

Minority Protection in Slovakia

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Minority Protection in Slovakia

I. Executive Summary

The Slovak government has taken a number of important steps to demonstrate its commitment to the protection of minority rights as part of the EU Accession process. Indeed, the European Commission has recognised progress in this area, although noting “a gap between policy formulation and implementation on the ground” and a lack of practical improvements in the daily life of minorities – notably Roma – as a result.¹

With the ratification of the European Charter for Regional or Minority Languages in June 2001, Slovakia is now party to all major international minority rights instruments. Since 1998, the Slovak government has established an institutional framework for realising the rights outlined in these documents, including a Deputy Prime Minister for Human Rights, National Minorities and Regional Development, a Plenipotentiary for Roma Issues, and an Ombudsman’s Office. Moreover, a two-stage “Strategy of the Government of the Slovak Republic for the Solution of the Problems of the Roma National Minority” (hereafter “Strategy for Roma”) addresses problems faced by Roma in the areas of employment, housing, health, social services, education, and in the enjoyment of fundamental human and minority rights.²

However, the Strategy for Roma has been criticised for failing to address the key issues raised by Slovak NGOs and the Commission. The Commission has emphasised the need to combat violence and discrimination against Roma, *de facto* segregation in some cities and towns, and the over-representation of Roma in schools for retarded children.³ Slovak NGOs have compiled convincing evidence of racially motivated

¹ European Commission, *2000 Regular Report on Slovakia’s Progress Towards Accession*, 8 November 2000, pp. 21–22 (hereafter, *2000 Regular Report*).

² See “Strategy of the Government of the Slovak Republic for the Solution of the Problems of the Roma National Minority and the Set of Measures for Its Implementation – Stage I”, Government Resolution No. 821, 27 September 1999 and “Elaboration of the Government Strategy for Addressing Problems of the Romani National Minority into a Package of Concrete Measures for year 2000 – Stage II”, Government Resolution No. 294/2000, 3 May 2000 (hereafter “Strategy for Roma, Stage I/II”).

³ See *2000 Regular Report*, pp. 20–21.

violence as well as discrimination against Roma in access to employment, education, housing, health care, and public services. The Strategy, too, recognises the existence of long-term ill-treatment and “even discrimination”⁴ against Roma in Slovakia. Nonetheless, it fails to identify specific discriminatory practices or propose concrete measures to combat them. Further, the Commission has pointed out, and the Government has acknowledged, that existing legislation does not provide comprehensive protection against discrimination, as required by the EU Race Equality Directive.⁵

Furthermore, implementation of measures outlined under the Strategy has been hampered by the weakness of oversight mechanisms. The Plenipotentiary for Roma Issues is officially responsible for coordinating and reporting on fulfilment of the Strategy, but lacks the authority to do so effectively. The Plenipotentiary can do little more than request implementation reports from the ministries involved. As a consequence, little information is available on the use or effect of either government or international funding allocated to support implementation of the Strategy. However, independent reports indicate that impact has been minimal to date, and serious concerns have emerged about the possible misallocation of Phare funds.

To date, government efforts to mobilise public support for minority policy have fallen short. In the absence of adequate public education and official leadership, the introduction of measures to improve the situation for Roma risks popular opposition. And yet, some public officials continue to feed anti-Roma sentiment through inflammatory and racist statements. The government has taken few steps to date to implement its “2000–2001 Action Plan to Prevent All forms of Discrimination, Racism, Xenophobia, Anti-Semitism and other forms of Intolerance”, although the allocation of SK 500,000 (c. € 11,577) in July 2001 to an anti-racism campaign may indicate increasing attention to this area.

Decisive measures to combat discrimination are a necessary precondition for the successful implementation of the policies set forth in the Strategy for Roma as well as the provisions outlined in international instruments. Such measures also constitute an indispensable element in meeting the short-term priorities outlined in Slovakia’s 1999 EU Accession Partnership.⁶

⁴ Strategy for Roma, Stage II, p. 5.

⁵ Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin. The directive is part of the *acquis communautaire*, and the Slovak Government initiated preparation of draft legislation in 2001. See *2000 Regular Report*, p. 55, noting that legislation transposing the directive will have to be “introduced and implemented”.

⁶ Among the priorities listed is the need “to improve the situation of the Roma through strengthened implementation... of measures aimed, notably, at fighting discrimination (including within the public administration)...” European Commission, *1999 Accession Partnership for Slovakia*, <http://europa.eu.int/comm/enlargement/dwn/ap_02_00/en/ap_sk_99.pdf>.

II. Background

Extremely negative opinions towards Roma permeate Slovak society, and are reflected in the statements of public officials, media reporting, and in the actions of private citizens. The protests of Roma and human rights leaders against what have been described as “remarks that encourage racist aggression”⁷ have produced little effect. Official condemnations of acts of violence against Slovak Roma have been undercut by the lack of a systematic government-supported effort to counter prejudicial attitudes.

Public Opinion

Public opinion polls consistently reveal the pervasiveness of discriminatory attitudes towards Roma. Two-thirds of the respondents to one 1995 survey declared that Roma should live separately from the majority population⁸ – a finding that was confirmed in 1999.⁹ In a survey conducted in Rudnany, a village in eastern Slovakia in which relations between the Roma and non-Roma populations are particularly poor, virtually all Slovak inhabitants rejected the idea of having Roma as neighbours; only ten percent said that they would be willing even to live in the same village with Roma.¹⁰ Several studies have indicated that the majority of the Slovak population – both rural and urban – believe that stricter laws and regulations should apply to Roma than to other Slovak citizens.¹¹ In late 1999, a Member of Parliament (MP) for the Civic Understanding Party (SOP) stated that “coexistence with Romanies was becoming more and difficult and people in general were getting fed up.”¹²

⁷ Agence France Press, “A racist murder starts again the debate on the fate of the community rom”, DEPECHE AFP, 24 August 2000.

⁸ Documentation Centre for Research of the Slovak Society, *DCVSS* survey, 1995.

⁹ The 1999 poll was conducted between 8–12 December 1999 (1,046 respondents over 18 years of age). When asked: “are you in favour of adoption of such measures which would ensure that Romanies would live segregated from the majority of citizens, have their own schools, etc.?” more than 36 percent answered yes; 24 percent were rather in favour of such measures, whereas 9.3 percent said they were definitely against. About 15 percent were rather against and 14.6 percent were undecided. See *Narodna Obroda*, 28 December 1999, p. 2, and *SME*, 28 December 1999, p. 2.

¹⁰ United Nations Development Programme, *National Human Development Report – Slovakia 1998*, Bratislava, citing a 1995 survey of the Documentation Center for Research of Slovak Society, p. 69.

¹¹ According to a 1994 FOCUS survey, 57 percent of the respondents agreed that stricter laws should be adopted for Roma. The 1995 Public Opinion Research Institute survey found that 52 percent of Slovaks support the idea of different legal standards for Roma and non-Roma. In January 1999, the majority (53 percent) of respondents to a survey by the Institute of Public Affairs answered “yes” to the question of whether “special or stricter laws should be in place for Roma.” Z. Butorova, O. Gyrafasova, M. Velsic, “Public Opinion” in *Slovakia 2000 – A Global Report on the State of Society*, Institute for Public Affairs, G. Meseznikov, M. Ivantysyn, T. Nicholson, (eds), Bratislava, 2001, Table 15, p. 221.

¹² Czech News Agency, “Slovaks not rejecting the idea of segregating Romanies”, 28 December 1999.

Anti-Roma attitudes have also found outlets in skinhead fanzines and on the internet.¹³ One Slovak mobile telephone network was “flooded” with a short text message (SMS) offering an additional 50 minutes of free call time for every Roma killed.¹⁴ Distribution of racist materials is not limited to the internet; there have also been reports of printed materials being distributed in Trebisov and placed in the mailboxes of Romani families in Kosice and Plavecky Strvtok.¹⁵

Media

Negative societal attitudes are reflected in the mass media. According to recent surveys, Roma are more frequently the subject of reporting than any other minority.¹⁶ The reports of some press outlets in particular often portray Roma negatively (*Slovanska Republika*, *Nový Cas*).¹⁷ Roma NGOs have pointed out that even “neutral” treatment of Roma issues in mainstream newspapers such as *SME*, *Pravda* and *Praca* consists rather in the lack of negative editorial comments than in balanced reporting. There is little examination of the difficult living conditions or discrimination against Roma communities, and scarce reporting of Roma opinions or perspectives.¹⁸ Stories about Roma are dominated by references to social problems, such as high birth rates and dependence on social assistance, housing and employment. According to one study, one of every three articles mentioning Roma contained a reference to criminality or to “social and psychological characteristics” which make Roma different from the rest of the population.¹⁹ Despite a prohibition by

¹³ The web site “Whitefront” is registered in Slovakia. The site, which is frequently updated, openly propagates fascism and frequently publishes racist statements about Roma. Members of the nation-wide campaign “People against Racism” opened a dialogue with the Ministry of the Interior about limiting neo-fascist activities on the Internet in October 2000.

¹⁴ See RFE/RL Report, “Racism Messages Flooding Slovak Mobile Network”, 29 September 2000, citing “Pravo”, 26 September 2000.

¹⁵ United States Department of State, *Country Reports on Human Rights Practices – 2000*, February 2001, <<http://www.state.gov/g/drl/rls/hrrpt/2000/eur/index.cfm?docid=868>> (accessed 4 August 2001).

¹⁶ MEMO 98, “Presentation of Minorities in the Slovak Electronic and Print Media”, February 2001, p. 1, <<http://www.mma.ro/database/message/slovakia.htm>> (accessed 26 July 2001). In the first three months of 2000, five Slovak media sources devoted three hours and 19 minutes to the Roma minority, compared to seven minutes for Hungarians and 1.33 minutes for Ruthenians. 95 percent of the total airtime devoted to minorities was devoted to stories about Roma. MEMO 98, “The First Three Months of Broadcasts of Television LUNA”, Bratislava 2000.

¹⁷ MEMO 98, 2001, p. 2. See table on “Bias vs Neutrality Reporting Roma topics in Slovak Language Daily Newspapers”, 8 October–8 December 2000, at p. 3, <<http://www.mma.ro/database/message/slovakia.htm>> (accessed 26 July 2001).

¹⁸ J. Cervenak, (ed.), “Report on the Reasons of the Migration of Slovak Roma”, 2000, pp. 34–35.

¹⁹ Of 1990 articles analysed in the period May 1998 – June 1999, 16.9 percent contained references to Roma crime and 15.8 percent mentioned Romani “social and psychological characteristics” which make them different from the rest of the population. B. Benkovic, L. Vakulova, “Image of the Roma in Selected Slovak Media”, Slovak Helsinki Committee, Bratislava 2000, p. 8.

the Ministry of the Interior against providing information on the ethnicity of suspects, Roma are the only group whose ethnicity is systematically mentioned in relation to thefts and violent crimes,²⁰ and journalists frequently make generalisations about “Roma criminality” based on individual cases.²¹ Thus, media reports often fuel the widespread perception that Roma are responsible for a disproportionate share of crimes committed in Slovakia²² – a sentiment that has been exploited by some nationalist political parties.²³

Attitudes of Public Officials

The statements of public officials have not consistently contributed to the development of a more positive image of Roma in the mass media or among the public at large. For example, following the sudden wave of migrations by Slovak Roma to some EU member States in 2000, Slovak officials repeatedly alleged that Roma asylum-seekers were engaged in “ethno-tourism” or “ethno-business,”²⁴ and held Roma responsible for the reintroduction of visa requirements for Slovak citizens in certain States²⁵ – and ultimately for delays in the EU accession process. In April 2001, Foreign Minister Eduard Kukan warned that “we would consider it very unfair if the Iron Curtain fell on Slovakia because of 90 Romany asylum applicants.” President Rudolf Schuster was reported as saying that he does not rule out that the Romany exodus is being organized by “someone in Slovakia” as part of an organised attempt to hamper Slovakia’s accession to the EU.²⁶ In May 2001, the Slovak cabinet approved the introduction of stricter conditions for

²⁰ In one study, 58.9 percent of articles related to thefts depicted Roma in a negative light, and 78.5 percent of those related to violent crimes such as murders and robberies. Benkovic and Vakulova, 2000, p. 14.

²¹ In the six months prior to a November 1998 decision of the Ministry of Interior prohibiting the police from providing information on the ethnicity of suspects or accused persons, the Slovak press published 255 articles in which Roma ethnicity was mentioned in relation to alleged perpetrators of crimes. During the six months following the decision, the number dropped to 81. Benkovic and Vakulova, 2000, p. 16.

²² See e.g., S. Seman, “State resigned, but Fico didn’t”, *Vychodoslovenske noviny Korzar*, 10 June 2000; “Roma in Huncovca d[o] not wait for help but help themselves”, *Vychodoslovenske noviny Korzar*, 19 May 2000.

²³ On 23 November 1998, the Slovak National Party submitted an official request to the Minister of Interior “to develop a strategy to combat Roma criminality, which contributes to a major extent to the number of crimes in Slovak Republic.” See <<http://www.sns.sk/stan2.html>> (accessed 26 July 2001).

²⁴ Cervenak, 2000, p. 34.

²⁵ MEMO 98, “Presentation of Minorities in the Slovak Electronic and Print Media”, February 2001.

²⁶ RFE/RL Newline, Vol. 5, No. 79, Part II, 24 April 2001, <<http://www.rferl.org/newline/2001/04/240401.html>> (accessed 24 July 2001).

issuing passports to “citizens suspected of trying to emigrate.”²⁷ Few government officials have acknowledged that racism and discrimination might contribute to Roma migration.²⁸

Both national and local officials from across the political spectrum have voiced anti-Roma sentiments publicly, with nationalist politicians issuing particularly vituperative remarks. On 6 August 1998, then Prime Minister Vladimír Mečiar stated that “Slovaks produce first-rate values, Roma only themselves...”²⁹ In 1999, the former mayor of Mendez, which includes the Roma settlement in Svinia, allegedly stated that the only solution to Slovakia’s Gypsy problem would be to “shoot them all”, adding later: “I am no racist ... but some Gypsies you would have to shoot.”³⁰ During an August 2000 press conference, Vitazoslav Moric, an MP for the Slovak National Party (SNS), asked, in reference to Roma: “What is human about allowing an idiot (“debil”) to conceive another idiot, about allowing the reproduction of the mentally retarded, in allowing the growth of the percentage of idiots and cretins in our nation?” He continued: “For those who are unadaptable it is necessary to create reservations because if we do not create them now the gypsies will create them for us in twenty years.”³¹ Moric was subsequently stripped of his parliamentary immunity so charges could be brought against him.³² An investigation began in autumn 2000, only to be dropped by the investigating prosecutor.³³ However, the case was reopened on intervention of the General Prosecutor³⁴ and was pending as of July 2001.³⁵

Discussions of the Moric case revealed high levels of anti-Roma sentiment among Slovak politicians. One MP reportedly called for the “mobilis[ation] of the army

²⁷ RFE/RL Newline, Vol. 5, No. 99, Part II, 24 May 2001. According to the same source, Csaky revealed that the government “has information” about a number of unsuccessful asylum applicants (most of whom have been of Roma origin) applying for new passports.

²⁸ J. Cervenak, 2000, pp. 34–35.

²⁹ M. Vasecka, “Put Down in the Under-class”, *The New Presence*, October 1999.

³⁰ Refugee Council, “Unwanted Journey – Why Central European Roma are fleeing to the UK”, March 1999, p. 44.

³¹ The Press conference was held in the premises of the Slovak National Party in Bratislava on 4 August 2000. See Resolution 1Pv 616/2000, District Office of Investigation on starting a criminal procedure against Vitazoslav Moric for propagation of national and racial hatred (Criminal Code, Art. 198a), 10 October 2000. See also *Romano Nevo L'il*, Nos. 448–454, 2000.

³² Plenary debate of the Slovak Parliament, 10 September 2000.

³³ Interview, Department of Violent Crimes, General Prosecutor’s Office, Bratislava, 8 March 2001.

³⁴ The general prosecutor concluded that the decision of the prosecutor to drop the charges against Moric did not correspond with the results of the investigation. General Prosecutor’s Office, “Reaction of General Prosecutor to dropping the charges against Moric”, (No. IV/1 GPt 71/01-73) of 23 January 2001.

³⁵ The investigation is ongoing. Information from the General Prosecutor’s Office, 25 July 2001.

against the hordes of...gypsies that plunder the potato fields.”³⁶ During parliamentary debate, Michal Drobnzy, an MP with the Movement for Democratic Slovakia Party, said the best solution to the Roma question was that of the wartime fascist Slovak state, and referred to Roma as “small animals living like locusts” and suggested that they should be isolated to protect society from infectious diseases.³⁷ MPs can not be criminally prosecuted for statements made during parliamentary debate.³⁸ Earlier, Pal Csaky, the Deputy Prime Minister for Human Rights, National Minorities and Regional Development, had condemned those “public officials, [who] under the protective cover of parliamentary immunity are seeding [...] a spirit of national and racial hatred.”³⁹

However, anti-Roma statements and proposals are not the exclusive province of radicals or politicians at the margins of power. In April 2001, then Deputy Prime Minister for European Integration Pavel Hamzik stated that “[the situation of Slovak Roma] is a demographic problem, one of habits and lack of education ...[Roma] need to know what is good for them – and that is to change their way of life.”⁴⁰ On 6 June 2000, Robert Fico, head of the non-parliamentary SME party, proposed cutting social benefits to Romani families with more than three children, explaining that the Roma issue is a “time bomb that will cause trouble if not kept under control.”⁴¹ Fico reiterated this proposal in 2001, explaining that “we have a great mass of Roma who do not want anything except to lie in bed and survive on social security. These people discovered that, because of benefits paid to them, it is advantageous to have children, who become a source of income.”⁴² Fico’s remarks and proposals have found political⁴³ and popular

³⁶ Agence France Press, “A racist murder starts again the debate on the fate of the community rom”, *DEPECHE AFP*, 24 August 2000, <<http://roms.acontrecourant.org/afp2408-eng.htm>> (accessed 25 July 2001).

³⁷ Czech News Agency (CTK), “Moric stripped of immunity for racism”, Bratislava, 21 September 2000.

³⁸ The Constitution of the Slovak Republic of the Slovak Republic from 3 September 1992 (including the Amendments from 14 July 1998 and 14 January 1999), Art. 78, para. 2 (hereafter “Constitution of the Slovak Republic”).

³⁹ Press and Information Department of Governmental Office of the Slovak Republic, “Slovakia needs anti-discrimination law”, Bratislava, 25 August 2000, <http://www.vlada.gov.sk/aktuality_start.php?id_ele=42> (accessed 26 July 2001).

⁴⁰ J. Keay, Interview with Pavel Hamzik, “Bratislava Goal: Fast Track Into EU”, *International Herald Tribune*, 18 April 2001, p. 2. See <<http://www.iht.com/articles/17220.htm>> (accessed 23 July 2001).

⁴¹ C. Togneri, “Racial Beatings Increase”, *Slovak Spectator*, December 2000 – January 2001, Vol. 6, No. 49.

⁴² RFE/RL Newline, “Maverick Slovak politician wants to be ‘phenomenon’...and meanwhile makes racist statements”, 10 May 2001, <<http://www.rferl.org/newline/2001/05/100501.html>> (accessed 23 July 2001).

⁴³ In March 2000, Rudnany’s deputy mayor called for “a Chinese fertility program”, pointing out that in 1970 Rudnany had 6 300 people and only 200 Roma, while in 2000 of the population of 3,100, 1,040 were Roma. S. Erlanger, “The Gypsies of Slovakia: Despised and Despairing”, *The New York Times*, 4 March 2000, p. 10.

support; in March 2001 a public opinion poll identified Fico as the most trustworthy politician in the country.⁴⁴

Some state officials have spoken out strongly and publicly against racist violence. For example, the Head of the Parliamentary Committee for Human Rights, Laszlo Nagy, has stated that “no mitigating circumstances should be taken into consideration in a racially motivated attack or a hate crime...[w]e have to fight against this, not apologise for it.”⁴⁵ Slovak authorities immediately and unequivocally condemned the fatal beating of Anastazia Balazova, a Romani mother of eight, in the northern Slovak city of Zilina in August 2000.⁴⁶

Romani leaders have pointed out that the racist attitudes that provide the context for such violence must be changed before racially motivated attacks can be expected to stop. As stated by one international Romani leader, “the fact remains that many government officials...remain in a state of deep denial as to the nature of the problems that Roma face and the steps that must be taken to address them.”⁴⁷ Incidents of violence against Roma have continued in 2001 (See Section IIIB).

The government has recently taken a series of encouraging steps to change negative attitudes towards Roma. In May 2000 the government approved an “Action Plan for the Prevention of All Forms of Discrimination, Racism, Xenophobia, Anti-Semitism and Other Forms of Intolerance” for 2000–2001.⁴⁸ The Plan calls for tolerance education in schools, as well as training for public officials including policemen, judges, prison officials, and state health care and social service employees. The Plan also calls for the

⁴⁴ Findings of polling agencies of the State Statistics Office, cited in L. Nicholsonova, “Opposition puts new early elections case”, *Slovak Spectator*, March 26–April 1, 2001, Vol. 7, No. 12.

⁴⁵ Nagy was commenting on a March 2001 court decision that found a skinhead guilty of a racially motivated attack, but failed to sentence him for his crime. See L. Nicholsonova, “Skinhead free despite conviction”, *Slovak Spectator*, 16–23 April 2001, Vol. 7, No. 15.

⁴⁶ Press and Information Department of Governmental Office SR, <http://www.vlada.gov.sk/aktuality_zoznam_x.php3?id_stranky=1> (accessed 26 July 2001); the Slovak Parliament observed a minute of silence in memory of the victim, and Minister of Education Milan Ftacnik declared: “Slovakia is still divided on issues of racial tolerance and history, but there are more (Slovaks) against fascism and racism than there are for.” M. Reynolds, “Skinheads and anti-fascist butt heads”, *Slovak Spectator*, March 2001, Vol. 7, No. 11.

⁴⁷ Statement on Roma and Sinti, Professor Ian Hancock, United States Delegation to the OSCE Human Dimension Implementation Review Meeting, Warsaw, 24 October 2000.

⁴⁸ Resolution of the Government of the Slovak Republic No. 283/2000, 3 May 2000 Concerning the Action Plan for the Prevention of All Forms of Discrimination, Racism, Xenophobia, Anti-Semitism and Other Forms of Intolerance for 2000–2001 (hereafter “Action Plan for the Prevention of Discrimination”).

organisation of a public awareness campaign. Some training programs have already been organised under the Plan⁴⁹ and in July 2001 the government approved an allocation of SK 500,000 (c. € 11,577) towards an anti-racist campaign. The government has also resolved to establish a Monitoring Centre on Racism and Xenophobia,⁵⁰ and a draft Act is under preparation.

⁴⁹ The Ministry of Justice organised several seminars for junior judges in 2000, including a seminar on the International Convention on the Elimination of All Forms of Racial Discrimination, in cooperation with the UN High Commissioner for Refugees. See Government of the Slovak Republic, "Report on the Slovak Republic's Progress in its Integration into the European Union, September 2000–June 2001", Slovak Government, June 2001, pp. 17–18 (hereafter "Report on Progress in Integration into the EU, 2000–2001") <<http://www.europa.sk/english/index.htm>.> (accessed 26 July 2001).

⁵⁰ "Negotiation Position of the Slovak Republic", Chapter 13, Social Policy and Employment, 13 November 2000, Bratislava, CONF-SK 66/00, 13 November 2000.

III. Minority Protection: Law and Practice

Slovakia has ratified the principal international agreements relevant for combating racial discrimination and protecting minority rights, including the recently-ratified European Charter for Regional or Minority Languages.⁵¹

Amendments to the Slovak Constitution in 2001 established the precedence of ratified international treaties over domestic law,⁵² and affirmed the State obligation to comply with general rules of international law, binding international agreements and other international commitments of the country.⁵³ However, treaties ratified before the Constitution was amended take precedence over domestic legislation only if their terms provide greater protection – the case with the majority of human rights instruments relevant for minority protection.⁵⁴

A. Protection from Discrimination

Existing legislation does not provide comprehensive protection from discrimination. The Slovak Constitution includes a general anti-discrimination clause⁵⁵ and the language of this clause is echoed in eleven other laws,⁵⁶ none of which provide a definition of either direct or indirect discrimination. Discrimination may only give rise to a judicial remedy where the claimant can show breach of another statutory provision or article of the Constitution.⁵⁷ The Slovak government has acknowledged that implementation

⁵¹ See Appendix A to Overview Report on Minority Protection.

⁵² Constitution of the Slovak Republic, Art. 7, para. 5.

⁵³ Constitution of the Slovak Republic, Art. 1, para. 2.

⁵⁴ Constitution of the Slovak Republic, Art. 154c, para. 1

⁵⁵ Art.12, para. 2 of the Constitution of the Slovak Republic guarantees equality in enjoyment of the fundamental rights and freedoms, regardless of, *inter alia*, race, color of skin, language, national or social origin, or affiliation to a nation or ethnic group.

⁵⁶ The Civil Code does not mention discrimination explicitly, providing instead for the equality of parties in their relationships under civil law. Art. 2, Act No. 40/1964 Coll Civil Code as amended, mirrored by Art. 18 of the Law 99/1963 Coll. Code of Civil Procedure as amended.

⁵⁷ Information provided by Minority Rights Group, Interights and European Roma Rights Center under the auspices of the joint project, “Implementing European Anti-Discrimination Law, July 2001.”

of existing regulations has been insufficient to provide protection against discrimination.⁵⁸

However, official attitudes towards the existence of discrimination have been marked by ambivalence. At the national level, there has been some acknowledgement of prejudice against Roma within state structures, such as a governmental resolution to “adopt measures ... to prevent discrimination and persecution of Roma by public administration.”⁵⁹ As yet, however, no such measures have been adopted, and some officials have continued to deny the problem. For example, former Slovak Deputy Prime Minister for European Integration, Pavel Hamzik, informed Belgian senators investigating Romani asylum claims in 1999 that “there is no racial discrimination in Slovakia,” but rather that the Roma face social and economic problems.⁶⁰ Such attitudes are also present at the local level: the deputy director of the district of Trebisov reportedly declared that, despite NGO reports to the contrary, “there has never been any recorded incident of discrimination against Roma in the district of Trebisov.”⁶¹

Official ambivalence towards the existence of discrimination is further reflected by the absence of any institution with the mandate systematically to monitor, investigate or sanction cases of discrimination. Gathering information related to racial or ethnic origin is generally prohibited⁶² and the use of statistical evidence is considered problematic, even in the context of developing draft anti-discrimination legislation.⁶³ To date, the government has not adopted measures to identify and eliminate discriminatory practices, or to study the level of racism and prejudice against Roma or other groups within the public administration. The resulting lack of information makes it difficult to evaluate the extent

⁵⁸ “Basic principles of the act on the prevention of all forms of discrimination”, Human Rights Office of the Government, 2001.

⁵⁹ “Explanatory Report to the Strategy of the Government of the Slovak Republic for the Solution of the Problems of the Roma National Minority and the Set of Measures for Its Implementation, Stage I”, 27 September 1999, p. 15 (hereafter “Explanatory Report to Strategy for Roma, 1999”).

⁶⁰ Czech News Agency (CTK), 13 October 1999.

⁶¹ The League of Human Rights Advocates, “Report of Fact Finding Mission to the District of Trebisov”, 29 February 2000, p. 1, (unpublished, on file with the EU Accession Monitoring Program).

⁶² However, such information can be collected under a number of circumstances, including, *inter alia*, if there is individual consent; when required by special law (especially for the needs of criminal procedure, execution of valid decisions of protection and security interests of the state); or when required for protecting the life or other important interest of the person concerned. See Law 52/1998 of the Coll. on Protection of Personal Data in Information Systems, Art. 8, paras. 1–2.

⁶³ Human Rights Office of the Government, “Basic principles of the act on the prevention of all forms of discrimination”, 2001.

of discriminatory practices against Roma in various areas, such as access to public services, health care, housing, employment and education, or to measure the frequency of racial violence.⁶⁴ At the same time, positive action is prohibited by the Constitution.⁶⁵

The 2000 Regular Report of the European Commission stated that Slovakia must introduce and implement legislation transposing the Race Equality Directive, and the Commission has subsequently confirmed that combating racial discrimination is both a “prominent element of the political *acquis* in the EU” and an element of the legislative *acquis*.⁶⁶ The Slovak government has acknowledged the gap between existing legislation and its international obligations,⁶⁷ and has initiated the preparation of draft anti-discrimination legislation in cooperation with a Slovak NGO (the Independent Center for Legal Analysis). The Slovak Human Rights Office has produced two documents outlining the conceptual framework of the draft law, but as of July 2001, a draft was not yet available.⁶⁸

1. Education

The Slovak Constitution provides that “everyone has the right to education” and that “school attendance is mandatory.”⁶⁹ In practice, Roma children are increasingly excluded from the Slovak school system. Those who attend school are cordoned off into separate classes and, increasingly, separate schools, including schools intended for mentally

⁶⁴ *Second report on Slovakia*, European Commission against Racism and Intolerance (ECRI), Strasbourg, 27 June 2000, CRI (2000) 35, para. 43. See also “Spis Declaration” adopted on 11 December 2000 at International Conference on Integration of Roma into Society in Spisska Nova Ves.

⁶⁵ Constitution of the Slovak Republic, Art. 12, para. 2. There is no known legal debate or jurisprudence related to this particular provision. There are derogations for women, juveniles and disabled persons, who enjoy more extensive health protection and special working conditions, but not for Roma or other racial or ethnic minorities. See Constitution of the Slovak Republic, Art. 38, para. 1; Art. 41, para. 2.

⁶⁶ Conference on Accession to the European Union, Slovakia, “European Union Common Position”, “Chapter 13: Social Policy and Employment”, CONF-SK 2/01, Brussels, 14 February 2001, p. 4.

⁶⁷ The Government of the Slovak Republic, *Reports Submitted by State Parties Under Art. 9 of the Convention – Third periodic reports of States parties due in 1998 Addendum: Slovakia*, CERD/C/328/Add.1, 14 December 1999, para. 217.

⁶⁸ Reportedly, the draft will contain a definition of direct and indirect discrimination and provision for the reversal of the burden of proof. However, the scope of the law is likely to be limited to employment and possibly social protection, health and education; it is not likely to cover housing. “Basic principles of the act on the prevention of all forms of discrimination”, Human Rights Office of the Government, 2001. Information from the Head of the Department of Human Rights and Minorities, Bratislava, 2 March 2001.

⁶⁹ Constitution of the Slovak Republic, Art. 42, para. 1.

retarded children – a practice considered deeply discriminatory by Roma organisations⁷⁰ and noted with concern by the European Commission in 2000.⁷¹ Under these conditions, Roma children can not be said to enjoy equal access to education or to skilled employment.

Attendance

In the last ten years, the attendance of Romani children in kindergarten has dropped dramatically, from 85–90 percent in 1991 to 0–15 percent (depending on the region) in 2000.⁷² Romani attendance in primary schools has also decreased by more than 25 percent in only three years, from 7,996 in 1995 to 6,098 in 1998.⁷³ One 2000 study revealed that Roma pupils are eight times more likely to repeat a grade than majority children;⁷⁴ another found that 63 percent of Roma students drop out in the first grade.⁷⁵

High drop-out rates from primary school lead to predictably negative results at the secondary and university levels: in 1998/1999 the total number of Roma children attending Slovak secondary schools was reportedly under 400.⁷⁶ Of these, half attended the Secondary School of Arts in Kosice (see Section II.C). Few Roma attend university.⁷⁷

Numerous commentators have suggested that low school attendance among Roma children stems from the conditions of poverty and lack of parental education prevailing in many Roma communities.⁷⁸ However, there is increasing consensus that another important reason for high drop-out rates may be a reaction to discriminatory attitudes, widespread among school authorities.⁷⁹ Such attitudes have led, in some places, to

⁷⁰ Wide Open School Foundation, “Strategic Plan 2001–2003”, Slovakia, 2000, p. 11.

⁷¹ *2000 Regular Report*, p. 20.

⁷² Wide Open School Foundation, Slovakia, “Strategic Plan 2001–2003”, 2000, Diagram 2.1, p. 8. See also Explanatory Report to Strategy for Roma, 1999, p. 16.

⁷³ Institute for Information and Prognosis in Education, “Analysis of school failure of pupils from linguistically disadvantaged and neglected environment. 1998/1999”, Bratislava.

⁷⁴ Eight to sixteen percent of Roma children repeat a grade, compared to 1–2 percent of majority children. See International Organisation for Migration, “Social and Economic Situation of potential Asylum Seekers from the Slovak Republic”, June 2000, p. 60.

⁷⁵ Wide Open School Foundation, “Strategic Plan 2001–2003”, Slovakia, 2000, Table 3.1, p. 12.

⁷⁶ E. Sobotka, “Denied a Future?”, Slovak Republic, Save the Children [forthcoming], pp. 18–19.

⁷⁷ Estimates vary widely. According to the Wide Open School Foundation, in 1999 there were just 56 Romani students at Slovak universities. “Strategic Plan 2001–2003”, Slovakia, 2000, table 3.4, p. 14.

⁷⁸ See e.g. K. Frecerova, “Social Exclusion and Children”, National Institute for Tuberculosis and Respiratory Diseases, 1995, para. 82.

⁷⁹ Wide Open School Foundation, “Strategic Plan 2001–2003”, Slovakia, 2000, p. 9.

the systematic isolation of Roma students from their peers in special schools and segregated classes, further reducing their self-esteem and self-confidence both in school and in contacts with non-Roma society.

Special Schools

Many Roma students are isolated and stigmatised from the outset after placement in special schools for the mentally disabled. Slovak researchers have reported that Roma children are sent to special schools 28 times more often than non-Roma children,⁸⁰ and the European Commission expressed concern regarding this issue in its 2000 Regular Report.⁸¹ In many special schools more than half of the students are Roma; according to specialised NGOs, in some regions the percentage may be as high as 90 percent.⁸²

Technically, children can be placed in special schools only with the consent of a parent or legal representative, and on the basis of a “psychological and specialised pedagogic examination.”⁸³ According to Slovak expert observers, these tests do not make allowance for the different linguistic, cultural and social background of many Roma children.⁸⁴ Roma parents are often uninformed about the nature of the institutions into which their children are placed.

Segregated Classes

Those Roma children who attend mainstream schools are often isolated from their peers by other means – placed in the back rows or in separate “Gypsy classes” sometimes located in a separate building. First-hand reports of the existence of segregated classes have been reported from many regions of Slovakia.

In Saca (Kosice), the director of one school decided to form two classes for children with “extremely bad behaviour”. The approximately 30 children who study in these classes – the great majority of whom are Roma – study in a separate building from other students. The director justified this measure by pointing out that non-Roma parents would transfer their children to other schools if they were forced to study together with Roma

⁸⁰ D. Michlikova, “Dissertation of social aspects of education of the Roma minority”, Comenius University, Bratislava, 1995, cited in Frečerova, paras. 85, 87.

⁸¹ See *2000 Regular Report*, pp. 20–21.

⁸² Wide Open School Foundation, “Strategic Plan 2001–2003”, Slovakia, 2000, p. 11.

⁸³ Comments of the Government of the Slovak Republic to the Opinion of the Advisory Committee on the Report on Implementation of the FCNM, 2000, para. 9.

⁸⁴ M. Vasecka, “Roma”, in *Global Report on the State of Society*, p. 408.

children. He also maintained that Romani children feel happier without the competition of “smarter” non-Roma. Allegedly, non-Roma pupils are sometimes taken to see the Roma classes, as a demonstration of what will happen to them if they do not behave.⁸⁵

In the village of Nesvady (Komarno), Roma children of different ages have been placed in a single classroom in a separate school building.⁸⁶ The building lacks the facilities of the main school building, where non-Roma children attend classes.⁸⁷ One Roma organisation filed a criminal complaint against the school director. As a result, the School Department of the District Office in Kumarno conducted an investigation, but, according to the investigating official, there was no apparent violation of the law.⁸⁸ The Plenipotentiary for Roma Issues at that time, Vincent Danihel, also stated that the school acted in accordance with the law.⁸⁹ The opinions of Roma parents were not taken into consideration during the course of the investigation.⁹⁰

In the town of Hermanovce (Presov) the elementary school, which is in good condition, located on top of a hill, is for non-Roma children only. Roma children are all placed in special classes located in an old, dirty, one-floor house in the valley below. The director of the school explained that “all Roma children have bad results on the psychological tests” and “they would not manage in a ‘normal’ class.”⁹¹ Roma children are prohibited from taking their books home; teachers argue that “at home their younger siblings would mess up the books and exercise books,” and “the parents of these children do not want to pay for school materials.”⁹²

⁸⁵ The Good Romania Fairy Kesaj Foundation, *The White Book 2000*, Kosice, 2000, p. 27.

⁸⁶ *Nový cas*, “In Nesvady School the Roma kids were separated in special class: Is a multiple-grade class a demonstration of racism?”, 29 December 2000.

⁸⁷ Communication with the ERRC from the Executive Director of the League of Human Rights Advocates, 29 January 2001 (unpublished, on file with the EU Accession Monitoring Program).

⁸⁸ Director of School Department, Komarno District Office, cited in “In Nesvady School the Roma kids were separated in special class: Is a multiple-grade class a demonstration of racism?”, *Nový cas*, 29 December 2000.

⁸⁹ Letter from Vincent Danihel to Alexander Patkolo, Bratislava, 30 January 2001, No. 26/SVRM – 01.

⁹⁰ The investigating official stated that “in the Nesvady school case, the opinions of Roma parents are not known.” See “In Nesvady the Roma kids were separated in special class”, *Nový cas*, 29 December 2000.

⁹¹ Statement of the school director, as cited in V. Jancura, “How many centuries is separated white east of Slovakia from a coloured one: People in the garbage site”, *Pravda*, 14 February 2001.

⁹² V. Jancura, “How many centuries is separated white east of Slovakia from a coloured one: People in the garbage site”, *Pravda*, 14 February 2001.

Segregated Schools

Public authorities increasingly tolerate completely segregated “Roma schools”.⁹³ So-called “Roma schools” (e.g. Jarovnice, Svinia, Rakusy⁹⁴) are not special schools but normal schools where the overwhelming majority of pupils are of Romani origin. Some Roma schools have been established by administrative decision; others have developed gradually as non-Roma parents transfer their children from schools with a high or growing percentage of Romani children.⁹⁵

In comparison with “normal” schools, Roma schools are often badly maintained. One report from Trebisov describes the building in which Romani students study as rat-infested.⁹⁶ Roma schools are often overcrowded, with children obliged to study in shifts. For example, a school in Lunik IX (Kosice), with a capacity of 300, had enrolled 650 pupils by the end of the 1999/2000 school year.⁹⁷ One hundred-fifty additional students were expected for autumn 2001.⁹⁸ Unlike in “all white” schools, many teachers in Roma schools lack standard educational qualifications.⁹⁹

Government Response

The Governmental Strategy for Addressing Problems of the Romani Minority (hereafter, “Governmental Strategy for Roma”) acknowledges the need to “establish stricter criteria” in order “not to allow institutional segregation via the placement of children into special schools,”¹⁰⁰ but no action has been taken to address the issue.¹⁰¹

⁹³ *White Book 2000*, p. 26.

⁹⁴ The League of Human Rights Advocates, “Report of Fact Finding Mission on Human and Minority Rights to the District of Rakusy on 22 November 2000”, p. 3 (unpublished, on file with the EU Accession Monitoring Program).

⁹⁵ See “A Roma parent’s complaint against the gradual segregation of Roma students in the school in Nizny Zipov (Trebisov)”, *White Book 2000*, p. 75.

⁹⁶ League of Human Rights Advocates, “Report of Fact Finding Mission to the District of Trebisov, 29 February 2000”, p. 4, (unpublished, on file with the EU Accession Monitoring Program).

⁹⁷ E. Sobotka, “Denied a Future?”, Slovak Republic, Save the Children [forthcoming].

⁹⁸ Good Romani Fairy Kesaj Foundation Kosice, “The Consequences of Resolution 55/95 for the Inhabitants of Lunik IX, Kosice”, *White Book 2000*, p. 38.

⁹⁹ For example, Ivana Kraska primary school in Trebisov is attended by 426 Romani children. Out of 20 teachers all but two have only secondary school certificates. The director and her deputy have a Masters Degree, but not in pedagogy. The League Of Human Rights Advocates, “Report of Fact Finding Mission to the District Of Trebisov, 29 February 2000”, p. 4, (unpublished, on file with the EU Accession Monitoring Program).

¹⁰⁰ See Explanatory Report to Strategy for Roma, 1999, pp. 16–17.

¹⁰¹ E. Sobotka, “Denied a Future?”, Save the Children [forthcoming], p. 15.

Eliminating the existence of segregated classes for Roma does not figure in current government plans. In fact, as recently as June 2001 the government has continued to assert that special school placement “in no way ... takes into account [the students’] national or ethnic origin,” notwithstanding clear indications of substantial racial disparities in a number of schools.¹⁰² The government’s “Action Plan for the Prevention of Discrimination” recommends the establishment of “extra classes for Roma pupils” as an “alternative solution” together with so-called “zero year” classes (special preparatory classes).¹⁰³ According to a recent government report, “zero classes” operate in 94 elementary schools.¹⁰⁴ Both solutions could, under prevailing conditions, operate to further consolidate the trend towards segregating Roma schoolchildren; careful evaluation of the functioning of all special classes for Roma, and of the conditions under which Roma now in special schools may be appropriately transferred to normal schools, would be desirable.

2. *Health Care and Other Forms of Social Protection*

The Slovak Constitution guarantees to everyone the right to the protection of health and to citizens the right to free health care and medical supplies under conditions defined by law.¹⁰⁵ Neither the Constitution nor supplementary health care laws include any specific anti-discrimination provisions, although doctors are obliged to provide health care regardless of, *inter alia*, race or nationality.¹⁰⁶ Although official government statistics are lacking,¹⁰⁷ it is clear not only that health conditions among Roma communities are markedly worse than among the general population,¹⁰⁸ but that Roma experience discrimination in gaining equal access to health care.

¹⁰² Comments of the Government of the Slovak Republic to the Opinion of the Advisory Committee on the Report on Implementation of the FCNM, 2000, para. 9.

¹⁰³ Supplement 2, National Conference for the Prevention of All Forms of Discrimination, Racism, Xenophobia, Anti-Semitism and Other Forms of Intolerance, Conclusions of Working Group 2, annexed to the Resolution of the Government of the Slovak Republic No.283/2000 of 3 May 2000 on the “Action Plan for the Prevention of All Forms of Discrimination, Racism, Xenophobia, Anti-Semitism and Other Forms of Intolerance for the Period of 2000–2001”. (hereafter “Action Plan, Supplement 2”).

¹⁰⁴ Report on Progress in Integration into the EU, 2000–2001, p. 12.

¹⁰⁵ Constitution of the Slovak Republic, Art. 40.

¹⁰⁶ “Deontological Codex of Slovak Chamber of Doctors”, 1992, section on “Doctors and Health”.

¹⁰⁷ In many cases the most recent information on Roma health conditions available is from pre-89 Czechoslovakia. See “Health Needs of the Roma Population in the Czech and the Slovak Republics: Literature Review”, European Centre on Health of Societies in Transition (ECOHST), 2000. Roma NGOs sometimes describe health-related cases in their reports, but none have presented comprehensive statistics.

¹⁰⁸ Explanatory Report to Strategy for Roma 1999, p. 21.

Health Conditions

The life expectancy of Roma men is 13 years shorter than for the majority population, and for Roma women 17 years shorter.¹⁰⁹ According to the Slovak National Committee for UNICEF, in 1999 the Roma infant mortality rate in Eastern Slovakia was three times higher than for children of other ethnic groups.¹¹⁰ By the mid 1990's prenatal death among Roma was 1.5 to 2 times higher than among non-Roma in the Roznova region.¹¹¹

The incidence of contagious diseases such as tuberculosis and venereal disease is higher among Roma than among the majority population.¹¹² Cases of diseases such as scabies, pediculosis, pyodermatitis, mycosis, and askaridosis have been registered disproportionately among residents of Roma settlements.¹¹³ Periodic outbreaks of hepatitis and typhoid fever among Roma communities have been cited as justification for requiring Roma children to show health certificates at public swimming pools; non-Roma children are not required to produce certificates.¹¹⁴

Discriminatory Health Care for Women

Roma women commonly experience discrimination both during medical consultation and in the course of treatment. For Roma women in eastern Slovakia, segregated maternity wards are a fact of life: in this region, segregation is the rule rather than the exception, and extends to all hospital facilities, including showers and bathrooms.¹¹⁵

Health authorities in Lunik IX (Kosice) have imposed discriminatory restrictions on Romani women's access to gynaecological care. Roma women from this neighborhood

¹⁰⁹ International Organisation for Migration, "Social and Economic Situation of potential Asylum Seekers from the Slovak Republic", June 2000, p. 54.

¹¹⁰ In Kosice and environs the infant mortality rate was 20 percent, in Trebisov 31 percent and in Mihalovce as high as 35.7 percent, as compared with the rate for the population at large, at 10.2 percent. See A. Jurova, A. Koptova, "Vulnerable populations: children and young people of the Roma ethnic group" in *Children In Slovakia 1999*, Slovak National Committee for UNICEF, October 1999, pp. 47–48. For infant mortality rate for the population at large, See "1999 Regular Report from the Commission on Slovakia's Progress Towards Accession", 13 October 1999, Annex: Statistical Data (hereafter Regular Report 1999).

¹¹¹ Data for the period 1996–1997. I. Seres, "Specific issues in gypsy population prenatal care" (in Slovak), Slov Gynek Porod 1998; 5:125–131.

¹¹² International Organisation for Migration, "Social and Economic Situation of potential Asylum Seekers from the Slovak Republic", June 2000, pp. 53–55.

¹¹³ A. Jurova, *Developments of Roma Problems in Slovakia after 1945*, Goldpress Publishers, Bratislava-Kosice 1993.

¹¹⁴ D. Stabova, Head of the International Organisation for Migration, Slovakia, as cited in E. Sobotka, "Denied a Future?" Save the Children, p. 20 [forthcoming].

¹¹⁵ I. Zoon, *On the Margins – Slovakia*, Open Society Institute New York, 2001 [forthcoming].

are all registered with one gynaecological office, and are permitted to see the doctor only on Fridays. For the rest of the week, the doctor consults only with non-Roma.¹¹⁶ Several Slovak NGOs report that medical staff in certain municipalities, particularly in eastern Slovakia, display hostility and disgust towards Roma patients. According to one observer, the local doctor in Svinia routinely insults Romani patients, telling them “you stink” and addressing them as “you dirty dog” or “you idiot Gypsy”.¹¹⁷

In 2000, one Kosice-based NGO registered a complaint with the Slovak Ministry of Health about the widespread practice of segregating Romani women in separate maternity wards. The Ministry responded by stating that Roma patients are separated in accordance with their own wishes, and as a result of the fact that some Roma patients are very undisciplined, and do not respect hospital regulations.¹¹⁸ Roma women also complain of receiving routine insults at hospitals and health facilities; one Roma woman from Kosice related that “when Romani women give birth, doctors say: well, you knew how to go to your man’s bed, now you look after yourself.”¹¹⁹

Serious concerns have been raised over possible cases of non-consensual sterilisation of Roma women on the basis of the testimonies of Roma asylum seekers and the direct observations of medical personnel working with NGOs in Finland.¹²⁰ In November 1999, nurses in several Finnish refugee reception centers reported that a significant number of Slovak Roma women seemed to have been subjected to various types of gynecological interventions. The Finnish branch of Amnesty International investigated and found that several of these cases raised serious concerns. According to the reports, following caesarian or other interventions performed in Slovak hospitals after 1990, women never became pregnant again, although they did not use any method of contraception.¹²¹ The Slovak Office of Human and Minority Rights has denied knowledge of such practices.¹²²

¹¹⁶ This practice was introduced in 1997 and continued as of March 2001. Zoon, 2001[forthcoming].

¹¹⁷ Information from the Minoritas Association, Presov, 19 April 2000, on file with the EU Accession Monitoring Program.

¹¹⁸ Letter of the Ministry of Health in *White Book 2000*, p. 25.

¹¹⁹ Information from A.D., Kosice, in Zoon, 2001, [forthcoming].

¹²⁰ The Roma Rights League, a Belgian NGO, reported that several Romani women testified that they had been sterilised by Slovak doctors after giving birth in hospitals. OPRE Roma, “Roma and foreigners testify about racism and xenophobia in Slovakia”, 9 March 2000.

¹²¹ Zoon, 2001, [forthcoming].

¹²² TASR-SLOVAKIA, “Csaky’s Office Refuses Information on Regretful Situation of Minorities”, 9 March 2000.

Government Response

The Slovak Ministry of Health does not possess data on Roma health, because, according to a Ministry representative, “the Ministry does not know, and cannot know who is Roma and who is not.”¹²³ Moreover, the Government recently reported that the Ministry has not received or registered any case of discrimination against Roma in state health care facilities in the Slovak Republic.¹²⁴ The Ministry does not consider it necessary to undertake any study of Roma health, and does not have any methodology to study the health needs of the “socially weak”.¹²⁵

The Strategy for Roma focused on immunising Romani children against hepatitis A and B¹²⁶ – a task that reportedly has been fulfilled.¹²⁷ However, other serious diseases such as poliomyelitis and meningitis continue to undermine the health of Romani communities, and public health authorities occasionally have suggested that Romani parents are to blame for not being “disciplined” enough to have their children vaccinated.¹²⁸ In the absence of systematic vaccination against such diseases in Roma communities, there is serious and persistent threat of new outbreaks. In spring 2000 four new cases of meningitis were diagnosed among Roma communities near Mihailovce. Although 300 children in the area required immediate vaccination, only ten percent received it.¹²⁹

¹²³ Information from the Department of Public Health, Ministry of Health, 8 March 2001.

¹²⁴ Comments of the Government of the Slovak Republic to the Opinion of the Advisory Committee on the Report on the Implementation of the FCNM in the Slovak Republic, para. 3, <<http://www.humanrights.coe.int/minorities/Eng/FrameworkConvention/AdvisoryCommittee/Opinions/Slovakia.Comments.htm>> (accessed 26 July 2001).

¹²⁵ Information from the Department of Public Health, 8 March 2001.

¹²⁶ The Government entrusted this task to Regional offices and allocated 800,000 SKK (c. € 18,675) for vaccination, health education and laboratory tests of drinking water. See Strategy for Roma, Stage II, p. 39.

¹²⁷ Information from the Department of Public Health, 8 March 2000.

¹²⁸ TASR-SLOVAKIA, “Roma from Michalovce are refusing to get vaccinated against meningitis”, *Korzar*, 16 February 2000.

¹²⁹ According to an epidemiologist in Kosice, only 39 of 300 Roma children have been vaccinated against meningitis. See “Roma from Michalovce are refusing to get vaccinated against meningitis”, *Korzar*, 16 February 2000, Michalovce (TASR).

3. *Housing and Other Public Goods and Services*

Housing

The Constitution guarantees shelter to those in material need and remuneration sufficient to ensure a dignified standard of living for employees.¹³⁰ There are no legal provisions prohibiting discrimination in housing, and no definition of or prohibition against racial segregation under Slovak law. At the same time, increasing numbers of Roma live in segregated and sub-standard living conditions, at least in part due to discriminatory housing regulations and policies adopted by city councils throughout Slovakia.

Housing Conditions

Public opinion polls indicate that a majority of Slovaks support segregated living arrangements (see Section II), and many Roma do live separate from the majority population. According to statistics of the Ministry of Labor, Social Affairs and Family, more than 20 percent of all Slovak Roma live in 591 segregated settlements.¹³¹ The Strategy for Roma states that as many as one-third of the Roma population lives in isolated rural settlements, at the margins or far outside of villages.¹³²

In many places, non-Roma residents have taken action to ensure that segregation is either initiated or maintained. For example, in August 1999 a group of non-Romani inhabitants of Zehra circulated a petition urging a referendum on the racial partition of the town.¹³³ Reportedly, Roma families have been hounded out of non-Roma neighbourhoods by neighbors who pile garbage at their doors and write racist slogans on the walls.¹³⁴

¹³⁰ Constitution of the Slovak Republic, Art. 39, para. 2 and Art. 36. The Constitution guarantees assistance necessary to ensure *basic* living conditions. These “basic living conditions” are defined by law as one hot meal a day, necessary clothing and shelter. See Law on Social Assistance, No. 195, Coll. 1998, Art. 2, para. 3.

¹³¹ Ministry of Labour, Social Affairs and Family, “Social Policy of the Slovak Republic in 1998”, Bratislava 1999, p. 91 (hereafter “Social Policy Report 1998”).

¹³² Sixty-seven settlements are located outside municipalities and 175 settlements are at the border or in close vicinity of the municipalities. See Explanatory Report to Strategy for Roma 1999, p. 19.

¹³³ One-hundred sixty of Zehra’s 400 non-Roma residents signed a petition asking that the town be split into Roma and non-Roma settlements. The petition did not state any reason for the proposed split. See “Roma minority unrest in Slovakia”, *Radio Prague*, 17 August 1999.

¹³⁴ Zoon, 2001 [forthcoming].

Conditions in segregated Roma settlements are notoriously poor. Many dwellings are nothing more than “simple shelters built mostly of wood, clay and plate”;¹³⁵ most are technically illegal, constructed without a building permit or planning authorisation.¹³⁶ Forty-one of the 591 settlements included in the Ministry of Labor’s study have no source of drinking water and on average there are 88 persons for each water source. Approximately one-fourth of these settlements do not have public lighting.¹³⁷ Access to public transportation is often severely limited – both by lack of infrastructure¹³⁸ and by discriminatory practices such as termination of public transport in the areas where Roma live (Letanavce) or bus drivers’ refusal to take Roma in their vehicles (Svinia).¹³⁹

Patterns of Segregation

Patterns of segregation have become more entrenched in the past decade. At the beginning of the 1990’s Roma lived in both rural and urban areas throughout Slovakia. However, with the simultaneous elimination of many factory jobs and the privatisation of former municipally-owned flats, many Roma – unemployed, and no longer able to pay rents and utilities – were forced to move into cheaper housing, often in rural areas.¹⁴⁰

However, discrimination has also played a decisive role in the increasing isolation of Roma and Romani communities. Individual Roma and Roma families have been prevented from settling in some Slovak cities and towns, and some municipalities have barred Roma as a group. For example, in 1994 local authorities in Trnava cancelled the residence permits of two Roma families because it was not “in the benefit of the town ... to let ... Gypsy families settle [there].”¹⁴¹ In 1998 Jelsava authorities denied residence permits to five Roma families who had purchased houses in the town. The Mayor declared that he was aware that such a decision was unlawful¹⁴² but explained

¹³⁵ See Explanatory Report to Strategy for Roma 1999, p. 19.

¹³⁶ J. Bucek, “Land, ownership and living environment of Roma minority in Slovakia”, Local Government and Public Service Reform Initiative, Open Society Institute, p. 10, <<http://lgi.osi.hu/ethnic/reactions/bucek/>> (accessed 26 July 2001).

¹³⁷ Social Policy Report 1998, p. 91. In Letanavce only several houses have bulbs and TV sets connected to car batteries, personal observation of the reporter during visit to Letanavce, 21 April 2000.

¹³⁸ 50 have no access road at all and 154 have a dirt road. Social Policy Report 1998, p. 91.

¹³⁹ Information from visit to Svinia, April 2000. See Zoon, 2001, [forthcoming].

¹⁴⁰ Bucek, p. 8. See also Social Policy Report 1998, p. 68.

¹⁴¹ International Helsinki Federation, “Report on the matter of Cancellation of Permanent Residence of two Roma families in Trnava”, Bratislava, February/March 1994 (unpublished).

¹⁴² M Vasecka, *The Roma in Slovakia*, Institute for Public Affairs, July 1999, Bratislava, p. 12.

that it had been necessitated by “Jelsava citizens’ fear of a wave of Romani migration into abandoned Jelsava houses, which are selling for relatively low prices” and admitted that it was aimed to “discourage others [Romanies] from moving to Jelsava.”¹⁴³

On 9 June 1997 the municipal council of Rokytovce published a resolution which threatened that Roma who “settle” in the village would be expelled “with the help of the village inhabitants.”¹⁴⁴ On 16 July of the same year, the Nagov municipal council resolved “[n]ot to allow Roma citizens ... to enter the village Nagov, or to settle in shelters in the district of the village.”¹⁴⁵ Residents barred even Roma who had registered legal permanent residence in Nagov and Rokytovce from entering these municipalities.¹⁴⁶

The intervention of national and international bodies has proven crucial in blocking discriminatory regulations adopted at the local level.¹⁴⁷ Both Nagov and Rokytovce municipalities lifted the ban in April 1999, after Romani victims filed complaints with the European Court of Human Rights and with the UN Committee for the Elimination of All Forms of Racial Discrimination (CERD) and after national authorities intervened in favour of lifting the prohibition.¹⁴⁸ In August 2000 CERD found the regulations in violation of Slovakia’s obligations under International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and urged Slovakia to “fully and promptly eliminate” practices restricting freedom of movement and residence of Roma.¹⁴⁹ However, neither local council ever acknowledged that the decisions had been illegal and never provided any form of compensation to the victims. As of January 2001 (almost two years later), Roma from these two villages reportedly were still living on the bank of a river in the town of Cabiny in appalling conditions, effectively banned from entry to either Nagov or Rokytovce.

¹⁴³ *Sme*, 28 November 1998 and *Narodna Obroda*, 30 November 1998.

¹⁴⁴ Resolution No. 21 of the Emergency Meeting of the Municipal Council in Rokytovce, 9 June 1997.

¹⁴⁵ Resolution No. 22, adopted by Nagov local council on 16 July 1997, modified on 10 September 1998.

¹⁴⁶ Mayor of Cabiny, cited in S. Dohovic, “Roma Colony Arose in Cabiny”, *Korzo*, 19 June 1998.

¹⁴⁷ For example, on 1 June 1993 the village of Spisske Podhradie adopted an ordinance that referred explicitly to “citizens of Roma origin and other suspicious persons.” The ordinance forbade Roma from leaving their homes at night and allowed city police to enter the homes of Roma citizens. Implementation of the ordinance was halted by the district attorney, and on 15 June 1993 the National Council declared it void.

¹⁴⁸ Organisation for Security and Co-operation in Europe, High Commissioner on National Minorities, “Report on the Situation of Roma and Sinti in the OSCE Area”, 2000, p. 104.

¹⁴⁹ CERD found a violation of article 5(d)(i) of ICERD. Committee on the Elimination of Racial Discrimination, Opinion – Communication No.13/1998, CERD/C/57/D/13/1998 from 25 August 2000.

In other places, many other Roma families have been forced into cheap and often segregated urban quarters at the margins of the cities, many of which are “overcrowded and devastated”.¹⁵⁰ Beginning in 1996, a number of city councils began taking action to remove Roma tenants or families without residence permits¹⁵¹ or to evict them when they failed to fulfill their obligations as tenants.¹⁵² Flats, houses or entire settlements were constructed especially for Roma, and presented as efforts to improve their situation, to revitalise city centers,¹⁵³ or to secure alternative housing for evictees.¹⁵⁴ For example, authorities in Kezmarok planned to construct a “Roma village” in the suburbs of the city, to which they would move all the Roma tenants of historical buildings that require reconstruction.¹⁵⁵ In Dunaska Streda, the local council moved all those defaulting on their rent into a building three kilometers outside the city. Similar situations have developed in Vilcurna (Spisska Nova Ves) and Medeny Hanor (Banska Bystrica). Conditions in these special “Roma areas” are generally poor.

Roma have protested against such policies as official support for the development of Roma ghettos.¹⁵⁶ In 2000, a Kosice-based NGO filed a complaint with the General Prosecutor’s office, alleging that a 1995 municipal housing resolution created the conditions for the segregation and ghettoisation of Roma in Lunik IX (Kosice).¹⁵⁷ The Regional Prosecutor’s Office (to whom the complaint was referred), refused to consider the complaint, on the grounds that “the act did not constitute a violation of [the law].”¹⁵⁸ And these disturbing

¹⁵⁰ Bucek, p. 8.

¹⁵¹ J. Young, “UNHCR Guidelines relating to the Eligibility of Slovak Roma Asylum Seekers”, February 1998, para. 2.1.4.

¹⁵² Slovak Helsinki Committee, “Report on Human Rights Situation in Slovakia ‘98” (hereafter, “Helsinki Committee Report 1998”), Monitoring Minority Rights, No. 2, November–December 1998, p. 30.

¹⁵³ Helsinki Committee Report 1998, p. 30.

¹⁵⁴ United Nations Development Programme, “The Romanies in Slovakia” in the *National Human Development Report – Slovakia 1998*, Bratislava, p. 72.

¹⁵⁵ Slovak Helsinki Committee Project, “Assistance to organisations involved with Human Rights protection in Slovakia” in *Shortened Version of reports from Fact Finding Missions to Various Regions of Slovakia Conducted in 1998*, p. 4. As of 25 July 2001, Roma families living in the city center had received letters from the municipality stating that they would soon be removed or evicted, and the municipality was still seeking funding to create the Roma village. Personal communication with A.P., 25 July 2001.

¹⁵⁶ Helsinki Committee Report 1998, p. 30.

¹⁵⁷ The complaint, alleging a violation of Art. 158 of the Slovak Penal Code (abuse of power of a public official), was filed against the former mayor of Kosice and current president Rudolf Schuster, Kosice’s present mayor, Zdenko Trebula, and former and the Kosice Council members who approved the resolution (Kosice Municipal Council, Resolution No. 55, April 1995). Good Romani Fairy Kesaj Foundation Kosice, “Human Rights” in *White Book 2000*, pp. 37–39.

¹⁵⁸ Letter of the Regional Prosecutor’s Office, dated 11 September 2000 (on file with A.I., Kosice NGO).

trends seem likely to continue: as of April 2001, the Slovak Parliament was considering an amendment to the civil code that would permit municipalities to perform evictions without court orders.¹⁵⁹

Lack of Residence Permits

Thousands of Slovak Roma lack residence permits, and experience difficulties obtaining them when they move, either voluntarily or following evictions.¹⁶⁰ The situation is particularly severe for those living in segregated Roma settlements. For example, of 3,000 Roma living in Jarovnice, 350 do not have permits. In Letanavce, 200 of 700 lack permits.¹⁶¹ Approximately 16 Roma families live in Medeny Hanor, on the outskirts of Banská Bystrica; all have been evicted from flats in Banská Bystrica, and none have valid residence permits.¹⁶² Local authorities in Jarovnice refused for six years to register a woman who had moved there with her husband. According to her lawyer, the mayor stated: “[She] is not our resident, let her go where she comes from, we don’t want her here – or take her with you to Bratislava. The best would be to take all the Gypsies with you.”¹⁶³

Those without residence permits do not enjoy equal access to a wide range of social benefits. For example, without a permit, it is difficult to register children for school,¹⁶⁴ and to exercise voting rights.¹⁶⁵ The government has acknowledged the necessity to address the problem of providing residence permits to Slovak Roma citizens,¹⁶⁶ but has so far failed to articulate any concrete measure for doing so.¹⁶⁷

¹⁵⁹ Civic Association for the support of Eastern Slovakia region (EccE), “Amendment to the Civil Code without adequate social housing can produce hundreds of new homeless people”, 13 April 2001, letter on file with EccE.

¹⁶⁰ See Young, 1998.

¹⁶¹ See Zoon, 2001 [forthcoming].

¹⁶² Information from Project Coordinator, Hope for Children, Banská Bystrica, 6 March 2001.

¹⁶³ Zoon, 2001 [forthcoming].

¹⁶⁴ Country Reports on Human Rights Practices for 1999 – Slovak Republic, Bureau of Democracy, Human Rights and Labor, U.S. Department of State, February 2000 (hereafter “State Department Report, 2000”).

¹⁶⁵ Project on Ethnic Relations, *Political Participation and the Roma in Hungary and Slovakia*, 3–4 July 1998, Kosice, Slovakia.

¹⁶⁶ Action Plan, Supplement 2.

¹⁶⁷ According to the housing expert in the Plenipotentiary’s Office, there is no need to address residence issues immediately because they will be addressed when general housing issues are addressed. Information from the Office of the Plenipotentiary, 2 March 2001, Bratislava.

Government Measures

In August 2000 the UN Committee on Elimination of Racial Discrimination encouraged Slovakia “to monitor trends which give rise to racial segregation and indicate its findings in subsequent reports”¹⁶⁸ and the Commission noted *de facto* segregation of Roma in some cities and towns.¹⁶⁹ As of June 2001, there were no plans to initiate such monitoring.

Moreover, an analysis of government housing policy and recent government reports to international human rights bodies¹⁷⁰ reveals a lack of attention to the problem of racial segregation in Slovakia. Some national politicians have gone so far as to express support for segregation of Roma, with MP Michal Drobny stating, during parliamentary debates, that “[Roma] must be isolated because co-existence is impossible.”¹⁷¹

Strong public and political support for segregated housing arrangements has distorted the impact of public and international funding to improve the housing situation for Roma. For example, the mayor of Svinia agreed to provide land for the construction of houses for Roma on condition that the new location would be situated even further from the village than the existing Roma settlement.¹⁷² Such “agreements” with local authorities – even if taken to relieve an urgent housing crisis for Roma families – have the effect of further entrenching segregation and implicitly condone racist attitudes on the part of local public officials. A careful monitoring mechanism should be established to ensure that expenditure of the SKK 200 million (c. € 4,672,362) allocated by the Slovak government to improve housing conditions for Roma¹⁷³ does not in fact reinforce existing patterns of segregation.

Other Goods and Services

The Law on Consumer Protection prohibits discrimination against consumers by vendors on any grounds as well as acts that “manifestly [exhibit] signs of discrimination.”¹⁷⁴ In

¹⁶⁸ CERD/C/57/CRP.3/Add. 4, para. 9.

¹⁶⁹ See *2000 Regular Report*, pp. 20–21.

¹⁷⁰ For example, as State Party to ICERD, Slovakia is required to report on measures taken to prevent, prohibit and eradicate racial discrimination practices on its territory. The 1999 state report responds only by making a reference to the general anti-discrimination clause in the Constitution of the Slovak Republic. See “Third periodic reports of States parties due in 1998, Addendum, Slovakia”, CERD/C/328/Add. 1, 14 December 1999, para. 89.

¹⁷¹ RomNews Network, “Slovak Parliament Lifts Politician’s Immunity”, 23 September 2000.

¹⁷² Zoon, 2001, [forthcoming].

¹⁷³ Report on Progress in Integration into the EU, 2000–2001, p. 11.

¹⁷⁴ Law 634/1992 Coll on Consumer Protection as amended, Art. 6, para. 3(a).

particular, vendors are prohibited from denying sale of products and services that they are competent to provide,¹⁷⁵ and a specialised body, the Slovak Trade Inspection (STI), is tasked with overseeing implementation of the provisions of the Act. However, there are no specific sanctions established for discrimination against consumers.¹⁷⁶ At the same time, Roma – particularly those who live in settlements and segregated Roma neighbourhoods – claim that they are frequently excluded from public establishments by private owners and from public services by public officials. Public authorities have been reluctant to investigate and sanction this form of discrimination.

Reports of denial of access to Roma clients have been recorded in many parts of Slovakia. The Slovan Hotel in Kosice is infamous for prohibiting entry to “Roma, Arabs and Yugoslavs, who are all considered criminals.”¹⁷⁷ Roma have been denied entry to Tango Bar in Velky Saris, the railway station restaurant in Poprad,¹⁷⁸ and restaurants in Levoce, Trebisov and Humenne districts.¹⁷⁹

Lack of political will to enforce existing laws and regulations constitutes a significant impediment to decisive official action to prevent discrimination in access to public services. In April 1997, Miroslav Lacko was denied service in the Top Ten Restaurant in Kosice railway station; apparently the owner had ordered his staff not to serve Roma. Lacko filed a complaint with the General Prosecutor’s Office in Bratislava, and sought remedies with the STI. The STI found no evidence of discriminatory actions¹⁸⁰ and in April 1998 the District prosecutor rejected an appeal against the decision of the Kosice railway police to dismiss the case.¹⁸¹ In October 1998, apparently having exhausted all domestic remedies, the victim, assisted by the European Roma Rights Centre, filed a complaint against Slovakia with the UN Committee on the Elimination of Racial Discrimination (CERD). After the Committee declared the complaint admissible in August 1999, the investigation took a new direction: the restaurant owner was indicted and found guilty of propagation of national and racial hatred under the Slovak Penal Code (Art. 198,

¹⁷⁵ Law 634/1992 Coll on Consumer Protection as amended, Art. 6, para. 1.

¹⁷⁶ The Law on Consumer Protection establishes general sanctions consisting of fines of 500,000–1,000,000 SKK (c. € 11,681–€ 23,363) for repeated violations over a one year period.

¹⁷⁷ *White Book 2000*, p. 74.

¹⁷⁸ *White Book 2000*, p. 8.

¹⁷⁹ League of Human Rights Advocates, “Provisional Reports of Activities of the League of Human Rights advocates for the period December 15, 1999 to March 31, 2000”, Bratislava, p. 4. The League filed a criminal complaint against the restaurant in Levoce, and the case is pending.

¹⁸⁰ Slovak Trade Inspection, “Evaluation of control activities of the Slovak Trade Inspection in 2000”, 16 March 2001, <<http://www.soi.sk/kcinnost/zoznam/vkrok2000.htm>> (accessed 27 July 2001).

¹⁸¹ Lacko had alleged a violation of Penal Code 260, para. 1 (support for fascist movements), and the Railway Police decided that the facts of the case did not support the charge. However, the police did not attempt to identify the appropriate criminal provision for bringing the case.

para. 1), and fined 5,000 SKK (c. € 116).¹⁸² As of July 2001, consideration on the merits of the applicant's complaint by CERD is pending.

Allegedly, restaurant owners increasingly use "club membership cards" as tools to deny access to Roma. Following reports that the restaurant Drom, in Nizny Zipov (Trebisov) had denied service to local Roma on the pretext that they did not have a "club card," Roma human rights workers, who were also denied service in this restaurant, filed a complaint with the local police. The Trebisov County police department closed the investigation, concluding that the practice could not be classified as an offence.¹⁸³

While many complaints refer to denial of access to privately owned services (e.g. bars, discos, pubs) there are also a high number of cases involving the denial of access to public services for Roma by public authorities. For example, Roma have reported that municipal authorities have refused to rent them rooms in public municipal buildings for meetings (Nizny Tvarozec, county Bardejov) and family or social events (Rokyto, county Bardejov).¹⁸⁴ These same rooms are routinely rented to non-Roma. In October, 2000, the mayor of Pavlovce (Michalovce district), reportedly refused to allow Roma access to the conference room of the municipality, where a meeting had been organised between the International Organisation for Migration (IOM) and Roma inhabitants of Pavlovce. According to a local Roma activist, the mayor said: "Had I known that you were Gypsies, I would never have rented that room to you..."¹⁸⁵

Police are reportedly reluctant to register and investigate complaints of discriminatory denial of services. In June 1999, when a well-known Romani activist tried to file a complaint with the local police after being refused entry to the Hotel Slovan, reportedly "the policemen laughed and told us that was an internal instruction of the hotel manager ...because the Hotel Slovan is a private company and if the manager decides not to allow Roma into his facilities, then we should obey."¹⁸⁶ The Slovak Trade Inspection (STI) carried out 27,315 checks in 2000, but does not collect ethnically coded data, so there is no indication how many of these involved allegations of discrimination, or whether the STI identified or imposed any sanction for discriminatory practices.¹⁸⁷

¹⁸² Penal Order issued by the District Court in Kosice on 28 April 2000 (decision No. 6T 223/00).

¹⁸³ *White Book 2000*, p. 75.

¹⁸⁴ "Questionnaire for the monitoring of the situation of Roma settlements, *Rokyto*, 2000", provided by INFOROMA Foundation, p. 4.

¹⁸⁵ Information from A.P., Kezmarok, 2 March 2001.

¹⁸⁶ *White Book 2000*, p. 74.

¹⁸⁷ Slovak Trade Inspection, "Evaluation of control activities of the Slovak Trade Inspection in 2000", 16 March 2001, <<http://www.soi.sk/kcinnost/zoznam/vkrok2000.htm>> (accessed 26 July 2001).

Courts are similarly reluctant to convict for discrimination in public access. The Vice-President of the Slovak Supreme Court stated recently that “establishments which refuse admittance to Roma do so on financial and not racist grounds, as the owners have suffered financial losses when they have allowed Roma in.”¹⁸⁸ Yet one international NGO worker reported that a local shop in Hermanavce had refused to sell him bread when the owner found out that it was for Romani families,¹⁸⁹ suggesting that anti-Roma attitudes sometimes trump profit incentives.

Government Measures

According to the General Prosecutor’s Office, the government is preparing an amendment to the criminal code that would incriminate actions leading to denial of public services (e.g. ordering waiters not to serve clients, or ordering bodyguards not to permit access to public places) on ethnic or racial grounds, but as of June 2001 there was no provision to allow victims to file criminal charges for denying access to public services.¹⁹⁰

4. Employment

Slovak law provides for protection against discrimination in employment on the grounds of, *inter alia*, race or belonging to a national minority or ethnic group.¹⁹¹ Furthermore, employers are prohibited from publishing discriminatory job advertisements,¹⁹² and official monitoring bodies may oblige employers to adopt and report on implementation of corrective measures,¹⁹³ and may impose substantial fines.¹⁹⁴ However, despite reports of widespread discrimination against Roma in the field of employment, the legal sanctions to punish infringement of these laws have never been applied.¹⁹⁵

¹⁸⁸ Statement of the Vice-president of the Slovak Supreme Court to Danish Immigration authorities, cited in “Report on Fact-finding mission to the Czech Republic and Slovakia: Situation of the Roma Minority, 1 March to 11 March 1999”, Copenhagen, 1999, at < <http://www.udlst.dk/default.htm> > (accessed 26 July 2001).

¹⁸⁹ *White Book 2000*, p. 18.

¹⁹⁰ Interview, Department of Violent Crimes, General Prosecutor’s Office, Bratislava, 8 March 2001.

¹⁹¹ Article III, Basic Principles of the Labour Code Law 65/1965, Coll. Labour Code as amended. Sanctions for violations of the Code are laid out in Art. 270a and 270b.

¹⁹² Employment Law 387/1996 Coll as amended, Art. 112, para. 1.

¹⁹³ Employment Law 387/1996 Coll as amended, Art. 119; Art.122, para. 3 (a), (b).

¹⁹⁴ Fines range from SKK 500,000 to SKK 1,000,000 (c. € 11,700–€ 23,423) for repeated violations. Employment Law 387/1996 Coll as amended, Art. 12.

¹⁹⁵ CRI (2000) 35, para. 13.

At the end of 1999, unemployment in Slovakia was just over 16 percent.¹⁹⁶ By contrast, unemployment among the Roma population has been estimated at above 80 percent.¹⁹⁷ Among Roma settlements in Eastern Slovakia, the average unemployment rate runs as high as 88 percent,¹⁹⁸ and in some places reaches 100 percent.¹⁹⁹

Intergovernmental bodies and international human rights NGOs have reported widespread discrimination in the labour market as a contributing factor to high rates of unemployment among Roma.²⁰⁰ Indeed, discriminatory practices in both State Labour Offices and by private employers are often overt.

Until 1999, Slovak Labour Offices routinely marked Roma applications with an “R”, without the consent of applicants; the director of the National Labour Office denied that these measures were discriminatory, and insisted that they were justified because of the “complicated social adaptability” of Roma. He also claimed that the practice would help Slovakia attract EU funding to help Roma.²⁰¹ In practice, the “R” mark reportedly was used to deny Roma applicants access to job listings marked “no Roma”, and was abandoned in 1999 under pressure from domestic and international human rights bodies.²⁰² However, there have been reports that some Labour Offices maintain the distinction between Roma and non-Roma applicants by marking the applications of non-Roma with a “B” for “biely” (“white”).²⁰³

Despite continuing complaints of direct discrimination from human rights organisations and Roma individuals, legal prohibitions against discrimination in employment and in job advertising reportedly have never been implemented. Rather, public authorities have tolerated and shown implicit support for discriminatory practices. For example, in 2000, when Roma in Spissky Stvrtek complained that private employers were requesting the unemployment office not to send them Roma applicants, local authorities

¹⁹⁶ 2000 *Regular Report*, p. 43.

¹⁹⁷ CRI (2000) 35, para. 33.

¹⁹⁸ Social Policy Report 1998, p. 91.

¹⁹⁹ M. Vasecka, “The Roma in Slovakia – Report on the situation in 1998–1999”, Institute for Public Affairs, Bratislava, July 1999, p. 19.

²⁰⁰ See International Helsinki Federation for Human Rights, *Annual Report 1999: Slovakia*. See also CRI (2000) para. 35. See also US State Department Report 2000.

²⁰¹ RFE/RL Newline, “Slovak Labor Office also marking Roma with letter ‘R’”, 5 November 2000, <<http://www.rferl.org/newline/1999/11/3-cee/cee-051199.html>> (accessed 26 July 2001).

²⁰² US State Department Report, 2000.

²⁰³ Information from the Deputy Mayor of Sabinov, 19 April 2000.

reportedly answered that “private companies have the right to employ whoever they want.”²⁰⁴

Government Measures

Government action in this area has focused on providing additional job opportunities for Roma to address “the problem of high unemployment – primarily among Roma.”²⁰⁵ However, there are currently no state initiatives to address the problem of discrimination in employment, and discriminatory attitudes on the part of local governments – one of the key partners in the government jobs programme – could hamper implementation.

The seriousness and frequency of the discrimination-related complaints collected by NGOs and human rights organisations indicate that there is a need for systematic research, monitoring and reporting on discrimination on access to employment for Slovak Roma. The refusal of State bodies to collect data on discrimination while tolerating the routine, yet unregulated, collection of ethnically-coded “data” on applicants at employment offices constitutes a perversion of the principle of data protection.

5. Criminal Justice

The Police Act does not contain a specific anti-discrimination clause; police officers’ are required to pay due respect to the honour and dignity of all persons, and may be disciplined for failure to do so.²⁰⁶ There is little data on discriminatory treatment of Roma in the criminal justice system, and a Ministry of the Interior prohibition against the publication (though not the collection) of ethnic statistics on criminality has been in effect since November 1998.²⁰⁷

²⁰⁴ League of Human Rights Advocates, “Report of Fact-Finding Mission to the District of Spišská Nová Ves and Kežmarok of Eastern Slovakia, August 2000”, p. 4 (unpublished, on file with EU Accession Monitoring Program).

²⁰⁵ The Government initiated a community service programme, and vested authority for implementation in local government authorities, NGOs and religious organisations. The allocation for the programme in 2001 – which addresses general unemployment (not just among Roma) – is SKK 1.5 billion (c. € 35 million). Government of the Slovak Republic, “Report on the Slovak Republic’s Progress in Integration into the European Union, September 2000–June 2001”, p. 11, <<http://www.europa.sk/english/index.htm>> (accessed 26 July 2001).

²⁰⁶ Law 171/1993 on the Police Force, Art. 8, para. 1; Law 73/1998 Coll. 17 February 1998 on the State Service of Members of Police Forces, Slovak Information Services, Judicial and Prison Forces and Railway police; Art. 46, para. 1; Art. 52, para. 1; Art. 53 (specifying sanctions).

²⁰⁷ TASR, “Criminality of Roma will not be published”, 17 November 2000, Bratislava.

In the public perception, Roma are commonly held responsible for a high percentage of crimes committed in Slovakia (see Section II), and the government ban against the publication of statistics on “Roma criminality” has not quelled the demand for such data.²⁰⁸ Ethnic statistics continue to be collected and circulated by official bodies. For example, the Statistical Yearbook of the Ministry of Justice for 1999 and 2000 – available on the Ministry’s web-site – contains graphs with the number of convicted Roma between 1984 and 1999 and tables with the percentages of Roma convicted in 1999 at national and district levels.²⁰⁹ And data on “Roma criminality” still makes its way into the public sphere: an official from the Poprad District Office stated on television in December 1999 that Roma committed 90 percent of all crimes in the district, claiming to have received this information from the police.²¹⁰

In practice, the government appears to make exceptions to the general ban on the collection of ethnic statistics for showing that Roma enter the criminal justice system in disproportionate numbers.²¹¹ Moreover, concerns have been expressed that these data are collected not solely on the basis of voluntary identification by the persons concerned, as required by Slovak Law, but also on the basis of a determination by the officials collecting the data.²¹²

NGO research indicates that the over-representation of Slovak Roma within the criminal justice system may be the result of unjustified differential treatment,²¹³ but there has been no official research into this question, or into the frequency of discrimination against Roma in any other area. The government has undertaken some efforts to monitor racial violence, but comparative studies of prejudice among law enforcement personnel do not exist and there are no indications that the government considers them necessary (see Section III.B).

²⁰⁸ See “Response of the Slovak National Party to renunciation to publicise data on Roma criminality”, <<http://www.sns.sk/stan2.html>> (accessed on 23 July 2001).

²⁰⁹ See <<http://www.justice.gov.sk/>> Archiv, Statistika, (accessed 23 July 2001).

²¹⁰ K. Magdolenova, “When a Slovak goes to Europe, everything is OK. When a Roma goes to Europe it is an international scandal”, *Forum*, 9 April 2001.

²¹¹ According to the Statistical Year Book of Ministry of Justice 2001, almost 22 percent of all persons convicted by courts in 1998 were of Roma ethnicity. The figures were 20 percent in 1999 and 20 percent again in 2000.

²¹² Advisory Committee on the Framework Convention for the Protection of National Minorities, Opinion on Slovakia, adopted on 22 September 2000, para. 14.

²¹³ European Roma Rights Center (ERRC), *Racial Discrimination and Violence against Roma in Europe, Statement submitted to the UN Committee of Racial Discrimination at its 57th Session, on the occasion of its Thematic Discussion on Roma*, 15–16 August 2000, <http://errc.org/publications/legal/cerd_thematic_aug_2000.pdf> (accessed 21 July 2001).

B. Racially Motivated Violence

A 2000 amendment to the criminal code introduced enhanced sentencing for violent crimes committed with a racial motivation.²¹⁴ Moreover, on 11 April 2001 the Government approved a draft amendment to the Criminal Code which would extend enhanced sentencing to crimes committed as a result of a victim's presumed ethnicity,²¹⁵ and there are signs that Slovak courts have begun to acknowledge racial motivation in attacks against Roma. However, Slovak authorities still demonstrate considerable reluctance to acknowledge and punish racially motivated crimes, and many Roma are reluctant to report such crimes, for fear of retaliation.²¹⁶

1. Violence by Private Individuals

At least 150 racially motivated attacks²¹⁷ and seven racially motivated murders²¹⁸ have been reported in Slovakia during the last decade – the equivalent of one violent attack every month.²¹⁹ In 2000 the number of racially motivated beatings increased, with numerous attacks against “non-Slovaks”,²²⁰ including Roma.²²¹ In August 2000,

²¹⁴ See Law 140/1961 Coll Criminal Code as amended, Art. 196, para. 2; Art. 219, Art. 221, and Art. 222. Under Article 197a threats of such violence are also punishable.

²¹⁵ Government Resolution No. 315/2001, approving draft amendment to Law 140/1961 (Penal Code). See Report on Progress in Integration into the EU, 2000–2001, p. 13.

²¹⁶ The government has acknowledged that “[I]t is necessary to reassess the protection of Roma against racially motivated violent crime. Most of these offences...are still not reported to police authorities.” Explanatory Report to Strategy for Roma 1999, p. 14.

²¹⁷ M. Reynolds, “Skinheads and anti-fascists butt heads”, *Slovak Spectator*, 19–26 March 2001, Vol. 7, No. 11.

²¹⁸ According to statistics of the Ministry of Justice, during the period 1996–1998 the courts ruled on six racially motivated murders: one in 1996, two in 1997 and three in 1998. CERD/C/328/Add.1, 14 December 1999, para. 206. As of June 2001, one man had been convicted of manslaughter in the Balazova case.

²¹⁹ Statistics on racially motivated violence are kept by the Ministry of Justice, the Ministry of the Interior, the General Prosecutor's Office, and the police. However, these statistics are difficult to reconcile, since they are compiled according to different criteria, and since no distinction is made between “old” and “new” cases (i.e. if a case is filed in 1998, it is recorded again every year until it is resolved).

²²⁰ For example, two Japanese tourists were attacked by eight skinheads on 17 February 2000; two Brazilian and two Angolan students were attacked in the centre of Bratislava on 10 March; and an Angolan refugee was stabbed on a public bus by two skinheads on 1 May. See C. Togneri, “Year in Review: Race, Raids, resignations”, *Slovak Spectator*, 25 December 2000–7 January 2001, Vol. 6, No. 49.

²²¹ For example, a Romani man was shot in the hand while performing public work in the town of Prievidza. As of June 2001, police were investigating the possibility of racial motivation. European Roma Rights Center, “Romani woman in Slovakia dies after beating”, *Roma Rights Bulletin*, No. 3, 2000.

Anastazia Balazova, a Roma mother of eight, was beaten severely with a baseball bat, by three assailants who broke into her house during the night, screaming racist epithets such as “we will kill you black faces.” Ms. Balazova died on 22 August in the local hospital from head injuries sustained during the beating.

On 20 March 2001, a 38 year-old Roma woman from Lunik IX (Kosice) alleged that she was attacked and beaten by a group of c. 15 skinheads, who doused her in gasoline and tried to set her aflame, while shouting “Die, Gypsy bitch.” Police brought charges against unknown assailants, but the head of the district police department stated that he did not believe the beating had taken place as reported, noting that the police had not found gasoline on the clothing of the victims, nor signs of a severe beating. “In my opinion, she made it up ... the Roma are probably preparing the groundwork to leave [the country and apply for asylum in the West].”²²²

During 2000 the Slovak courts found evidence of racial motivation for violent acts against Roma in at least two cases. In April 2000, the District court in Banska Bystrica reversed an earlier and much-criticised decision of a lower court²²³ – and found that Roma student Ivan Mako was, indeed, the victim of a racially motivated attack.²²⁴ This decision marked the first case in which the racial motivation of a crime against a Rom was recognised by a Slovak court. In October 2000, the Bratislava District court found racial motivation and imposed prison sentences on three young men who beat and insulted a Romani man in 1998.²²⁵ In March 2001, one of four defendants in the Balazova case (see above) was found guilty of a racially motivated attack and manslaughter, and sentenced to seven years in prison; proceedings are still pending against another three persons involved in the attack.²²⁶

Still, many policemen, prosecutors and judges are reluctant to record, investigate, indict and sentence racially motivated crimes perpetrated by skinheads and skinhead-like

²²² M. Pisarova, “New gulf divides Roma and police”, *Slovak Spectator*, 26 March–1 April 2001, Vol. 7, No. 12.

²²³ The court in Brezno, Decision No. 2T 92/98, originally had ruled that Roma can not be victims of racially motivated attacks because they are of the same race as their attackers.

²²⁴ Decision No. 3T 52/98, 27 April 2000, District Court in Banska Bystrica. Jan Pochlopnik was found guilty under Art. 221, para 1.2(b) and sentenced to two years of prison with three years probation, for attacking and injuring a young Roma student in a bus station in the city of Banska Bystrica on 1 June 1996.

²²⁵ Decision No. 1Z 16/00, 2 October 2000, District court in Bratislava. All three were found guilty under Art. 196, para. 2 (racially motivated violence) and under Art. 202, para.1 (public disturbance). Two of them received the sentence of two years imprisonment and the third of 17 months of imprisonment, and all were prohibited from staying in the area of Bratislava for five years.

²²⁶ Information from the Office of the General Prosecutor, Bratislava, July 2001.

individuals or groups. The League of Human Rights Advocates maintains that the Ministry of Interior reports only a small percentage of all racially motivated crimes.²²⁷ Noting disparities between Romani organisations and the police in the representation of racist attacks, the European Roma Rights Center concluded that the police are applying an unreasonably rigid standard for what constitutes racially motivated crime, ignoring reports, or not proactively engaged in investigating racially motivated crimes.²²⁸ Indeed, Kosice municipal and police officials told the OSCE High Commissioner on National Minorities in 1999 that they had not identified any racially motivated crimes there in the previous eight years.²²⁹ In 2001, the head of one Kosice police department dismissed allegations of skinhead attacks by stating that “in Kosice, Roma think that everyone whose hair is shorter than five centimeters is a skinhead.”²³⁰

The government has maintained that there have been no “detected or proved” cases of a police authority “refusing to take a witness’s testimony, urging a victim to withdraw the charges, or refusing to disclose a concrete description of the victim’s injuries”²³¹ and no indication of a “passive attitude” towards violent acts committed against Roma on the part of judicial bodies.²³² However, a 28 March 2001 court decision found a 17-year old skinhead guilty of committing a racially motivated beating, but failed to sentence him. The judge explained “...when he entered my court, B. did not look like a skinhead. He had grown his hair out, and cried for 30 minutes, saying that he regretted the beating” and ruled that the court procedure itself had been sufficient punishment.²³³

2. Police Violence

Slovak human rights NGOs report frequent allegations of harassment and violence committed against Roma by police officers, including during interrogations²³⁴ and in

²²⁷ Information from the executive director of the League of Human Rights Advocates, Bratislava, 2 March 2001.

²²⁸ European Roma Rights Center, *Letter to Slovak Prime Minister*, 23 February 2000.

²²⁹ OSCE HCNM Report 2000, pp. 36–38.

²³⁰ M. Pisarova, “New gulf divides Roma and police”, *Slovak Spectator*, 26 March–1 April 2001, Vol. 7, No. 12.

²³¹ The Government of the Slovak Republic, *Reports Submitted by State Parties Under Article 9 of the Convention – Third periodic reports of States parties due in 1998 Addendum: Slovakia*, CERD/C/328/Add.1, 14 December 1999, para. 204.

²³² CERD/C/328/Add.1, 14 December 1999, para. 205.

²³³ L. Nicholsonova, “Skinhead free despite conviction”, *Slovak Spectator*, 16–23 April 2001, Vol. 7, No. 15.

²³⁴ Cervenak, 2000, p. 41.

the course of police raids on Roma settlements. Official sources tend to downplay these allegations.

NGOs have recorded numerous cases of police violence throughout Slovakia. The Legal Defence Bureau (LDB) in Kosice has recorded at least 40 cases of alleged police abuse, and has filed complaints under article 158 of the Criminal Code (abuse of power by a public authority)²³⁵ against officers from Moldava nad Bavou, Roznava, Podolinec, Handlova, Revuca, Previdza, Poprad, Kosice, Presov, Bratislava, Pavlovce nad Uhom, Rankovce, Bidovce, Spisska Nova Ves and other places.²³⁶ Most recently, 51 year-old Karol Sendrei died in police custody on 7 July 2001 in Revuca, allegedly after a beating at the hands of police officers. Three policemen and the mayor of the village of Magnezitovce have been charged with assault.²³⁷ However, to date no allegation of police brutality filed by a Rom has been substantiated by investigative authorities.²³⁸ According to one activist from Gemer, Slovak policemen are never prosecuted for crimes against Roma because investigations are often cursory (see below).²³⁹

In January 2001, a police raid was carried out in the village of Hermanavce. According to witnesses, policemen sprayed tear gas into the eyes of one suspect, striking him with batons, and shouting racial epithets. One of the young Roma who provided testimony to investigators stated that he was sexually harassed in the police station and that one police officer forced him to perform oral sex.²⁴⁰ In March 2001, 95 of the 98 adult Roma of Hermanovce sent a complaint charging local police with brutality to the Interior Ministry, the European Commission and other international organisations. An official police investigation did not find any proof of police brutality.²⁴¹

Many Roma prefer not to report mistreatment by police for fear of retaliation.²⁴² Indeed, in a significant number of cases in which a complaint has been filed by a Roma victim,

²³⁵ Policemen may be punished under the criminal code or by internal disciplinary procedures of the Ministry of Interior.

²³⁶ Cervenak, 2000, p. 41.

²³⁷ RFE/RL Newslines, "Slovak policemen, mayor, charged in Romany murder case", Vol. 5, No. 128, 10 July 2001, < <http://www.rferl.org/newsline/2001/07/100701.html> > accessed 26 July 2001.

²³⁸ Cervenak, 2000, p. 41.

²³⁹ M. Pisarova, "New gulf divides Roma and police", *Slovak Spectator*, 26 March–1 April 2001, Vol. 7, No. 12.

²⁴⁰ Romani Legal Defence Agency (RLDA), "Examples of institutional state discrimination against Roma community from the Slovak police", 2001.

²⁴¹ Information from the Romani Legal Defence Agency (RLDA), 2 August 2001, on file with the EU Accession Monitoring Program.

²⁴² "Report of Fact Finding Mission to the District of Trebisov", 29 February 2000, p. 1 (unpublished).

the charges were dropped and the victim was accused, charged, indicted and sentenced for crimes such as resisting arrest or assaulting a police officer.²⁴³ In one example, on 21 April 1999, fifteen skinheads assaulted two Roma in Poprad, causing them severe injuries. According to eyewitnesses, two police officers who subsequently arrived physically assaulted both the victims and Romani witnesses to the attack, insulting their ethnic origin. Four Roma who were brought to the police station claimed that they were physically abused in custody. All four were charged with assaulting a police officer.²⁴⁴ According to legal counsel for the Romani victims, his clients decided to withdraw their complaints, due to pressure from police and the prosecutor's office.²⁴⁵

A government representative recently claimed that although there are no officially recorded cases of racially motivated violations committed by police officers,²⁴⁶ such violations (including "threats against Roma") have been punished internally, with "less severe disciplinary measures".²⁴⁷

In fact, disciplinary procedures against policemen are generally carried out in non-transparent manner,²⁴⁸ and sanctions are most often limited to warnings or fines. Exceptionally, and most often in cases which attract international attention, disciplinary

²⁴³ Cervenak, 2000, p. 42.

²⁴⁴ See ERRC *Roma Rights Bulletin*, No. 2, 2000, "Snapshots around Europe".

²⁴⁵ Information from the ERRC Legal Department, 26 March 2001, on file with the EU Accession Monitoring Program. Prosecutors may be disciplined for such behaviour, if it is proven; as of March 2001, there had never been any disciplinary procedure against a prosecutor for discrimination in Slovakia. Written communication from the Director of Criminal Department of General Prosecution Office of the Slovak Republic, 15 March 2001.

²⁴⁶ CERD/C/328/Add.1, 14 December 1999, para. 111.

²⁴⁷ On 10 August 2000, during examination of the state report submitted to the United Nations Committee on the Elimination of Racial Discrimination a representative of the Slovak government stated: "(w)ith regard to racially motivated activities by police officers, there had been cases of prosecution for threats made against Roma, even though they had not been mentioned in the report. Other less severe disciplinary measures were also available." Summary record of the 1408th meeting: Slovakia, 10/08/2000, CERD/C/SR.1408, para. 11.

²⁴⁸ After urging the Slovak authorities to investigate alleged police abuses during a raid on the Roma settlement of Hermanavce on 28 October 1998, the ERRC subsequently was informed in a letter from Minister of Interior Ladislav Pittner dated 7 December 1998, that investigation had been opened into the conduct of an unspecified number of police officers. However, police officers in Chminanska Nova Ves reportedly stated in April 1999 that no legal measures would be taken against the officers concerned, and that the affair had been resolved "internally". See ERRC, *Letter to Slovak Prime Minister*, 23 February 2000.

actions are made public. For example, a police officer was disciplined after a young Rom was fatally shot while in custody in August 1999.²⁴⁹

Police and government officials often downplay both the seriousness and the significance of complaints filed against policemen by Roma. Jozef Contos, the head of Presov District Police, recently told the press that complaints against police officers were not rare, but that most proved unfounded upon investigation: "Since I took my post a few years ago, we never had a complaint from a Roma based on truth."²⁵⁰ Ladislav Barkol, the Head of the Department of Complaints at the Ministry of Interior's Police Inspection, declared that Roma complaints are usually unfounded, adding "We don't register whether the complaining party is a Rom or any other minority. That would be discrimination. However, of the 3,917 complaints against the police in 2000, only 522 (18.7 percent) were on valid grounds." In 2000, he added, not a single Slovak police officer was convicted of racism or police brutality against Roma suspects.²⁵¹ Most recently, Deputy Prime Minister for EU integration Maria Kadlecikova stated that the death of Karol Sendrei while in police custody "cannot be generalised into the context of a wider problem. It's just one isolated case, which we have never experienced before and, I believe, will never experience again."²⁵²

C. Minority Rights

The Slovak Government has emphasised that its efforts to fulfil its obligations under the FCNM are part of a "pan-European process aiming at the creation of international standards." On 19 June 2001 the Government affirmed its commitment to ensure the protection and development of minority languages, in particular, by ratifying the European Charter for Regional or Minority Languages. A declaration entered by the Government upon signature explicitly recognises the Roma language (Romanes) as one of the languages protected under specified articles of the Charter. The declaration also specifies that the provisions of the Charter apply in those municipalities where

²⁴⁹ For a detailed description of the Sarissky case, see *Annual Report of Amnesty International, 2000*, section on the Slovak Republic, <<http://www.web.amnesty.org/web/ar2000web.nsf/europe>> (accessed 26 July 2001). The policeman was found guilty of negligence (Criminal Code, Art. 224, para. 2). The Sarissky family did not appeal. The policeman later committed suicide. The case is closed. Information from the Head of the Department Violent Crimes, General Prosecutor's Office, Bratislava, 8 March 2001.

²⁵⁰ M. Pisarova, "New gulf divides Roma and police", *Slovak Spectator*, 26 March-1 April 2001, Vol. 7, No. 12.

²⁵¹ M. Pisarova, "New gulf divides Roma and police", *Slovak Spectator*, 26 March-1 April 2001, Vol. 7, No. 12.

²⁵² T. Nicholson, "Slovakia rejects EU rush-to-judgement", *The Slovak Spectator*, 16-29 July 2001, Vol. 7, No. 28.

minorities constitute more than 20 percent of the population,²⁵³ in keeping with domestic legislation.²⁵⁴

1. *Identity*

Slovak law does not provide a definition of “minority” and there is no formal mechanism for legal recognition of minority groups.²⁵⁵ However, the Constitution protects the individual right to decide one’s nationality,²⁵⁶ and provides that belonging to a national minority or ethnic group shall not be detrimental for anybody.²⁵⁷ Moreover, thirteen national minorities have been recognised *de facto* on censuses,²⁵⁸ and the existence of a long list of legal provisions for the protection of national minorities also implies recognition.²⁵⁹ The implementation of these provisions is dependent, to some extent, upon the size, status, and concentration of different minority populations.

In fact, the Government has affirmed its recognition of the Roma as a minority with equal status to other minorities in Slovakia with regard to both the FCNM and the European Charter. Still, some politicians have challenged the very existence of the Roma minority. In 1999 SNS president Jan Slota²⁶⁰ announced, “in no case shall we agree that there is here a Romany nationality. That is absolutely rubbish. They are Gypsies, who steal, plunder, and loot!”²⁶¹

Given widespread acknowledgement that previous censuses have underestimated the size of the Slovak Roma population (See Appendix A), the European Commission recommended that an effort should be made to compile more accurate figures in the

²⁵³ See “Declaration contained in the full powers handed to the Secretary General at the time of signature of the European Charter for Regional or Minority Languages”, 20 February 2001.

²⁵⁴ Law on the Use of Languages of National Minorities No. 184/1999 Coll, adopted on 10 July 1999.

²⁵⁵ *Report Submitted by the Slovak Republic Pursuant to Art. 25, para. 1 of the FCNM*, ACFC/SR(99)8, 3 February 1999 (hereafter “FCNM Report, February 1999”).

²⁵⁶ Constitution of the Slovak Republic, Art. 12, para. 3.

²⁵⁷ Constitution of the Slovak Republic, Art. 33.

²⁵⁸ *FCNM report*, February 1999.

²⁵⁹ For a list of Slovak laws related to the rights of persons belonging to national minorities, see Appendix B.

²⁶⁰ At that time, Slota was, in addition to SNS president, the mayor of Zilina, a parliamentary MP, and President of the Parliamentary Committee for Control of the Secret Service.

²⁶¹ Statement of 5 March 1998, in Kysucke Nove Mesto, *Romano Nevo L'il*, pp. 371–377, 1999.

2001 census.²⁶² Indeed, Roma identity and language were major issues during preparations for the census, which was held on 26 May 2001.²⁶³ Census instructions provided for the gathering of data on ethnicity and mother tongue²⁶⁴ by means of voluntary self-identification;²⁶⁵ respondents were free to choose from among 12 listed minorities.²⁶⁶ The Statistical Office also required that instructions for the census forms be prepared in minority languages in municipalities where minorities constitute more than 20 percent of the population.²⁶⁷

Roma leaders – concerned that Roma would be undercounted as they have been on previous censuses²⁶⁸ – pressed for the preparation of census *forms* in Romani, as well; in a letter to the Prime Minister, they pointed out that a failure to translate the forms into Romani, while doing so for other minorities, would constitute “clear and significant discrimination”. The government eventually decided to provide a Romanes translation of the forms in their entirety.²⁶⁹

2. Education

The Constitution guarantees the right of national minorities to be educated in their own languages.²⁷⁰ The School Act, however, limits the exercise of this right to specific minorities only;²⁷¹ Romani is not listed among the languages that can be used in primary and secondary school education.

Approximately 70 percent of Slovak Roma speak the Romani language as their mother tongue.²⁷² There are no schools teaching in Romani, despite the fact that many Roma

²⁶² 2000 Regular Report, p. 20.

²⁶³ Law No. 165/1998, 12 May 1998, on the census of residents, houses and flats in the year 2001.

²⁶⁴ Methodological Norms of the Slovak Statistical Office, 16 December 1999, Art. 2, para. 1(m), No. 4/2000.

²⁶⁵ Methodological Norms of the Slovak Statistical Office, 16 December 1999, Art. 2, para. 1(l), No. 4/2000.

²⁶⁶ Slovak, Polish, Hungarian, Croat, Romany, Serbian, Ruthenian, Russian, Ukrainian, Jewish, Czech, German, and “other”. The question related to the mother tongue lists the same categories Methodological Norms of Slovak Statistical Office, 16 December 1999, Appendix 1.

²⁶⁷ Methodological Norms of Slovak Statistical Office, 16 December 1999, No. 1795/2000-600, Art. 6.

²⁶⁸ See Appendix A.

²⁶⁹ See transcript of governmental meeting No. 136, 10 January 2001, Point 34.

²⁷⁰ Constitution of the Slovak Republic, Art. 34, para. 2a.

²⁷¹ Czechs, Hungarians, German, Polish, and Ukrainians/Ruthenians, Act No. 29.1984 on the Network of Primary and Secondary Schools as amended, Art. 3, Para. 1.

²⁷² Global Report on the State of Society, p. 410.

children have poor Slovak language skills or do not speak Slovak at all when they begin school, especially in the Eastern Slovakian settlements.²⁷³ In practice, some teachers use Romani as a “supporting language” in the early grades²⁷⁴ but this is on a strictly voluntary basis, and not the result of state policy.

Successive governments have questioned the feasibility of mother tongue education for Roma, claiming that the Romani language is not a single language, and that the need and demand for education in Romani is not clear.²⁷⁵ The government of former Prime Minister Meciar justified the lack of state-supported education in Romani by arguing that “many Roma children cannot speak Romani” and that the number of dialects is a “complicating factor”.²⁷⁶ The current government has stated that Romani will be used only as a “supporting language of instruction – depending on need and interest.”²⁷⁷ As a result, the Strategy for Roma is silent with regard to the introduction of Romani classes or the employment of Romani-speaking teachers,²⁷⁸ focusing instead on improving Slovak linguistic proficiency among Roma children.

In fact, Romani was codified in Slovakia in 1971²⁷⁹ and the argument that Romani parents are not in favour of education in Romani is based on a dated and controversial survey conducted by the Meciar government in 1994;²⁸⁰ there are no more recent such surveys. Nonetheless, the Government continues to report a “lack of interest on the side of Roma parents to have this subject introduced.”²⁸¹ Roma leaders claim that

²⁷³ S. Sujanova, Foundation Citizen and Democracy, Minority Rights Group – Slovakia, “Framework Convention for the Protection of National Minorities in the Context of the Slovak Republic”, 1999, p. 48.

²⁷⁴ Including during pre-school preparatory classes (“zero classes”) and primary schools with a high concentration of Roma pupils. See Comments of the Government of the Slovak Republic to the Opinion of the Advisory Committee on the Report on Implementation of the FCNM in the Slovak Republic, 2000, para. 12.

²⁷⁵ Global Report on the State of Society, p. 408.

²⁷⁶ United Nations’ Committee on the Rights of the Child, “Initial reports of States parties: Slovakia”, 17 August 1998, CRC/C/11/Add.17, para. 228.

²⁷⁷ See Explanatory Report to Strategy for Roma 1999, p. 17.

²⁷⁸ Strategy for Roma, Stage II, pp. 10–19.

²⁷⁹ K. Orgovanova, “Roma Language is codified since 1971 in Slovakia”, *Pravda*, 19 March 1999. Meanwhile, the Plenipotentiary for Roma Affairs was tasked to “elaborate the information on the status of preparation of re-codification of Romany language” by 31 December 2001. See Priority task No. 13 in the field of the political criteria in “Priority Tasks of the Government of the Slovak Republic Arising from the Regular Report from the European Commission on the Slovak Republic’s Progress Towards Accession to the European Union of 8.11.2000”, Resolution of the Government No. 17/2001, 10 January 2001 as amended.

²⁸⁰ Global Report on the State of Society, p. 411.

²⁸¹ Comments of the Government of the Slovak Republic to the Opinion of the Advisory Committee on the Report on Implementation of the FCNM in the Slovak Republic, para. 12.

a growing number of Slovak Roma place great value on the protection and preservation of their language.

There has been some official support for education in Roma culture, including the establishment of a Secondary School of Arts in Kosice, which offers classes in music, drama, dance, and acting especially for Roma students. Nitra University has operated a Department of Romani Culture since 1992, and, since 1999, a specialisation in teaching Romani children. Ensuring input from Roma during the preparation of school materials on Romani culture is crucial; a recently-published textbook on Romani history has been criticised by the Slovak Romany Initiative (RIS) on the grounds that it presents Roma in a negative light, and focuses on how Roma are different from other groups rather than describing their history.²⁸²

3. *Language*

The constitutional right to use minority languages in contacts with public administration²⁸³ was elaborated in the 1999 Law on the Use of Languages of National Minorities.²⁸⁴ Few Roma enjoy this right in practice.

Romani is a recognised minority language under the terms of the Language Law, although there was considerable opposition to its inclusion during the drafting process, again with the justification that the Romani language has not been codified, and despite the assertions of Roma leaders to the contrary (see above). The Law specifies that the right to use minority languages may be employed in municipalities where a minority group constitutes at least 20 percent of the population; this requirement has left some municipalities with a combined minority population of over 100,000 outside the sphere of protection.²⁸⁵ Nonetheless, the Commission welcomed the adoption of the law as a positive step.²⁸⁶

²⁸² RFE/RL Newline, Vol. 5, No. 136, 20 July 2001.

²⁸³ Constitution of the Slovak Republic, Article 34, para. 2(b).

²⁸⁴ Law on the Use of Languages of National Minorities No. 184/1999 Coll, adopted on 10 July 1999.

²⁸⁵ G. Nieuwsma, "Lessons in Democracy: Slovakia, its minorities and the European Union", *Central Europe Review*, Vol. 1, No. 20, 8 November 1999.

²⁸⁶ *1999 Regular Report*, p. 17. The Commission noted that further legislation on the use of minority languages in areas such as education and culture may be needed, and the Slovak government initiated the drafting of further regulations in 2000. See also *2000 Regular Report*.

The single greatest obstacle to enjoyment of minority language rights for Roma is the limited number of Romani speakers employed within the public administration. The European Commission noted in 2000 that Roma do not exercise the right to use their mother tongue in any of the 57 villages in which they officially constitute more than 20 percent of the population.²⁸⁷

4. *Media*

Slovak national radio is under legal obligation to contribute to the culture of the national minorities living in Slovakia,²⁸⁸ and Slovak public television is obliged to ensure broadcasting of minority language programs that promote minority interests and culture.²⁸⁹

Minorities publish numerous periodicals, and have their own programs (and programs about them) broadcast by Slovak public television. According to one media monitoring survey, during the period from April to June 2000 Slovak media devoted only one percent of their combined airtime to minority issues, with Roma receiving no positive coverage, and other minorities, such as the Czechs, Ukrainians and Ruthenians, receiving no coverage at all.²⁹⁰

The Ministry of Culture has provided funding for a number of Romani journals, particularly since 1999.²⁹¹ Slovak public television produces the Roma magazine *Romale* every week,²⁹² but relatively little time is devoted to radio programmes in the Roma language, with a single 20-minute weekly program of news and cultural information for Roma on Presov public radio.

²⁸⁷ See *2000 Regular Report*. See also Governmental Decree No. 221/1999, "Regulation of the Government of the Slovak Republic", issuing the list of municipalities where the citizens of the Slovak Republic belonging to national minorities compose at least 20 percent of the population.

²⁸⁸ Law 255/1991 Coll. from 24 May 1991 on Slovak Radio as amended, Art.6(d).

²⁸⁹ Act of the Slovak National Council No. 254/1991 Coll. on Slovak Television as amended.

²⁹⁰ MEMO 98 as cited in the US State Department Report, 2000.

²⁹¹ In 2000 the Ministry of Culture supported five Roma periodicals via four publishing houses, with 2,843,000 SK (c. € 66,060) for Roma periodicals and 483,000 SKK (c. € 11,223) for non-periodical publications. Report on Progress in Integration into the EU, 2000–2001, p. 16.

²⁹² According to the Government, a total of 38 programmes (16.9 hours) were broadcast in 2000 for the Roma minority, and in 2001 the programme will have a fixed broadcasting schedule. Report on Progress in Integration into the EU, 2000–2001, p. 16.

5. *Participation in Public Life*

Increased involvement of Roma in political parties, local NGOs and associations has not been paralleled by increased representation in governmental structures, either at the local or the national level.

As of February 2001, 18 Roma parties were registered with the Ministry of Interior (as well as three ethnic Hungarian parties and one ethnic Ruthenian-Ukrainian party).²⁹³ However, no Roma political party has succeeded in gaining representation in the Slovak Parliament. In the 1992 parliamentary elections, two Roma parties participated independently – the Roma Civic Initiative and the Party of Work and Security – but neither reached the required threshold of five percent of votes.²⁹⁴ In 1994, the situation was repeated when the only running Roma party – the Roma Civic Initiative – again received less than one percent of the vote. In 1998, no Roma political party stood independently. In all elections, Roma individuals have run for office with non-ethnic political parties but none have won seats. By contrast, a coalition of parties representing the Hungarian minority – which, like the Roma minority, numbers approximately 500,000²⁹⁵ – was able to negotiate a place within the government coalition following the 1998 elections, and plays a significant role in national politics.

On the local level, the situation is somewhat more favorable. In 1998, six mayors and 86 council members were elected from Roma political parties.²⁹⁶ However, one of those elections, in the town of Petrova (north-eastern Slovakia), was subsequently annulled due to the protests of non-Roma residents. Immediately after Marian Billy (the candidate for the Roma Civic Initiative) was elected mayor of Petrova, the local council called a vote of non-confidence on the basis of a door-to-door petition. A re-election in September 1999 returned a non-Roma mayor to office.²⁹⁷

Public Employment

There are no data on the representation of Roma in the government or the civil service. There is no governmental policy in place to promote increased access for Roma to public employment.²⁹⁸

²⁹³ See <http://www.civil.gov.sk/pol_stra.htm>, status of registration as of 15 February 2001.

²⁹⁴ The Roma Civic Initiative obtained 0.97 percent of votes and the Party of Work and Security 0.6 percent of votes. See *Reports on Election of Slovak Statistical Office* at <<http://www.statistics.sk>> (accessed 26 July 2001).

²⁹⁵ See Appendix A.

²⁹⁶ FCNM Report 1999.

²⁹⁷ European Roma Rights Center (ERRC), “Slovak authorities annul election on racist grounds”, *Roma Rights*, No.1/2000, <http://errc.org/rr_nr1_2000/snap24.shtml> (accessed 26 July 2001).

²⁹⁸ Information from the director of the InfoRoma Foundation, October 2000.

Citizenship

Citizenship was a major problem for Roma for a significant period following the break-up of Czechoslovakia, when Roma who returned to home villages and settlements from the Czech Republic found themselves stateless, and unable to acquire Slovak citizenship.²⁹⁹ There is no information available on the number of Roma who have not yet managed to obtain valid Slovak identification documents.³⁰⁰

²⁹⁹ Many Roma who were born and lived their entire lives in the Czech Republic were deemed Slovaks under Czech citizenship law, and expelled, in the period 1993–1998, from the Czech Republic to Slovakia. See “From Exclusion to Expulsion”, Tolerance Foundation, Prague, 1997.

³⁰⁰ According to information from the UNHCR Office in Bratislava, no cases of statelessness have been reported in Slovakia.

IV. Institutions For Minority Protection

A. Official Bodies

The European Commission and other international bodies have recommended that Slovakia establish an official body to “promote non-discrimination, provide assistance to individual victims of discrimination, conduct surveys on discrimination and publish reports and recommendations on discrimination.”³⁰¹ As of June 2001, no such body had been established. However, an Ombudsman’s Office is scheduled to open in the autumn.

The Slovak government has established a number of official bodies to address issues related to minority protection in general, and Roma rights in particular, and has adopted a two stage strategy to improve the situation for the Slovak Roma community. However, as of yet there is no institutional mechanism for ensuring the Strategy’s coherent implementation and evaluation. Initial efforts to address the key issues of discrimination and racial violence, both within the context of the strategy and by civil society organisations, should be supported and expanded.

1. *The Ombudsman*

After a sustained lobbying campaign by domestic and international human rights organisations,³⁰² the Slovak government resolved to support the creation of a “human rights” Ombudsman. Subsequently, in February 2001, a constitutional amendment established the “Public Defender of Rights”.

The new institution is defined as an independent body that will participate in the protection of fundamental rights and freedoms by examining actions, decisions, or inactivity on the part of public administration bodies that may be in conflict with

³⁰¹ Conference on Accession to the European Union, Slovakia, “European Union Common Position”, Chapter 13: “Social Policy and Employment”, CONF-SK 2/01, Brussels, 14 February 2001, p. 4. ECRI has also recommended the creation of a specialised body to combat racism and intolerance. CRI (2000) 35, para. 15

³⁰² In October 2000, 154 Slovak organisations, including Roma NGOs, addressed a letter to the Slovak Parliament, Government and other institutions, recommending the adoption of an amendment to the Constitution of the Slovak Republic on the “human rights defender”. (letter on file with Minority Rights Group Slovakia). See also *Concluding observations of the Human Rights Committee: Slovak Republic*, 08/04/97, CCPR/C/79/Add.79, para. 11.

Slovak law.³⁰³ The specific competencies and powers of the Public Defender, who will be elected for a five-year term by Parliament,³⁰⁴ are to be regulated by a special law which must be submitted to the Parliament in September 2001³⁰⁵ and will enter into force on 1 January 2002.³⁰⁶

2. *Governmental and Parliamentary Bodies*

In 1998, the government created the post of Deputy Prime Minister for Human Rights, Minorities and Regional Development. Under the leadership of Pal Csaky, the Office of the Deputy Prime Minister has won praise for raising the profile of minority issues, supporting the adoption of anti-discrimination legislation, condemning racially motivated violence, and guiding the elaboration and adoption of the Strategy for Roma (Stages I and II). However, some prominent Roma leaders have complained that the Office has not devoted sufficient attention to the problems of the Roma minority specifically.³⁰⁷

Tensions arose between the Office and the Roma community after Csaky referred to the wave of Slovak Roma who sought asylum in West European countries in 1999 as an organised attempt to discredit the country and undermine its efforts to join the EU.³⁰⁸ Speaking in Berlin in December 2000, Csaky stated: “we are not happy with the abuse of the right [to asylum] by certain members of our population groundlessly seeking asylum in order to obtain economic advantages...”³⁰⁹ In January 2001, he referred to Roma abuse of other countries’ asylum laws and to Roma emigration as “asylum tourism”.³¹⁰

³⁰³ Report on Progress in Integration into the EU, 2000–2001, September 2000–June 2001, p. 9.

³⁰⁴ The Public Defender can be removed before the end of his mandate only if sentenced by a court of law or in case of sickness. Constitution of the Slovak Republic, Art. 151a.

³⁰⁵ The Deputy Prime Minister for Human Rights, Minorities and Regional Development Office must draft the “Act on the Public Defender of Human Rights” by September 2001. See “Priority Tasks of the Government of the Slovak Republic Arising from the 2000 Regular Report of the European Commission.” Resolution of the Government No. 17/2001 from 10 January 2001.

³⁰⁶ Article III, Constitution of the Slovak Republic, amendment, Art. 151a, to enter into force on 1 January 2002.

³⁰⁷ Some have called for Csaky’s resignation, alleging his unwillingness and inability to address Roma problems. US State Department Report, Slovakia, 2000.

³⁰⁸ “Against Ethno-tourism”, *Pravda*, 1 July 1999, p. 1; “Ethnic Tourism”, *Pravda*, 2 July 1999, p. 2.

³⁰⁹ P. Csaky, “Presentation at Conference on Multiculturalism and Ethnic Minorities”, Berlin, 1 December 2000. See also, Cervenak, 2000, p. 34.

³¹⁰ P. Csaky, “Address to the Stockholm International Forum”, Stockholm, 29–30 January 2001.

Csaky's denial of the role of racism and discrimination in Romani migration from Slovakia has been echoed by the statements of other members of the Slovak Government, including the Deputy Prime Minister for Legislation,³¹¹ the Deputy Prime Minister for European Integration³¹² and the State Secretary of the Ministry of Foreign Affairs.³¹³ On 5 January 2000, State Secretary Jaroslav Chebo reportedly called for sanctions against Czech Airlines for transporting Roma from Bratislava to Finland,³¹⁴ and claimed that the "real discrimination" was prompted by "73 people who may bring about the re-imposition of visa requirements for 5.5 million Slovaks."³¹⁵ The government has never produced any evidence to support claims regarding the "organised" character of Roma emigration.

Many Roma believe the adoption of a skeptical and, at times, hostile stance towards Roma asylum-seekers on the part of senior state officials has contributed to increasing hostility against Roma within Slovak society.³¹⁶

The Deputy Prime Minister for Human Rights chairs the Council on National Minorities and Ethnic Groups,³¹⁷ an advisory body to the government on the development and implementation of minority policy. Fourteen minority associations, including two Roma parties,³¹⁸ have the right to nominate members. The Council coordinates the implementation of minority rights policies "arising from the Constitution and international obligations" in cooperation with ministries, local public administration and NGOs. It may propose

³¹¹ Deputy Prime Minister for Legislation Lubomir Fogas stated that the government would investigate "the unfair business, usury or deceit that might have happened in connection with the collective departure of Roma." "More resolute diplomacy", *Pravda*, 28 July 1999.

³¹² Pavel Hamzik, then Deputy Prime Minister for European Integration, was quoted as saying that "there are no reasons for Roma in Slovakia to apply for political asylum ... political problems do not exist (in Slovakia)." Cited in Cervenak, 2000, p. 35.

³¹³ State Secretary of the Ministry for Foreign Affairs, Jan Figel, stated that "Roma migrating to Finland are not victims of political persecution...their motivation has been economic and financial" and referred to the migrations as a "speculative action". "Consequence of the Roma Emigration", *Pravda*, 7 July 1999.

³¹⁴ Chebo may have been referring to Articles 26 and 27 of the Schengen Convention (part of the *acquis communautaire*), pursuant to which many Member States have imposed sanctions on airlines and other carriers which bring "undocumented aliens, including asylum seekers", to their territory. However, there is no reason to believe that the individuals in questions were "undocumented". Moreover, UNHCR, ECRE and other human rights NGOs have opposed such measures, on the grounds that they prevent legitimate asylum seekers from fleeing their countries. See ECRE Position on the Enlargement of the European Union in Relation to Asylum, Annex IV (Conclusions and Recommendations), 1998, p. 240.

³¹⁵ As cited by ERRC, *Letter to Slovak Prime Minister*, 23 February 2000.

³¹⁶ Cervenak, 2000, p. 34.

³¹⁷ Governmental Decree No. 292/1999, 4 April 1999.

³¹⁸ Roma Intelligencia for Coexistence (RIS) and Roma Civil Initiative (ROI). See Governmental Decree No. 292/1999, 4 April 1999.

concrete measures, submit special reports to the government, comment on draft laws and decrees and advise on the allocation of government funding to minorities.³¹⁹ Some ministries also have their own departments for dealing with minority issues and with responsibility for implementing governmental minority policy.³²⁰

The Human Rights Committee in Parliament has expressed willingness to address Roma issues; the chairman has met several times with the League of Human Rights Advocates and Roma associations.³²¹ A special sub-committee for Roma issues has been less active; in 2000 the sub-committee met only twice.³²²

The Office of the Plenipotentiary of the Government of the Slovak Republic for Addressing the Issues of Roma was established following the 1998 elections,³²³ and mandated to coordinate fulfilment of the Strategy for Roma, to mobilise Romani associations, initiatives and NGOs in support of the Strategy, and to prepare implementation reports.³²⁴ The Pleni-potentiary was intended to act as a bridge between Roma communities and the Government by raising Roma concerns with appropriate ministries and regional authorities, and identifying small-scale projects for government funding.

The ability of the Office to represent and mobilise the Slovak Roma community effectively was undermined from the outset by controversies surrounding the appointment of Vincent Danihel, a Roma lawyer, in March 1999. Slovakia's two most active Romani parties – both of which are represented in the Council on National Minorities and Ethnic Groups – contested Danihel's nomination; Danihel was not affiliated with either party.³²⁵ Other Roma activists questioned the legitimacy of Danihel's nomination on the grounds that he was appointed and not elected to the position.³²⁶ Danihel's position vis-à-vis the

³¹⁹ Governmental Decree No. 292/1999, 4 April 1999.

³²⁰ Ministry of Education (Department for Education on Nationally Mixed Territory); State Pedagogical Institute; (Methodical Centres and Clubs for teachers of Roma children); Ministry of Culture (Department of Minority Cultures); Ministry of Labour, Social Affairs and Family (Health Care Department; Family Policy Department); and Ministry of Foreign Affairs (Department for Human Rights).

³²¹ League of Human Rights Advocates, "Final Report of Activities of the League of Human Rights advocates for the Period 15 December 1999 to 31 December 2000", unpublished (on file with the EU Accession Monitoring Program).

³²² US State Department Report, Slovakia, 2000.

³²³ Slovak Government Resolution No. 127/1999, 10 February 1999 on the creation of the Office of the Plenipotentiary for Addressing the Issues of Roma.

³²⁴ Strategy for Roma, Stage II, p. 3.

³²⁵ The Roma Intelligentsia for Coexistence (RIS) had signed a pre-electoral cooperation agreement with the parties that won the 1998 election, and the Roma Civil Initiative (ROI) had supported the opposition.

³²⁶ P. Vermeersch, "Vying for Position", *Central Europe Review*, Vol. 2, No. 41, 27 November 2000.

Roma community was further eroded by his support for the official government viewpoint regarding Roma migration (see above). Many (though not all) Roma refused to cooperate with the Office in implementing a Strategy that was perceived as “merely declaratory”.³²⁷

The Office’s effectiveness in coordinating implementation of the Strategy by various official bodies has been limited. According to one employee, the office collects and compiles implementation reports from the ministries, but does not have any power to influence implementation: “All we can do is ... to encourage the state organs to fulfil their tasks... and then critically comment on their implementation reports.”³²⁸

In early 2000 the National Conference on Racism recommended an evaluation of the “effectiveness of the powers vested [in the Plenipotentiary],”³²⁹ and in 2001 Deputy Prime Minister Csaky organised an audit of the effectiveness of the Plenipotentiary’s Office, with a view to obtaining recommendations for improvement of the Office’s capacity.³³⁰ As of April 2001, the auditing report was not yet public,³³¹ but, following an exchange of accusations between Csaky and Danihel concerning misallocation of international funding to improve the situation of the Roma community, Danihel was dismissed from his position in May,³³² and replaced by Roma leader Klara Orgovanova.

3. *The Government Strategy for Roma*

In its evaluation of Slovakia’s application for Membership, the European Commission noted that “the position of the Roma... requires attention from the authorities,”³³³ and the Slovak Government subsequently adopted a two-stage “Strategy of the Government

³²⁷ P. Vermeersch, “Vying for Position”, *Central Europe Review* Vol. 2, No. 41, 27 November 2000. The Plenipotentiary did work with some human rights NGOs. See “Final Report of Activities of the League of Human Rights Advocates, 15 December 1999–31 December 2000”, (unpublished, on file with the EU Accession Monitoring Program).

³²⁸ Information from the Office of the Plenipotentiary, Bratislava, 2 March 2001.

³²⁹ See Action Plan, Supplement 2.

³³⁰ Human Rights Office of the Government, “Public Tender for Evaluation of Activities of the Secretariat of the Plenipotentiary of the Slovak Government for Solution of the Problems of Romany National Minority”, Bratislava, 2000. The audit formed part of a larger capacity building project funded by a USD 278,300 grant from the World Bank.

³³¹ Information from World Bank project consultant, 12 April 2001, on file with the EU Accession Monitoring Program.

³³² RFE RL-Newsline, “Slovak Government Dismisses Romany Affairs Commissioner”, 10 May 2001.

³³³ European Commission, Commission Opinion on Slovakia’s Application for Membership of the European Union, 15 July 1997, B.1.3.

of the Slovak Republic for the Solution of the Problems of the Roma National Minority and the Set of Measures for Its Implementation.”³³⁴ The adoption of the Strategy was praised as a step in the right direction. However, it has also drawn criticism on a number of counts, and serious systemic flaws have come to the surface during the process of implementation.

Strategy Objectives

First, both the Commission and NGOs immediately pointed out that Stage I of the Strategy does not clearly articulate the principles and goals of Government policy towards Roma.³³⁵ More specifically, a number of observers have claimed that the Strategy embodies a “social perspective”, devoting insufficient attention to the fundamental problems of racism and discrimination.³³⁶ The Government itself characterised the Strategy as “based on the civic principle, which enhances equal approach to everyone, a positive encouragement (targeted and differentiated) of Romany population...values of the European Community and support of the emerging Romany intellectuals on the basis of partnership.”³³⁷ One Roma representative assessed the Strategy’s approach as a “return to ‘old practices.’”³³⁸

Strategy Activities

Second, given the lack of clear and specific policy goals in Stage I, the “concrete measures” elaborated in Stage II also lack clarity and coherence. Broad policy objectives are mixed indiscriminately with very specific small projects, and problems that would require a long-term, systematic approach are addressed in an ad hoc manner. For example, although the document recognises the existence of long-term ill treatment and “even discrimination”³³⁹ against Roma in Slovakia, it fails to identify specific discriminatory practices in any particular area, or to propose any meaningful measures for their prevention, prohibition or eradication. The only attempt to address discrimination is a request for the Ministry of Interior to continuously “co-operate with the Ministry of Labor, Social Affairs and Family in analysing racial discrimination.”³⁴⁰ The scope of such analysis has

³³⁴ Stage I was adopted in September 1999, and Stage II in May 2000.

³³⁵ See *Regular Report 1999*, p. 17.

³³⁶ See ERRC, *Letter to Slovak Prime Minister*, 23 February 2000, <http://errc.org/publications/letters/2000/slovak_feb_28_2000.shtml> (accessed 21 July 2001).

³³⁷ See Report on the Slovak Republic’s Progress in its Integration into the EU, September 1999–June 2000.

³³⁸ A. Jurova, cited in K. Magdolenova, “Slovak Society Does not Seem Prepared to Solve Roma Questions Yet”, *Romano Nevo L’il*, 14 August–30 September 2000, Year X No. 448(394)–454(400) pp. 30–31.

³³⁹ Strategy for Roma, Stage II, p. 5.

³⁴⁰ Strategy for Roma, Stage II, p. 5.

not been clarified further and no funds have been allocated to the effort. The Ministry of Interior is required to introduce human rights and Roma rights issues into the curriculum of the Police Academy (including special courses on “communication and contact procedures” [sic] with Roma), but racial bias and prejudice within the police force are not recognised, and consequently not addressed.

Implementation and Assessment

Third, there is no effective institutional mechanism for ensuring that the numerous activities outlined in the Strategy are carried out and assessed.³⁴¹ Stage II assigns responsibility for implementation to different government ministries and identifies approximately SKK 165 million (c. € 3,845,817) from regional state administration and ministry budgets for this purpose. As noted above, the Office of the Plenipotentiary was tasked with coordinating efforts among Ministries, but not invested with the authority to require or influence implementation in practice.

Moreover, the government’s use of international funding allocated in support of, *inter alia*, implementation of the Strategy has been questioned. On 9 July 2001, the European Commission cut funding for Phare projects in Slovakia by ten percent until charges of embezzlement could be investigated.³⁴² Beyond the obvious problem of financial impropriety on the part of the government, the move also suggests the need for modification of Commission mechanisms for monitoring and evaluating the use of Phare funds by institutional grantees. Neither the government nor the Commission has issued a detailed assessment of the utilisation, in practice, of resources allocated to the Strategy.

However, information from other sources confirms the absence of effective implementation measures. One NGO study found that public authorities were aware of their obligations under the Strategy, but were reluctant to fulfil them.³⁴³ Another reported in March 2001 that, apart from declarations of good will, little had been done to improve the situation in local Roma settlements.³⁴⁴ A representative of the Plenipotentiary’s Office acknowledged

³⁴¹ The Commission described Stage II as “a list of valid intentions and good projects ... (that) lacks definition of objectives, assessment of progress to date, clarity in financial allocations and follow-up mechanisms.” *2000 Regular Report*, p. 21.

³⁴² RFE/RL Newline, “European Commission cuts PHARE funds payments to Slovakia”, Vol. 5, No. 128, 10 July 2001, <<http://www.rferl.org/newline/2001/07/100701.html>> (accessed 26 July 2001).

³⁴³ “Presentation of the League of Human Rights Advocates and International Club for Peace research to the Plenary Session of the Meeting of OSCE member States on Human Dimension Commitments Held in Warsaw-Poland”, 17–27 October 2000.

³⁴⁴ E. Muller, S. Schmidt, “Special human rights report: Moldava nad Bodvou”, LRDA, 9–30 March 2001, p. 5. The report states: “[Roma in Moldava nad Bodvou] have not experienced any real changes or programs developed to help their situation coming from the local government.”

that local authorities often do not have sufficient financial and human resources to carry out extensive activities, and that they are often unwilling to look for such resources.³⁴⁵ The European Commission Delegation in Slovakia recently supported an assessment of selected projects that have been carried out to improve the situation for Roma. This study concluded that even successful projects have only benefited a small part of the community; the results are “partial, local[ised], and their sustainability is questionable.”³⁴⁶

Roma Participation

Finally, some Roma experts maintain that the Strategy was elaborated without sufficient participation from the Roma community. In the words of one, it is “exclusively the result of the work of the administration.”³⁴⁷ Another remarked that “research institutions critically reviewed [the Strategy] ... but the state officials refused any critical comments from the experts and reacted negatively to every suggestion.”³⁴⁸

Indeed some elements of the Strategy appear entirely at odds with the interests of a large portion of the Roma community. For example, the health component of the Strategy puts a special emphasis on family planning, to the comparative neglect of child health care: SKK 50,000 (€ 1,170) is allocated for immunisation of Roma children against Hepatitis A, compared to SKK 500,000 SKK (c. € 11,700) for “teaching Romani citizens about marriage and family planning.” Several organisations have warned that this approach could be viewed as culturally insensitive, at best.³⁴⁹ The Strategy does not address access to health care services for Roma, although the government has acknowledged the paucity of information in this area.³⁵⁰ A plethora of health education programmes are carried out on the presumption that the health conditions of Roma

³⁴⁵ Information from the Office of the Plenipotentiary, Bratislava, 2 March 2001.

³⁴⁶ The authors selected a sample of successful projects on the basis of the following criteria: geographical location, degree of segregation in the locality, size of the grant, working time, focus. See M. Lenczov, I. Skodova, A. Denes, Z. Kumanova, I. Radicova, R. Dzambazovic, “Identification of Successful Roma Projects and Principles Aimed at the Solution of the Problems of the Roma Minority in the Slovak Republic”, December 2000, Bratislava, para. 1.2, para. 1.3.

³⁴⁷ K. Magdolenova, “Slovak Society Does not Seem Prepared to Solve Roma Questions Yet”, *Romano Nevo L'il*, August 14–September 30, 2000, Year X No. 448(394)–454(400) pp. 30–31.

³⁴⁸ A. Jurova, cited in K. Magdolenova, “Slovak Society Does not Seem Prepared to Solve Roma Questions Yet”, *Romano Nevo L'il*, August 14–September 30, 2000, Year X No. 448(394)–454(400) pp. 30–31.

³⁴⁹ Advisory Committee on the FCNM, Opinion on Slovakia, adopted on 22 September 2000, para. 23. See European Roma Rights Center, “Under pressure by western governments, Slovak government publishes package of Roma measures”, *Roma Rights Bulletin*, No. 4, 1999, p. 9.

³⁵⁰ See Explanatory Report to Strategy for Roma 1999, p. 21.

can be attributed to poor hygiene habits. As one Roma woman put it “they all insist on teaching us how to wash our hands and always forget to ask if we have water.”³⁵¹

B. Civil Society

Under the 1994–1998 Meciar regime, Slovak NGOs were systematically attacked and accused of acting as foreign agents, paid to destabilise Slovakia. Relations have improved significantly with the current government, which includes a number of former NGO leaders and has adopted a policy of greater openness towards civil society organisations and initiatives.

Official government statistics listed 17,844 NGOs in 2000,³⁵² including 59 self-identifying Roma NGOs.³⁵³ Most Slovak NGOs – including Roma NGOs – deal with social and cultural issues, such as education or training; very few are “rights-oriented”, with only a handful addressing minority rights directly or offering legal advice and services.³⁵⁴ Moreover, some donors claim that, in comparison with other countries, relatively few Slovak NGOs possess sufficient skill and experience in project management.³⁵⁵

However, Slovak civil society organisations have united effectively on a number of issues, such as the successful effort to lobby the Government for the establishment of an Ombudsman. In this instance, NGOs played a crucial role in outlining and pressing for the adoption of the basic principles that are likely to form the basis for the Ombudsman’s mandate, including independence, access to information, transparency and regular reporting. NGOs have provided specialised expertise to the Government (e.g. in drafting anti-discrimination legislation) and have conducted the only publicly available assessments of the efficacy of the Government’s Strategy for Roma (see above).

³⁵¹ Information from I.R., Kezmarok, 13 March 2001.

³⁵² Data about Slovak NGOs are recorded in the Statistical Office of the Slovak Republic, the Ministry of Interior, and the Ministry of Culture. The Service Centre for the Third Sector, associated with the Slovak Academic Information Agency (SAIA-SCTS), also maintains records and publishes NGO directories.

³⁵³ By 1 March 2000, the Roma minority had registered a total of 114 civil associations, four foundations, three non-investment funds, and one non-profit organisation. Information Material on the Activities of the Government of the Slovak Republic in the Process of the Solution of Problems of the Roma National Minority in the Slovak Republic, June 2000.

³⁵⁴ NGOs offering legal services include: Minority Rights Group Slovakia/Citizen and Democracy, the Centre for Environmental and Public Advocacy, Charter 77, InfoRoma, Slovak Helsinki Committee, Foundation of Good Fairy Kesaj, and the League of Human Rights Advocates.

³⁵⁵ M. Lenczova I. Radicova, I. Skodova, “Community Centre Rudnany – Civic Association Dignified Life”, December 2000, p. 8 (unpublished, on file with the EU Accession Monitoring Program).

The high level of separation between the Roma and non-Roma communities in Slovakian society as a whole is reflected, to some extent, in the NGO sector as well. For example, Roma organisations are not involved in the “Gremium of the Third Sector” (G3S)³⁵⁶ – an advocacy group composed of elected members of NGOs – in part because of their own reluctance to be involved, and in part because of what some consider a non-inclusive attitude on the part of some G3S representatives.³⁵⁷ Accordingly, a separate “Roma Gremium of the Third Sector” was launched in 2000 as a focal point for the activity of Roma organisations. The Roma Gremium has also promoted the idea of Roma being represented exclusively by organisations that have been founded by Roma.³⁵⁸

Many of the criticisms that have been registered against the Strategy for Roma could be addressed by devising more effective mechanisms for ensuring systematic input from civil society organisations in the process of planning, implementing and evaluating the Strategy.

³⁵⁶ The mission of G3S, established in 1994, is to develop relations with representatives of state and local governments, businesses, and international organisations, to defend the interests of NGOs, to develop cooperation and solidarity within the third sector and to publicise NGO activities.

³⁵⁷ Information from the founder of the Roma Third Sector, August 2000.

³⁵⁸ Global Report on the State of Society, p. 179.

V. Recommendations to the Government

In addition to the recommendations elaborated in the Overview Report, the following measures could contribute to enhanced minority protection in Slovakia:

1. In consultation with Romani organisations, ensure effective implementation, regular and transparent evaluation, and adequate budgetary and logistical support, of the “Strategy for the Solution of the Problems of the Roma National Minority”.
2. Invest the institutions responsible for monitoring and evaluating implementation of the Strategy with sufficient authority to require coordinated action and reporting from relevant implementing bodies.
3. Provide public officials at all levels with adequate information on the objectives, activities and importance to the Government’s accession effort of the Strategy.
4. Take immediate steps to reverse the segregation of Roma children in separate and inferior classes and schools.
5. Investigate reports of discriminatory practices in equal access to public health care and, if substantiated, take immediate steps to eradicate them.
6. Review and, where necessary, modify municipal housing policies to ensure that they do not reinforce existing patterns of segregation.

Appendix A

Demography

According to census data, as of 31 December 1994, the population of the Slovak Republic was approximately 5.4 million. Ethnic Slovaks constituted 85.6 percent of the population. The Hungarian minority was recorded at 10.7 percent, the Roma at 1.8 percent, the Czech minority at 1.1 percent, Ruthenian at 0.3 percent, Ukrainian at 0.3 percent, German at 0.1 percent, and Polish at 0.1 percent.

Table A1
Division of inhabitants according to nationalities by years³⁵⁹

Nationality	1992	1993	1994	1995	1996
Slovak	4,552,229	4,573,711	4,590,100	4,599,597	4,608,245
Hungarian	568,218	568,545	568,714	568,368	568,444
Roma	80,949	82,591	83,988	85,073	86,383
Czech, Moravian, Silesian	58,870	56,801	57,654	58,248	58,652
Ruthenian, Ukrainian	30,875	31,187	31,618	31,962	32,165
German	5,396	5,386	5,380	5,382	5,373
Polish	2,882	2,973	3,039	3,090	3,147
Russian	1,508	1,614	1,711	1,771	1,863
Other non- specified	13,228	13,647	14,003	14,299	14,660
Total	5,314,155	5,336,455	5,356,207	5,367,790	5,378,932

³⁵⁹ Slovenska Statisticka ročenka (Slovak Statistical Yearbook), 1997.

The official number of self-identified Roma increased slightly, from 80,949 in 1992 to 86,383 in 1996.³⁶⁰ However, the government estimated the actual number of Roma in Slovakia to be 500,000,³⁶¹ which matches the estimates of non-governmental organisations.³⁶² The majority of Slovak Roma live in the eastern part of the country, including more than 120,000 in segregated settlements.³⁶³ Data gathered by Social Assistance Offices, indicate that more than 260,000 Roma live in poverty.³⁶⁴

³⁶⁰ Slovenska Statisticka ročenka (Slovak Statistical Yearbook), 1997

³⁶¹ *Third periodic reports of States parties due in 1998, Addendum, Slovakia*, CERD/C/328/Add.1, 14 December 1999, para. 10.

³⁶² For example, the Minority Rights Group estimated between 480,000 and 520,000 Roma in Slovakia. See J.P. Liegeois, and N. Gheorghe, *Roma/Gypsies: A European Minority*, 1995.

³⁶³ "Social Policy of the Slovak Republic in 1998", Ministry of Labor, Social Affairs and Family, Bratislava 1999, p. 91.

³⁶⁴ See UNDP, "National Human Development Report Slovakia 1998", p. 63.

Appendix B

List of Domestic Legal Regulations for Minority Protection³⁶⁵

1. Constitutional Act No. 23/1991 Coll., which introduces the Charter of Fundamental Rights and Basic Freedoms;
2. The Constitution of the Slovak Republic, Law No. 460/1992 Coll. as amended in 2001;
3. Ministry of Foreign Affairs Decree No. 95/1974 Coll. concerning the International Convention on the Elimination of all Forms of Racial Discrimination;
4. Ministry of Foreign Affairs Decree No. 120/1976 Coll. concerning the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights;
5. Act No. 308/2000 Coll. on the broadcasting and retransmission (abolished law No. 468/1991 Coll. on the Operation of Radio and Television Broadcasting (article 19);
6. Act of the Slovak National Council No. 254/1991 Coll. on Slovak Television (Section 3, para. 3 and Section 6, letter j/);
7. Act of the Slovak National Council No. 255/1991 Coll. on Slovak Radio (Section 6, letter d/) as amended;
8. Act No. 184/1999 Coll. from 10 July 1999 on the use of languages of national minorities;
9. Order of the Government of SR No. 221/1999 Coll. with a list of municipalities in which citizens of the SR belonging to national minorities constitute at least 20 percent of population;

³⁶⁵ This list was compiled on the basis of the list of legal regulations for minority protection supplied by the Slovak Government as part of its report to the Council of Europe on Implementation of the FCNM in 1999, and supplemented by the EU Accession Monitoring Program in 2001.

10. Act No. 29/1984 Coll. on the Network of Primary and Secondary Schools as amended by later regulations (Section 3, para. 1);
11. Ministry of Education Decree No. 32/2000 Coll. from 28 January 2000 on the Schools Inspection;
12. Government of the Slovak Republic Ordinance No. 282/1994 Coll. on the Use of Textbooks and Classroom Texts;
13. Ministry of Education Decree No. 280/1994 Coll. concerning private schools;
14. Act of the National Council of the Slovak Republic No. 279/1993 Coll. on School Facilities as amended by later regulations;
15. Ministry of Education Decree No. 353/1994 Coll. concerning pre-school facilities as amended by later regulations;
16. Act of the Slovak National Council No. 542/1990 Coll. on State Administration in Education and Self-administration of Schools as amended by later regulations;
17. Ministry of Education No. 536/1990 Coll. concerning the establishment and operation of church schools;
18. Government of the Slovak Republic Ordinance No. 113/1991 Coll. on the Provision of Subsidies to Private Schools from the State Budget;
19. Association of Citizens Act No. 83/1990 Coll. as amended by later regulations (Section 4, letter a/);
20. Right to Assembly Act No. 84/1990 Coll. as amended by Act No. 175/1990 Coll. (Section 10, para. I, letter a/);
21. Right to Petition Act No. 85/1990 Coll. (Section 1, para. 4);
22. Act No. 52/1998 Coll. on the Protection of Personal Data in Information Systems (Sections 4 and 8);
23. Names and Surnames Act of the National Council of the Slovak Republic No. 300/1993 Coll. (Section 2, para. 1; Section 4, para. 4 and Section 14);

24. Registers Act of the National Council of the Slovak Republic No. 154/1994 (Section 16, Section 19, paras. 3 and 5);
25. Civil Procedure Act No. 70/1992 Coll. as amended by later regulations;
26. Civil Code No. 40/1964 Coll. as amended by later regulations;
27. Criminal Court Proceedings Act No. 141/1961 Coll. (Criminal Procedure) (Section 2, para. 14) as amended by later regulations;
28. Criminal Code No. 140/1961 Coll. as amended by later regulations (Sections 196, 198 and 259);
29. Labor Code No. 65/1965 Coll. as amended by later regulations;
30. Act of the National Council of the Slovak Republic No. 38/1993 Coll. on the Organisation of the Constitutional Court of the Slovak Republic, Proceedings Before it and the Position of its Judges as amended by as amended by later regulations;
31. Courts and Judges Act No. 335/1991 Coll. (Section 7, para. 3);
32. Ministry of Education, Youth and Sport Decree No. 280/1991 Coll. concerning the completion of studies at secondary schools and the completion of preparation at apprentice schools as amended by later regulations (Section 10).

