated schools despite the fact that school segregation is supposed to be discontinued in line with Article 424(a) of the Criminal Code. This is why the three "D" (de-segregation, de-ghettoisation and de-stigmatisation) should remain high priorities and be further implemented.

The representative of the Ministry of Education, whilst sharing the situation, also underlined the need to provide mainstream schools with all facilities and the capacity to integrate Roma children, as well as to educate more teachers (and the society as whole, notably parents) on the practical meaning and benefits of inclusive education. The Public Defender recalled his recommendation to the Slovak Parliament to adopt legislation to implement and monitor desegregation in practice, including through a sanctioning system. He had also recommended that the Parliament adopts legislation ensuring that the children are diagnosed based on longer-term monitoring and evaluation of their development through diagnostic examinations that consider the abilities of children from the socially disadvantaged environment of "marginalised Roma

⁵ The Prešov Court ordered the defendants to apologise in writing to the children who had been discriminated against and to grant each of them financial compensation of €5 000. The Court, however, did not find the state responsible and dismissed that part of the lawsuit.

⁶ This Thematic Commentary from 2012 highlights the key importance of language rights for the preservation of a person's identity or identities and explores language rights with regard to the equally central principles of non-discrimination and the promotion of full and effective equality.

communities”. Advisory Committee members underlined once again that diagnosing children were not a common practice in most of Council of Europe member states and recalled in this regard the good practice in the United Kingdom not to test children, but schools which have an obligation to provide quality and inclusive education to all children. Advisory Committee members expressed concerns about the authorities’ intention to introduce diagnoses at an earlier stage, during preschool years. Several participants indicated that testing and diagnoses were not a problem; however, the priority should be to re-diagnose, notably Roma children, and ensure that those who can integrate mainstream education are given this chance.

The Ministry of Labour and Social Affairs reported about the new Strategy for Early Care that should remedy the fragmented approach that had prevailed so far. More attention should be given to children living in families in marginalized situation. In this respect, Alexandra Castro highlighted that many studies focus on the relationship between education and residential/spatial segregation. Good housing conditions are key to improve progress in other areas, including children’s education. She invited participants to assess all these measures and to share their views on how this is being implemented in practice and if the reforms undertaken are sufficient to address discrimination against Roma children at school. Another aspect that deserved the authorities’ attention, according to her, was the intersectional discrimination, emphasising that Roma women are one of the most deprived groups in Europe, as they suffer a double layer of exclusion: as women, and as members of the Roma community. In this respect, she underlined the good practice in Slovakia to have introduced a focus on the situation of Roma women within the National Roma Inclusion Strategy and its action plans. Whilst inviting participants to share initiatives fostering access to education for Roma girls and women who may be faced with obstacles, such as socio-economic situation or living in marginalised areas, she mentioned herself some good practices in other States Parties.⁷

It was also recalled that the Advisory Committee recommended to conduct an in-depth independent study on both internal and external causes of school absenteeism and early drop-out of Roma pupils and students, as well as to increase the offer in minority languages education, in particular in Rusyn/Ruthenian, Ukrainian and Romani. The importance to have intercultural education programmes in all schools taking into account respective cultural sensitivities, accommodating multiple perspectives in history teaching and promoting critical thinking, as well as the need to remedy the lack of minority language materials and of minority language speaking teachers and existing restrictions for their accreditations, were also recalled.

Questions were asked by participants regarding possible progress in the education in “mother tongue”, in particular in Romani, Rusyn/Ruthenian and Ukrainian at all levels of education; and whether the Amendment to the Education Act had already produced some effect. Rusyn/Ruthenian and Ukrainian participants confirmed that this was still a major issue for their communities due to the insufficient number of schools teaching in and of their language and a lack of minority teachers and students. Pupils and students tend to go to nearby schools which are not minority schools. A Rusyn/Ruthenian teacher complained about shifts in schools attended by minority pupils which is not conducive to quality education and stated that there is a need for more education materials in Rusyn/Ruthenian, included digitalised ones, and also in Cyrillic script. Some participants would like the model of bilingual schools to be promoted and extended. They confirmed that more digitalisation is needed in the field of education. Although this was not sufficiently reflected in the Fifth Opinion, it was recalled that representatives of the Hungarian minority indicated during the visit that students whose “mother tongue” is Hungarian would welcome the possibility to be taught Slovak as a second language since they had difficulties to reach the same level of proficiency.⁸

⁷ Such as the support of Roma women informal career helping to reach a better balance between professional and private life; the recruitment of Roma women in the Hungarian police force which facilitates the access to justice of women suffering violence; several mediators programmes (municipality mediators, health and education mediators, etc.) which also promote the inclusion of women in the labour market and facilitate access to job opportunities; the investment in education by offering scholarships in pre-university and post-university education for young Roma women and girls that contribute in the short-term to Roma women positive role models and lead to the creation of a new generation of women Roma leaders able to take part more actively in socio-economic life and in decision-making at local and national levels.

⁸ The importance of using the term “second language” to refer to the official language instead of “foreign language” was highlighted.

Thematic session 3: effective participation of national minorities (Article 15 of the FCNM)

When introducing this session, Mikko Puumalainen highlighted a paradox in Slovakia: whilst at the local level, there are numerous elected mayors self-affiliating to a national minority or an ethnic group, including a large number of Roma mayors - a good example worth promoting in other States Parties – the representation of national minorities at the national level in governmental structures and in parliament is very low. He recalled that Article 15 of the Framework Convention is not just about participation, but about effective participation in decision-making processes on policy and legislative matters that are relevant for minority rights. He invited participants to read the Advisory Committee's Thematic Commentary No 2 on participation for getting familiar with more details on what effective participation entails.

Several speakers highlighted that, overall, minority issues are better understood at the governmental level. This is less the case at parliamentary level, they said, notably due to the absence of minority political party representation in the parliament. Indeed, Hungarian political parties which used to be represented in the Slovak Parliament have not managed to obtain any seats in the last general elections. Some members of parliament might have a minority ethnic affiliation; however, they are elected on a mainstream party list and often have to follow the party's political agenda to the detriment of the promotion of minority rights. Furthermore, participants highlighted the fact that national minority policies are influenced by political trends, and sometimes by bilateral state relations, and that any substantive change often results from personal conviction and involvement at the level of individuals. Calling for a stronger political support on minority issues, participants underlined that the political leverage of high-level politicians should not be underestimated.

Several criticisms were made during the meeting. One of them was that over recent years, too often policies and legislation have been designed at the level of parliament, excluding competent ministries from the discussion, but also minority representatives who cannot exercise an influence on matters concerning them. The current legislation does not encourage the creation of minority advisory bodies at municipal level. A representative of the Ukrainian minority from Prešov region added that requesting the opinion of the Committee on National Minorities and Ethnic Groups on important laws affecting also national minorities was not systematically sought and that - when this was the case - the Committee members' advice was not necessarily taken on board. The Plenipotentiary of the Slovak Government for National Minorities suggested more collegial and subsidiarity in decision-making processes which would also open the door for more creativity in terms of measures.

Other issues were highlighted: on the one hand, the diversity that may exist within certain national minorities is not sufficiently addressed and taken into account. An illustration of this diversity being the Roma minority in Slovakia, with Romani-speaking, Slovak-speaking and Hungarian-speaking Roma; on the other hand, numerically smaller national minorities and ethnic groups, such as Moravians, Croats, or Serbs, deserve more attention and support, including financial support for operational costs of their minority organisations, because they face greater difficulties to bring up their concerns.

Concluding remarks

Members of the Council of Europe delegation concluded the meeting by thanking all participants for their active participation and the Slovak authorities for successfully hosting this event. Whilst taking note that there would be new general elections in September 2023, they took note of the willingness and commitment of the current Government to implement recommendations contained in the Committee of Ministers' Resolution. They also drew the attention of authorities and participants that the Advisory Committee's Fifth Opinion contains other recommendations which expected implementation will be equally monitored during the next monitoring cycle. They encouraged both authorities and representatives of national minorities to pursue dialogue on the best ways to implement them.

Appendices

Appendix 1: Final annotated agenda (English version)



Programme of FCNM
Follow-Up Dialogue N

Appendix 2: Final list of participants (English version)



Final_List of
participants Follow-up

Appendix 3: Leaflet on the FCNM and its monitoring mechanism (Slovak and English versions)



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