



**International Convention on  
the Elimination  
of all Forms of  
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION OF  
RACIAL DISCRIMINATION

**CONSIDERATION OF REPORTS SUBMITTED  
BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION**

Fifth periodic reports of States parties due in 2002

Addendum

**SLOVAKIA\***

[28 October 2003]

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\* This document contains the fourth and fifth periodic reports of Slovakia due on 28 May 2000 and 2002 respectively. For the initial report and the second and third periodic reports of Slovakia and the summary records of the meetings at which the Committee considered those reports, see documents CERD/C/328/Add.1, CERD/C/304/Add.110 and CERD/C/SR.1407, 1408 and 1419

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## **Introduction**

1. Pursuant to the provisions of article 9 of the International Convention on the Elimination of All Forms of Racial Discrimination (hereafter referred to as “the Convention”), the Slovak Republic – a State party to the Convention – hereby submits its report on the legislative, judicial, administrative and other measures it has adopted to give effect to the provisions of the Convention since the submission of its initial report and first and second periodic reports in August 1999 and the supplements thereto in June 2000 (CERD/C/328/Add.1). The document hereby submitted comprises the fourth and fifth periodic reports of the Slovak Republic. It was prepared by the Ministry of Foreign Affairs of the Slovak Republic in cooperation with other competent agencies, on the basis of the United Nations General Guidelines regarding the form and contents of individual periodic reports relating to the United Nations international human rights treaties, and pursuant to the specific recommendations of the Committee on the Elimination of Racial Discrimination (CERD) adopted on 11 August 2000 (CERD/C/57/CRP.3/Add.4), following the consideration of the initial report and second and third periodic reports of the Slovak Republic. A non-governmental organization (NGO), Citizens’ Initiative – the People against Racism, which operates in the Slovak Republic, also took an active part in the preparation of this report.

## **IMPLEMENTATION OF THE VARIOUS ARTICLES OF THE CONVENTION**

2. The national legislation and the measures adopted with a view to the implementation of the Convention are based on the principle of the equal protection of the fundamental rights and freedoms of all persons in the territory of the Slovak Republic, regardless of sex, race, colour, language, faith and religion, political or other conviction, national or social origin, property, birth or any other status.

### **A. ARTICLE 2. POLICY OF ELIMINATING RACIAL DISCRIMINATION IN ALL ITS FORMS AND PROMOTING UNDERSTANDING AMONG ALL RACES**

#### **1. Legislative and administrative measures**

(a) *Amendments to the Constitution and the Constitutional Court Organization Act*

3. The adoption of Constitutional Act No. 90/2001, amending and incorporating additions to the Constitution of the Slovak Republic (hereafter referred to as “the Constitution”), which came into force on 1 July 2001, ensured continuity of the implementation of the international treaties on human rights and fundamental freedoms adopted previously, within the meaning of the addition to article 154(c) of the Constitution,<sup>1</sup> which came into force on 1 July 2001. This amendment was adopted because of the change in the legal status concerning international human rights treaties, which occurred following the adoption of the aforesaid Constitutional Act. Pursuant to the amended legislation, there has been a new perception of the implementation of international treaties in the context of national legislation according to which a distinction is made between international treaties requiring, before their ratification, the consent of the National Council of the Slovak Republic (hereafter referred to as the “Parliament”),<sup>2</sup> and international treaties not requiring such consent<sup>3</sup> and which *ex lege* have primacy over domestic law. Among these treaties, particular mention may be made of the international treaties on human rights and fundamental freedoms. The international treaties requiring, before ratification,

the consent of Parliament are explicitly spelt out and the President of the Republic or the Government, before submitting the treaty in question to a session of Parliament, may under the new provision refer it to the Constitutional Court so that it may express an opinion on the conformity of the treaty with the Constitution or the fundamental law. This involves what is known as the *preventive monitoring of constitutionality*; in other words, the purpose of the provision is to prevent contradictions or possible conflicts between execution of the national law and the provisions of the international treaty.

4. Under amended article 127 of the Constitution, which came into force as from 1 January 2002 and introduced the constitutional complaint procedure, the Constitutional Court rules on complaints by a natural person or legal entity claiming infringement of their fundamental rights or freedoms, as defined by the international treaty which the Slovak Republic has ratified and which has been promulgated in the conditions established by law, if another court does not rule on the preservation of these rights or freedoms. If the Constitutional Court upholds the complaint, it declares in its decision that the aforesaid rights or freedoms have been infringed by a final decision, a particular measure or other action, and rescinds that final decision, measure or other action. The Constitutional Court may also send the case back for a new judgement, prohibit the continued infringement of the fundamental human rights and freedoms as defined by the treaty or, if this is possible, order the person who infringed the plaintiff's aforesaid rights or freedoms to restore them in the conditions existing prior to the infringement. Since 2001, the constitutional complaint has become an effective tool for redressing the law at the national level and eliminates the submission of complaints directly to the European Court of Human Rights (ECHR). Slovakia is aware that most of the complaints dealt with by the ECHR concern the question of reasonable length of proceedings before national courts. Consequently, the amendments to the Constitutional Court Act (No. 38/1993) and Act No. 124/2002 enable the Constitutional Court to exercise its authority to grant appropriate financial compensation to plaintiffs if the reasonable length of proceedings has been exceeded and thus forestalls seizure of the ECHR by the plaintiff in the case. Thus, the constitutional complaint as a national means of effective legal redress excludes the possibility of contradiction between a meritorious decision of the Constitutional Court and a decision by the ECHR since it is necessary to first seize the Constitutional Court and thus use all effective means of redress at the national level.

5. The aforesaid procedure relating to constitutional complaints is governed by the principle whereby the parties have the procedure at their disposal. The complaint may be lodged by a natural person or legal entity affirming that, through a final decision, measure or other action, their fundamental rights or freedoms have been infringed, if the protection of these rights or freedoms is not the subject of proceedings in another court. If the Constitutional Court admits the constitutional complaint, in its finding it will state which fundamental right or freedom and which provision of the Constitution or organic law was violated and by which act. The Constitutional Court rescinds the challenged decision and consequently the body deciding the case in the first instance is required to hear the case again and to reach a decision, while being bound by the legal opinion of the Constitutional Court.

(b) *Criminal law*

6. In connection with the various provisions of the Constitution, the criminal law in force establishes penalties for acts which give rise to a violation of respect for human rights and fundamental freedoms through racial discrimination (cf. the initial report and second and third periodic reports of Slovakia, paras. 16, 90, 91 and 92, and update of the initial, second and third reports, paras. 19-21).

7. Act No. 253/2001, amending and supplementing the Criminal Code in terms of subsequent regulations, introduces an addition to the definition of the material element of racially-motivated crime [violence against a group of citizens or against a private individual (art. 196 (2)), attacking the honour of a nation, race or belief (art. 198), incitement to hatred of a nation or to racial or ethnic hatred (art. 198 (a)), murder (art. 129 (1) and (2)(f)), wilful violence against the person (arts. 221 (2)(b) and 222 (2)(b))], namely membership of an ethnic group. This amendment has had to be introduced because of the problems encountered in practice in the enforcement of the regulations during the period in question. One question at issue was whether membership of the Roma minority constituted membership of a different race. A decisive case was that in which the court considered that the Roma, if they declare themselves to be of Slovak nationality, do not constitute a different race from that of the Slovaks, which meant that the criminal law in force at the time had not enabled the court to impose more severe penalties for attacks against Roma individuals motivated by hatred. The amendment has eliminated this defect, and consequently the domain concerned has become more precisely regulated.

8. In addition, the aforesaid amendment has established regulations concerning racially motivated crimes in another domain. It has eliminated the criterion under which the person assaulted must belong to a different race. On the basis of this change proceedings may also be brought in the case of racially-motivated attacks against persons of the same race (for example, where the perpetrator of the offence is related to the victim). Thus, in addition, this constituted a reaction to the need to protect persons who, because of their anti-racist commitment, might become potential victims of attacks of this type.

9. Act No. 485/2001, which amends and supplements the Criminal Code, broadens the definition of a material element of the crime of supporting or propagating movements aimed at the suppression of the rights and freedoms of citizens, by creating the possibility of imposing a penalty not only for acts consisting of the public expression of sympathy for fascism or other movements aimed at the suppression of rights and freedoms, but also for acts which, overtly and publicly, call in question the horrors of fascism or other totalitarian movements, deny them, approve of them or tend to justify them.

10. Another amendment of the Criminal Code – Act No. 421/2002 – came into force on 1 September 2002. It incorporated in article 259(b) of the Code a new crime, “crime against humanity”, whose material element is defined in conformity with the terms of article 7 of the Rome Statute of the International Criminal Court. This amendment was adopted in the context of the Slovak Republic’s accession to the Statute and the process of its ratification. In addition, article 15(a) of the Criminal Code has been amended through the introduction of the imprescriptability of crimes against humanity alongside the imprescriptability of the crime of genocide.

11. In addition, the aforesaid amendment imposes a substantial penalty for the crime of trafficking in human beings and children. As regards content, the new regulations are in keeping with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, which forms an integral part of the United Nations Convention against Transnational Organized Crime. Slovakia signed this Convention on 15 November 2001.

12. The amendment takes account of the measures adopted by the European Union (EU) to combat trafficking in human beings and the sexual exploitation of children. Thus, Slovak legislation endeavours to establish the necessary conditions to punish in the most effective way

possible all forms of trafficking in human beings, in conformity with the legislation of the Western European countries.

13. The definition of the crime of trafficking in women has been amended in accordance with the above-mentioned instruments and now refers to trafficking in human beings for the purposes of sexual assault or other abusive sexual treatment, regardless of whether a woman, man or child is involved. By this means, the equality of the sexes is ensured in conformity with article 12 of the Constitution and articles 1 and 3 of the Universal Declaration of Human Rights.

14. The crime of trafficking in human beings committed with a view to their exploitation in its most serious forms has become a material element of specific crime, including the unlawful removal of human organs or tissue. Crimes committed against the will of others, and the perpetration of these acts for purposes of prostitution, carry more severe penalties. Severe penalties are imposed in the case of persons under the age of 18 and acts having other serious consequences, including perpetration of these acts through criminal conspiracy.

15. Action to combat trafficking in human beings is the responsibility of the Ministry of the Interior. Within the police service headquarters, a specialized unit has been set up to investigate trafficking in human beings and sexual exploitation; under the organizational chart of the police service, this unit forms part of the Organized Crime Office. Other units involved in action to combat trafficking in human beings are the Frontier and Alien Affairs Police Bureau and the National Unit to Combat Clandestine Immigration, which was set up in the first half of 2002.

16. The amendment also relates, to a certain extent, to questions of racial discrimination with provisions imposing more severe penalties on persons committing the offence and which at the same time protect victims of domestic violence. One important amendment, in force since September 2002, is the fact that in the examination or prosecution of offences involving relatives, the investigating officer does not need the consent of the victim in order to initiate criminal proceedings. Hearings of minor children in cases of domestic violence are recorded on videotape in order to ensure that the child is not subjected to repeated questioning and stress. The other important amendment of criminal law consists of the incorporation of the principle whereby, if the perpetrator of the offence commits an act of violence against another person, or acts of blackmail, rape, sexual assault or sexual abuse against a relative or a person entrusted to his care, he is liable to more severe penalties than if he had committed these acts against a third party. The length of prison sentences applicable to these acts has been increased. In the case of sexual abuse, for example, the court may impose a non-suspended sentence of up to 10 years' imprisonment. In the case of the premeditated torture of a relative or ward, the guilty party is liable to between 12 and 15 years' imprisonment, or even an exceptional penalty.

17. The above-mentioned Act also imposes penalties on what is known as economic violence, whereby any person who unjustifiably prevents a relative or ward from benefiting from his assets or who thus causes him to suffer through such prevention is liable to punishment. The definition of the group of persons considered under criminal law as "relatives" has also been enlarged. A relative or ward is now considered to be, inter alia, a former spouse, a partner or former partner, a parent of a child in common or a person who has cohabited or is cohabiting with the perpetrator of the offence.

(c) *Preparations for the draft legislation relating to implementation of the principle of equal treatment*

18. The draft legislation relating to implementation of the principle of equal treatment gives effect to the content of the provisions on equality and non-discrimination contained in the Constitution and in a number of international treaties and laws. It comprises definitions of the various forms of discrimination (direct discrimination, indirect discrimination, harassment and unjustified sanction, including incitement to or instruction in discrimination). It is also based on the need to ensure holders of rights protection against any form of discrimination based on the greatest possible number (which remains open) of motives, which will guarantee victims the possibility of demanding adequate and effective judicial protection, including compensation for moral wrong.

19. One of the objectives of this draft legislation is to ensure a single interpretation of the concept of “discrimination” in cases of application of specific regulations which, on the one hand, prohibit discrimination in the various spheres of social relations governed by law (for example, consumer protection, employment, etc.), but which do not contain the definitions of the concept of discrimination or which contain only partial definitions of the various forms of discrimination. The objective is also to ensure a single interpretation of the concept of discrimination and its various forms, including in court decisions.

20. In reply to recommendation 12 of the Committee, we would point out that the draft legislation in question also supplements the specific regulations in the sphere of industrial relations, where the concept of discrimination is defined more narrowly than in the proposed anti-discrimination law. Apart from EU Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, the proposed legislation also contains certain provisions of Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation.

21. The Government of the Slovak Republic (hereafter referred to as “the Government”) expressed its agreement on this draft legislation in May 2002; however, Parliament had not considered it before the end of the legislature.

22. In its general policy declaration of October 2002, the Government committed itself, inter alia, to guaranteeing the freedoms of the citizen and development of human rights at all levels, and to combating all forms of intolerance.

23. For the above-mentioned reason, the new terms of the proposed governmental legislation to combat discrimination are ready, linking up with the previous text, but differentiating themselves from it, with the objective of also amending the rules of civil judicial process (Code of Civil Procedure) by transferring the burden of proof to the accused in so-called *prima facie* cases, in other words when persons who consider themselves to be victims of discrimination submit to the court evidence indicating that there has been discrimination. It is also important to ensure the effective enforcement of this law and related legislation; consequently, it is necessary to establish an institutional environment in the form of a centre which, in the context of its activities, would monitor and evaluate respect for the principle of equal treatment, would cooperate with the European Monitoring Centre for Racism and Xenophobia, would undertake surveys and inquiries in this area, would provide legal aid to victims of discrimination, etc. Consequently, the new draft anti-discrimination legislation also comprises a further amendment



to Act No. 308/1993 relating to the establishment of a Slovak National Centre for Human Rights.

(d) *International activities and implementation of international conventions*

24. In the context of the declaration of 2001 as the International Year of Mobilization against Racism, Racial Discrimination, Xenophobia and Related Intolerance, a national conference against racism, xenophobia, anti-Semitism and discrimination was held in Bratislava on 18 May 2000 under the auspices of the President of the Slovak Republic. This conference constituted a contribution to the European Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (Strasbourg, 11-13 October 2000). Slovakia also played an active part in the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (Durban, 31 August – 8 September 2001). The initiative of the United Nations High Commissioner for Human Rights, the Declaration of the World Conference, “Tolerance and Diversity: A Vision for the 21<sup>st</sup> Century”, formed an integral part of the international community’s campaign against racism conducted before the World Conference. The President of the Slovak Republic signed this document in January 2001. Our country also played an active part in another event of international importance, organized by the Council of Europe, the European Ministerial Conference on Human Rights (3 and 4 November 2000 in Rome). During the Rome conference, the Slovak Republic signed Protocol No. 12 to the European Convention on Human Rights, which contains a general clause prohibiting discrimination.

25. On 17 February 2001, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women entered into force, and on 1 March 2001 the Additional Protocol to the Council of Europe’s Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine, on the prohibition of cloning human beings, also entered into force in Slovakia. On 30 November 2001, Slovakia signed the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. Slovakia also signed and ratified the 12 international treaties relating to action to combat terrorism, including the International Convention for the Suppression of the Financing of Terrorism, which entered into force for Slovakia on 13 October 2002.

26. On 14 February 2001, the Government adopted its position concerning the opinion of the Advisory Committee of the Council of Europe’s Committee of Ministers on the implementation of the Framework Convention for the Protection of National Minorities by Slovakia, which was published in June 2001 with the Advisory Committee’s opinion. It is apparent from that opinion that on the occasion of the implementation of the Framework Convention there were differences of opinion and problems of content connected to these differences. On 21 November 2001, the Council of Europe’s Committee of Ministers adopted a resolution relating to the implementation of the Framework Convention by Slovakia.

27. On 20 February 2001, Slovakia signed the European Charter for Regional or Minority Languages (hereafter referred to as “the Charter”). The National Council of the Slovak Republic expressed its endorsement on 19 July 2001 and the act of ratification was communicated to the depositary, the Secretary-General of the Council of Europe, on 5 September 2001. The Charter entered into force for Slovakia on 1 January 2002 and was published in the Official Gazette (No. 588/2001) on 29 December 2001.

28. In response to the Committee's recommendation 8, we give below a few examples of the practical implementation of the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination by the courts, the police and the prosecution service.

(a) The most serious case of a crime of a racial character concerned the attack against a Roma family in Zilina. Four members of the "skinhead" movement broke into this family's house and beat up the sleeping daughters, who suffered bodily harm. One of the skinheads hit their mother on the head and she later died. The four offenders have already been sentenced under the criminal law in force, in conformity with articles 4 and 6 of the Convention, to non-suspended custodial penalties, namely seven, five, four and three years' imprisonment respectively.

(b) Following a full examination of the facts, criminal proceedings were initiated and a charge was brought for the crime specified under article 260(1) and (2a) of the Criminal Code, in conformity with article 4(A) and (B) of the Convention, against two persons who printed and distributed pamphlets entitled Edelweiss and Biely boj (White Combat) containing articles and drawings in support of a movement aimed at the suppression of civil rights and freedoms and advocating national, racial and religious hatred. Proceedings have been initiated against the two accused by the prosecutor, but the court has not yet reached its decision.

(c) Another crime of an extremely serious character under article 260(1) and (2a) of the Criminal Code, in conformity with article 4 (A) of the Convention, was the preparation, publication and distribution of Adolph Hitler's book Mein Kampf in 2000. Two persons have been charged with aiding and abetting this crime. Given that they are Czech citizens and live in the Czech Republic, following the thorough investigation the prosecution case against them was transmitted to the Czech authorities under the relevant provisions of the Criminal Code.

(d) Following the intervention of the police at a gathering of supporters of the "skinhead" movement, which was held under the guise of a dance in September 2001 in the village of Papradno, eight young men were prosecuted, in conformity with article 4 (A) and (B) of the Convention, for having manifested their sympathy with fascism through their clothing decorated with various symbols such as modified swastikas, etc.

(e) Following another police intervention in Svrcinovec, where skinhead and Third Reich-type music was played at a meeting by means of a computer, criminal proceedings were initiated and 12 persons were accused of the offences of supporting and propagating movements advocating the suppression of civil rights and freedoms under article 260(1) and (2a) or article 261 of the Criminal Code, in conformity with article 4 of the Convention. One of the accused is being held in custody.

(f) Several criminal proceedings have been initiated for the same offences of propagating neo-Nazi and racist ideas through the publication and distribution of songs having a similar content. The musical groups concerned were "Doctor Martens Skinheads" and "Justícia".

The more effective practical implementation of the Convention, and not only in criminal matters, should be ensured by the law relating to equal treatment – the anti-discrimination law currently under consideration with a view to its enactment.

- (e) *Authorities empowered to act in cases of manifestations of discrimination and authorities monitoring such manifestations*

The Deputy Prime Minister for Human Rights, Minorities and Regional Development

29. In 1998, the Government created the post of Deputy Prime Minister for Human Rights, Minorities and Regional Development, who acts as coordinator of the areas mentioned. Under his authority are the Government Council for National Minorities and Ethnic Groups and the Government Council for Non-Profit Non-Governmental Organizations. Within the first of these Government Councils the following associations representing citizens of different nationalities are represented: Hungarian association, three representatives; Roma, two representatives; Ruthenes, two representatives; Ukrainians, Croats, Germans, Jews, Bulgars, Poles and Moravians, one representative each.

30. Following the parliamentary elections of 2002, the sphere of action of the Deputy Prime Minister was modified by the new Government. Since October 2002, the above-mentioned areas of competence are exercised by the Deputy Prime Minister for European Integration, Human Rights and Minorities.

31. His department (Human Rights and Minorities Section of the Office of the Government of the Slovak Republic) has participated in the drafting of the law on the ombudsman; has drafted the two anti-discrimination bills; has contributed to the amendment of the law relating to the establishment of the Slovak National Centre for Human Rights; has prepared and coordinated the execution and evaluation of the Action Plan to Prevent All Forms of Discrimination, Racism, Xenophobia, Anti-Semitism and Other Manifestations of Intolerance (hereafter referred to as "the Action Plan") for the period 2000-2001, and the execution and evaluation of the Action Plan for the period 2002-2003; has cooperated closely with NGOs in the organization of the anti-racist campaigns "Confused by colour" and "Racism is your problem"; has formulated the following Phare projects co-financed by the national budget: "Improvement of the situation of the Roma in the Spiš region" (1998-2001), "Minority tolerance programme"(1999-2002), "Improvement of the situation of the Roma in the Slovak Republic" (2000-2003), "Support for the Roma minority in the field of education" (2001-2004) and "Infrastructure support for Roma settlements" (2001-2004); has coordinated and is still coordinating the execution of these projects. The above-mentioned Phare projects and action plans may be accessed by the public on the web site of the Office of the Government of the Slovak Republic (<http://www.government.gov.sk>). The data relating to the projects are communicated in connection with paragraph 19 of the Committee's concluding observations as an integral part of the reply to recommendations 8-16 of the Committee.

The Government Plenipotentiary for Roma minority affairs

32. In February 1999, the Government created the post of Government Plenipotentiary for Roma minority affairs who, alongside the other institutional machinery for the protection of human rights, focuses attention on the Roma minority and their problems. In organizational terms, the Government Plenipotentiary secretariat is integrated within the Office of the Government of the Slovak Republic. In March 2001, there was a change in the post of Government Plenipotentiary, and in September of that year the statute and organizational chart of the secretariat were amended. The new statute created an interdepartmental commission for Roma community affairs, as an advisory body of the Government. Under the statute, the Government Plenipotentiary proposes, coordinates and monitors activities involving the treatment of Roma community affairs, and proposes and implements - following their adoption

by the Government - systemic solutions aimed at achieving equal status for citizens belonging to the Roma minority. The Government Plenipotentiary secretariat monitors the problems of the Roma communities and cooperates with ministries, local administrative authorities and local communities. The Government Plenipotentiary is appointed and removed from office by the Government. In order to ensure support for the Plenipotentiary in the eastern region of Slovakia, a branch office of the secretariat was established in the town of Presov in October 2001.

#### The Parliamentary Commission for Human Rights and Minorities

33. Within Parliament, a commission was set up with an identical mission – the Parliamentary Commission for Human Rights and Nationalities. Since October 2002, its name has been changed to the Parliamentary Commission for Human Rights, Nationalities and the Status of Women.

#### The institution of Public Defender (Ombudsman)

34. The constitutional basis for the establishment of the institution of the Ombudsman was created by Organization Act No. 90/2001, which amended and made additions to the Constitution (Constitutional Act No. 542/1992) by introducing further regulations. Through the amendment of Chapter 8 of the Constitution, “The Office of the Prosecutor-General of the Slovak Republic and the Public Defender” (art. 151(a)), the institution of the Ombudsman was introduced.

35. On 4 December 2001, Parliament adopted Act No. 564/2001 relating to the Ombudsman, which spells out his areas of competence. On 19 March 2002, Mr Pavel Kandrak was appointed by Parliament as the first Ombudsman of Slovakia.

#### The Slovak National Centre for Human Rights

36. The Slovak National Centre for Human Rights (hereafter referred to as “the Centre”) was established by Act No. 308/1993 of 13 December 1993, which came into force on 1 January 1994. Despite the fact that every year the Government allocates to it an amount in excess of 5 million koruny (SK), the Centre does not adequately fulfil its functions as established by law and by statute. Consequently, in conformity with EU law, it is proposed to amend the above-mentioned Act. Thus, the Centre could, in the near future, also perform the tasks of a monitoring agency in the sphere of discrimination, including monitoring respect for the rights of the child.

37. For the above-mentioned reasons, action is currently being taken to make the Centre’s activities more transparent and to expand its activities relating to the monitoring and evaluation of the integration of the conventions of the Council of Europe and the United Nations, as ratified by the Slovak Government, concerning the protection of human rights and freedoms, including the rights of the child, in the national legal system.

38. In November 2002, the Legislative Council of the Slovak Republic approved the draft amendment to Act No. 308/1993 relating to the establishment of a Centre for Human Rights, whose objective was to make its activities more transparent. The amendment should, following approval by the Government, be adopted by Parliament early in 2003.

### The Racism and Xenophobia Monitoring Centre

39. In conformity with Order No. 27/2001 of the Ministry of the Interior relating to action to combat extremism and the establishment of a centre to monitor racism and xenophobia, the Racism and Xenophobia Monitoring Centre has been set up. At present, this work is done by police service headquarters and within each regional police force an officer is appointed to deal with the problem of extremism. These officers focus on the problems of both left-wing and right-wing extremism.

### The Commission to deal with racially-motivated violence

40. In reply to the Committee's recommendation 10, we wish to state the following. At the end of 2001, a Commission to deal with racially-motivated violence was established under the authority of the Ministry of the Interior. Its members are at present representatives of the various branches of the police service (criminal police, security police), the criminal investigation and forensic section, the police academy and the police trade union federation. Representatives of the secretariat of the Government Plenipotentiary dealing with Roma community problems and a female representative of the Prosecutor-General's Office are also invited to attend the Commission's meetings. The Commission also comprises representatives of NGOs (the Citizen and Democracy Foundation, Citizens' Initiative: the People against Racism, etc.). This body has been set up to monitor problems of blatant racial discrimination within the police service. The Commission meets regularly once every three months, on pre-arranged dates, and considers all relevant matters and problems. The Commission's first meeting was held on 6 December 2001.

### The other authorities concerned

41. Among the other institutional agencies active in the area of the protection and observance of the rights of members of national minorities, mention may be made of the Human Rights and Minorities Section of the Government Office. The Ministries concerned are primarily the Ministry of Foreign Affairs (Human Rights Department), the Ministry of Education (Education in Areas of Mixed Nationalities Section), National Pedagogical Institute (teaching methods centres and clubs of teachers of Roma children in these centres), the Ministry of Culture (Minority Cultures Section), and the Ministry of Labour, Social Affairs and the Family (Social Integration Section). Among the authorities empowered to act, reference may also be made to the prosecution service (Prosecutor-General's Office), the Ministry of the Interior and the Ministry of Justice.

#### *(f) National prevention programmes to eliminate racially-motivated violence and prevent discrimination*

42. In November 2001, the secretariat of the Government Plenipotentiary to resolve Roma community problems organized a technical seminar entitled "The Roma and human rights". The agenda was divided into three parts: manifestations of discrimination against the Roma in everyday life, positive models for resolving the problem of discrimination, and recommended approaches to the resolution of problems. The seminar was attended by representatives of the Office of the Government, the Information Office of the Council of Europe and Roma NGOs.

43. In the course of 2002, the secretariat of the Government Plenipotentiary prepared and carried out a media campaign – "We are all citizens of Slovakia" – with the aim of improving the public image of the Roma and, through the media, generating a change in the stereotyped views on both sides.

44. With the aim of intensifying the campaign against any form of discrimination, the Government has spent a total of SK 2.5 million on supporting other activities aimed at promoting tolerance within society. The financial resources will be allocated from the governmental reserve established for 2003. The following activities took place:

(a) A conference on the purpose and objective of the draft legislation relating to implementation of the principle of equal treatment (known as the “anti-discrimination law”) with the aim of presenting the content, purpose and importance of that bill;

(b) A Minority Film Festival devoted to the national minorities, linking up with the “Tolerance towards minorities” campaign within the Phare programme. The aim of the festival was, through films, to familiarize participants with the lives and traditions of minorities and to promote coexistence with the majority population;

(c) A campaign on the anti-discrimination law, explaining its objectives and contents through posters on bus shelters, announcements on Slovak television and broadcasts of debates;

(d) The “Football against racism’ campaign;

(e) A programme of seminars for university students on democracy and human rights, with particular emphasis on multiculturalism;

(f) Training seminars to promote the prevention of discrimination against women and to promote action to combat family violence. The Government will support the training of women specialists working in crisis centres for victims of violence against women and in refuges for battered wives and children in distress.

Action Plan to Prevent All Forms of Discrimination, Racism, Xenophobia, Anti-Semitism and Other Forms of Intolerance for the period 2000-2001

45. With the aim of preventing all forms of discrimination, the Government, in conformity with the Convention, has established short-term (two years) strategies to eliminate this phenomenon from our society, under the Action Plan to Prevent All Forms of Discrimination, Racism, Xenophobia, Anti-Semitism and Other Forms of Intolerance (hereafter referred to as the “Action Plan”). On 3 May 2000, the Government adopted its first Action Plan for the period 2000-2001 aimed at improving Slovak citizens’ knowledge of human rights in the context of the United Nations Decade for Human Rights Education, and also at preventing these negative phenomena and enhancing citizen awareness in the area of the effective use of means of protection. Another objective was to evaluate whether the legislative measures taken to combat these phenomena had been sufficient.

46. In the context of the Action Plan, the following activities were undertaken:

(a) Establishment of a coordination committee for implementation of the Action Plan;

(b) National conference aimed at the prevention of all forms of discrimination, racism, xenophobia, anti-Semitism and other forms of intolerance;

(c) Education in tolerance and mutual respect in the spirit of the United Nations Decade for Human Rights Education (1995-2004);

(d) Establishment of professional groups which, in the performance of their activities, are able to influence the prevention of all forms of discrimination, racism, xenophobia, anti-Semitism and other forms of intolerance;

(e) An information campaign on the prevention of all forms of discrimination, racism, xenophobia, anti-Semitism and other forms of intolerance.

47. The Action Plan included a number of media campaigns, which represent a powerful means of encouraging society to create a more tolerant environment.

Action Plan to Prevent All Forms of Discrimination, Racism, Xenophobia, Anti-Semitism and Other Forms of Intolerance for the period 2002-2003

48. The 2002-2003 Action Plan was adopted by the Government on 6 March 2002 as the continuation of the 2000-2001 Plan, in accordance with the priority responsibilities of the Government as determined by the regular report of the European Commission, dated 13 November 2001, on the progress made by Slovakia towards membership of the European Union. As with the 2000-2001 Plan, the 2002-2003 Action Plan aimed at improving tolerance and preventing all forms of discrimination through various activities by the competent ministries, NGOs and other entities concerned with this problem. The activities of the 2002-2003 Plan were divided into several areas, such as training, cultural activities, rehabilitation of Roma communities, action to combat extremism and similar phenomena, and prevention of discrimination, racism, xenophobia and related intolerance in the various areas concerned.

49. In February 2003, the Government approved the evaluation of the implementation of the Action Plan for the Prevention of All Forms of Discrimination, Racism, Xenophobia, Anti-Semitism and Other Forms of Intolerance for the period 2002-2003, covering the first six months of implementation, namely from March to August 2002.

(g) *Publicity campaigns*

50. In reply to the Committee's recommendation 15, we wish to state that the Office of the Government organized an anti-discrimination campaign on Slovak television in December 2000 and January 2001. Since this campaign was well received, the Government spent SK 499,000 on support for it.

Publicity campaign entitled: "Confused by colour"

51. The campaign targeted all sectors of the public, with the aim of stimulating interest in the subject of racism and a debate on this problem. The campaign formed part of the overall publicity campaign against racism entitled "Citizens' Initiative: the People against Racism". Its logo was a handcuffed child, which was meant to reflect the appeal to all members of the public to realize that racial prejudice and racism have no place in society. The impact of the campaign was nationwide, as reflected, inter alia, in the fact that reactions to it were addressed to the organizer from all parts of Slovakia. According to the Markant agency, the campaign was followed by 44% of all citizens, of whom 67% considered it to be positive. The Office of the Government spent SK 200,000 on the campaign.

Creation of the Internet site [www.rasizmus.sk](http://www.rasizmus.sk)

52. The Office of the Government also spent SK 60,000 on participation in the creation of the Internet site [www.rasizmus.sk](http://www.rasizmus.sk).

Publicity campaign entitled “Racism is your problem too”

53. In order to ensure that the anti-racism campaign was effective and had a genuine impact on public opinion, a campaign entitled “Racism is your problem too” was carried out. This campaign was organized by Citizens’ Initiative: the People against Racism and took place shortly before Christmas 2001, the logo chosen being a heart held by two different hands. The campaign was held throughout the country and used hoardings, posters, the press and electronic media. The Office of the Government spent a total of SK 174,000 on this campaign.

*(h) Study of the ethnic structure of the population*

54. In reply to recommendation 7, we wish to state the following. According to the results of the May 2001 census, Slovakia comprises 89,920 (1.67%) citizens who say they are of Roma nationality. The majority of the Roma population live in the Presov region (4%) and in the Kezmarok district (8.8%). Nevertheless, according to educated estimates, the actual number of citizens of Roma origin is between 360,000 and 420,000. Before the 2001 census, the Government, through the “Assert your identity” programme, had supported the campaign in the course of which the Roma newspaper *Romano nevo l’il* distributed 16,000 awareness-raising posters. Despite this campaign, and despite the other positive action taken (census forms were translated into the Roma language, the Statistics Office appealed to Roma to work as census-takers, various campaigns were organized by Roma NGOs), Roma nationality was claimed by only 15 more people than in 1991. Consequently, the Roma national and ethnic identity crisis still exists.

55. The existence of Roma settlements remains a specific problem; they number 620 and are home to about 130,000 people. The settlements are characterized by a high level of unemployment, low educational standards, a high birth rate, minimal hygiene and serious exclusion from mainstream society. Among the people living in these settlements, approximately 6,400 have a job and 1,500 are training for an occupation. The territorial distribution of the Roma communities is unbalanced, as they are situated mostly in the east of the country and in the districts in the southern part of central Slovakia. About two-thirds of the Roma live in these areas.

56. The level of poverty of the Roma in Slovakia is due to two fundamental factors: the level of development of their region (economic situation, employment structure, educational standards, type of infrastructure) and, in that context, the degree of integration (the more isolated the Roma community, the higher the level of poverty).

57. Attempts to integrate the Roma settlement communities have in a number of cases been obstructed by the Roma themselves who, for many years, have voluntarily lived apart and in isolation.

58. Despite this, the Government is endeavouring to implement an effective plan for the integration of the Roma ethnic group within the mainstream society.



## **2. Measures taken by the police services, the prosecution service and the courts**

### *(a) Decisions and measures aimed at prohibiting discrimination*

59. During the past two years the principal activities of the Ministry of the Interior have been as follows: establishment of a commission to deal with racially-motivated violence, appointment in the police service headquarters and in the regional police headquarters, of officers specializing in monitoring extremism, and involvement of the tertiary sector in the handling of these problems.

60. In reply to the Committee's recommendation 10, we give below a few examples of police activity to combat racial intolerance and wish to state the following:

(a) Publication of the "Methodology for detection, elucidation and documentation relating to criminal acts motivated by racial, national or other intolerance, or committed by members of extremist groups". The "Methodology" focuses mainly on the monitoring and presentation of racist, extreme-right groups. It draws attention to the symbols used by these movements and recommends appropriate procedures for detecting racially-motivated crime. It is intended, in particular, to enable the police to familiarize themselves with the forms, methods and procedures for establishing the most effective possible documentation on these criminal activities. In 2002, in cooperation with the Foundation for an Open Society, an expanded edition of the "Methodology" was published. In the same year, also in cooperation with the Foundation for an Open Society and with Citizens' Initiative: the People against Racism, letters were published containing graphic pictures of the symbols of extremist groups, and were distributed to all police officers operating directly on the ground.

(b) Action by the police as part of the effort to involve all relevant players in the campaign against racially-motivated crimes. An initiative to this end was developed by a number of NGOs, notably Citizens' Initiative: the People against Racism, the Citizen and Democracy Foundation, the Foundation for an Open Society, the ZEBRA Association of Afro-Slovak Families and the League of Human Rights Activists. Apart from the police services, the examination section of the Prosecutor-General's Office participated in the Commission's activities. Thanks to these activities, the Commission to Deal with Racially-Motivated Violence was set up by the Ministry of the Interior. This Commission meets regularly once every three months to deal with current problems. Several interesting activities and initiatives have resulted from the preparatory work of the Commission.

(c) Need to establish a national strategy to combat racially-motivated violence. An exhaustive analysis of the state of extremism and xenophobia in Slovakia should form an integral part of this strategy. In addition, this analysis should cover problems relating to the number of cases of racially motivated violence and xenophobia, and the various other related negative phenomena.

(d) The Criminal Police Bureau is responsible for preparing an annual report on extremism in Slovakia; in future, these reports will be made public on the Internet.

(e) NGO personnel have expressed an interest in taking an active part in the preparation of police training programmes in the police secondary vocational schools (known as "SOŠ PZ"). In principle, their members give priority to intensive and effective training, notably through interactive workshops and for simulation activities.

(f) In the course of the activities of the Commission to Deal with Racially-Motivated Violence, the question has been raised whether and where there has been unlawful treatment by police officers. These cases are examined by this Commission and by the competent branches of the police service.

61. In Slovakia there are about 80 police officers of Roma nationality. It may be assumed that, as a result of the increase in the number of officers of Roma nationality, there will be greater mutual understanding and acceptance by this ethnic group and the police.

62. The Prosecutor-General's Office has begun to cooperate with specialists in racially-motivated crimes in the police service headquarters and in the judicial police with the aim of dealing operationally with problems of implementation and other problems which have emerged in the practice of the competent authorities in the course of preparatory criminal proceedings. This has already yielded positive results.

63. In the Prosecutor-General's Office and in each district and regional prosecution service, a prosecutor specializing in criminal proceedings for racially-motivated violence has been appointed. The prosecution service also monitors reports of crimes of this nature in the media and, where appropriate, reacts by ordering the initiation of criminal proceedings.

64. In the period 2000-2001, the prosecution service began cooperation with a number of public authorities and NGOs involved in protecting the rights of minorities (such as the Human Rights and Minorities Department within the Office of the Government, the Office of the Government Plenipotentiary for the Roma communities, the League of Human Rights Activists, Citizens' Initiative: the People against Racism, the Citizen and Democracy Foundation, and the ZEBRA Association of Afro-Slovak Families.

(b) *National system for monitoring racism and other forms of discrimination*

65. The Criminal Police's Violent Crime Department within the police service headquarters has prepared Regulation No. 27/2001 of the Ministry of the Interior relating to action to combat extremism and the establishment of a *Racism and Xenophobia Monitoring Centre* since 1 April 2001. The objective is, inter alia, to ensure greater effectiveness of police work in the prevention, detection and documentation of criminal acts committed by extremists and improved action to combat racism and xenophobia. At present, the Centre is developing its activities in order to launch the EXTREM information system, which will permit the processing of the relevant information concerning the above-mentioned problem. In 2002, an annual report on the state of and trends in extremism in our territory in 2001 was prepared for the first time. It is accessible on the Ministry of the Interior's web site [www.minv.sk](http://www.minv.sk) in Slovak and English.

### **3. Solutions to the problems arising in connection with the Roma population in the Slovak Republic**

66. The Principles governing government policy vis-à-vis the Roma (hereafter referred to as the "Principles") were adopted on 9 April 1991. The question of the legal status of the Roma as an ethnic community has been dealt with in the Principles by recognizing that they have an ethnic status equivalent to the status of the other minorities resident in Slovakia, which has meant that the Roma have been recognized as a nationality.

67. Under the Constitution and the General Political Declaration of the Government of 1998, support for specific programmes for integrating the Roma minority in the life of society and the

establishment of the necessary organizational structure have become basic principles of the Government's Policy with regard to Roma problems. The Government's intention is also to channel resources towards a long-term education and teaching programme for Roma children, to promote employment and to involve the Roma community in the improvement of the quality of life. The objective is to create in this country a multicultural society able and willing to respect persons whose traditions, customs, cultures and languages are different. It is at the same time necessary to integrate the Roma community in society while safeguarding the specific characteristics of this national minority. Nevertheless, full integration will be feasible only if this minority is emancipated and the majority comes to accept its distinguishing characteristics.

68. Being conscious of the extent and complexity of the problems of the Roma national minority and its coexistence with the majority, the Deputy Prime Minister for Human Rights, Minorities and Regional Development, with the support of the Friedrich-Ebert Foundation in March 1999 in Cilistivo, organized a working meeting of experts or round table to deal with the problems of the Roma minority. The meeting was attended by representatives of the administration, the churches, Roma organizations, cultural associations, minority associations, diplomats and other important international institutions. Mr. Max van der Stoep, High Commissioner on National Minorities within the Organization for Security and Cooperation in Europe, also participated in this meeting, at which recommendations addressed to the Government were prepared and adopted. These were subsequently incorporated in the Government's Strategy for resolving the problems of the Roma national minority and the set of measures for its implementation, which was being drawn up at that time.

69. In February 1999, the Government created the post of Plenipotentiary with responsibility for resolving the problems of the Roma minority. In April of that year, the Government Plenipotentiary, in cooperation with the British Know-How Fund, organized a second round table which was attended, inter alia, by representatives of the Roma citizens' associations and parties. On the basis of the results of these two meetings and the work of experts, the Office of the Government Plenipotentiary formulated and submitted to the Government the above-mentioned plan for a long-term conceptual solution of the Roma problem in Slovakia. The dossier entitled "Strategy of the Government of the Slovak Republic for resolving the problems of the Roma national minority and the set of measures for its implementation – First stage" (hereafter referred to as "the Strategy") was introduced and discussed also in the Government Council for the National Minorities and Ethnic Groups. Subsequently, the Strategy was adopted by the Government on 27 September 1999 as a guideline establishing priorities for dealing with the Roma problem at various levels and at different periods. The guideline maintains continuity in several respects and thus constitutes a link with the positive examples of the past.

70. In August 1999, the Government adopted the dossier entitled "Report on the state of treatment of the Roma problem", establishing a number of responsibilities for the Ministries and for the Government Plenipotentiary in connection with the resolution of the problems of the Roma minority.

71. On 3 May 2000, the Government adopted the dossier entitled "Detailed Strategy of the Government of the Slovak Republic for dealing with the problems of the Roma national minority and specific measures for the year 2000 – Second stage". Through the Detailed Strategy, the State authorities at all levels have engaged in cooperation with local NGOs. The dossier presents the second stage of the Government's Strategy, which may be characterized as a set of specific responsibilities for implementing the proposals adopted in the context of the first stage of the Strategy. The responsibilities mentioned represent the result of grass-roots work and

proposals. The person responsible for coordinating the implementation of the measures taken is the Government Plenipotentiary for resolving the problems of the Roma minority. To ensure the success of this activity, cooperation is planned with Roma and non-Roma citizens' associations and with various NGOs.

72. In reply to the Committee's recommendation 13, we wish to state the following. On 10 April 2002, the Government adopted Decision No. 357, in which it approved its priorities in relation to the Roma communities for 2002. These include the comprehensive programme for development of the Roma settlements and the programme for social workers operating on the ground. The two programmes are aimed at improving the situation of the Roma settlements selected through the construction of housing and infrastructure, support for education, seeking possibilities for their economic development, support for businesses and direct work on the ground.

(a) *Education and training*

73. A study concerning the place of Roma children and pupils in the education system was started in 2000 and completed in September 2002. According to the study, during the school year 2000/2001, 128,918 children were receiving pre-school education, including 4,391 Roma children, which represents 3.41% of the number of pupils enrolled in nursery schools. Over the same period, 47,701 Roma children were attending primary schools, which represented 8.28% of total enrolment. Precise and official statistics on numbers of students by nationality are not kept in the Slovak Republic. According to data from the secretariat of the Government Plenipotentiary for the Roma communities, more Roma students attend secondary vocational centres (about 8%). All in all, about 2,000 Roma have attended secondary schools and 800 have attended universities.

74. In reply to the Committee's recommendation 11, we would state that, in the areas of education and training, the Government's objective is to establish the conditions for modification of the education system so that Roma children are able to achieve the same level of success as other children, and thus complete their training. The education of children in pre-school establishments is for a minimum period of one year before compulsory schooling, with the aim of acquiring the physical and mental skills, including language training, essential in order to successfully complete the process of education and training. Multicultural education will form an integral part of the long-term concept of the development of education and training, and this is currently the subject of public debate.

75. The Wide-Open School Foundation continues to implement, in selected primary schools, the "Roma assistants" project (teaching assistants, who currently number 25). In the Department of Roma Culture within the Faculty of Education at the Constantine the Philosopher University in Nitra, a course is planned on a new specialized subject – "Social and missionary work among the Roma". It is also planned to renew the specialized subject "First-level education in primary schools". In four selected schools, the international EURROM project is being carried out: integration of the Roma-gypsy culture in school and non-school training. The project is being carried out in the context of the Socrates-Comenius programme and receives financial support from the European Commission.

76. Within the Office of the Government Plenipotentiary for the Roma minorities, a language commission has been set up; its members are experts from the Roma community, the Slovak Academy of Sciences, the Ministry of Education and the Ministry of Culture. The role of the commission is to work on the basic elements for the recodification of spelling in the Roma

language. In 2002, a dossier was prepared for presentation to the Government entitled “Information concerning the state of preparation of recodification of the Roma language”. The commission made the recommendation that the Eastern Slovak dialect should become the basis for the spelling of the Roma language – the Roma of Eastern Slovakia. Approximately 80% of Roma in Slovakia use it as their spoken language.

77. With effect from 1 September 2002, an amendment to Act No. 29/1984 (Schools Act) entered into force. It relates to the system of primary and secondary schools and is contained in Act No. 408/2002, establishing a preparatory class in primary schools and the profession of teaching assistant as an educational employee in nursery schools, ordinary primary schools and primary schools for children with difficulties. This legislation reflects an approved conception of the education and training of Roma students and children and is integrated in the National Programme for the development of education and teaching in Slovakia for the forthcoming 15-20 years. The aim is to increase the number of Roma children receiving pre-school education from the age of three, to ensure the awareness and responsibility of legal representatives for the schooling of children, to establish the legislative definition of preparatory classes in primary school and to expand the catalogue of occupational activities by adding the post of Roma teaching assistant, to improve the quality of the education process as a function of effective pedagogical research, and to ensure continuing education for the Roma population.

78. In reply to the Committee’s recommendation 11, we wish to state the following. The Ministry of Education has adopted, with effect from 1 September 1999, the project entitled “Accelerating the success of Roman pupils”. Ten pilot primary schools for mentally handicapped pupils have been integrated in the project, together with seven experimental classes in five primary schools with a large percentage of Roma pupils.

79. On the same date, the project entitled “Reintegration of Roma pupils from the weak social and educational environment of the schools for difficult children within the mainstream population” was also approved. Five specific pilot primary schools intended for mentally handicapped children have been integrated in the project, together with five experimental classes in five other preparatory primary schools. The Ministry of Education has approved the continuation of this project from 1 September 2002 until 2004.

80. For the period September 2002 - August 2003, a project was adopted for the purposes of the experimental verification of supplementary school texts on Roma themes: the “Happy letters”. Four primary schools in the Presov region with the largest number of Roma pupils have been integrated in the project. In these schools, two classes are experimental and two others are serving as pilot classes. The purpose of the project is to monitor the effectiveness of the supplementary school texts with a view to accelerating the success of Roma pupils and improving the social and emotional atmosphere within the classes.

81. Under the reform of the payment of family allowances in accordance with article 18 (2) of Act No. 281/2002 relating to the child allowance and the supplementary family allowance, pursuant to the terms of Act No. 685/2002, as from 1 January 2003 child allowances have been linked to the attendance of the children in school. The purpose is to improve school attendance by Roma children.

82. The international seminar “The Roma and social education in the conditions existing in nursery and primary schools” was held from 7 to 9 June 2001 and was attended by 165 personnel from nursery and primary schools with large numbers of Roma children, and from non-governmental associations of Roma citizens in Slovakia and the Czech Republic. In

May 2002 a technical seminar was held with the aim of ensuring the full success of the introduction of Roma assistants for teachers in the education system as from the school year 2002/2003.

83. The National Millennium Programme for the Development of Education and Training, adopted by the Government on 19 December 2001, is aimed at achieving, over the next 15 to 20 years, the goal of providing education and training for Roma children and pupils in Slovakia.

*(b) Culture*

84. The Government ensures the necessary conditions for safeguarding the cultural values of the national minorities as the cultural heritage of the State through the various citizens' associations, through periodic and occasional publications, through theatres and museums, through the activities of professional folklore groups, through the activities of regional cultural centres and through broadcasts in the languages of the national minorities. The Ministry of Culture, which is responsible for the cultural affairs of the national minorities, has set up a specific unit to this end: the Minority Cultures Section. The coordinating body for questions relating to the national minorities is the Office of the Deputy Prime Minister for Human Rights, National Minorities and Regional Development. In 1999, the Ministry of Culture allocated a total of SK 1,803,000 to development of the culture of the Roma minority. In the year 2000, a total of SK 6,054,980 was allocated for this purpose. In 2001, Roma culture projects received funding amounting to SK 5,398,000. At the end of November 2002, the film Amare Roma ("Our Romany"), which formed part of the European televised training programme, was shown in Slovakia. Through the 26 episodes of the Roma video, the public have been able to get to know the Roma actors, the bases of Roma language teaching and even Roma gastronomy. The videos can also be used as CD media for teaching purposes in schools.

*(c) Social situation and employment rates*

85. The social situation of the Roma in Slovakia is characterized, inter alia, by high unemployment. During the period 1999-2001, the unemployment rate was extremely high and in many Roma settlements it stood at 100%. Precise statistics for Roma unemployment do not exist, but according to estimates the unemployment rate is highest in districts with a high percentage of Roma inhabitants. Generally speaking, up to 80% of the Roma population are dependent on the State social network (12.5% of unemployed persons, 60% of children and housewives, and 7% of retirees).

86. The Government creates the conditions for the more effective participation of charitable organizations, associations, foundations and other non-State entities in the system for the provision of social assistance to the Roma community, who live mainly in the Roma settlements. The social assistance is aimed in particular at the social protection of Roma children from families living in a state of material and social insecurity.

87. With the adoption of the Strategy, the Government has established conditions enabling social workers on the ground, specializing in the treatment of the problems of citizens in need of specific assistance, to concentrate their work on solving the problems of the Roma minority. Similarly, the adoption of the Strategy has made it possible to create the conditions necessary for the establishment of the post of adviser to the chief regional officer on the solution of the problems of the Roma minority. In the various regions, commissions have been set up to work as advisory bodies to chief officers. The social workers on the ground are required to provide

counselling for Roma families in the social, educational, training and employment fields, while at the same time helping to solve problems relating to housing, education and hygiene.

88. In reply to the Committee's recommendations 12 and 13, we wish to state the following. In 2001, the public works programme was continued and gave long-term unemployed persons the possibility of reacquiring working habits and returning to the category of persons unemployed for economic reasons, which meant that they were able to regain the right to full social assistance benefits. In cooperation with the Directorate General of the National Labour Office, in 2001 several meetings were held on pilot employment projects for the Roma population: the Arion project, which had also been carried out in Hungary, and the employment projects for Roma inhabitants in the district of Revuca.

*(d) Improvement of housing conditions*

89. Housing is one of the most disturbing problems for the Roma in Slovakia. Inappropriate housing conditions and generally low housing standards are some of the main factors resulting from a poor socio-economic situation. Most dwellings in the Roma settlements fall short of current technical standards and standards of hygiene. The houses are built by the Roma themselves, without a permit and without regularization of the legal status of the land. The statistical research undertaken through the "Annual survey of housing complexes of a low socio-cultural standard", conducted at the end of 2000, shows that at that time in 620 Roma settlements a total of 32 did not have access to drinking water, 102 settlements were not connected to the public electricity network and 53 others had no local access road. Some 128,000 people live in settlements, including 50,100 children under the age of 15. The total number of inhabitants mentioned were distributed among 23,781 families living in 14,534 dwellings.

90. In the light of the above-mentioned facts, the Government adopted, through Decision No. 335/2001, the Programme of support for the construction of communal rental housing of a different standard, with a view to accommodating citizens living in a state of material insecurity in the Roma settlements. Financing in the amount of SK 2,470 million was allocated to this programme. Since 1 March 2001, an amendment to the relevant directive has been in force, defining the regulations for the granting of subsidies for the construction of rental housing, and establishing that the commune will receive subsidies amounting to up to 80% of the price of a rental dwelling of a different standard in a Roma settlement, the remaining 20% to be derived from the work of the future tenants themselves. So far, dwellings have been built in Nalepkovo, Spisska Nova Ves, Filákovo, Egres and Rimavská Sec. The reception of 88 dwellings out of the planned total of 176 in the town of Presov (Stara Tehelna locality) was of particular importance in 2001. In the commune of Rudnany a number of buildings have been upgraded and 31 dwellings for 220 inhabitants have been brought into use. In 2002 the construction of 235 dwellings was approved and the construction of a further 1,173 is at a preparatory stage.

91. In the last quarter of 2001, the secretariat of the Government Plenipotentiary for the Roma communities, in conjunction with several ministries, prepared a Comprehensive programme of development of Roma settlements. The aim of this Programme is to install amenities in the settlements, a road-link to the nearest commune and technical infrastructure, to lessen and gradually eliminate social segregation, to change public opinion of the Roma in the commune and to create an area for the gradual integration of the Roma within the commune.

(e) *Hygiene, health, food and supplies of services*

92. In reply to the Committee's recommendation 14, we wish to state the following. Several studies undertaken in Slovakia have proved that hygiene awareness and care for health among most members of the Roma ethnic group are at a lower level than among the mainstream population. The scheduled projects are mostly concentrated in the east of Slovakia, where there are a large number of Roma settlements. These settlements are, in economic and social terms, more underdeveloped than the Roma settlements in Western Slovakia.

93. Among the main reasons for the poor state of health of the Roma minority reference must be made, in particular, to the low level of education, the inadequate level of individual and communal hygiene, environmental pollution, the lack of good-quality drinking water, poor eating habits, the effects of tobacco and alcohol, and also in recent years drug addiction.

94. The way of life, in other words, the lifestyle of the inhabitants of the Roma settlements and its improvement are directly linked not only to the problem of the emergence of infectious diseases, but also, to a large extent, to the emergence of chronic non-infectious diseases such as cardio-vascular, tumorous diseases and respiratory diseases. For this reason, health education and hygiene courses are regularly organized, primarily for the inhabitants of the Roma settlements, with the aim of improving eating habits, preventing addiction to tobacco, and reducing consumption of alcohol and illegal drugs. Efforts are being made to link preventive medical examinations of adults by general practitioners, and also by gynecologists in the case of women, to specific educational activities aimed at this population group.

95. The low standard of individual and communal hygiene of the inhabitants of the Roma settlements is a frequent cause of transmissible diseases. They involve the following infections:

(a) Intestinal infections, notably type A hepatitis. In the infected areas, medical personnel in the Roma settlements implement anti-epidemic treatment and prevention measures, including active or passive immunization (administration of vaccines, etc.) of persons who have been in close contact with a sick person;

(b) Infection through air-borne transmission – the increased incidence of measles among the child population during the period 1997-1998 considerably influenced the morbidity rate of Roma children whose parents had not had them vaccinated punctually, despite repeated invitations to do so. In the infected areas, orders have been given to vaccinate all children who have not yet been vaccinated and to lower the age of vaccination.

96. In Slovakia, the vaccination of the child population (including Roma children) and selected risk groups (including Roma) is compulsory and provided for in legislative regulations. Under the Government's decision of 20 December 2000, a project for the reduction of the risk of propagation of type A viral hepatitis has been formulated and carried out, in the context of the programme of environmental sanitation, improvement of hygiene and the prevention of infectious diseases among Roma inhabitants living in settlements; the project has received a subsidy of SK 6 million. Preventive vaccinations against type A hepatitis have been carried out in the most underdeveloped settlements in the zones of most frequent incidence of this infectious disease among the Roma population. Following the success of the project, it is being continued.

97. The incidence of transmissible diseases such as dysentery and other diarrhoeal diseases among young children is another problem. In terms of the clinical development and impact of



the disease, invasive meningococcal infections are the most serious, incidence being due to the patients' standards of hygiene. The concentration of inhabitants in the Roma settlements, in relation to the emergence of these diseases, has always been very significant in recent years and is linked to relatively high mortality. Given the fact that in the settlements one room is occupied by several Roma and that dwellings are not connected to a sewage disposal system, the emergence and spread of various infectious diseases are more frequent.

98. Through the Ministry of Public Health and other specialized organizations and institutions, the monitoring of execution of these projects is ensured and at the same time medical personnel (paediatricians, general practitioners and nurses) are encouraged to participate in other pilot programmes aimed at improving the health of the Roma population. By means of large-scale monitoring, preventive visits by medical personnel and the organization of preventive vaccination, these diseases are in retreat. Medical personnel in the regions concerned adopt a policy of positive discrimination when dealing with Roma children and young people, since only by this means is it possible to ensure repeated vaccination of the Roma population.

99. On the basis of a number of technical studies it has been found that the Roma populations are under greater threat from cardiovascular and cancerous diseases than the mainstream population. Through the large-scale implementation of the national programme for the prevention of cancerous and cardiovascular diseases since 2001, efforts are being made to change this situation.

100. The Roma population are not deprived of access to drinking water. Nevertheless, the problem of drinking water supply in the Roma settlements has not yet been completely solved since only 51% of their inhabitants are supplied with drinking water from the public distribution networks. The highest rate is in the Bratislava region (100%) and the lowest in the Presov region (45.8%). Some of the Roma population obtain water from untreated wells or directly from watercourses. Dealing with the problem of drinking water supply forms part of the efforts being made to improve standards of hygiene in the settlements. The other tasks consist in solving the problem of sewage disposal and preventing the accumulation of rapidly-decomposing waste. By instilling habits of basic hygiene, by improving hygiene awareness among the Roma population and by solving the above-mentioned problems, we are endeavouring to achieve the objective set.

101. Through the National Health Promotion Centre in Bratislava, the following projects, formulated by the Health Education Institute in Bratislava, have been executed:

- (a) Improvement of health awareness among Roma children aged 6-9;
- (b) Improvement of health awareness among Roma children aged 10-15;
- (c) Counselling of Roma in married life and family planning.

102. The execution of the above-mentioned projects has been oriented towards children and young people since changes in attitudes and behaviour must in fact begin with children and young people. The success of these projects also depends on the installation of drinking water supply and sewage disposal systems in the Roma settlements.

103. Given that there is an objective benefit to be gained from data on the duration of life, diseases and mortality among the national minorities, the Preventive and Clinical Medicine Institute in Bratislava has undertaken a research project on the diet and lifestyle of three ethnic groups within the Slovak population. The objective of the project was to obtain the data sought

by means of an epidemiological and biochemical survey of the state of health of the Roma minority by comparison with the mainstream population. It will be possible to use the results obtained by means of this study in other projects aimed at the treatment of the health problems of the Roma community.

104. A sensitive indicator of public health is that of life expectancy. The average life expectancy for men is 66.5 years, but the figure is 12 years less (54.5 years) for Roma men. There is also a significant difference in the life expectancy of women: whereas the average in Slovakia is 76.5 years, the figure is 10 years less for Roma women (66.5 years). Life itself in the Roma settlements is at risk owing to the lack of drinking water and sewage disposal and septic tank systems, the presence of accumulations of solid waste at different stages of decomposition, overcrowded homes and the non-existence of adequate access roads.

105. According to data from the Ministry of Health, the largest proportion of inhabitants without a drinking water supply live in settlements in the Presov region (51.4%), followed by the region of Kosice and Banská Bystrica. Consequently, the Ministry established, in 2001, a “Programme of environmental sanitation, improvement of conditions of hygiene and prevention of infectious diseases in inhabitants of Roma settlements”.

106. In order to ensure protection of the reproductive health of Roma women, and in the context of medical care, Roma women are guaranteed the greatest possible access to health, of which medical care, preventive care and dispensaries form integral parts, together with the protection of reproductive health.

107. Gynaecological and obstetric care is provided by female doctors and nurses, and comprises the protection of reproductive health. The health establishment network is made up of public and non-public establishments. There are three categories of treatment and preventive care:

- (a) Primary care;
- (b) Secondary care;
- (c) Highly specialized care.

108. Primary care comprises prompt diagnosis of pregnancy and prenatal care for women with a normal pregnancy or risk pregnancy. In the context of primary care, the attention of gynaecologists is also drawn to family planning and contraception, the priority given to contraception over abortion, active efforts to identify women at risk of undesirable pregnancy and recommendation of the appropriate type of contraception. Women are familiarized with contraception, its reliability, safety, favourable effects, secondary effects and possible complications. When the different types of contraception are recommended, the wishes of the women concerned are taken into account.

109. Within the existing network of gynaecological clinics in Slovakia, all forms of modern contraception are available. The number of users of oral contraception increased from 2% in the early 1990s to 18.5% in 2002. Over the same period, there was a decline in the number of intra-uterine devices used – from 15% to 7% in 2002.

110. The rate of use of sterilization as one of the safest and most reliable forms of contraception is only 0.1% in Slovakia. A contributory factor is the directive relating to

sterilization establishing the list of health conditions and indications in which sterilization may be practised.

111. Since 1987, a law on abortion has been in force in Slovakia; it is comparable with those of the EU countries and respects the woman's freedom of choice. Following the entry into force of this law, there was a temporary increase in the number of abortions, but since 1988 there has been a steady and substantial decrease. With the exception of the Czech Republic, this decrease (of 70%) has probably been unequalled in any other European country over the past 14 years.

<b>Year</b>	<b>Number of women (aged between 15 and 49)</b>	<b>Number of abortions carried out</b>
1988	1,000	43
2002	1,000	11

112. Access to health services in the area of the protection of women's reproductive health is simple and the services are of good quality. Free care is provided not only for pregnant women, but also for women using hormonal or intra-uterine contraception. Women with a higher education and a better awareness of their rights generally demand this type of care; Roma women, but also women in other disadvantaged groups, do not often ask for this care.

113. The current health care system has eliminated home visits by midwives. Within the Roma community and other disadvantaged groups this type of service has played an important, not to say irreplaceable role. The nurses knew the community, enjoyed its trust and were able to arouse women's interest in prevention. Also for the above-mentioned reasons many training courses are being organized through the public health establishments for medical personnel and, on a priority basis, for members of the Roma community involved in the protection of women's reproductive health and in family planning.

114. In November 2000, the project entitled "Protection of the reproductive health of Roma women and girls" was initiated in a selected region. The objective was to create a model for therapeutic and preventive care aimed at improving the reproductive health of Roma women and girls and that of a smaller group of non-Roma, less socially adaptable women. In view of the success of this project, in 2003 the Government allocated funding in the amount of about SK 300,000 for its continuation. Once supplementary funding had been obtained, it is planned to extend the project to other selected regions with a large Roma population.

115. Every citizen of the Slovak Republic, and hence members of the Roma ethnic group and other minority groups, are guaranteed the right to the highest level of access to health. Given that members of the Roma ethnic group, because of cultural differences, do not fully enjoy their rights, the Ministry of Health has asked the Slovak University of Health to establish a working methodology in the field for medical assistants in the Roma settlements, with positive discrimination in favour of Roma citizens. The choice of future assistants will be made in cooperation with representatives of the Roma organizations. Training courses will be organized on a priority basis in regions with a large Roma population. The Ministry of Health will establish a model for mobile medical units, which will be accompanied by a project comprising financial coverage, proposals for team composition under the organizational authority of the regional communities, a training programme for members of the mobile medical unit, financing

procedure, further training, and action in a number of selected or remote regions with a large Roma population.

(f) *Material and human resources to deal with the problems of the Roma ethnic group*

116. The Government's Strategy for resolving the problems of the Roma minority, and the measures for its implementation (first stage), created for the Plenipotentiary the obligation to coordinate the establishment and implementation of specific projects. In 2000, the Government adopted 102 projects subsidized from the national budget - Chapter: General management of accounts, Reserve for projects to deal with the problems of the Roma community, and Social and cultural needs of the Roma community – totalling SK 30 million. In 2001 project execution remained solely at the level of allocation of funding from the general management of accounts. On 15 February 2001, the secretariat of the Government Plenipotentiary recorded in its database 517 projects accompanied by requests for financial support by the authors, totalling SK 1.1 billion. Subsequently, the Government allocated SK 30 million to support for 90 projects, of which 44 concerned the technical infrastructure of villages, the renovation of nursery or primary schools, or renovation of community centres (totalling SK 18.6 million), 19 projects in the area of culture (over SK 7 million), 12 projects in the area of education and training (over SK 1.1 million), and 10 projects in the area of promotion of employment (over SK 2.5 million); the remaining 5 projects concerned the social and health situation of the Roma.

117. In 2002, financing in the amount of SK 50 million was allocated in a form whose objective was not only effective use, but also the long-term maintenance of supported activities. Support was provided, in particular, for comprehensive programmes such as subsidies for studies in the context of the implementation of the Programme of support for the construction of communal rental housing, financing of the social workers on the ground programme and the comprehensive programme for the development of Roma settlements.

118. According to the official statistics of the Ministry of the Interior, the Roma minority have 19 political parties, 254 citizens' associations, five foundations, one non-investment fund and one non-profit organization. But the so-called Roma problem is also dealt with by dozens of organizations set up by persons belonging to the mainstream population, particularly since 1990.

**Use of resources from the national budget, 2000**  
**Chapter "General administration of accounts"**

<b>Government decisions</b>	<b>Reserve for projects to deal with the problems of the Roma minority (in SK) (number of projects)</b>	<b>Social and cultural needs of the Roma community (in SK) (number of projects)</b>	<b>Total (in SK) (number of projects)</b>
N° 222/2000 of 5/4/2000	8,473,250 (42)	1,583,900 (14)	10,057,150 (56)
N° 508/2000 of 6/7/2000	–	2,305,000 (12)	2,305,000 (12)
N° 711/2000 of 13/9/2000	299,300 (8)	6,911,100 (5)	9,210,400 (13)
N° 922/2000 of 8/11/2000	4,227,450 (14)	4,200,000 (7)	8,427,450 (21)
<b>Total</b>	<b>15,000,000 (64)</b>	<b>15,000,000 (38)</b>	<b>30,000,000 (102)</b>

**Use of resources from the national budget, 2001**  
**Chapter “General management of accounts at 31/10/2001”**

Government decisions	Reserve for projects to deal with the problems of the Roma minority (in SK) (number of projects)	Social and cultural needs of the Roma community (in SK) (number of projects)	Total (in SK) (number of projects)
N° 214/2001 of 7/3/2001	740,000 (2)	–	740,000 (2)
N° 364/2001 of 25/4/2001	–	5,000,000 (4)	5,000,000 (4)
N° 463/2001 of 23/5/2001	3,755,600 (14)	–	3,755,600 (14)
N° 770/2001 of 22/8/2001	3,307,400 (11)	1,439,700 (14)	4,747,100 (25)
N° 1031/2001 of 31/10/2001	7,197,000 (20)	8,560,300 (25)	15,757,300 (45)
<b>Total</b>	<b>15,000,000 (47)</b>	<b>15,000,000 (43)</b>	<b>30,000,000 (90)</b>

119. At the local elections held in November 2002, 669 Roma stood as candidates throughout the country, including 50 women. Twelve persons stood for election as mayors and one person stood for election as mayor of the city of Levoca. About half the total number of candidates were members of Roma parties (288), but the majority of members of non-Roma parties (340) and 41 Roma were independent candidates.

120. At the previous local elections in 1998, in the region of Eastern Slovakia alone, there were 128 candidates, of whom 98 were elected. Five candidates became mayors and another candidate became deputy mayor.

121. In reply to the Committee’s recommendation 9, we wish to state that the communal orders forbidding the entry of Roma into the communal territory of Nagov and Rokytovec in Eastern Slovakia have been rescinded and have never had legal relevance as they were contrary to the Constitution.

**B. ARTICLE 3. CONDEMNATION OF RACIAL SEGREGATION AND APARTHEID;  
PREVENTION, PROHIBITION AND ERADICATION OF ALL PRACTICES OF  
THIS NATURE; MONITORING RESULTS TENDING TO CONFIRM  
OR REFUTE THE EXISTENCE OF RACIAL SEGREGATION**

122. The conception of human rights under the Constitution is based on the principles of inalienability, imprescriptability and irrevocability. As already stated, fundamental rights and freedoms are guaranteed in the territory of the Slovak Republic regardless of sex, race, colour, faith and religion, political or other convictions, national or social origin, membership of a national or ethnic group, property, birth or any other status. No person may suffer any detriment, or be favoured or disadvantaged on these grounds.

**C. ARTICLE 4. CONDEMNATION OF ALL PROPAGANDA AND ALL ORGANIZATIONS MOTIVATED BY IDEAS OR THEORIES BASED ON THE SUPERIORITY OF A PARTICULAR RACE, AND ELIMINATION OF ANY INCITEMENT TO RACIAL DISCRIMINATION**

123. The previous report described in detail the State's commitments to characterize acts of a racist nature as offences under the law, to declare unlawful organizations or any other propaganda activity supporting or inciting racial discrimination, and to declare unlawful participation in such organizations. Reference was also made to the existing commitment of the State not to allow the national or local (public) authorities or institutions to support or incite racial discrimination.

124. The Criminal Code in force today also permits prosecution of the propagation of information inciting hatred of a particular race, nation or ethnic group or their defamation via the Internet. A crime thus committed is considered, under article 89 (3)(a), as a publicly committed crime, which under article 198(a) of the Code constitutes one of the material elements of the crime of incitement to national, racial or ethnic hatred. The reason for the introduction of this addition to the Criminal Code has been the desire to prevent problems of interpretation in practice. This amendment was introduced by Act No. 41/2002 amending or supplementing the Criminal Code.

125. Several NGOs have reported to the Government the existence of a number of organizations having a racially-oriented programme. This is one of the reasons why training programmes and campaigns are constantly organized with the objective of raising public awareness and appealing to the conscience of citizens. The Ministry of the Interior's police services and NGOs are endeavouring to detect and identify the authors of several dozen neo-Nazi sites on the Internet. A unit specializing in the detection of cybercrime has been set up within the police headquarters and the executive branch is increasing its efforts to impose penalties on the authors of neo-Nazi samizdat publications (Edelweiss, Garda, Biely boj, Zast', etc) and their distributors who, on the black market, sell racist-type medals, stickers, badges and T-shirts.

**D. ARTICLE 5. PROHIBITION AND ELIMINATION OF RACIAL DISCRIMINATION**

126. As the previous report gave detailed information on measures aimed at prohibiting and eliminating racial discrimination, we shall add just a few points.

127. In conformity with article 33 of the Constitution, membership of a national minority or an ethnic group cannot be exercised to the detriment of any other person. One of the basic principles of the Code of Criminal Procedure, under which the competent criminal authorities are required to scrupulously respect the civil rights guaranteed by the Constitution, is the guarantee of non-discrimination in criminal proceedings.

128. In conformity with Act No. 153/2001 relating to the Prosecutor-General's Office, it is stipulated that prosecutors are required, in all conscience, to enforce the Constitution and the international conventions promulgated in the conditions defined by law, to respect and safeguard human rights and fundamental freedoms, and to avoid any discrimination.

## **1 Right to citizenship<sup>4</sup>**

129. Act No. 40/1993 relating to the acquisition and loss of citizenship, as subsequently amended, contains no provision discriminating against foreigners who submit an application for Slovak citizenship. It is not facts such as, for example, residence or membership of a particular nationality, race or religion that are decisive in obtaining citizenship. Slovakia has ratified the European Convention on Nationality, which entered into force on 1 March 2000. Act No. 40/1993 is compatible with this Convention.

130. Under article 7(1) of the above-mentioned Act, it is possible to grant, at his request, Slovak citizenship to any person who is not a citizen of the Slovak Republic, has been continuously domiciled in the territory of the Republic for at least five years, knows the Slovak language and, in the past five years, has not been convicted of a wilful offence.

## **2. Right to freedom of movement and residence; right to leave the country**

131. In conformity with article 23 of the Constitution, freedom of movement and residence is guaranteed (as is the case with foreigners during the time they spend in our country) and any person who is authorized to reside in Slovakia has the right to leave it freely. Act No. 48/2002 relating to the sojourn of foreigners and to amendments and additions to certain laws does not limit the right of sojourn and free movement of foreigners in Slovakia if they are legally present. A foreigner only has an obligation to declare the place and duration of his stay, which is in conformity with article 2 of Protocol No. 4 to the Convention for the Protection of Human Rights and Fundamental Freedoms. In the case of illegal entry of a foreigner into the territory of Slovakia or in the case of unauthorized residence, a police officer is authorized to arrest the person in question, who may be detained for a maximum period of 180 days. The police officer is required to report the arrest in writing, and this report may be reviewed on the basis of an appeal by the foreigner. In conformity with the above-mentioned Act, a foreigner's right to leave Slovakia is not limited.

## **3. Sojourn of foreigners in Slovakia; deportation**

132. On 13 December 2001, Parliament adopted the above-mentioned Act No. 48/2002 relating to the sojourn of foreigners and amendments and additions to certain laws (hereafter referred to as "the Act"). The Act entered into force on 1 April 2002 and establishes the conditions relating to the entry, sojourn and supervision of sojourn of foreigners in Slovakia, the issue of the relevant documents to foreigners, the reasons and procedure for the arrest of a foreigner and deportation. The Act defines the same principles which will be applied under the EU regulations concerning respect for the conditions of residence and domicile of foreigners of third countries, and on the occasion of the procedure for the presentation and appraisal of applications for residence and domicile.

133. The new Act containing provisions on the sojourn of foreigners establishes regulations stipulating that residence permits shall be issued to nationals of third countries for purposes of employment, economic activity, study and family reunification. The Act establishes framework conditions for the implementation in practice of decisions on residence permits granted to citizens of third countries for purposes of employment, business and study. It further stipulates the family members and their conditions of entry and residence, in conformity with the Council of Europe resolution of 1 June 1993 on the coordination of national policies relating to family reunification and with the international conventions in the area of human rights and fundamental freedoms.

134. A residence permit may be issued to a foreigner, the husband or wife of a Slovak citizen or a foreigner who has taken up residence in our country or to a child of the above-mentioned persons up to the age of 18. The resolution on the coordination of national policies relating to family reunification was incorporated in the legal provisions relating to the issue of the residence permit. These provisions are fully compatible with the international conventions guaranteeing the right to family reunification.

135. The above-mentioned Act, which supplements the relevant domestic provisions, establishes the procedure to be used by the police if there is justified suspicion that a marriage of convenience is involved with the aim of obtaining a residence permit. In that case the application for a residence permit may be refused.

136. The Act also introduces a new legal regime concerning tolerated residence, a permit for which is issued to a foreigner residing in our country if he does not meet the requirements for the issue of a residence permit and who for objective reasons cannot leave the country or be deported. The tolerated residence permit is issued for a period of six months to a foreigner who cannot be deported, in conformity with the relevant international agreements, who cannot leave the country even though there is no reason for arresting him or to whom temporary protection has been granted.

137. The Act provides for the supervision, by the branches of the police service responsible for detecting illegal residence of foreigners who have entered or are living in the country illegally. The provisions concerning deportation are comparable to the measures taken by States parties in the course of the expulsion procedure, and to the commitments resulting from the Convention relating to the Status of Refugees (Geneva, 1951), the Protocol relating to the Status of Refugees (New York, 1967) and the international conventions relating to the protection of human rights and fundamental freedoms, notably the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment adopted on 26 June 1987. The above-mentioned international conventions are also complied with in the case of procedures for placing illegally resident foreigners in police detention or foreigners in asylum centres.

138. The Act also contains provisions under which the police must report in writing any decision concerning the arrest of a foreigner before deportation. Every foreigner has the right to appeal against this decision to an independent tribunal within a period of 15 days. Under the Act, the collective deportation of foreigners is prohibited.

#### **4. Procedure relating to the placement of foreigners illegally resident in Slovakia**

139. The procedure used by police officers for the placing of foreigners in the detention centre for foreigners in the commune of Medved'ov is set out in Ministry of the Interior regulation No. 53/1998 concerning the placement of foreigners in police detention centres. The placement of foreigners in the foreigners detention centre in the commune of Secovce is provided for in police regulation No. 15/2000 concerning the placement of foreigners for whom a place of residence has been designated. Foreigners illegally resident in Slovakia may be placed in detention centres on the basis of a written decision concerning detention or designated place of residence.



140. Foreigners in the following categories are placed in detention centres:

- Those who are to be deported from Slovakia;
- Those who are to be handed over to the authorities of another State in conformity with a bilateral convention;
- Those who are not in possession of a ticket and concerning whom there is justified suspicion that they are illegally resident in the country.

The detention centres are intended primarily for parents accompanied by their children or for groups of foreigners. Detainees are escorted to the detention centres by officers of the police services responsible for matters relating to foreigners or, in some cases, following a request by another branch of the police service.

141. In the case of the detention of foreigners, particular requests and needs and specific psychological and physiological characteristics of foreigners are respected, especially those of pregnant women; parents with children under 15 are placed with the children. Before a foreigner is placed in a detention centre, he is examined by a doctor. If a foreigner's clothing is inadequate or unhygienic, he will be loaned clothing by the centre.

#### **5. Status of refugees in Slovakia; refusal or authorization of asylum**

142. At present, the legal status of refugees is defined by Act No. 480/2002 relating to asylum and to amendments and additions to certain laws, which entered into force on 1 January 2003. The Act has taken account of the demands of the EU, including those concerning the establishment of an independent appeal tribunal for asylum-seekers to whom refugee status has not been granted by decision of the competent authority. This competence lies with the judicial authorities.

143. Refugee status is granted to a foreigner who, vis-à-vis a State of which he has citizenship, has a justified fear of persecution because of his race, national origin or religion or because of his political opinions or membership of a particular social group, and who consequently cannot or does not wish to return to that State. This is also valid for stateless persons or for humanitarian reasons.

144. Refugee status is not granted to a foreigner who does not legally meet the above-mentioned conditions, namely, those of article 7 of the Act, in other words, if he has committed a crime against peace and humanity, if he comes from a country vis-à-vis which his expressed fear is not credible, if he has been found guilty of a particularly serious wilful crime in a final decision or if he has been found guilty of acts at variance with the purposes and principles of the Charter of the United Nations. A foreigner who has obtained refugee status is authorized to reside in the territory of the Republic and will be granted a residence permit.

#### **6. Right to freedom of thought, conscience and religion**

145. The churches and religious societies have guaranteed rights, for example, the right to subsidies from the State budget, the right to undertake training and education activities and spiritual activities within Slovak schools, public health establishments, the media, etc. They have the right to organize collections in order to ensure their operation. Earnings from the

management of funds obtained in this way are exempt from tax, in conformity with Slovak legislation, and are not subject to the obligation of public accountability.

146. At present, a new bill is being drawn up which will establish a new basis for the financing of priests and the central administration of the churches in the light of the number of regular worshippers. The new regulations will stipulate the maximum number of priests eligible for State funds to pay for their salaries.

147. The churches and religious associations are able to freely exercise their activities *de jure* and *de facto*, regardless of whether or not they are registered, as is borne out by the free activity of many non-traditional religious groups.

148. On 18 December 2000, the basic treaty between the Slovak Republic and the Holy See was ratified at the Vatican. This treaty provides, *inter alia*, for the preparation of four partial treaties (on the financing of the Church, on religious education and instruction, on spiritual service in the armed forces and the army corps, and on conscientious objection). Eleven registered churches and religious societies have joined this trend towards contractually defining relations between the State and the churches, and they have drawn up the text of the draft agreement between the State and the registered churches and religious societies. The agreement was signed on 11 April 2002 by the representatives of the State and the churches concerned.

149. The value of concluding an international treaty on assistance to practising Catholics in the armed forces and army corps between Slovakia and the Holy See is demonstrated by the positive experience derived from the presence of chaplains in the army.

## **7. Right to establish trade unions**

150. Article 37 of the Constitution guarantees to every person the right to freely associate with others with a view to ensuring the protection of his economic and social interests. At present in our country there are 519 trade union organizations and employers' organizations.

## **E. ARTICLE 6. PROTECTION AGAINST ALL ACTS OF RACIAL DISCRIMINATION**

151. In this part of the report we will mention the official data concerning the number of final decisions handed down by the courts in cases involving crimes motivated by racial, anti-Semitic or xenophobic hatred, and the regulations relating to the compensation of victims of violent crime.

152. In 1998, 23 final decisions were handed down, as opposed to 12 in 1999 and 13 in 2000. In 2000 and 2001, the number of criminal proceedings initiated in respect of racially-motivated crimes increased considerably. Whereas in 1997 there were 8 criminal proceedings of this type, there were 15 in 1998 and 11 in 1999; in 2000 they numbered 25 and in 2001 they increased to 27. This statistical increase does not mean that there was an actual increase in criminal activities of this type in 2000 and 2001. It is rather the consequence of the training received by prosecutors and police officers, the guidance given by the competent authorities, and the resolution of litigious questions relating to the interpretation of certain provisions of the Criminal Code.

153. As soon as a crime is detected and during the preparatory procedure, racial motivation is checked much more carefully than in the past, and this is reflected in the legal characterization

of the behaviour of the offenders. In previous years, racially-motivated acts were sometimes treated simply as public order offences or wilful attacks against the person, without applying the more rigorous provisions of the Criminal Code which defined racial motivation or violations more precisely. Since the year 2000, these acts have been prosecuted in conformity with the provisions of the Criminal Code aimed at providing protection against manifestations of racism. Basically, the quantitative increase in proceedings involving racially-motivated crimes also results from the more active role of the victims when these crimes are reported, and also from the substantial involvement of NGOs in these cases. The increase in the number of reports of racially-motivated crimes reflects the victims' increased confidence in the police.

154. In 2000, in cases involving this type of crime the number of violent attacks or threats of violence slightly exceeded verbal or other manifestations of racism. Out of a total of 30 crimes committed, six involved wilfully causing actual bodily harm, and four involved wilfully causing grievous bodily harm. In one of these cases, the victim died.

155. In 10 cases, it was found that crimes of violence against a particular population group or against private individuals had been committed. They mainly involved assault using physical force, but did not amount to causing actual bodily harm, as defined by the Criminal Code.

156. In six cases verbal utterances were categorized as crimes of defamation of the nation, race and faith and, in another case, as incitement to hatred against a nation and racial hatred.

157. Following a wide-ranging investigation, criminal proceedings were instituted and a charge brought for the crime of supporting and propagating movements advocating the suppression of civil rights and freedoms against two authors and publishers of publications entitled Edelweiss and Biely boj, which contained articles and drawings aimed at propagating a movement for the suppression of civil rights and freedoms and advocated intolerance against a nationality, race and religion. The prosecutor has drawn up charges against the two accused, but the court has not reached a final decision. In the year 2000, 44 detected offenders committed racially-motivated crimes in 25 cases.

158. In 2001, the number of racially-motivated verbal crimes and crimes of violence were roughly the same. In 18 cases non-violent acts were involved and in 19, violent acts. As regards the violent acts, in 11 cases crimes of violence were committed against a particular population group or against a private individual; six cases involved wilful bodily harm resulting in total or partial incapacity for work; and two cases involved crimes not resulting in incapacity for work.

159. In 2001, the following crimes were committed without use of violence: six crimes of defamation of a nation, race or faith; five crimes of incitement to national, racial or ethnic hatred; and seven crimes of supporting and propagating movements advocating the suppression of civil rights and freedoms. Criminal proceedings were initiated in two cases involving more serious crimes, but the persons responsible have not been found.

160. In 2001, 40 persons were prosecuted for the above-mentioned racially-motivated crimes, which roughly corresponds to the figure for the year 2000 (42 persons).

161. Since the handing-down of an important opinion by the Banska Bystrica court of appeal in the case involving the accused J.P. concerning the question of interpretation of the definition of a material element of crime relating to "race", there has been no problem with court decisions relating to the enforcement of provisions concerning racially-motivated crimes. Through Act

No. 253/2001 amending the Criminal Code, this enforcement problem has been completely resolved.

**162. Number of racially-motivated crimes (1997-2002)**

<i>Year</i>	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>
<i>Number of crimes detected</i>	8	15	11	25	37	109

In 2002, as compared with 2001, there was a considerable (almost threefold) increase in the number of recorded racially-motivated crimes against nationality or crimes motivated by intolerance. The increase results from a number of factors, including the fact that the police have gone on the offensive against such activities and the prominence given to right-wing extremists (criminal proceedings against symbols advocating racial intolerance, preventive security operations geared to extremists, use of operational resources in action to seek out and detect extremist crime). The activities of the NGOs which have reported certain cases of racially-motivated attacks have also contributed to the increase in the number of recorded cases. It may also be mentioned that in 2002 cases were reported which in the past had not been reported because of the victims' mistrust of the police during the questioning of suspects and the investigation of cases. Despite this substantial increase, the proportion of cases resolved is about 70%.

**163. Number of persons accused of racially-motivated crimes (2000-2002)**

Year 2000	42
Year 2001	40
Year 2002	73

In 2002, racially-motivated crime mainly tended to take the form of verbal offences, notably support for and propagation of movements advocating the suppression of citizens' rights and freedoms as defined by articles 260 and 261 of the Criminal Code.

164. **Number of persons convicted of racially-motivated crimes (2000-2002)**

Offence committed	Article of the Criminal Code enforced	Number of persons convicted in a final decision		
		2000	2001	2002
Violence against a population group or an individual	196	7	4	13
Defamation of a nation, race or belief	198	0	1	3
Incitement to hatred of a nation or to racial or ethnic hatred	198(a)	1	0	3
Disturbing the peace	202	0	0	4
Racially-motivated murder	219(2)(f)	0	0	0
Racially-motivated crimes involving wilful assault (causing actual bodily harm)	221(2)(b)	0	2	2
Racially-motivated crimes involving wilful assault (causing grievous bodily harm)	222(2)(b)	2	4	0
Deprivation of personal liberty	232	0	0	0
Breaching inviolability of the home	238	2	0	0
Genocide	259	0	0	0
Crime against humanity	259(b)	-	-	-
Support for and propagation of movements aimed at suppressing citizens' rights and freedoms	260	0	1	1
Public manifestations of sympathy for fascism or other similar movement	261	4	3	10
Attacks against the public	263(a)	0	0	0
<b>Total</b>	<b>-</b>	<b>16</b>	<b>15</b>	<b>36</b>

165. Questions relating to the compensation of victims “(person against whom bodily harm or material, moral or other wrong has been caused or if his other rights or freedoms protected by law have been infringed or endangered”) are also covered by article 43 of the Code of Criminal Procedure, on the basis of which the victim is by law entitled to compensation. This legal provision has been supplemented by a special law, Act No. 255/1998, relating to the compensation of persons who have suffered bodily harm caused by criminal offences with violence. Under this Act it is possible to award financial compensation in the form of a single payment. In addition, the Act defines bodily harm as including actual bodily harm, grievous bodily harm, death and rape. The concept of a victim includes not only the person who has suffered the bodily harm, but also living persons who are financially dependent on the victim or in respect of whom the victim had an obligation of maintenance. The above-mentioned compensation may be sought by the victim if he is a Slovak citizen or a stateless person domiciled in Slovakia and if the bodily harm was caused within Slovakia in the circumstances provided for by the Act. Compensation is awarded by the Ministry of Justice on the application

of the victim, but it should be added that there is no automatic legal entitlement to this compensation: for example, compensation is not awarded if the victim has been compensated for injury in some other way. Act No. 59/1969 relating to liability for injury caused by a decision originating from a State authority or through irregular procedure provides another effective means of legal redress. Under this Act the term “State authorities” is defined as the central authorities of the State administration, the authorities of the State administration and the authorities of the public administration, and also the competent criminal authorities, namely, the courts, the Prosecutor-General’s Office and the police. By virtue of the provisions of this Act, it is possible to award compensation for material injury caused by an erroneous official decision or procedure. The Act also governs questions relating to liability for injury caused by a detention order or a conviction.

**F. ARTICLE 7. MEASURES ADOPTED IN THE AREAS OF TEACHING, EDUCATION, CULTURE AND INFORMATION TO COMBAT PREJUDICE LEADING TO RACIAL DISCRIMINATION**

166. In 2001 and 2002, pursuant to the Action Plan to prevent all forms of discrimination, racism, xenophobia, anti-Semitism and other forms of intolerance, the Ministry of Justice carried out the following training activities, in conjunction with NGOs (Citizen and Democracy Foundation and Centre for Support of Local Activism), central police headquarters, the Prosecutor-General’s Office and the Directorate-General of the Prison and Judicial Service, for judges and trainee judges:

- Protection of human rights, with emphasis on the Roma national minority;
- Discrimination, racism, xenophobia and anti-Semitism in the light of international law and Slovak law;
- Racially-motivated crimes and their systematic incorporation in the Criminal Code (case studies, de facto and de jure investigation practice, production and discussion of evidence and problems arising therefrom);
- Measures in the context of action to combat extremism, and police service activity in the areas of detection and investigation of crimes motivated by racial or other intolerance;
- Experience of the Prosecutor-General’s Office relating to enforcement activities in dealing with current cases involving racially-motivated crimes;
- Enforcement practice in relation to respect for human rights and the prevention of all forms of discrimination, racism, xenophobia, anti-Semitism and other manifestations of intolerance in detention centres and prisons;
- Freedom of speech and possibility of its restriction in conjunction with the prohibition of the dissemination of racism, xenophobia and intolerance;
- “Skinhead” movements: history and current activities.

167. All members of the Penitentiary and Judicial Surveillance Corps (CSPJ) are informed of the respective fundamental instruments, treaties and international conventions in conformity with the conception of training within the CSPJ – in conjunction with the measures taken in the

areas of education, culture and information aimed at combating prejudice leading to racial discrimination.

168. The CSPJ, with the assistance of the civic associations, pays great attention to the training of convicted prisoners. In the context of cultural activities, the training thus conceived is carried out by prison personnel with citizens serving a custodial sentence. Social prevention programmes have been formulated in the light of the needs of treatment procedures for prisoners. In the context of the methodology and in conformity with the training programme of the Department for the Enforcement of Detention and Penalties within the Directorate General of the CSPJ, with the cooperation of NGOs, 50 members of the CSPJ were trained in 2002 and they are now setting up these social programmes. On the basis of the tasks deriving from the Government Strategy for Resolving the Problems of the Roma National Minority, and the Measures for its Implementation, a methodology for the establishment of specific methods and forms has been formulated, for the purposes of the treatment of prisoners who are members of the Roma minority. In this area, a training course on human rights is organized, with the assistance of NGOs.

169. In reply to the Committee's recommendation 10, we wish to state the following. Another programme among the prevention programmes aimed at the elimination of racially-motivated violence is the training programme for police officers. This is organized by the police academy, whose personnel lay emphasis on humanitarian behaviour by police officers and the explanation of basic terms such as tolerance, racism and anti-Semitism. The problems relating to the national minorities, and more particularly the Roma ethnic group, form part of the programme.

170. Personnel from the following entities also take part in this training process: the Jewish Cultural Centre in Slovakia, the Government Office for Human Rights and Minorities and for Regional Development, the Legal Protection Office for Ethnic Minorities, the Slovak Helsinki Committee, the Ethnological Institute of the Academy of Sciences and the Jewish Museum.

171. In the context of the education process, methodologies for the investigation of the various criminal offences are formulated taking account of fundamental human rights and respect therefore, regardless of the situation, nationality, race or ethnic origin of citizens. The problems of racially-motivated crimes as one form of extremism and the analysis of cases of racially-motivated violence dealt with by the European Court of Human Rights in Strasbourg form part of this programme. The subjects of the training course are geared to the tasks of the police in the process of combating inhuman and amoral acts and are aimed at the elimination of any manifestation of racism or disrespect for members of other ethnic groups on the basis of social, cultural or other differences.

172. Police academy scientists and teachers participate in the various projects based on local and international cooperation, participate in seminars and conferences organized by the civic associations and foundations, and cooperate with the Government Plenipotentiary for resolving the problems of the Roma national minority and with the other institutions and specialists dealing with racial discrimination. Specialized seminars entitled "The police and human rights" have been held at regional police headquarters in Trencin, Zilina, Banska Bystrica and Bratislava, and have been attended by 250 police officers. In 2002, seminars of this type were organized in Trnava, Presov and Kosice.

173. A specialized seminar on racially-motivated crimes was organized by the police academy's training institute with the assistance of the United Kingdom Embassy; the seminar was based on the experience of the London Metropolitan Police.

174. Training activities aimed at improving communication between the police and the Roma population have been incorporated in the police continuous training programme. The training institute, in cooperation with the Citizen and Democracy Foundation and other foundations, including the Open Society Foundation and Roma foundations (the InfoRoma Foundation, the Good Romany Fairy Kesaj Foundation, the Jekhetane-Together Association and the Roma Citizens' Union), and with the Government Plenipotentiary, on 28 June 2001 organized a workshop on the preparation of courses entitled "Improvement of the communication of police officers with the Roma". At this workshop, a number of projects relating to the police training system in this area were formulated in order to reinforce effective and objective prosecution mechanisms to combat racially-motivated aggression against the Roma community and individuals, and relating to organizational principles and personnel to eliminate crime in this area.

175. In the context of projects to improve the communication of the police with the Roma population, and in conjunction with participants from the Netherlands, Roma citizens' associations and the Citizen and Democracy Foundation, in November 2001 the training institute organized a pilot seminar for representatives of local police forces from problem areas. On the strength of experience gained in the course of previous training activities, the police officers received training on attitudes, competence in the area of communication, (identification of activities in Roma groups, capacity for negotiation, specific action in conflict resolution, etc.), and the principle of scrupulous respect for human rights.

176. In 2002, the training institute, in conjunction with the Royal Canadian Mounted Police (International Training and Peacekeeping Branch), began work on the project entitled "Problems involved in providing police services for minorities". The project is also geared to cooperation with the authorities of local communities (towns and communes) with problem minorities, with the aim of supporting regional and State measures to eliminate any kind of racial segregation, and monitoring undesirable manifestations of propaganda or activity by organizations based on intolerance between nationalities. The project is also supported by the largest local and regional communities organization, the Slovak Union of Towns and Communes, and there is also input from the higher regional entities, the regional community associations, and the various towns and communes.

177. The various subjects relating to human rights and the protection of those rights by legal means were also incorporated, in 2001 and 2002, in the training programme for personnel of the Prosecutor-General's Office. Lectures and discussions on these subjects were contained in the programme of national seminars for prosecutors and auxiliary court officials from the Prosecutor-General's Office. Court auxiliaries attending the seminars heard presentations on the International Convention on the Elimination of All Forms of Racial Discrimination and Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms. At the same time, training was geared to the application of the resources of criminal law to combat racial and ethnic intolerance.

178. In addition, in September 2001 the Prosecutor-General's Office prepared a seminar devoted exclusively to the subject of the protection of human rights and the rights of national minorities, with particular emphasis on the prosecution of racially-motivated crimes. The presentations made at the seminar related to the following subjects: the protection of human rights and fundamental freedoms in the various international instruments, in particular the International Convention on the Elimination of All Forms of Racial Discrimination, action taken by the Government during the International Year of Mobilization against Racism, the strategy



for resolving the problems of the Roma national minority, evaluation of action and decisions taken in criminal prosecution of racially-motivated crimes, with emphasis on the background to the motivation of the perpetrator of the crime, an outline of the history and culture of the Roma in Slovakia, and an overview of extremist activity in Slovakia and in particular the “skinhead” movement.

179. In 2002, in two seminars for court auxiliaries from the Prosecutor-General’s Office, sessions and presentations focused on the prosecution of racially-motivated crimes.

180. In the same year, for supervisory prosecutors in towns where citizens are held in detention, a seminar was held on respect for the human rights of detainees and defendants in police cells.

181. Through its notes on its practice with regard to the criminal prosecution of racially-motivated crimes, the Prosecutor-General’s Office contributed to the seminar for judges organized by the Ministry of Justice in 2002.

182. In the area of multicultural education and education in general, a project to combat prejudice was carried out in conjunction with Sweden. The project related to a work by the Swedish Roma author Catherine Taikon, which has been translated and published with the support of the Swedish Ministry of Foreign Affairs and the Swedish Institute. The book was illustrated by pupils from the primary school in Jarovnice and distributed in Slovak and Hungarian in 367 nursery schools and 1,560 primary schools, in the psychological and educational prevention centres, in psychological and pedagogical consultation offices, and recreational centres. The book deals with human relations, understanding and tolerance; extracts are used in courses on the Slovak language, ethical education, civic education and history, when there is a discussion on human rights and the coexistence of various nationalities and races.

183. Since the school year 1996/1997 the Human Rights Olympics have been regularly held for high school pupils. Since the 1998/1999 school year, the Olympics have been held at the national level. The theme of the Third National Olympics in 2000/2001 was “Tolerance – the right to be different”. Efforts to arrive at solutions in case studies were based on specific cases in which there might have been violations of human rights.

## CONCLUSION

184. In reply the Committee’s recommendation 18, we wish to state that the periodic reports of the Slovak Republic, submitted in conformity with our international commitments vis-à-vis the United Nations committee of experts, are accessible in English and Slovak on the web site of the Ministry of Foreign Affairs ([www.foreign.gov.sk](http://www.foreign.gov.sk)), under the heading “Human rights”. On this web site will be found the concluding observations of CERD on the initial report, and second and third reports of Slovakia, submitted at the Committee’s fifty-seventh session held from 31 July to 25 August 2000.

### Notes

<sup>1</sup> Cf. article 154(c) of the amended Constitution : “The international treaties on human rights and fundamental freedoms which the Slovak Republic has ratified and which have been promulgated in the conditions provided for by law before the entry into force of this constitutional law form an integral part of its legal system and have primacy over the law if they extend the scope of constitutional rights and freedoms.”

<sup>2</sup> Cf. article 7(4) of the amended Constitution: “The consent of the National Council of the Slovak Republic is required, before ratification, for the validity of international treaties on human rights and fundamental freedoms, international treaties of a military character, international treaties establishing membership of the Slovak Republic in international organizations, international economic treaties of a general character, international treaties whose implementation requires legislation and international treaties directly establishing rights or obligations of natural persons or legal entities.”

<sup>3</sup> Cf. article 7(5) of the amended Constitution: “International treaties on human rights and fundamental freedoms whose implementation does not require the enactment of legislation, and international treaties directly establishing rights or obligations of natural persons or legal entities and which have been ratified and declared by a legally established means have primacy over national laws”.

<sup>4</sup> The concept of “citizenship” in Slovak law expresses a legal and political link which binds a natural person or legal entity to a State. This concept is distinct from that of “nationality”, which signifies personal and close membership of a nation.

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