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**SECOND REPORT SUBMITTED BY THE SLOVAK REPUBLIC
PURSUANT TO ARTICLE 25, PARAGRAPH 1
OF THE FRAMEWORK CONVENTION FOR
THE PROTECTION OF NATIONAL MINORITIES**

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Introduction

The Slovak Republic is an active party to the Framework Convention for the Protection of National Minorities (hereinafter referred to as the "Framework Convention"). Slovakia participated in its preparation and, on 14 September 1995, it became the third member State of the Council of Europe to ratify the Framework Convention. On its own initiative, Slovakia submitted reports on the implementation of all provisions of the Framework Convention to the Council of Europe bodies every year even prior to its entry into force in February 1998. The Slovak Republic's accession to the Framework Convention documents that, on the one hand, Slovakia, being a multi-ethnic country, ascribes extraordinary importance to the harmonic co-existence of nationalities according to fair and democratic rules and, on the other hand, it intends to deal with issues of ethnic relations and rights of persons belonging to national minorities in a transparent way, on the basis of international standards enshrined, *inter alia*, in this Framework Convention.

Slovakia submitted its first official implementation report No. ACFC/SR(1999)008 in accordance with Article 25 (2) of the Framework Convention on 4 May 1999. The Opinion of the Advisory Committee on this report was adopted on 22 September 2000 and made public on 6 July 2001 under No. ACFC/INF/OP/I(2001)001. The Comments of the Slovak Government on the Opinion were made public on 5 June 2001 – no. GVT/COM/INF/OP/I(2001)001.

Resolution of the Committee of Ministers ResCMN(2001)5 on the implementation of the Framework Convention for the Protection of National Minorities by Slovakia was adopted at the 773rd meeting of Ministers' Deputies. In the conclusion of the Resolution, it highlights Slovakia's efforts to support national minorities and their cultures and appreciates the improvements achieved in inter-community relations, in particular between the Hungarian minority and other parts of the population. It expresses the need to strengthen the legal guarantees pertaining to some articles of the Framework Convention and to ensure the full implementation of existing legal guarantees in some areas. It points to the shortcomings in the legislative framework for minority languages, despite improvements in their legal status in official contacts. It reiterates that despite efforts by the Government problems remain in the implementation of the Framework Convention as concerns Roma, among others, the extremely wide socio-economic differences between some of the Roma and the majority population.

The submitted second report on the implementation of the Framework Convention was elaborated in line with the Resolution of the Committee of Ministers (97)10 establishing a five-year cycle for implementation reports and in accordance with the outline for state reports under the second monitoring cycle approved by the Committee of Ministers on 15 January 2003.

One of the base documents for the report was the aforementioned Resolution of the Committee of Ministers on the implementation of the Framework Convention by Slovakia, as well as the Opinion of the Advisory Committee on the first implementation report. The report also responds to those comments of the Advisory Committee on the first report that the Slovak Government has explained or commented on in the official statement made public on 2 July 2001.

Slovakia continued its dialogue with the Advisory Committee at the follow-up seminar on the implementation of the first results of the monitoring of the Framework Convention for the Protection of National Minorities in respect of Slovakia held on 8 July 2003 in Bratislava. The present members of the Advisory Committee were informed about measures being adopted, as well as open issues and possible solutions.

The report focuses in particular on the presentation of the developments in legislation and social practices in the field of the protection of national minorities, i.e. the preservation of their national awareness and support for their intellectual, cultural and linguistic identity, as well as the prevention and suppression of discrimination on an ethnic basis against persons belonging to national minorities in the monitored period between February 1999 and December 2003. The most important steps taken by Slovakia in this respect include the adoption of the act on the use of national minority languages (July 1999), ratification of the European Charter for Regional or Minority Languages, which became effective for the Slovak Republic on 1 January 2002, and the report on the implementation of the Charter delivered to the Council of Europe in December 2003. In order to avoid duplicity, this report deals with the language issue only to the necessary extent. Also adopted were important amendments to the relevant legal regulations, such as the provisions of the Criminal Code concerning racially motivated crime.

As regards international co-operation in the field of support for national minorities, the Agreement between the Government of the Slovak Republic and the Government of the Republic of Hungary on Mutual Support for National Minorities in the Fields of Education and Culture of 12 December 2003 is of extraordinary and principal importance.

The report also includes information relating to developments after the period in question, such as the entry into effect of the measures of the social reform that produced a negative reaction from a part of the Roma national minority, which occurred at the time this report was being completed. The adopted Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination, amending and supplementing certain other laws (Anti-discrimination Act) was also eventually incorporated into the report as a separate annex with commentary within the information under Article 4.

On the other hand, in the case of some articles of the Framework Convention the report deals with events that took place before the period in question. Hence, the report takes into consideration the comment under (5) of the Opinion of the Advisory Committee on the first report and supplements the first report with information commented in more detail and more thoroughly, thereby not only continuing from where the first report ended, but also complementing it. In accordance with this comment, the annexes to the report provide the laws mentioned, or relevant sections of the laws, case-law, governmental documents, statistical overviews, etc.

The steps taken by the Government, the Parliament and other state authorities, as well as initiatives of the civil society relevant for the given area were confronted with the relevant provisions of the Framework Convention in line with Article 7 (4) and (5) and Article 154 c) of the Constitution cited later in the text. Naturally, the aforementioned Resolution of the Committee of Ministers and the comments from the Opinion of the Advisory Committee on the first implementation report were also taken into account. The linkage of individual measures to the Framework Convention is apparent from the information that this report provides on individual articles of the Framework Convention.

Article 1

The protection of national minorities and of the rights and freedoms of persons belonging to those minorities forms an integral part of the international protection of human rights, and as such falls within the scope of international co-operation.

Legislation

Amendment to the Constitution (Constitutional Act No. 90/2001 Coll.)

The relationship between international and domestic law in the legal system of the Slovak Republic was governed by Article 11 of the Constitution of the Slovak Republic until 1 July 2001. Since the adoption of Constitutional Act No. 90/2001 Coll. amending and supplementing the Constitution effective from 1 July 2001, these relations have been governed by Article 7 of the Constitution, specifically sections (4) and (5) thereof. The continued application of the international treaties on human rights and fundamental freedoms that had been adopted (former Article 11 of the Constitution) is assured and carried out pursuant to added Article 154c of the Constitution, which lays down that international treaties on human rights and fundamental freedoms ratified by the Slovak Republic and promulgated in the manner prescribed by law prior to the entry into force of this constitutional act will be part of its legal system and have precedence over laws, if they provide for a greater scope of constitutional rights.

Under Article 7 (4) of the Constitution, approval by the National Council of the Slovak Republic is required prior to the ratification of international treaties on human rights and fundamental freedoms, international political treaties, international treaties of a military nature, international treaties establishing membership of the Slovak Republic in international organizations, international economic treaties of a general nature, international treaties whose execution requires a law, and international treaties which directly confer rights or impose obligations on natural persons or legal entities.

Under Article 7 (5) of the Constitution, international treaties on human rights and fundamental freedoms, international treaties whose execution does not require a law and international treaties directly conferring rights or imposing obligations on natural persons or legal entities, which were ratified and promulgated in the manner prescribed by law, take precedence over laws.

The requirement of approval by the National Council concerns international treaties defined with respect to both content and form of application. Article 86 d) of the Constitution, according to which the National Council decides whether international treaties that it is approving are international treaties under Article 7 (5) of the Constitution, should be seen from this perspective. The purpose of this provision is to enable the National Council to decide whether an international treaty under Article 7 (4) of the Constitution is at the same time an international treaty under Article 7 (5) of the Constitution.

According to the new provision, prior to submitting a negotiated international treaty to the Parliament, the President or the Government may submit a proposal to the Constitutional Court of the Slovak Republic (hereinafter referred to as the Constitutional Court) to decide on compliance of the negotiated international treaty with the Constitution or a constitutional act

(Article 125a). This is the so-called *preventive control of constitutionality*, which means that the purpose of this provision is to prevent potential incompatibilities or conflicts between the application of national law and the provisions of an international treaty.

Constitutional complaint

Under the amended Article 127 of the Constitution (effective from 1 January 2002), which introduced the **system of constitutional complaint**, the Constitutional Court decides on complaints from natural persons or legal entities when they object to infringement of their fundamental rights or freedoms specified in the Constitution, or human rights and fundamental freedoms arising from an international treaty ratified by the Slovak Republic and promulgated in the manner prescribed by law, unless decisions on the protection of these rights and freedoms are within the jurisdiction of another court. If the Constitutional Court accepts the complaint, it establishes in its decision that the rights or freedoms were violated by a decision, measure or other action in force and cancels such decision, measure or other action. At the same time, the Constitutional Court may return the case for further proceedings, prohibit the continued violation of fundamental rights and freedoms specified in the Constitution, or human rights and fundamental freedoms arising from an international treaty, or, if possible, order the entity that has violated the rights or freedoms to reinstate the status quo prior to the violation. Since 2001, the system of constitutional complaints has become an important and effective instrument of internal remedy, which eliminates the submission of complaints directly to the European Court of Human Rights.

Article 2

The provisions of this framework Convention shall be applied in good faith, in a spirit of understanding and tolerance and in conformity with the principles of good neighbourliness, friendly relations and co-operation between States.

The relations between Slovakia and the states whose kin-minorities live in the territory of Slovakia did not change in the monitored period and no changes have occurred in the basic bilateral treaties with these states. Details of co-operation in the relevant areas can be found in information on Article 18 or in the reply to question no. 3 of the Advisory Committee's questionnaire. The Agreement between the Government of the Slovak Republic and the Government of the Republic of Hungary on Mutual Support for National Minorities in the Fields of Education and Culture, which contributes to the application of the principles specified in this Article, was concluded in December 2003. *(The Agreement forms Annex No. 16 and the reply to question No. 3 of the questionnaire also contains information on the Agreement).*

Article 3

1. Every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice.

2. Persons belonging to national minorities may exercise the rights and enjoy the freedoms flowing from the principles enshrined in the present framework Convention individually as well as in community with others.

Article 12 (3) remained unchanged in the amended Constitution: "Everyone has the right to freely decide their nationality. Any influence on this decision and any forms of pressure aimed at assimilation are forbidden".

The May 2001 Population and Housing Census was conducted in accordance with Act No. 165/1998 Coll. on the 2001 Population and Housing Census. The annex to the Act contains the list of data surveyed in the census – under no. 11. State citizenship, 12. Nationality, 13. Mother tongue, 14. Religion. This information has the nature of personal data and as such is protected pursuant to Act No. 428/2002 Coll. on the Protection of Personal Data.

Through Resolution No. 285/2001 of 28.03.2001, the Government approved the support for a campaign in the languages of national minorities to acquire credible data in the process of the 2001 population and housing census. Non-governmental social or cultural organisations of 11 national minorities received financial assistance amounting to SKK 20,000 to 50,000 for projects within the framework of this campaign.

**Development in the nationality structure of the population
as for the May 2001 Population and Housing Census**

Nationality	1980		1991		2001	
Slovak	4 317 008	86.5%	4 519 328	85.7%	4 614 854	85.8%
Hungarian	559 490	11.2%	567 296	10.8%	520 528	9.7%
Roma	-	-	75 802	1.4%	89 920	1.7%
Czech	57 197	1.1%	52 884	1.0%	44 620	0.8%
Ruthenian	-	-	17 197	0.3%	24 201	0.4%
Ukrainian	36 850	0.7%	13 281	0.3%	10 814	0.2%
German	2 918	0.1%	5 414	0.1%	5 405	0.1%
Moravian	-	-	6 442	0.1%	2 348	0.05%
Croatian	-	-	-	-	890	0.02%
Polish	2 053	0.04%	2 659	0.05%	2 602	0.06%
Bulgarian	-	-	1 400	0.02%	1 179	0.02%
Jewish	-	-	134	0.002%	218	0.004%
other	2 898	0.1%	3 476	0.06%	5 350	0.1%
unknown	10 344	0.2%	8 782	0.16%	56 526	1.1%
Total:	4 991 168	100%	5 274 335	100%	5 379 455	100%

* * *

Imprisoned persons can exercise their rights and freedoms arising from the principles enshrined in the Framework Convention to an extent that does not jeopardise the purpose of custody or imprisonment.

In correctional institutions, **the Prison and Court Warden Corps** abides by the principle that persons belonging to national minorities can, on their own consideration, declare their belonging to a national minority in a questionnaire completed upon commencement of the imprisonment. Everyone has the right to freely decide on their nationality. Any influence on this decision and any forms of pressure aimed at assimilation are forbidden. The differentiation between convicts serving imprisonment sentences is based exclusively on the

prisoner's penitentiary category designated by court and the degree of the prisoner's personality disorder.

Article 4

1. The Parties undertake to guarantee to persons belonging to national minorities the right of equality before the law and of equal protection of the law. In this respect, any discrimination based on belonging to a national minority shall be prohibited.

2. The Parties undertake to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority. In this respect, they shall take due account of the specific conditions of the persons belonging to national minorities.

3. The measures adopted in accordance with paragraph 2 shall not be considered to be an act of discrimination.

Article 4 (1) of the Framework Convention commits the Slovak Republic mainly to the following with respect to the persons belonging to national minorities:

- to observe the right of equality before the law,
- provide them with equal protection of the law,
- refrain from any discrimination.

Right of equality before the law

This right is guaranteed by Article 12 of the Constitution cited below.

Right to equal protection of the law

1. The Constitution

Article 12 (2) of the Constitution lays down that "fundamental rights and freedoms are guaranteed in the Slovak Republic to everyone regardless of sex, race, colour of skin, language, belief and religion, political affiliation or other conviction, national or social origin, belonging to a nationality or ethnic group, property, descent or other status; no one may be harmed, preferred or discriminated against on these grounds." Under section (4), this Article further declares that "no one's rights can be restricted because of exercising his or her fundamental rights and freedoms".

As regards adherence to the principle of equality from the procedural standpoint, in proceedings before the court, it is dealt with in Article 47 (2) and (3) of the Constitution.

Article 47 (2) and (3):

(2) Everyone has the right to legal counsel in proceedings before courts or other state or public administration authorities from the very beginning of the proceedings, under conditions defined by law.

(3) All participants in proceedings under (2) are equal.

2. *Civil court proceedings*

In the context of the provisions of the Constitution cited above, the principle of equality of participants in civil court proceedings is laid down as follows:

Section 18 of Act No. 99/1963 Coll. – the Code of Civil Procedure as amended (hereinafter referred to as the "CCiP"):

“The participants in civil court proceedings have equal status. ... The court shall ensure equal conditions for the exercise of their rights.”

3. *Criminal court proceedings*

In criminal court proceedings, adherence to the right to equal protection of the law and the principle of "equality of arms" before the court is expressed in a whole range of provisions of Act No. 141/1961 Coll. on Criminal Court Proceedings (Code of Criminal Procedure) as amended (hereinafter referred to as "CCrP"). This concerns mainly the following provisions of the CCrP:

- the right to be informed of the nature and the grounds of the charges in a language that the accused can understand (Section 2 (1) and (14) of the CCrP),
- the right to have adequate time and conditions for the preparation of his defence (Section 163 (1) of the CCrP);
- the right to defend himself personally or to be assisted by legal counsel of his choice (Section 2 (13) of the CCrP; Section 33 (1) of the CCrP)
- the right to free legal counsel if the accused lacks sufficient means to pay for defence counsel and where the interests of justice so require (Section 33 (2) of the CCrP),
- right to interrogate or have interrogated witnesses for the prosecution and to obtain and interrogate, pursuant to the same conditions, the witnesses for the defence (Section 2 (5) and (6) of the CCrP);
- to have the free services of an interpreter if he does not understand or speak the language used in the hearing (Section 2 (14) of the CCrP; Section 28 (1) of the CCrP; Section 151 (1) of the CCrP);
- the principle of oral proceedings (Section 2 (11) of the CCrP).

The principle of "equality of parties" and "equality of arms" in criminal court proceedings is expressed in Section 12 (6) of the CCrP, under which "a party is understood to be the person against whom criminal proceedings are being held, participating person and the victim, and, in court proceedings, also the prosecutor and community representative; any other person, who proposed or requested the proceedings that are being held or filed an appeal, enjoys equal status as the party".

Representatives of the Roma minority point out that there are shortcomings in the practical application of the right to equal protection of the law, in particular the financial inaccessibility of quality legal counsel and services for a substantial part of the Roma community.

4. *Administrative proceedings*

Section 4 (2) of Act No. 71/1967 Coll. on Administrative Proceedings (the Code of Administrative Procedure) as amended reads: "All parties have equal procedural rights and obligations."

Right to use the mother tongue in court proceedings

In Article 6 (1), the Constitution declares that "the Slovak language is the state language on the territory of the Slovak Republic".

At the same time, Act No. 270/1995 Coll. on the State Language of the Slovak Republic as amended, under Section 7 (1), specifies that the contact between courts and citizens, court proceedings, administrative proceedings, and decisions and records of courts and administrative authorities are conducted and issued in the state language; the rights of persons belonging to national minorities and ethnic groups, or the rights of foreigners, who have no command of the state language, arising from special regulations, remain unchanged. The above suggests that obligations are imposed only on state authorities. No special legal regulation, such as the state language act, or other procedural law regulating criminal or civil court proceedings, contains a legal provision that would impose such an obligation on persons, or make the execution of an action by a state authority conditional upon the submission (delivery) of a document in the state language. When such an obligation is not imposed or the issue itself is not regulated by legislation, the principle that "all that is not forbidden is allowed" is applied. This means, for instance, that a criminal complaint filed under Section 158 of the CCrP cannot be rejected on the grounds that it was delivered in other than the Slovak language, since the only possible grounds for rejection of a complaint is that it does not contain facts indicating that a criminal act has been committed. Authorities involved in criminal proceedings may not deny the obligation to act on any other grounds.

Civil court proceedings

Section 18 of the CCiP:

"The parties of civil court proceedings have equal status. They have the right to use their mother tongue in court actions. The court shall ensure equal conditions for the exercise of their rights."

Section 141 (2) of the CCiP:

"The costs of evidence that are not covered by the advance payment, as well as cash expenses incurred by the appointed counsel, who is not an attorney-at-law, and costs related to the fact that the participant uses his mother tongue in the proceedings shall be borne by the State."

The cited provisions suggest that a party of proceedings has the right to produce proposals and other written communication and oral presentations in his mother tongue and the court has the obligation to have such communication translated or appoint an interpreter to ensure the exercise of the right of the party of the proceedings to communicate in his mother tongue. Costs incurred in this way are borne by the state.

Case-law confirms this practice (e.g. case R 21/1986: "The duty to reimburse the costs of appointment of an interpreter to enable a party to use his mother tongue in civil court proceedings cannot be imposed on the participant.")

Criminal court proceedings

Section 2 (14) of the CCrP:

"Everyone has the right to use his mother tongue before authorities involved in criminal proceedings."

Section 28 (1) of the CCrP:

"If the content of a testimony or written document needs to be translated or if the accused declares that he does not have command of the language used in the proceedings, an interpreter shall be appointed; the interpreter may also act as the recorder."

Section 55 (3) of the CCrP:

"Records of oral testimony from a person who does not have command of Slovak shall also be drawn up in Slovak; if a verbatim record of the testimony is necessary, the recorder or the interpreter shall also enter the relevant part of the testimony into the records in the language, in which the testimony was provided."

Section 151 (1) of the CCrP:

"The costs necessary for the conduct of criminal proceedings, including executive proceedings, are borne by the state; it, however, does not bear own expenses of the accused, a participating person or the victim, nor the costs incurred by choosing a defence counsel or attorney. Nevertheless, the state bears the cost of necessary defence incurred to the accused by filing a complaint for violation of the law."

Section 152 (1) b) of the CCrP:

"If the accused is convicted with a final judgement, he shall reimburse the state...

(b) for the remuneration and cash expenses paid to the counsel assigned by the state, unless he is entitled to free counsel, ..."

The cited provisions suggest that "everyone" has the right to use their mother tongue in criminal proceedings, i.e. not only the accused, but also every party to the proceedings, the victim or witness, if they declare that they do not understand the language used in the proceedings. This right can be exercised at any stage of the proceedings. The costs of criminal proceedings are understood to be the expenses (costs) related to an individual criminal case and this particularly applies to costs incurred in actions taken (e.g. those of the interpreter).

The accused and convicted can be informed about the conditions of custody or imprisonment in their mother tongue.

The right to use national minority languages in official contact

- Constitution
 - o Article 6 (2)
 - o Article 34 (2) b)
- Act No. 184/1999 Coll. on the Use of National Minority Languages (*Annex No. 1*); see commentary in the information on Article 10

Prohibition of any discrimination

The principle of prohibition of any discrimination is closely related to the principle of the right to equal protection of the law.

In the Constitution, provisions on the prohibition of discrimination can be found

- in Article 12 (1), (2) and (4);
- Article 33;
- Article 34 (3).

(Relevant provisions of the Criminal Code and Code of Criminal Procedure, Selected Case-Law Relating to Racially Motivated Crime and Statistical Data on Racially Motivated Crime can be found in Annex No. 2)

In connection with the Third World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the proclamation of 2001 as the International Year of Mobilization against Racism, Racial Discrimination, Xenophobia and Related Intolerance, events aimed at supporting the application of the rights recognised by the International Covenant on Civil and Political Rights without discrimination were organised at the national level.

The National Conference against Racism, Xenophobia, Anti-Semitism and Discrimination was held on 18 May 2000 in Bratislava. The conclusions of the working groups from this conference were determined mainly for internal authorities, but also formed a part of the Slovak Republic's national contribution to the European Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held between 11 and 13 October 2000 in Strasbourg under the title: "All Different - All Equal: From Principle to Practice."

By signing Protocol No. 12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms on 4 November 2000 in Rome, the Slovak Republic joined the common effort of European countries to effectively promote the principles of humanity and observance of human rights.

The draft act on the application of the principle of equal treatment, the so-called Anti-discrimination Act, was among the Government's priority legislative tasks in the monitored period. Since then until the beginning of 2004, the basic concept of how to address the issue (one anti-discrimination act vs. amendment of several legal regulations) and certain specific grounds of prohibited discrimination (sexual orientation) were subject of controversial discussions between government members, between their political parties, in the Parliament, as well as in the media and the general public.

During this period, the **Deputy Prime Minister for Human Rights, National Minorities and Regional Development**, or, after the 2002 elections, the **Deputy Prime Minister for European Integration, Human Rights and Minorities**, submitted two drafts of the anti-discrimination act, which the National Council did not include in its agenda in June 2002 and October 2003.

The expert discussion within the governmental coalition on how to deal with the anti-discrimination legislation, i.e. whether it is necessary to amend individual laws or enact a single comprehensive law, was concluded in January 2004 with a compromise solution. The draft act on equal treatment, protection against discrimination, amending and supplementing certain other laws was approved by the Government in the first half of February 2004 and the National Council of the Slovak Republic passed **Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination, amending and supplementing certain other laws** (*Annex No. 17*) on 20 May 2004. By transposing Council Directives No. 2000/43/EC and 2000/78/EC, Slovakia fulfilled its commitment to transpose the so-called EU anti-discrimination legislation.

The approval of this legal regulation concluded the process of several years when anti-discrimination measures were incorporated into individual laws, which the relevant directives concern. Amendments of the relevant laws should ensure that the transposition of the directives will be reflected in those areas of the legal order, for which the directives were adopted at the EU level. This particularly concerns amendments to acts such as the act on the establishment of the Slovak National Human Rights Centre, the Labour Code, state service laws, including on customs, Police Corps, intelligence service, Prison and Court Warden Corps and Railway Police officers, the trade licensing act, the act on prosecutors and candidate prosecutors, the so-called school acts, the act on social assistance, the act on social insurance, healthcare and health insurance laws, the consumer protection act, etc.

The Anti-discrimination Act specifies the conditions for the application of the principle of equal treatment and establishes the means of legal protection should these rights be violated.

The act recognises two areas of relations in which discrimination on different grounds is prohibited.

- Discrimination against persons on the grounds of their **sex, racial origin, and national or ethnic origin** is prohibited in social security, healthcare and in the provision of goods, services and education.
- Discrimination against persons on the grounds of their **sex, religion or belief, racial origin, national or ethnic origin, health disability, age or sexual orientation** is prohibited in labour relations and in similar and related legal relations.

The reason for the different scope of the prohibition of discrimination in individual areas is the effort to transpose the aforementioned EU directives accurately.

In both areas of relations, the act considers discrimination on the grounds of attitude to a person of a certain racial, national or ethnic origin as discrimination on the **grounds of racial, national or ethnic origin**.

If a person believes that his rights or law-protected interests or freedoms were violated by a failure to observe the principle of equal treatment, he can defend his rights at court in a procedure with reversed burden of proof, where "the defendant has the obligation to prove that there was no violation of the principle of equal treatment if the evidence submitted to court by the plaintiff gives rise to a reasonable assumption that such violation indeed occurred." The plaintiff may demand remedy, appropriate compensation, including in the form of compensation of non-pecuniary or pecuniary damage.

The act prescribes the extension of the competences of the Slovak National Human Rights Centre to include activities related to the control of adherence to this act.

During the process of approval of the anti-discrimination act in the National Council, the provision on the "special positive actions" (Section 8 (8)) was incorporated into the act upon an MP's proposal. The relevant provision reads as follows: "With a view to ensuring full equality in practice and compliance with the principle of equal treatment, specific positive actions to prevent disadvantages linked to racial or ethnic origin may be adopted."

Upon proposal from the Deputy Prime Minister and Minister of Justice, through Resolution No. 941 of 06.10.2004, the Government approved the filing of a complaint with the Constitutional Court – the proposal to commence proceedings on compliance of the "Anti-discrimination Act", specifically the section on the "special positive actions", with the Constitution (*Annex No. 18*). The Constitutional Court has yet to commence proceedings on this complaint.

Through Resolution No. 283 of 3 May 2000, the Government approved the Action Plan for the Prevention of All Forms of Discrimination, Racism, Xenophobia, Anti-Semitism and Other Expressions of Intolerance for 2000–2001. On the basis of this document, the National Conference against Racism, Xenophobia, Anti-Semitism, and Discrimination was organised, an internet website devoted to the prevention of intolerance was created and various educational and training activities were carried out. The implementation of the tasks arising from this Action Plan was monitored semi-annually.

Through Resolution No. 207 of 6 March 2002, the Government approved the Action Plan for the Prevention of All Forms of Discrimination, Racism, Xenophobia, Anti-Semitism and Other Expressions of Intolerance for 2002–2003, which, similarly to the preceding document, contained tasks for the relevant members of the Government, namely a variety of educational, educational and cultural activities, including with assistance from non-governmental organisations active in the field of human rights, for individual occupational groups (policemen, judges, prosecutors, teachers, etc.).

The Government has discussed and approved the first and second regular reports on the implementation of the action plan (for the periods between March and August 2002 and between September 2002 and February 2003).

Through the Resolution No. 446 of 13 May 2004, the Government approved the Action Plan for the Prevention of All Forms of Discrimination, Racism, Xenophobia, Anti-Semitism and Other Expressions of Intolerance for 2004–2005. This is the third subsequent document of this type. Similarly to the preceding Action Plans for 2000–2001 and 2002–2003, it focuses on a variety of areas of social and cultural life.

In connection with the **agriculture sector's** activities to support the employment of persons with low qualifications, who have problems to enter the labour market, through the measures under the National Employment Plan, which was elaborated pursuant to Governmental Resolution No. 1036 of 25 November 1999, the 2001 amendment to Act No. 378/1996 Coll. on Employment created room for a broader use of assistance from the National Labour, Social Affairs and Family Office in the creation of publicly beneficial jobs in agriculture and forest management that are suitable for the long-term unemployed without qualifications.

Projects aimed at increasing the educational level and subsequent employment of Roma and retraining courses focused on traditional crafts were executed via sectoral educational institutions.

A project was implemented in co-operation with the Ministry of Education where, beginning from the 2002/2003 school year, classes of the Stará Ľubovňa Agriculture Apprentice School were opened in the village of Lomnička with a majority Roma population.

The **Prison and Court Warden Corps** applies the rule that persons interested in recruitment for the Corps who belong to the Roma minority are preferred, provided they met the set criteria.

Social care

The **Ministry of Labour, Social Affairs and Family** also deals with the issue of marginalized population groups in Slovakia, which include a part of Roma population in Slovakia. The sector underwent a change in its organisational structure effective from 1 February 2003 – the *Social Inclusion Division*, which includes the *Equal Opportunities and Anti-discrimination Department*, was created.

The Social Inclusion Division performs state administration and fulfils tasks that fall under the Ministry's competence in the field of social assistance and health and medical assessment activities in the field of social assistance. Within the framework of this competence, it elaborates legislative objectives preceding the preparation of laws based on socio-economic and legal analyses, as well as proposals of acts and generally binding legal regulations relating to endangered and marginalized population groups.

When elaborating concepts and proposals of generally binding legal regulations, it builds upon the basic international documents binding for Slovakia, the current social situation and urgency of the solution of social problems that by nature fall under the Ministry's competence.

The Equal Opportunities and Anti-discrimination Department has significantly participated in the implementation of tasks arising from the governmental documents (Governmental Resolution No. 278 of 23 April 2003) Evaluation of the Slovak Government's Priorities with Regard to Roma Communities in 2002 and of the Slovak Government's Strategy to Address the Problems of the Roma Community in 2001 and the Basic Positions of the Slovak Government's Roma Communities Integration Policy (*Annexes no. 3 and 4*). The tasks of the Minister of Labour, Social Affairs and Family and the Government's Plenipotentiary for Roma Communities concern above all the position of Roma women in the society. This orientation is directly related to the recommendation of the Advisory Committee, which, under point 21, *inter alia*, states that special attention should be paid to Roma women in the implementation of the various programmes. The Ministry is preparing specific measures for

the governmental document that will be aimed at balancing the opportunities of Roma women in the society at various levels. The measures were consulted with Roma women. Legislative conditions are being prepared for the field social work in Roma communities at the local state administration and self-government levels. The final version of the document, which will comprise the remuneration and introduction of field social work into the catalogue of public service work activities, including a proposal for methodical guidance and training for the workers, is being prepared at present. The field workers will be selected from among Roma.

In accordance with the fundamental human rights and freedoms enshrined in the Constitution of the Slovak Republic, the exercise of the right of every citizen to basic living conditions is ensured through Act No. 195/1998 Coll. on Social Assistance. This right is put into practice by defining the basic living conditions for the purposes of social assistance. It is the lowest level of sustenance consisting of one hot meal a day, necessary clothing and shelter. Foreigners, stateless persons, refugees and exiles are guaranteed the same rights as citizens of the Slovak Republic, if they meet the conditions specified by the act mentioned above. Act No. 195/1998 Coll. on Social Assistance as amended applies equally to all persons residing in the territory of the Slovak Republic, including persons belonging to an ethnic group or national minority.

Act No. 5/2004 Coll. on Employment Services and on Amendment of Certain Other Laws (effective from 01.02.2004) lays down a non-discriminatory method of access to the labour market for disadvantaged population groups (Section 14 and Section 62). In comparison to the legislation previously in force, when the employer could not make public job offers containing any restrictions or discrimination on the grounds of race, colour of skin, sex, age, language, belief and religion, health disability, political or other convictions, trade union activities, national or social origin, belonging to a nationality or ethnic group, property, descent, or marital or family status, the act was extended with respect to restrictions on direct or indirect discrimination in access to employment as follows: the employer is not allowed to require information relating to nationality, racial or ethnic origin, political views, membership in trade unions, religion, sexual orientation, information contradictory to good morals, and personal data not necessary for the fulfilment of the employer's obligations, even in employee selection. Upon the person's request, the employer is obliged to prove that the personal data requested are necessary. The employee selection criteria must guarantee equal opportunities for all citizens.

In connection with the application of the right of access to employment, no one may be persecuted or punished for filing a complaint with an office of labour, social affairs and family, a court complaint or proposal for the commencement of criminal proceedings against another person or against the employer. Everyone has the right to file a complaint with the office of labour, social affairs and family in connection with a violation of the right of access to employment or if discrimination occurs in the access to employment, or defend their rights at court, including appropriate compensation of non-pecuniary damage. The office of labour, social affairs and family must respond to the person's complaint without unnecessary delay, take corrective measures, and withdraw from and remove the consequences of such action. If a person who considers himself injured due to a failure to apply the principle of equal treatment provides evidence indicating that direct or indirect discrimination has occurred, the office of labour, social affairs and family must prove that the principle of equal treatment has not been breached. The office of labour, social affairs and family must not punish or disadvantage a person because he defends his rights arising from the right of access to employment.

In accordance with Article 1 of the Basic Principles of Act No. 311/2001 Coll. – the Labour Code, natural persons have the right to work and to a free choice of employment, to just and favourable conditions of work and protection against unemployment. These rights belong to them without any limitations and direct or indirect discrimination on the grounds of sex, marital or family status, race, colour of skin, language, age, health, belief and religion, political or other beliefs, trade union activities, national or social origin, belonging to a nationality or ethnic group, property, descent, or other status, with the exception of cases specified by law, or if there is a material reason for the performance of the work, based on qualifications or requirements and nature of the work to be performed by the employee.

Under Section 13 (1) of the Labour Code, employees can enjoy the rights arising from labour relations without any limitations and direct or indirect discrimination on the grounds of sex, marital or family status, race, colour of skin, language, age, health, belief and religion, political or other convictions, trade union activities, national or social origin, belonging to a nationality or ethnic group, property, descent, or other status, with the exception of cases specified by law or if there is a material reason for the performance of the work, based on qualifications or requirements and nature of the work to be performed by the employee.

In early 2004, the **reform social measures** concerning the amount, differentiation and method of payment of financial benefits to the unemployed and persons in material distress entered into force. Subsequently, protests of members of the Roma community, including plundering of grocery stores, took place mostly in eastern Slovakia in February 2004. The Roma reasoned their action by the worsening social situation of their community in the country.

The Ministry of Labour, Social Affairs and Family adopted the reform measures based on the civic principle, not on the ethnic principle. On the other hand, it is true that most affected by social reform was a part of the Roma population. The Ministry is therefore elaborating various programmes and proposes measures to address the specific problems of a part of the Roma population in a targeted way.

The aim of the proposal for such measures is to motivate persons in material distress to improve their social situation on their own initiative, motivate employers to create new jobs by employing disadvantaged groups of the unemployed, ensure activation of persons in material distress and increase public information on the possibilities of suppressing and preventing usury.

Effective from 15 April 2004, the Government valorised the activation benefit per recipient from SKK 1000 to 1500. It was proposed that, in regions where the occurrence of usury is assumed, municipalities pay out the benefits by means of a special recipient. The municipality, in co-operation with the office of labour, social affairs and family, can now make use of the system for the activation of the unemployed for these activities. If it is not possible to secure the payment of the benefits by means of the special recipient, the benefit should be paid in at least three instalments a month.

The Government intends to financially motivate organisers of projects who will engage more than a 100 jobseekers in the activation activities by providing a contribution of SKK 300 per one jobseeker for the purchase of the necessary tools. The Labour, Social Affairs and Family Headquarters have prepared a special methodical instruction for the offices of labour, social

affairs and family on how to increase the motivation for employment of the long-term unemployed with special disadvantages.

From April 2004, the staff of the offices of labour, social affairs and family are tasked to visit settlements with majority of Roma or Roma settlements in monthly intervals (or weekly if necessary) and inform the local jobseekers about the possibilities of how and where they can perform the activation activities. According to the amendment to the decree on the provision of scholarship allowances to students of secondary schools, which is under preparation, every student whose family receives benefits in material distress (around 28 000 students) will be entitled to scholarship allowance and the amount will depend on their school results. The state will, under special and clearly-defined conditions, also subsidise catering and purchase of school supplies.

Jobseekers maintained in the register of the offices of labour, social affairs and family become entitled to reimbursement of a portion of travel expenses incurred in connection with job placement activities. Regular information days on entitlements to contributions for active labour market measures and on the possibilities for participation of Roma in projects and programmes directly in Roma settlements, where specially trained social field workers will operate, should become another new measure of the offices of labour, social affairs and family.

The Social Development Fund was established on 1 March 2004 as an instrument for grant financing of small projects. This concerns support for projects that focus on assistance to socially weak and vulnerable groups enabling them to take active part in their own development. The Fund should be active in three basic areas – economic and employment development; physical infrastructure; public and social services.

The activation of jobseekers will be extended to include activities related to removal of fallen wood from forests or other activities depending on local needs. It will be possible to use a portion of the wood collected for the needs of the municipality or the community.

Beyond the framework of this measure, it is being considered that the activities could be conducted as part of seasonal agricultural work, such as weed mowing, maintenance of cart-roads, etc., on the basis of agreements between municipalities and agriculture businesses.

Information about the measures taken with a view to enhancing positive effects of changes in the system of benefits in material distress for certain groups of the population can be found in Annex No. 5.

As regards **healthcare**, a part of the members of the Roma minority have certain characteristics that make them a specific group in this respect, requiring a special approach in this area. Information from the field of healthcare therefore almost exclusively concentrates on this part of the Roma population or marginalized population groups. The information as a whole corresponds with question No. 6 from the Advisory Committee's questionnaire and is included in the information therein.

Funding

The expenditure on projects to address the **Roma Community** issues was budgeted under the General Treasury Administration chapter. These figures can be found under column A.

Resources for the financing of activities and needs of **national minorities** were provided from budget chapters in accordance with the figures under column B. However, these figures do not include the state budget resources used for education of children, pupils and students at schools and school establishments with instruction in national minority languages (*Annex No. 14*) since the per-child contributions were not set in the monitored period.

YEAR	A - in thousands of SKK	B - in thousands of SKK
1999	15 000	62 102
2000	15 000	61 528
2001	15 000	73 810
2002	18 000	152 242
2003	15 000	174 064

Article 5

1. The Parties undertake to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage.

2. Without prejudice to measures taken in pursuance of their general integration policy, the Parties shall refrain from policies or practices aimed at assimilation of persons belonging to national minorities against their will and shall protect these persons from any action aimed at such assimilation.

Legislation

No changes were made to the legislation covering the relevant area in the monitored period. The conditions for supporting national minority cultures are currently governed by more than 30 partial regulations.

In 2003, the **Ministry of Culture** prepared a working version of the draft act on the status of national minorities and draft act on the financing of national minority culture, which were scheduled to be submitted to the Parliament by 31 December 2003.

In the process of preparation of the laws, the need arose for a society-wide discussion and consultation of the act with representatives of individual national minorities living in Slovakia, as well as with international institutions. It was also necessary to address this issue as a cross-sectoral one. In view of this, the Government through its Resolution No. 1182/2003 of 10 December 2003 transferred the responsibility for the legislative task to the Deputy Prime Minister for European Integration, Human Rights and Minorities with a deadline for submission of the draft to the Parliament by 31 December 2004 (*see the information to the first question of the Advisory Committee's questionnaire*).

Since the act on the financing of national minority culture is linked to the adoption of the act on the status of national minorities, the deadline for the submission of the relevant draft act to the Government was also postponed by a year, to 31 December 2004. The Ministry of Culture remains to be responsible for this task.

Support for national minority cultures

In the monitored period, the basic distribution of funding was carried out by the Ministry of Culture from the purpose-aimed budget transfer – minority culture. In 2003, the expert commission, through national sub-commissions, distributed a sum amounting to SKK 80,000,000 to organisations developing minority cultures. This sum was used to support:

- cultural activities of civic associations with the sum of SKK 32,465,000
- periodical press with the sum of SKK 21,482,000
- non-periodical press with the sum of SKK 16,565,000
- other – multicultural, multiethnic organisations and disadvantaged groups with the sum of SKK 9,488,000.

(Reviews of the distribution of funds from the special-purpose budget transfer of the Ministry of Culture – minority culture, from 1999 to 2002 can be found in Annex No. 6.)

Representatives of the Russian national minority were admitted to the Council of the Government for National Minorities and Ethnic Groups in 2003. In this context, the Ministry delegated a representative of the Russian national minority to the expert commission for the Ministry's special-purpose budget transfer and allocated funding for the development of its culture.

In 2003, the Ministry supported the publication of periodical and non-periodical press of national minorities with the sum of SKK 35,760,000. Of this sum, publishing companies of the Hungarian minority received the sum of SKK 25,411,000. Most important of them include the publishers Kalligram – supported with the sum of SKK 6,088,000; Lilium Aurum – SKK 1,636,000; NAP Kiadó – SKK 2,000,000; LOAR – SKK 1,353,000, Madách-Posonium – SKK 2,508,000, Petit Press – SKK 1,200,000, Gabriel Méry-RATIO – SKK 1,000,000; Francis Attila-AB Art – SKK 995,000; and KT – SKK 858,000 (*see also Annex No. 6.*). In 2003, the Ministry provided support for 77 non-periodicals in Hungarian with the total sum of SKK 13,856,000.

In the same year, SKK 11,555,000 was allocated from the special-purpose budget transfer – minority culture, for the periodical press of the Hungarian minority. The most important periodicals which received funding include: the cultural supplement of the Új Szó daily, Vasárnap weekly, magazines and newspapers, such as Katedra, Kalligram, Žitný ostrov – Csallóköz, Komárňanské listy, Új Nő, Irodalmi Szemle, Jó Gazda, Gömörország, Tábornok, Szabad Újság, etc. Publishing companies of the Hungarian minority in Slovakia also extensively participate in the exchange of literature by means of partner publishing companies and distribution networks in Hungary. An example of such exchange is the Kalligram publishing company, which distributes all of its books published in Hungarian (around 100 copies of each title) in Hungary through the Budapest-based company Pesti Kalligram.

In 2003, the Ministry provided support for periodical press of the following national minorities (see the annexed tables for information on preceding years and further details):

- Bulgarian national minority – the *Roden Glas* magazine with the sum of SKK 315,000.
- Czech national minority – the *Česká beseda* magazine with the sum of SKK 1,087,000 and the *Info-Zpravodaj* magazine with the sum of SKK 19,000.

- Croatian national minority – the *Hrvatska Rosa* magazine with the sum of SKK 480,000.
- Moravian national minority – the *Moravský hlas* magazine with the sum of SKK 432,000.
- German national minority – the *Karpatenblatt* and *IkeJA News* magazines with the sum of SKK 820,000 and SKK 82,000 respectively.
- Polish national minority – the *Monitor Polonijny* magazine – SKK 315,000.
- Ruthenian national minority – the *Rusyn* magazine with the sum of SKK 500,000 and *Národné novinky* newspaper with the sum of SKK 1,100,000.
- Russian national minority – the *Vmeste* (Together) magazine with the sum of SKK 420,000.
- Ukrainian national minority – the *Dukl'a* magazine with the sum of SKK 380,000 and *Nove Žytt'a* magazine with the sum of SKK 590,000.
- Jewish national minority – the *Acta Judaica* magazine with the sum of SKK 90,000.

In 2003, the Ministry of Culture prepared a new grant scheme for 2004, which contains a special grant programme Support for National Minority Cultures.

Support of Roma culture

In the effort to improve the support for the development of Roma culture, the Ministry co-operated and co-ordinated its activities with central state administration bodies – the Ministry of Education, Ministry of Labour, Social Affairs and Family, the parliamentary committees, the Human Rights, Minorities and Regional Development Section of the Office of the Government, the Human Rights department of the Ministry of Foreign Affairs, the Secretariat of the Government's Plenipotentiary for Roma Communities, as well as with self-governments at all levels.

In 2003, the Ministry provided support amounting to **SKK 7,387,800** for 72 Roma projects submitted by 50 Roma civic associations comprising both events and literature. These financial resources were used for festivals of Roma music and dance, presentations of Roma art, assistance to periodical and non-periodical press, and for the support of activities on the occasion of the International Day of Roma. Representatives of Roma civic associations participated in the distribution of the financial resources allocated for the needs of the Roma minority. Representatives of the Ministry participated in the monitoring of individual cultural events directed at the development of Roma culture. The most important activities included:

- National Festival of Roma Culture in Snina, organised by the Ternipen civic association of Snina – SKK 740,000.
- Day of Roma, folklore festival, organised by the Roma under the Tatras Association of Poprad, July 2003 – SKK 120,000.
- People of Roma Family, festival, organised by the Culture Association of Roma in Slovakia of Banská Bystrica – SKK 194,800.
- Balvalfest, festival, organised by the Lácho Drom Cultural and Educational Civic Association of Kokava nad Rimavicou – SKK 100,000.

In 2003, 4 periodicals developing the culture of the Roma national minority received financial resources from the special-purpose budget transfer – minority culture: *Romano Nevo Lil* published by the JEKHETANE (Together) civic association of Prešov – SKK 1,100,000; the *Ternipen* monthly published by the ROMA Gemer Cultural and Educational Organisation of

Rožňava – SKK 400,000; the *Štvorlistok* children's magazine published by the Dobrá rómska vila Kesaj foundation of Košice – SKK 400,000; and, the *Rómsky list* bimonthly – published by the Roma Press Agency of Košice as a supplement of the Domino Fórum weekly – SKK 200,000. The assistance provided by the Ministry to Roma periodicals in 2003 totalled SKK 2,100,000.

The Ministry also used the purpose-aimed budget transfer minority culture to support the publication **Customs and Traditions of the Vlach Roma**. The funding provided amounted to SKK 300,000.

In 2003, the Ministry organised the **Seminar on Roma Culture**. The seminar contained a discussion on issue of Roma identity and language, a new model of teaching the Roma language at schools and an analysis of the situation and development of the Roma language in Roma periodicals.

The seminar was also devoted to seeking possibilities for co-operation between the state, churches and church civic associations by means of "Roma missions" that would prepare the ground for the adoption of the state's social, educational and cultural programmes in Roma settlements.

It provided room for discussion on the importance of Roma community and pastoral centres and the possibilities for the development of Roma culture in settlements, as well as on the issues of the integration of Roma communities by supporting the development of Roma culture.

The aim of the seminar was to gain impetus for a balanced strategy and action by the Ministry in supporting Roma culture and its integration into the majority culture. Two seminars on similar topics were also held in 2000 and 2001. In addition, the Ministry organised an international conference on national minorities in 2001.

In connection with the extended support for the development of minority cultures, the **department for the culture of disadvantaged population groups**, whose roles include the improved and extended support for the development of Roma culture, was created at the Ministry's Minority Culture Division in July 2003.

In December 2003, the Ministry also organised a working meeting with representatives of individual churches with the aim of creating room for discussion on the operation of Roma missions in Roma settlements and the possibilities of supporting culture programmes carried out by churches within the framework of community and pastoral centres.

Minority theatres play an important role in the development of the culture of national minorities. The current position and financing of minority theatres is governed by Act No. 384/1997 Coll. on Theatre Activities as amended by Act No. 416/2001 Coll. on the Transfer of Certain Competencies from State Administration Authorities to Municipalities and Higher Territorial Units. In compliance with the state decentralisation concept, this act transferred all minority theatres under the competence of regional self-governments. Besides financial support that they receive from regional self-governments, the minority theatres can also apply for financial assistance from the Ministry's grant system.

Minority museums and documentation centres are organisational units of the Slovak National Museum. This includes the following organisations: the Jewish Culture Museum, Carpathian Germans Culture Museum, Ukrainian and Ruthenian Culture Museum, Croatian Culture Documentation Centre, Czech Culture Documentation Centre, and the Roma Culture Documentation Centre. The Museum of the Culture of Hungarians in Slovakia at the Slovak National Museum was established through transformation of the Documentation Centre of Hungarian Culture in 2002. Two regional museums falling under the competence of regional self-governments are devoted to the development of Roma culture: Vihorlat Museum in Humenné and the Gemer-Malohont Museum in Rimavská Sobota.

Bilateral agreements between the Republic of Hungary and the Slovak Republic played an important role in the implementation of the Framework Convention for the Protection of National Minorities in the monitored period: Agreement between the Government of the Slovak Republic and the Government of the Republic of Hungary on Cooperation in the Areas of Culture, Education, Science, Sports and Youth; Agreement between the Governments of the Slovak Republic and of the Republic of Hungary on Mutual Support for National Minorities in the Fields of Education and Culture; Agreement between the Republic of Hungary and the Slovak Republic in the Area of Monument Protection; the Joint Commission for the issues of culture and press holds regular sessions (for more detailed information on bilateral co-operation see information under question 3 of the Advisory Committee's questionnaire).

As regards the legislation on the use of languages, no changes were made to the Constitution, however, on 10 July 1999 the Parliament passed the governmental draft act on the use of national minority languages (Act No. 184/1999 Coll.), thereby removing the legal vacuum that was created by abolishing Slovak National Council Act No. 428/1990 Coll. on the State Language of the Slovak Republic by the Act No. 270/1995 Coll. on the State Language of the Slovak Republic (hereinafter referred to as the "state language act"). As a result, from 1 January 1997, the right to use the languages of national minorities and ethnic groups in official contacts guaranteed by Article 34 (2) b) of the Constitution was not regulated by legislation.

According to the Section 1 (4) of the state language act, this act does not concern the use of the languages of national minorities and ethnic groups. The use of these languages is regulated by special laws that Section 1 (4) refers to (the following is a demonstrative list): Code of Criminal Procedure, Code of Civil Procedure, Act No. 81/1966 Coll. on Periodical Press and Other Means of Mass Media, Act No. 29/1984 Coll. on the System of Elementary and Secondary Schools (Schools Act) as amended, Act No. 254/1991 Coll. On the Slovak Television (new Act No. 16/2004 Coll. On the Slovak Television abolishing Act No. 254/1991 Coll. is effective from 01.02.2004), Act No. 255/1991 Coll. On the Slovak Radio (new Act No. 619/2003 Coll. on the Slovak Radio abolishing Act No. 255/1991 Coll. is effective from 01.01.2004), and Act No. 191/1994 Coll. on the Indication of Names of Municipalities in National Minority Languages.

The relevant provisions of the Code of Criminal Procedure and Code of Civil Procedure are cited in the information concerning equality before the law and equal protection of the law provided for Article 4.

The **schools act** contains one provision relating to minority languages:

"Section 3 Education and schooling are conducted in the state language. The right of citizens of Czech, Hungarian, German, Polish and Ukrainian (Ruthenian) nationality to education in their language shall be secured to an extent appropriate to the interests of their national development."

In the process of preparation of the new schools act, it is being considered that the new act would allow for education of all national minorities without restrictions, i.e. not only for citizens belonging to the national minorities listed in the cited Section 3 of the act in force.

Three types of schools and classes are being considered:

- schools using a national minority language as the language of instruction, where all subjects would be taught in the language of a national minority except Slovak language and literature and Slovak conversation,
- schools with instruction in a national minority language, where the language of a national minority would be taught,
- in schools and classes under the preceding point, further subjects could also be taught in the language of the national minority depending on personnel capacity and requirements of the minority.

The draft act being prepared should also deal with the admission of students to secondary schools if they completed an elementary school with a language of instruction other than that of the school they are applying for.

The use of national minority languages in the press and electronic media is covered by information on Article 9.

Act No. 191/1994 Coll. on the Indication of Names of Municipalities in National Minority Languages forms Annex No. 7 to this Report.

Act No. 270/1995 Coll. on the State Language of the Slovak Republic forms Annex No. 8 to this Report.

The use of the state language in the means of mass media, at cultural events and at public gatherings is governed by Section 5 of the state language act. As for exceptions from the use of the state language in this area, the act refers to the acts on the Slovak Radio and the Slovak Television, as well as Act No. 81/1966 Coll. on Periodical Press and Other Means of Mass Media as amended (*see information on Article 9*). In addition, Section 5 (7) provides for an exception for cultural events of national minorities, ethnic groups, visiting foreign artists and music works with original lyrics, however, the accompanying introduction must be first provided in the state language. Regional or local television stations, radio stations and radio systems broadcast by principle in the state language. Other languages can be used before and after a particular programme is broadcast in the state language (Section 5 (4)).

The use of the state language in court and administrative proceedings is regulated by the Section 7 (2) of the state language act, which states the following: "Rights arising from special regulations of persons belonging to national minorities and ethnic groups or rights of

foreigners, who do not have command of the state language, remain unchanged," and refers to the Code of Civil Procedure, Code of Criminal Procedure and Act No. 36/1967 Coll. on Expert Witnesses and Interpreters (*see information on Article 4*).

The use of the state language in the economy, services and healthcare is addressed in Section 8 of the state language act. For the area of healthcare, Section 7 (4) lays down that the contact between healthcare personnel and patients is usually conducted in the state language; if the patient is a citizen or foreigner who does not have command of the state language, it is conducted in a language that makes communication with the patient possible.

Eventually, for signs, advertisements and announcements designed to inform the public, Section 8 (6) of the state language act allows for translating them into other languages, but the texts in different languages must follow equally large text in the state language.

Act No. 184/1999 Coll. on the Use of National Minority Languages forms Annex No. 1 to this Report; commentary on the act can be found in the information on Article 10.

Article 6

1. The Parties shall encourage a spirit of tolerance and intercultural dialogue and take effective measures to promote mutual respect and understanding and co-operation among all persons living on their territory, irrespective of those persons' ethnic, cultural, linguistic or religious identity, in particular in the fields of education, culture and the media.

2. The Parties undertake to take appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identity.

Information provided on Article 5 and 9 also relates to the provisions under 1 concerning culture and the media.

Education

In its Policy Statement of November 2002, the Government declared that it would financially support the education and training of talented students, as well as the education and training of disadvantaged groups of children, while making emphasis on the integration of these groups into the society. It declared that it would promote pre-school preparation of children as a service to the family, while making priority emphasis on the utilisation of pre-school preparation for the integration of Roma pupil population and other disadvantaged groups.

Under the section Target State of Education and Training, the National Programme for the Development of Education and Training in Slovakia for the next 15 to 20 years deals with the access to higher education of children from the less stimulating social environments, special attention to Roma and other national minorities, as well as the guarantees for the parents' right to the free choice of education for their children. It makes emphasis on the command of the state language and the languages of national minorities, in particular their communication element.

It makes further emphasis on

- the development of the system of instruction of foreign languages,
- computer and information literacy,
- extension and improvement of work in nursery schools, in particular the enactment of compulsory attendance of the last year of nursery school.

Fundamental human rights are applied in our education system irrespectively of nationality already in pre-school education. Conditions have been created in legislation to provide education in nursery schools for all children whose parents request the placement of their child in a pre-school establishment regardless of nationality, i.e. also for children of national minorities, including the Roma minority. The educational process in nursery schools is implemented in accordance with the basic pedagogical document – the Programme of Education in Nursery Schools, which contains human rights essentials. This issue is most extensively applied in pro-social education, which creates the foundations of pro-social attitudes and behaviour of the child, positive interpersonal relations, ability to accept and respect others, ability to solve conflicts non-violently, ability of mutual help, understanding and empathy, etc.

In the pedagogical approach of teachers, emphasis is placed on respecting the child as an individual and respecting his rights, as well as on developing his sense for meeting certain requirements and creating the foundations of personal responsibility.

Pre-school education is directly followed by elementary education. At the 1st level of elementary school (1st – 4th classes), education in the spirit of democracy, peace and humanity forms part of a number of subjects: ethics, reading, history and geography, religion. Using suitable literary texts and topics, the desire for peace, friendship and mutual help is formed in an unobtrusive manner, together with the basics of personal independence based on considerate behaviour, ability to accept different opinions on the same problem, and awareness of one's rights and obligations.

At the 2nd level of elementary school (5th – 9th grades), the young person continues to be formed in the spirit of the generally recognised moral principles and standards of a democratic society. Various topics in literature, history and ethics classes are used for this purpose, but the focus is moved to a separate compulsory subject of Civics taught in the 6th to 9th classes of elementary school. It integrates and extends the knowledge and behavioural models acquired in earlier grades and provides new knowledge appropriate for the age and level of the pupils.

In civics classes the pupils learn about fundamental human rights, freedoms and the rights of the child, and gradually shape their idea of their rights and obligations as citizens of a democratic state. In addition, the teachers work with the methodical document *Tolerance – the Building Block of Peace*, which comprises the following topics: *Why Should We Learn Tolerance*, *Tolerance at School and in Practice*, *Tolerance at Every Class*, and *Model Classes*. The Declaration on the Rights of the Child and international documents on human rights are the basic documents that form the core of the questions for the Human Rights Olympics for secondary school students. Teachers received the free publications *Human Rights*, *Tolerance*, and *Experience Teaching* as aids for preparation for this competition.

By incorporating this issue into the curricula of individual subjects of vocational training through expert commissions, they pay appropriate attention to the preparation of students for a responsible life in a free society in the spirit of understanding, peace, tolerance, equality of genders, and friendship between all nations, ethnic groups, and national and religious communities, as stipulated by the Convention on the Rights of the Child.

The Ministry of Education pays permanent attention to this issue.

The tasks of the fight against racial discrimination are implemented at quantitatively and qualitatively different levels in organisations directly subordinated to the Ministry in the following forms:

- further training for civics and ethics teachers,
- co-operation with non-governmental organisations,
- active participation in conferences and publication in journals on the relevant issues,
- seminars for district methodologists on civics and ethics with relevant programme and the provision of methodical materials,
- pedagogical creativity of teachers,
- topics of individual surveys of teachers and final papers within the various forms of further training.

Further activities:

- in the implementation of the "Declaration on the Rights of the Child" programme, a separate training block on human rights and specifically on the rights of the child was included in the specialisation innovation studies (SIS) on the "Development of the Professionalism of Homeroom Teachers",
- anti-drug activities and activities for the prevention of child delinquency and crime are carried out within the framework of the active protection of children from negative social phenomena,
- continuous training on "Aggression and Harassment, Possibilities of Survival",
- training seminars aimed at the prevention of vandalism, on the need for the observance of laws, as well as on the protection of human rights and specifically the rights of the child,
- many papers of teachers' reading, first qualification examination, final papers of qualification studies on ethics and preparation of school managers are oriented so that the teachers present their educational objectives and activities and propose methods for the education of students towards the observance of human rights, the rights of the child and prevention of drug addiction,
- in co-operation with the Citizen and Democracy foundation, periodic training on civil rights in a democratic society is organised with human rights and their protection as the main topic; workshops on political science, law and psychology have been organised,
- Milan Šimečka Foundation presented its activities in the field of the observance of human rights and the rights of the child to teachers and methodologists,
- further activities are directed at the implementation of the "ASP UNESCO", i.e. at education towards peace and the fight against racism, xenophobia and intolerance,
- various publications on this topic, especially publications relating directly to the rights of the child, are published for the needs of teacher training.

The Pedagogical and Organisational Instructions for schools and school establishments and state administration authorities in the education sector in the Slovak Republic for 1998/1999 included the instruction to focus on educational activities aimed at eliminating expressions of racism among students, with emphasis on Roma youth.

The teachers incorporated this topic into their plans and used it above all in civics, ethics and religion classes. On the first day of the school year, homeroom teachers informed students about the Declaration on the Rights of the Child with the aim of actively protecting them from negative social phenomena.

Appropriate attention is paid to the preparation of students for a responsible life in a free society in the spirit of understanding, peace, tolerance, equality of genders and friendship between all nations and ethnic, national and religious groups, as stipulated by the Convention on the Rights of the Child. Suitable topics of the civics, social science, religion and ethics curricula, as well as the links between individual subjects, are used to reinforce tolerance and eliminate racism, anti-Semitism and xenophobia.

The Pedagogical and Organisational Instructions for the 2003/2004 school year touch upon the relevant topic in the section dedicated to further training for teachers. The State Pedagogical Institute continues the testing of the pilot project Specialisation and Innovation Study for the Teachers of Roma Children approved by the Ministry on 25.06.2001 under no. 474/2001-46, which is implemented in co-operation with the Orava Association for Democracy in Education. Co-operation with the Child Psychology and Pathopsychology Research Institute is recommended in the organisation of educational events focused on work with talented children, children with special educational needs, members of minorities, children from socially disadvantaged environments, as well as events aimed at developing social skills and creativity of pedagogical workers.

We are aware of the broader contexts of the fight against discrimination and crime and the importance of increased efficiency of prevention, including primary prevention of drug addiction. This issue is therefore part of a variety of educational projects, such as the Preparation of School Managers, Specialisation Qualification Studies, the SIS, Introduction of Young Teachers into the Profession, and so on.

Section 2: Legislation – the Criminal Code

In connection with individual provisions of the Constitution, the Criminal Code in force (Act No. 140/1961 Coll.) defines the criminal law sanctions for acts violating human rights and fundamental freedoms on the basis of racial discrimination. This concerns the following criminal acts defined in the Criminal Code:

- Section 196: violence against a group of citizens and against an individual
- Section 198: defamation of a nation, race or belief
- Section 198a: incitement of national, racial and ethnic hatred
- Section 219 (2) f): murder – racial motive
- Section 221 (2) b): intentional injury to health – racial motive
- Section 222 (2) b): unintentional injury to health – racial motive
- Section 259: genocide
- Section 259b: crime against humanity

- Section 260 and Section 261: support and propagation of movements directed at suppressing the rights and freedoms of citizens
- Section 263a: persecution of the population.

The following amendments to the Criminal Code were adopted in the monitored period:

- Act No. 183/1999 Coll. amending and supplementing the Criminal Code as amended supplemented the definition of the criminal act of murder with a new indication – racial motive (letter f) was added to Section 219 (2), which reads as follows: ...(a person who intentionally murders another person)... "...because of his race, belonging to an ethnic group, nationality, political conviction, belief or because the person is without belief").
- Act No. 253/2001 Coll. amending and supplementing the Criminal Code as amended supplemented the definitions of racially motivated criminal acts (Section 196 (2) – violence against a group of citizens and against an individual, Section 198 – defamation of a nation, race or belief, Section 198a – incitement of national, racial and ethnic hatred, Section 219 (1), (2) f) - murder, Section 221 (2) b) and Section 222 (2) b) – injury to health), with a new indication, which is the belonging to an ethnic group.

This amendment was needed due to problems that occurred in the application of the legislation in force in the given period. It was disputed whether belonging to the Roma minority means belonging to another race.

A breakthrough moment was a case where the court expressed the opinion that Roma are not a different race from Slovaks if they affiliate themselves with the Slovak nationality, which meant that the Criminal Code in force at that time did not allow the court to punish more strictly attacks motivated by hatred against Roma. The amendment removed this shortcoming.

The amendment also changed the provisions on racially motivated crimes by removing the criterion that the attacked person had to be a member of a different race. On the basis of this modification, it is also possible to punish attacks with a racial motive against a person of the same race. This was a response to the need to protect people who may become victims of such attacks due to their involvement in antiracist activities.

- Act No. 485/2001 Coll. amending and supplementing the Criminal Code extended the definition of the criminal act of support and propagation of movements directed at suppressing the rights and freedoms of citizens by creating the possibility of not only criminally prosecuting acts of public expression of inclination towards fascism and other movements verifiably directed at suppressing the rights and freedoms of citizens, but also acts that openly and publicly cast doubt on, deny, approve or attempt to justify the terror of fascism and other totalitarian movements.
- Another amendment to the Criminal Code - Act No. 421/2002 Coll. – entered into force on 1 September 2002. The amendment introduced a new criminal act into the Criminal Code under Section 259b “crime against humanity”, which is defined in conformity with Article 7 of the Statute of the International Criminal Court. The amendment was adopted in connection with the Slovak Republic's accession to and the subsequent process of ratification of the Rome Statute of the International Criminal Court. Simultaneously with the supplementation of Section 15a of the Criminal Code,

crimes against humanity were made imprescriptible, similarly to the crime of genocide.

(The relevant provisions of the Criminal Code and Code of Criminal Procedure, Selected Case-Law Relating to Racially Motivated Crime and Statistical Data on Racially Motivated Crime can be found in Annex No. 2)

Information from practice

23 final judgements were made in the area of racially motivated crime in 1998, 12 judgements in 1999 and 13 judgements in 2000. The extent of criminal prosecution of racially motivated crime substantially increased in 2000 and 2001. While 8 cases with a racial motive were criminally prosecuted in 1997, 15 cases in 1998 and 11 cases in 1999, in 2000 criminal prosecution was conducted in 25 and in 2001 in 27 racially motivated cases. This increase is not evidence of an increase in this type of crime in 2000 and 2001. It is more a result of training provided to prosecutors and policemen, their guidance by the administrative authorities in both sectors and the resolution of disputes surrounding the interpretation of certain provisions of the Criminal Code.

Immediately after a crime is discovered, already in the preparatory proceedings, the racial motive is much more thoroughly examined and reflected in the legal qualification of the perpetrator's act than in the past. In preceding years, racially motivated crime was sometimes treated only as disorderly conduct or criminal acts of injury to health, without applying the stricter provisions of the law for racially motivated crime, or only as offences. Since 2000, these acts have been prosecuted by applying the provisions of the Criminal Code intended for the protection against expressions of racism. Not least, the increased extent of criminal prosecution of racially motivated crime is a consequence of greater activity of the victims in the reporting of such crime, which is largely the result of work of non-governmental organisations. The increased number of reports also shows improved trust of the victims in authorities involved in criminal proceedings.

In 2000, violent attacks or threats of violence slightly exceeded verbal and other expressions of racism in this type of crime. Of the total number of 30 criminal acts committed, six were cases of injury to health, of which four were cases of intentional severe injury to health. In one of the cases the act resulted in death.

In ten cases, the crimes discovered were acts of violence against a group of citizens and against an individual. These were usually attacks involving physical violence, which, however, did not result in health injuries as defined by the Criminal Code.

The verbal criminal acts were in six cases qualified as defamation of a nation, race or belief and in one case as incitement of national and racial intolerance.

After extensive investigations, criminal proceedings were initiated and charges were brought for the criminal act of support and propagation of movements directed at the suppression of the rights and freedoms of citizens against two creators and distributors of printed materials entitled *Edelweis* and *Biely boj* (White Fight), containing articles and drawings promoting a movement directed at the suppression of rights and freedoms of citizens. The prosecutor brought charges against both of the accused. The court has yet to deliver its final verdict.

The 25 cases of racially motivated crime in 2000 were committed by 44 discovered perpetrators.

The prosecution of verbal and violent racially motivated crime reached the same extent in 2001. This concerned 18 non-violent and 19 violent acts. As for the violent acts, in eleven cases they were criminal acts of violence against a group of citizens and against an individual, in six cases they were criminal acts of injury to health and in two cases criminal acts without injury to health.

The non-violent acts committed in 2001 included 6 criminal acts of defamation of a nation, race or belief, 5 criminal acts of incitement of national, racial and ethnic hatred and 7 criminal acts of support and propagation of movements directed at suppressing the rights and freedoms of citizens. In two cases, criminal prosecution was taken against criminal acts of a more serious nature, however, the perpetrators were not discovered.

40 persons were prosecuted for the above racially motivated crimes committed in 2001, which is almost the same number as in 2000 (42 persons).

The **Prison and Court Warden Corps** pays much attention to the issue of the protection of the rights of persons belonging to national minorities, since more than 45% of the accused and convicted in the Slovak Republic belong to a national minority or have foreign citizenship. In compliance with the Corps's Training Concept, all members are acquainted with the relevant basic standards and international treaties and conventions, to which the Slovak Republic is a party, with the aim of guaranteeing democracy, legality, human rights and freedoms. Attention is also paid to professional training of the personnel of correctional institutions with emphasis on acquiring skills for the performance of their duties in a multicultural environment. Specialised training programmes focused on the areas of education, culture and elimination of prejudices leading to racial discrimination for those members of the force who are in direct contact with the accused and convicted in custody and imprisonment institutions are organised by the custody and imprisonment department of the General Directorate of the Prison and Court Warden Corps. Specialists of the Corps' general directorate elaborate methodologies for the treatment of this category of prisoners.

The Corps has adopted effective measures to support mutual respect of the ethnic, cultural, linguistic and religious identity, both on the part of the personnel of correctional institutions towards prisoners and vice versa. The systematic training of the members of the Corps, in conformity with their further training in the field of human rights and with a view to the prevention of all forms of discrimination, racism, xenophobia, anti-Semitism and other expressions of intolerance, has been elaborated in the new concept of specialised training for the members of the Corps at its secondary school in Nitra. Since 2001, the subject of human rights is taught in 5 hours as part of the curriculum for basic vocational training under the subject "Fundamental Rights", 3 of which are devoted to the issue of the Roma ethnic minority. Specialised vocational training pays attention to this issue under the subject "Fundamental Rights" in the same extent and this is extended by 2 hours in the subject "Correctional Systems and Correctional Organizations Abroad". In court warden training, this issue is taught in 2 hours under the subject "Vocational Preparation – Charter of Fundamental Rights and Freedoms". The course for shift commanders also includes the subjects "Selected Legal Topics – Human Rights and Fundamental Freedoms" covered in 2 hours and "Romology" in 4 hours. A section of the curriculum on Roma issues is taught by a

visiting teacher from the Roma Culture Department of the Social Sciences Faculty at the University in Nitra.

Since 2000, the Corps's general directorate, in co-operation with the OPEN SOCIETY FOUNDATION and the Citizen and Democracy foundation, has organised the "Weekend Training Programmes for the Corps' Members", which also cover the issue of prevention of all forms of discrimination, racism, xenophobia, anti-Semitism and other expressions of intolerance in prisons. The general directorate issues methodical documents concerning this issue under the title "Prosocial Programmes". A programme entitled "Multicultural and Anti-Prejudice Training – Education Towards Tolerance and Against Racism" was prepared in June 2002.

Within the framework of methodical activities and in compliance with the Training Concept, the custody and imprisonment department has provided a training course for lecturers on the area of human rights since 2002, which is attended by 25 members of the Corps. The document Methodology for the Application of Specific Forms and Methods of Treatment of Prisoners of Roma Origin was elaborated in January 2001.

Article 7

The Parties shall ensure respect for the right of every person belonging to a national minority to freedom of peaceful assembly, freedom of association, freedom of expression, and freedom of thought, conscience and religion.

No legislative changes occurred as regards the rights to assembly and association in the monitored period. The legal regulations specified in the first implementation report with respect to Article 7 of the Framework Convention for the Protection of National Minorities continue to be in force.

The number of political parties and movements, civic associations, foundations, non-profit organisations providing generally beneficial services, non-investment funds and interest associations of legal persons established by citizens of the Slovak Republic who belong to a particular national minority has increased.

At present, the plural political systems in Slovakia comprises, among other political parties and movements, 25 political parties and movements, which associate citizens of the Slovak Republic belonging to individual national minorities. Of these, 20 political parties and movements were established by Roma, 4 political parties and movements by persons belonging to the Hungarian national minority and one political movement was established by persons belonging to the Ruthenian and Ukrainian national minority.

Political parties and movements established by persons belonging to the Hungarian national minority:

1. Hungarian Coalition Party (SMK)
2. Party of Hungarian Socialists (SMS)
3. Hungarian Socialist Party (MSSS)
4. Hungarian Federalist Party (MFS)

Political parties and movements established by persons belonging to the Roma ethnic minority:

1. Party for the Integration of Roma in Slovakia (SIR)
2. Party for the Protection of the Rights of Roma in Slovakia (SOPR)
3. Romany Civic Initiative in Slovakia (ROI SR)
4. Social Democratic Party of Roma in Slovakia (SSDR)
5. Union – Romany Civic Initiative in Slovakia (U – ROI)
6. Labour and Security Party (SPI)
7. Romany Congress of the Slovak Republic (RK SR)
8. Democratic Movement of Roma in the Slovak Republic (DHR)
9. Movement of the People with the Lowest Standard of Living (HENŽÚ)
10. Party of Roma of Slovakia (SRÓS)
11. Romany National Party (RNS)
12. Party of Romany Democrats in the Slovak Republic (SRD)
13. Democratic Alliance of Roma in Slovakia (DAR)
14. Romany Initiative of Slovakia (RIS)
15. Party of the Democratic Unity of Roma (SDJR)
16. Romany Christian Democratic Movement in Slovakia (RKDH)
17. Movement of the Vlach Roma in Slovakia (HORS)
18. Party of the Romany Coalition in the Slovak Republic (SRK)
19. Romany Civic Unity of the Slovak Republic (ROJ SR)
20. Political Movement of Roma in Slovakia – ROMA (ROMA)

Persons affiliated with the Ruthenian and Ukrainian national minority have established one political party:

1. Regional Democratic Assembly – East (RDH – Východ)

The number of civic associations, foundations and other organisations of a non-profit nature established by persons belonging to national minorities living in the Slovak Republic also increased in the period between 1999 and the end of 2003.

Information from the Prison and Court Warden Corps on the application of Articles 7 and 8

During the time of imprisonment, the civil rights of prisoners are restricted only in cases when the exercise of these rights would be at variance with the purpose of serving custody or imprisonment sentences; also restricted are rights that cannot be exercised due to the specific conditions of serving custody or imprisonment sentences.

Activities are developed and supported in correctional institutions, in conformity with the purpose of serving imprisonment sentences, for the preservation of the basic elements of national and ethnic identity and development of culture and all of its positive characteristics. Everyone has the right to freely express their religion or belief either individually or in community with others, in private or public, in worship, practice, observance or teaching of religious rituals. Restrictions concern exclusively the organisational framework in line with the set daily schedule, the extent of movement of prisoners arising from the type of the institution with respect to penitentiary category and with a view to adherence to security measures.

Article 8

The Parties undertake to recognise that every person belonging to a national minority has the right to manifest his or her religion or belief and to establish religious institutions, organisations and associations.

No changes occurred in the application of this right in the monitored period.

Article 9

1. The Parties undertake to recognise that the right to freedom of expression of every person belonging to a national minority includes freedom to hold opinions and to receive and impart information and ideas in the minority language, without interference by public authorities and regardless of frontiers. The Parties shall ensure, within the framework of their legal systems, that persons belonging to a national minority are not discriminated against in their access to the media.

2. Paragraph 1 shall not prevent Parties from requiring the licensing, without discrimination and based on objective criteria, of sound radio and television broadcasting, or cinema enterprises.

3. The Parties shall not hinder the creation and the use of printed media by persons belonging to national minorities. In the legal framework of sound radio and television broadcasting, they shall ensure, as far as possible, and taking into account the provisions of paragraph 1, that persons belonging to national minorities are granted the possibility of creating and using their own media.

4. In the framework of their legal systems, the Parties shall adopt adequate measures in order to facilitate access to the media for persons belonging to national minorities and in order to promote tolerance and permit cultural pluralism.

Act No. 81/1966 Coll. on Periodical Publications and Other Types of Mass Media does not contain any provisions restricting the use of the languages of national minorities in the media.

Section 2 paragraph 8 of Act No. 212/1997 Coll. on Legal Deposit Copies of Periodical Publications, Non-Periodical Publications and Copies of Audio-Visual Works explicitly provides for the freedom of publishing any type of publication in other than the State language as follows: "Publishing periodical publications, non-periodical publications or the production of copies of audiovisual works in other than the State language shall not be restricted, unless this Act or separate legal acts provide otherwise."

Act No. 16/2004 Coll. of 4 December 2003 on the Slovak Television, Section 5 paragraph (1) provides that main activities of the Slovak Television include:

"f) broadcasting balanced programmes, in terms of content and regional coverage, in the languages of national minorities or ethnic groups living in the territory of the Slovak Republic; in order to secure production and broadcasting of programmes for national

minorities or ethnic groups, the Slovak Television shall set up independent organisational units.”

According to Section 7(a) of the Act, one of the bodies of the Slovak Television is the Council of the Slovak Television; Section 9 paragraph 2 provides that its 15 members:

“shall be elected from among the candidates proposed by the relevant Committee of the National Council of the Slovak Republic; nominations of Council members shall be submitted to the Committee by Members of Parliament or by legal persons defined in a separate legal regulation, operating in the area of audiovision, mass media, culture, science, education, promotion and preservation of spiritual values, human rights, the environment or health protection, representing the interests of national minorities or ethnic groups, other minorities, or of registered churches or religious societies.”

According to Act No. 619/2003 Coll. of 4 December 2003 on the Slovak Radio, Section 5 paragraph (1), main activities of the Slovak Radio include:

“e) broadcasting balanced programmes, in terms of content and regional coverage, in the languages of national minorities or ethnic groups living in the territory of the Slovak Republic; in order to secure production and broadcasting of programmes for national minorities or ethnic groups, the Slovak Radio shall set up independent organisational units.”

According to Section 7(a) of the Act, one of the bodies of the Slovak Radio is the Council of the Slovak Radio; Section 9 paragraph 2 provides that its 15 members:

“shall be elected from among the candidates proposed by the relevant Committee of the National Council of the Slovak Republic; nominations of Council members shall be submitted to the Committee by Members of Parliament or by legal persons defined in a separate legal regulation, operating in the area of production of radio programmes, mass media, culture, science, education, promotion and preservation of spiritual values, human rights, the environment or health protection, representing the interests of national minorities or ethnic groups, other minorities, or of the registered churches or religious societies.”

Act No. 308/2000 Coll. on Broadcasting and Retransmission as amended contains the following relevant provisions:

Section 3 (h) point 5

“h) a programme in public interest is a programme aimed at satisfying informational and cultural needs of listeners or viewers in the territory covered by the signal of the broadcaster; it is, in particular ...

5. a programme presenting culture with emphasis on the Slovak national culture and the culture of national minorities or ethnic groups, their life and opinions,”

Section 16 paragraph 1(g)

“g) to provide for the use of the State language and of the languages of national minorities in the broadcasting of programmes and other elements of programme service in accordance with separate regulations,”

Section 18 paragraph 2 (d)

“d) to ensure a varied programme structure, in particular that majority of programmes be programmes in public interest,”

Section 19 paragraph 2(a)

“(2) The programme service or any of its component parts may not

a) promote violence or incite, covertly or overtly, hatred on the basis of gender, race, colour of skin, language, faith or religion, political or other thinking, national or social origin, membership in a national or ethnic group,”

Section 32 paragraph 4(b)

“(4) Broadcast advertising and teleshopping may not

b) include any kind of discrimination on the grounds of sex, race, colour, language, national or social origin or nationality or membership of an ethnic group.”

We note that as regards Article 9 paragraph 1 and with reference to paragraph 2, twelve local television stations operating in the territory of the Slovak Republic as of 31 December 2003 (out of a total of 76 local/regional TV stations) had bilingual broadcasts, i.e. programmes in the Slovak language and in the languages of national minorities (the Hungarian language was represented in all of them).

As regards local broadcasting in minority languages, mention can be made of Section 17 paragraph 1(b) of Act No. 308/2000 Coll. on Broadcasting and Retransmission, and of amendment to Act No. 195/2000 Coll. on Telecommunications as amended, which facilitates access to the media by laying down the obligation of cable operators to reserve one channel for local broadcasting.

Also relevant from the point of view of public service broadcasters is the real share of minority broadcasting in the total broadcasting time (the number of persons who declare belonging to national minorities represents 13.2% of the population):

Slovak Television (STV):

2001 – 0.9% of total broadcasting time

2002 – 0.9% of total broadcasting time

2003 – 0.7% of total broadcasting time

Slovak Radio (Sro):

2001 – 7.2% of total broadcasting time

2002 – 7.4% of total broadcasting time

2003 – 8.5% of total broadcasting time

Most of the Slovak territory is covered not only by the signal of European satellite television broadcasters, but also by a good quality terrestrial signal of main television stations of the neighbouring countries.

Article 10

1. The Parties undertake to recognise that every person belonging to a national minority has the right to use freely and without interference his or her minority language, in private and in public, orally and in writing.

2. In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if those persons so request and where such a request corresponds to a real need, the Parties shall endeavour to ensure, as far as possible, the conditions which would make it possible to use the minority language in relations between those persons and the administrative authorities.

3. The Parties undertake to guarantee the right of every person belonging to a national minority to be informed promptly, in a language which he or she understands, of the reasons for his or her arrest, and of the nature and cause of any accusation against him or her, and to defend himself or herself in this language, if necessary with the free assistance of an interpreter.

On 10 July 1999, the National Council of the Slovak Republic adopted **Act No. 184/1999 Coll. on the Use of National Minority Languages** (*Annex No. 1*), which entered into effect on 1 September 1999. The enactment of the law was welcomed by the OSCE High Commissioner on National Minorities, the Council of Europe and the European Union. The objective of the law is to set out the rules for using minority language also in official communication in the municipalities where, according to the latest census, the citizens of the Slovak Republic belonging to a national minority represent at least 20% of the population.

According to the latest census of 2001, the above provision of Act No. 184/1999 Coll. applies to 655 municipalities, in 502 of which the 20% threshold is reached by the citizens of the Slovak Republic belonging to the Hungarian national minority, in 6 by those belonging to the Ukrainian national minority, in 92 by those belonging to the Ruthenian national minority, in 54 by those belonging to the Roma national minority, and one municipality where the threshold is reached by persons belonging to the German national minority. The list of municipalities in which the citizens of the Slovak Republic belonging to national minorities constitute at least 20% of the population (according to the 1991 Population and Housing Census) is given in Government Ordinance No. 221/1999 Coll.. This list, however, is not identical with the list of municipalities based on the 2001 Population and Housing Census.

The comparison of the two lists reveals changes that occurred as regards the number of municipalities concerned. Thus, the number of municipalities with the required share of the Hungarian minority dropped from 512 to 502, those with the Roma minority from 57 to 54, those with the Ukrainian minority from 18 to 6. An increase from 68 to 92 municipalities was recorded for the Ruthenian minority. No change took place as regards municipalities with the German minority (there is still 1 such municipality), although it is a different municipality that meets the criteria set out in Section 2 paragraph 1 of the Act.

In addition to the aforesaid national minorities, the 2001 Population and Housing Census also produced data on the Moravian, Polish, Croat, Serbian, Bulgarian, Russian and Jewish national minorities.

(The lists of municipalities where the citizens of the Slovak Republic belonging to various national minorities constitute at least 20% of the population according to the Population and Housing Census are given in Annexes 9 to 14.)

Act No. 184/1999 Coll. provides that if the citizens of the Slovak Republic belonging to national minorities constitute at least 20% of the population of a municipality according to the latest population census, they can use the minority language in official communication. Thus, according to this provision :

- a citizen of the Slovak Republic belonging to a national minority shall have the right to file petitions with a local State administration or local government authorities written in his minority language,
- the public administration body that handles the petition shall reply in both the State language and the minority language, except for public instruments,
- the decision of the public administration authority that handles the petition shall be issued, if so requested, also in the minority language as a counterpart to the decision issued in the State language,
- names of public administration authorities shall be displayed on the buildings also in a minority language,
- local self-governing authority in the municipality shall issue official forms within its competence to citizens in the State language and, where so requested, also in a minority language,
- deliberations of local self-governing authorities may be conducted also in a minority language, subject to the consent of all those present,
- municipal council members have the right to use their minority language during the deliberations of that body; interpretation is arranged for by the local authority,
- entries into the memorial book of the municipality may be made also in a minority language,
- street signs and other local topographical indications may be displayed also in a minority language,
- important information in a municipality, in particular warnings, cautions and health information, shall be posted in publicly accessible sites in both the State and a minority language,
- the right to use a minority language in court proceedings or in other areas is provided for under separate laws (*information concerning Article 4*).

Article 11

1. The Parties undertake to recognise that every person belonging to a national minority has the right to use his or her surname (patronym) and first names in the minority language and the right to official recognition of them, according to modalities provided for in their legal system.

2. The Parties undertake to recognise that every person belonging to a national minority has the right to display in his or her minority language signs, inscriptions and other information of a private nature visible to the public.

3. In areas traditionally inhabited by substantial numbers of persons belonging to a national minority, the Parties shall endeavour, in the framework of their legal system,

including, where appropriate, agreements with other States, and taking into account their specific conditions, to display traditional local names, street names and other topographical indications intended for the public also in the minority language when there is a sufficient demand for such indications.

No legislative change has taken place concerning the use of first names and surnames of persons belonging to national minorities, or concerning the display of traditional local indications in minority languages. This area continues to be governed by legal provisions referred to in the first implementation report concerning Article 11 of the Framework Convention. They are fully implemented in practical life.

The Ministry of Interior, i.e. the body overseeing compliance with law in this area of State administration, has not received any complaint alleging violations of the rights of persons belonging to national minorities in this area.

Article 12

1. The Parties shall, where appropriate, take measures in the fields of education and research to foster knowledge of the culture, history, language and religion of their national minorities and of the majority.

2. In this context the Parties shall inter alia provide adequate opportunities for teacher training and access to textbooks, and facilitate contacts among students and teachers of different communities.

3. The Parties undertake to promote equal opportunities for access to education at all levels for persons belonging to national minorities.

Decree No. 437/2001 Coll. of the Ministry of Education, amending and supplementing Decree No. 145/1996 Coll. on Admission to Secondary Schools, governing the conditions of admission of pupils from primary schools providing instruction in a minority language to schools providing instruction in the Slovak language or vice-versa, has been in effect since 2001:

“(1) Entrance exams shall consist of a knowledge test concerning the Slovak language and literature and other profile subjects, or of a test of special aptitudes, skills or talents necessary to meet the requirements of study or apprenticeship, or both.

(2) In schools providing instruction in a minority language, the language of instruction used at the secondary school shall be added to the profile subjects referred to in paragraph 1.

(3) Entrance examinations for pupils of primary schools providing instruction in minority languages who apply for study at secondary schools providing instruction in the Slovak language shall consist of:

a) test from the profile subject of Slovak language and literature, at the level taught in the primary school attended by the pupil,

b) test from another profile subject held in the language in which it was taught in the primary school, subject to a request formulated by the legal guardian of the pupil in the application for study at a secondary school.

(4) Entrance examinations for pupils of primary schools providing instruction in the Slovak language, who apply for study at secondary schools providing instruction in a minority language, shall be identical with those referred to in paragraph 1. Entrance examinations on another profile subject shall be held in the language in which it is taught in the primary school, subject to a request formulated by the legal guardian of the pupil in the application for study at a secondary school.”

A Polish school was opened in September 2003 at the Embassy of the Republic of Poland; it is located in the building of the Ján de la Sale primary school in Bratislava.

Concept of Education and Instruction of Roma Children and Pupils

At its management meeting on 19 April 2001, the Ministry of Education approved a Concept of Education and Instruction of Roma Children and Pupils. This concept addresses for the first time, in a comprehensive manner, the issue of improving the quality of education and instruction of Roma children and pupils. The Concept was developed in harmony with the long-term Concept of Education and Instruction in the Slovak Republic / the Millennium project, and the National Programme of Education and Instruction in the Slovak Republic in the next 15 – 20 years. The Programme of the Slovak Government is in line with the Concept and creates social and political prerequisites for successful implementation of the Concept in educational practice.

The Concept takes account of age and individual characteristics of Roma children and pupils coming from an insufficiently stimulating family or social environment, with the aim of eliminating prejudices and existing stereotypes, offsetting negative influences of the insufficiently stimulating environment, eliminating language and communication barriers. The objective of the Concept is to shape positive attitudes to education, obligations, responsibility, to social and cultural values through community and lifelong education. The Concept covers the field of education and instruction at all levels of the school system – in preschool education, compulsory school attendance, in the system of secondary schools and universities, and considers also the training and further training of pedagogical staff involved in education and instruction of Roma children, participation of parents and of the Roma community in the process of education and instruction. The Concept is an open document and, as such, can be complemented on the basis of new facts and knowledge. It outlines the directions to be followed to make Roma pupils succeed in the school system and thus to enhance their education level.

In the course of 2002, the Concept was subjected to an inter-ministerial review. Relevant sectors did not present any comments and the Concept was, on the whole, positively received. Among its outcomes is for instance Act No. 658/2002 Coll. amending and supplementing Act No. 281/2002 Coll. on Child Allowance and Supplementary Child Allowance in connection with avoiding compulsory school attendance. Although the aforesaid law was in force only until 31 December 2003, new Act No. 600/2003 Coll. on Child Allowance, effective from 1 January 2004, sets out even more detailed criteria governing entitlement to child benefits in case of avoidance of compulsory school attendance.

The following legislative provisions and other relevant facts and changes were introduced during the period of implementing the Concept:

- Amendment to Act No. 29/1984 Coll. on the System of Primary and Secondary Schools (School Act) as amended by Act No. 408/2002 Coll. of 27 June 2002. The aforesaid Act contains provisions on opening zero classes in primary schools, introducing positions of teacher's assistants as members of pedagogical staff, and on education and instruction of the children of foreign nationals.
- Government Ordinance No. 570/2002 of 4 September 2002, amending and supplementing Government Ordinance No.111/2002 Coll. on the catalogues of occupational activities in public service and on their amending or supplementing, as amended by Government Ordinance No. 122/2002 Coll. Point 17 of Government Ordinance on Education and Physical Education defines in its section on occupational activities salary grade 7 as follows: "09 Educational and community activities, aimed at creating supportive learning environment for children coming from insufficiently stimulating social and cultural environment, conducted by teacher's assistants in schools or pre-school facilities who meet the requirements set out in a generally binding legal provision."
- Act No. 281/2002 Coll. on Child Allowance and Supplementary Child Allowance as amended (repealed as from 1 January 2004 by Act No. 600/2003 Coll. on Child Allowance and on amending and supplementing Act No. 461/2003 Coll. on Social Insurance). The law deals with the issues related to avoiding compulsory school attendance (Section 18, and/or Section 12 Act No. 600/2003 Coll.).
- Act No. 597/2003 Coll. on the Financing of Primary Schools, Secondary Schools and Educational Facilities (it repealed Act No. 506/2001 on the Financing of Primary Schools, Secondary Schools and Educational Facilities and on supplementing Act No. 303/1995 Coll. on Budgetary Rules as amended with effect from 1 January 2004).
- Government Ordinance No. 2/2004 Coll., laying down the details of State budget allocations for primary schools, secondary schools, practical training centres, primary schools of art and educational facilities (Section 6 paragraph (c) "allowances payable to the founders for providing education to pupils coming from socially disadvantaged environment").
- Government Ordinance No. 162/2002 Coll. on the Scope of Teaching and Educational Activities of Pedagogical Staff as amended by Government Ordinance No. 269/2003 Coll. Section 2 paragraph 3(c) of the Act sets out the basic teaching assignment for teacher's assistants in primary schools, teacher's assistants in primary schools with kindergartens, teacher's assistants in special primary schools, teacher's assistants in sports classes of primary schools at 23 hours/week, Section 2 paragraph 3(d) sets out the basic teaching assignment for teachers in zero grades of primary schools, teacher's assistants in zero grades of primary schools, teacher's assistants in the first grade of primary schools, teacher's assistants in preparatory classes of special primary schools and teacher's assistants in the first grade of special primary schools at 22 hours/week.
- Through its Resolution No. 912 of 21 August 2002 on Government-commissioned research and development projects launched in 2002 and their financial backing, the Government approved the funding for the Government-commissioned project on "Improving the Level of Socialisation of the Roma Community through Education Systems, Mission Workers and Teacher's Assistants" at a total of SKK 10,300,000 by

the year 2005. On the basis of a tender, Constantine the Philosopher University of Nitra became chief coordinator for the project in cooperation with pedagogical faculties of Matej Bel University at Banská Bystrica, Prešov University and Comenius University in Bratislava.

- Methodological Instruction of the Ministry of Education No. 600/2002-43 on opening zero grades in primary schools with effect from 1 September 2002.
- Methodological Instruction on introducing positions of teacher's assistants in preschool facilities, primary schools and in the special primary school No. 1631/2002-sekr. issued by the Ministry of Education on 26 August 2002 with effect from 1 September 2002.
- Methodological Guideline of the Ministry of Labour, Social Affairs and Family and the Ministry of Education for Regional Authorities, District Authorities and Local Government Authorities for ensuring compliance with the provisions of Section 18 paragraph 2 of Act No. 281/2002 Coll. on Child Allowance and Supplementary Child Allowance as amended by Act No. 658/2002 Coll. (avoidance of compulsory school attendance).
- Curricula for grades 1 to 9 of primary schools, approved by the Ministry of Education on 14 May 2003 under No. 521/2003-41 with effect from 1 September 2003, comprising curricula for grades 1 to 4 of primary schools teaching the Roma language; curricula for grades 5 to 9 of primary schools teaching the Roma language – two teaching units for the subject of Roma language and literature a week; curricula for a training course designed to receive education offered by primary school.
- Printing and distribution of school report cards for pupils of zero grades of primary schools (857 pupils in 66 classes).
- Publication and approval of a textbook in Roma language *Romaŋi čhib* on 30 October 2002 under No. 643/2002-43, and of a manual for Roma language textbook for primary and secondary schools. of 30 October 2002 under No. 659/2003-43.
- Publication and approval of a complementary textbook *Ludia z rodiny Rómov* (People from the Roma Family) on 26 August 2002 under No. 566/2002-43.
- Report on the current situation in education and instruction of Roma children and pupils, approved by the Minister's board meeting on 23 September 2003.
- Methodological Instruction on introducing positions of teacher's assistants in education and instruction of children and pupils with special educational needs in preschool facilities, primary schools and special primary schools No. 184/2003-095, issued by the Ministry of Education on 6 December 2003 with effect from 1 January 2004.
- Methodological and Pedagogical centre at Prešov carries out a project of specialised studies for teacher's assistants starting in the 2003/2004 school year (approved by the Ministry of Education under No. 82/2002-10 on 18 July 2003).

- In the framework of KEGA (Cultural and Educational Grant Agency) project No. 3/0130/02 – Training teachers for specific work with Roma children, under coordination of PF UK (Pedagogical Faculty of Comenius University) in Bratislava and the National Institute for Education. The teacher training initiated in 2002 and 2003 still continues. Final examinations will be held and final papers defended this year.

Status of implementation of certain projects, programmes, etc.

PHARE programmes implemented within the framework of the 1998, 1999, 2000, 2001, 2002 and 2003 Financing Memoranda, aimed at improving the situation and life of minorities, in particular the Roma minority, in the Slovak Republic

Results of implemented PHARE projects:

Supported/established were:

25	community centres
3	methodological centres + ROCEPO (<i>Roma Educational, Information, Documentation, Counselling and Consultation Centre</i>)
110	kindergartens
235	primary schools
18	secondary schools
12	university departments
20	special primary schools
15	training centres – at regional labour offices
14	employment promoting incubators

Also supported were:

- training of 67 social workers working in 25 community centres
- establishing of ROCEPO – Roma Training, Information, Documentation, Counselling and Consultancy Centre – that was subsequently included into the organisational structure of the Methodological Centre at Prešov,
- training courses for local government and opinion-makers in 77 municipalities
- under a grant scheme, funds were subsequently allocated for 33 smaller projects carried out by non-governmental organisations in the above localities,
- a tolerance campaign that included the presentation of 10 documentaries on coexistence with ethnic or national minorities in Slovakia and in Europe,
- the development of curricula for mother-tongue education of minorities and for improving the effectiveness of Slovak language teaching in schools providing instruction in minority languages,
- training of 32 Roma assistants/advisors for district labour offices,
- 518 Roma participated in training courses under individualised plans, and acquired work skills in incubators,
- creating 169 jobs for graduates of these training courses
- the development of multicultural curricula for preschool education, zero grades, cooperation between parents and primary schools, daylong care in school, secondary schools

- the development of multicultural training modules, in particular for teacher's assistants and teachers in classes with a high number of Roma pupils
- the revision and development of new batteries of tests with a view to reintegrating children from special primary schools to standard primary schools
- the preparation of tender dossiers for 11 tenders relating to the construction of infrastructure for Roma settlements.

Other projects:

- Approval of the project of experimental verification of complementary teaching texts with Roma-related topics "Merry Letters" in 4 primary schools in the Prešov region (2 experimental primary schools and 2 control primary schools, classes with pupils who did not attend kindergartens and one class with pupils repeating the first grade) in the 2002/2003 school year under No. 295/2002-43 on 22 May 2003.
- Approval of the continuation of the project "Reintegrating Roma pupils of special primary schools coming from insufficiently stimulating social and educational environment into majority population" continued in grades 3 and 4 in 10 special primary schools in the regions of Prešov, Košice and Banská Bystrica (5 experimental and 5 control classes of special primary schools) from 1 September 2002 to 30 August 2004 under No. 355/2002-43 on 24 May 2002.
- Approval of the project "Experimental verification of the effectiveness of curricula for Roma language and literature in primary and secondary schools" under No. 199/2003-44 on 14 April 2003, carried out by the National Institute for Education starting in the 2003/2004 school year in two secondary and one primary schools.
- Decision of the Ministry of Education adopted under No. 265/2002-45 on 16 April 2003 on the inclusion into the school network of a Private Gymnasium, Galaktická ul. No. 9, Košice with effect from 1 September 2003 – one of the schools carrying out the project of verifying the curricula of Roma language and literature.
- Approval of experimental verification of the project "Integration of Roma children from special primary schools to primary schools" from the 2003/2004 school year to the 2005/2006 school year under No. 474/2003-44 of 15 May 2003.
- Project of upgrading the level of teaching and learning of languages in schools providing instruction in minority languages, aimed at improving the teaching of Slovak language and strengthening the teaching of national minority languages, carried out in 2002.

Other important selected projects supported by the Ministry of Education

a) In cooperation with the Kingdom of Sweden

- Given the current state of coexistence between the Slovak majority, Roma and other national minorities in the Slovak Republic, we attach primary importance to introducing and implementing, throughout the school system, multicultural education and education against prejudice as a basic factor determining school results of Roma children and pupils.

- The Kingdom of Sweden in cooperation with the Ministry of Education issued the publication “Katici” by a Swedish-Roma author Katarina Taikon, illustrated by pupils from the Jarovnice primary school. This book about interpersonal relations, understanding and tolerance, written in the Slovak and Hungarian languages, was distributed by means of departments of education, youth and physical culture of district authorities in Slovakia to 367 kindergartens, 1560 primary schools, educational and psychological prevention centres, educational and psychological counselling centres and leisure time centres.

The book was solemnly presented on 5 April 2002 at the Košice State Theatre during the official visit of King Carl XVI Gustaf and Queen Silvia. At a seminar for teachers held on the same occasion, the Department of Roma Culture at the Constantine the Philosopher University in Nitra presented methodology for working with a literary text.

b) Programmes aimed at school-age children of unsuccessful asylum-seekers in the countries of Western Europe

A major exodus of Roma families to western European countries took place especially between 1998 and 2001. Since 2001, the Ministry of Education in cooperation with the International Organisation for Migration (IOM) has addressed the problems connected with reintegrating school-age children of unsuccessful asylum-seekers, who returned to Slovakia, to primary schools. Parallel projects were launched in 2000 under the Concept of Education and Instruction of Roma Children and Pupils, namely the project of “Cooperation between Roma families and schools in the area of education, instruction and communication”. Target groups are pupils of primary schools aged 6-15, parents of children and teachers of these children. The basic objective of the programme is to encourage Roma parents to take interest in the education and instruction of their children through seminars on the use of motivational teaching aids, and thus to positively influence communication within the families concerning school and instruction, and/or improve cooperation between the family and the school in the area of education and instruction. Five primary schools in the Košice region, which recorded the most extensive migration, participated in the project in 2003. 170 pupils, 125 parents and 41 teachers took part in this activity.

It should be noted in this regard that the entities implementing any project or programme are faced with a difficult task to overcome communication barriers and mistrust of the Roma.

Relevant feedback:

- From parents: improvement of knowledge concerning such subjects as mathematics, Slovak language (reading), followed by the subjects: elementary science, foreign language, sciences, history, homeland study, computer work. Interesting proposal: involving grandparents and experienced persons into further education for parents.
- From teachers: recommend that similar seminars should continue and that more teaching aids be provided for various subjects, as well as training in their use; they feel that it is necessary, in particular, to improve the knowledge of Roma history and culture, to introduce more new methods for teaching Roma pupils, their activation, improvement of communication skills. Teachers answered the question “What kind of assistance would you need to help you in your work?” in the following order:

- more teaching aids, manuals
 - more funds
 - greater recognition of the demanding and responsible work of teachers
 - help from parents in the home environment.
- From pupils: they realise the importance of education and most of them would like to find a job that requires education at the level of secondary vocational school or another type of secondary school. They admit, however, that sometimes they struggle with schoolwork and do not understand the subject matter, and that they do not make sufficient efforts at obtaining education.

Article 13

1. Within the framework of their education systems, the Parties shall recognise that persons belonging to a national minority have the right to set up and to manage their own private educational and training establishments.

2. The exercise of this right shall not entail any financial obligation for the Parties.

There has been no change in the rules for implementing this right in the relevant period.

Article 14

1. The Parties undertake to recognise that every person belonging to a national minority has the right to learn his or her minority language.

2. In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand, the Parties shall endeavour to ensure, as far as possible and within the framework of their education systems, that persons belonging to those minorities have adequate opportunities for being taught the minority language or for receiving instruction in this language.

3. Paragraph 2 of this article shall be implemented without prejudice to the learning of the official language or the teaching in this language.

The following measures were taken in the area of minority schools:

- maintaining bilingual pedagogical records in schools providing instruction in a minority language, and issuing bilingual school report cards;
- entrance examinations to Slovak-language secondary schools for pupils from primary schools providing instruction in a minority language include a test of Slovak language and literature at the level taught in the primary school attended by the pupil, and a test of another profile subject held in the language in which it is taught in the primary school attended;
- introduction of zero grades of primary schools into the school education system and creation of the position of teacher's assistants as members of pedagogical staff – the factors that influences school performance of children and pupils coming from

insufficiently stimulating social and educational environment – at kindergartens, primary and special primary schools;

- transfer of certain competences from State administration authorities to municipalities and to self-governing regions in the area of education with effect from 1 July 2002.

The National Programme of Development of Education and Instruction in the Slovak Republic for the next 15 to 20 years, approved by the Government (Government Resolution No. 1193 of 19 December 2001) and the Parliamentary Committee on Education, Science, Youth and Sports (Resolution No. 368 of 7 May 2002) provide for the gradual implementation of educational reforms in primary and secondary schools.

The Government declared in its Programme (November 2002) that, as regards minority education, it would focus mainly on:

- enacting a new school act on education and instruction,
- establishing a university for educating persons belonging to the Hungarian national minority with a view to eliminating the differences in the level and structure of education,
- creating opportunities for the Ruthenian and Roma minorities to receive education in their mother tongues,
- finalising the solution of the issue of funding for the public school system,
- openness of the school system – equal conditions for the establishment and development of religious and private schools,
- expanding the range of courses for university training of teachers belonging to national minorities in their mother tongues.

In its 2002 Programme the Government gave an undertaking that in the first year of its term it would establish a university offering education to persons belonging to the Hungarian national minority. In October 2003 the National Council approved a Government sponsored bill and adopted Act No. 465/2003 Coll. on establishing the Selye János University in Komárno. The Selye János University established on 1 January 2004 is a public institution of higher studies, which educates mainly specialists in economics, management, information science at its Faculty of Economics, teachers of primary and secondary schools providing instruction in the Hungarian language at its Faculty of Pedagogy, and theologists and catechists of the Reformed Christian Church in Slovakia at its the Reformed Theology Faculty. The university offers courses mainly in the Hungarian language, while attaching special importance to teaching professional terminology to its graduates also in the Slovak, English and other European languages. The University launched instruction on 1 September 2004.

Annex 14 presents an overview of schools and school facilities where languages of nationalities were taught in the 2003/2004 school year. This overview does not include primary schools where the minority language and literature is taught as a subject, while all other subjects are taught in Slovak in accordance with the curricula. These schools are reported in the statistics as schools providing instruction in the Slovak language.

Article 15

The Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them.

No change was recorded in the relevant period in the legislation providing for the participation of persons belonging to national minorities in the running of public affairs. Parliamentary and municipal elections were held in 2002. As a result of both elections, the proportion of members representing national minorities increased both in the National Council of the Slovak Republic and in local government authorities.

Based on the results of 2002 parliamentary elections, the Hungarian Coalition Party obtained 13.3% of votes, i.e. 20 seats in Parliament. Representatives of the Hungarian Coalition Party hold the following positions in Parliament:

- Deputy Speaker of the National Council of the Slovak Republic,
- Chairman of the Committee on Human Rights, Minorities and Status of Women,
- Chairman of the Finance, Budget and Currency Committee,
- Deputy Chairman of the Mandate and Immunities Committee,
- Deputy Chairman of the Special Committee for Overseeing the Slovak Intelligence Service,
- Deputy Chairman of the European Integration Committee,
- Deputy Chairman of the Agriculture Committee,
- Deputy Chairman of the Social Affairs and Housing Committee,

Other MPs are represented in other parliamentary committees.

Based on the results of coalition talks after the 2002 parliamentary elections, the representatives of the Hungarian Coalition Party in the Government hold the positions of Deputy Prime Minister for European Integration, Human Rights and Minorities, Minister of Environment, Minister of Agriculture, Minister of Construction and Regional Development, and 6 positions of State secretaries at various ministries.

In local elections of 2002, the representatives of national minorities obtained 238 positions of the mayors of municipalities, 233 of them being candidates of the Hungarian Coalition Party, 1 a candidate of the Party of Hungarian Socialists, 3 mayors were elected for the Roma Civic Initiative and 1 mayor for the Roma Coalition Party in the Slovak Republic.

2,138 representatives of national minorities were elected to municipal councils – 2,050 of them for the Hungarian Coalition Party, 2 for the Hungarian Federalist Party, 2 for the Party of Hungarian Socialists, 66 for the Roma Civic Initiative of the Slovak Republic, 1 for the Political Movement of Roma in Slovakia, 5 for the Roma Citizen's Union of the Slovak Republic, 2 for the Party of Slovak Roma and 10 for the Roma Coalition Party in the Slovak Republic.

Other representatives of national minorities were elected mayors of municipalities or members of local councils as candidates of other political groupings.

In 2001, the Slovak Republic had its first elections to the bodies of self-governing regions – chairmen of self-governing regions and members of regional parliaments. Based on the results of these elections, the post of the chairman of one self-governing region was obtained by a candidate running for the coalition of five political parties and political movements, which also includes the Hungarian Coalition Party. 60 candidates of the Hungarian Coalition Party were elected to regional parliaments. Other representatives were elected for local councils as candidates of coalitions of different political groupings.

The Governmental Council on National Minorities and Ethnic Groups, comprising the representatives of all national minorities living in the Slovak Republic, continues to act as an advisory body to the Government.

Article 16

The Parties shall refrain from measures which alter the proportions of the population in areas inhabited by persons belonging to national minorities and are aimed at restricting the rights and freedoms flowing from the principles enshrined in the present framework Convention.

No legislative acts or measures adopted in the relevant period change the proportions of population in the areas inhabited by persons belonging to national minorities.

Act No. 221/1996 Coll. on Territorial and Administrative Division of the Slovak Republic as amended, which provides that the self-governing units in the Slovak Republic are municipalities and self-governing regions, continues to be in force. Administrative units of the Slovak Republic are represented by 8 regions and 79 districts, which exercise the competences of the State.

Public administration of the Slovak Republic is governed also by Act No. 302/2001 Coll. on self-governing regions as amended. Eight self-governing regions were created under the aforesaid law. The boundaries of self-governing regions coincide with the boundaries of administrative regions (created under aforesaid Act No. 221/1996 Coll.).

Compared with the situation in 1996, neither the current version of the 1996 law nor the abovementioned law on self-governing regions has affected or changed the relative proportions of the population living in the areas referred to in Article 16 of the Framework Convention.

Article 17

1. The Parties undertake not to interfere with the right of persons belonging to national minorities to establish and maintain free and peaceful contacts across frontiers with persons lawfully staying in other States, in particular those with whom they share an ethnic, cultural, linguistic or religious identity, or a common cultural heritage.

2. The Parties undertake not to interfere with the right of persons belonging to national minorities to participate in the activities of non-governmental organisations, both at the national and international levels.

No legislative changes has taken place in this area during the relevant period that would affect and/or restrict the rights of persons belonging to national minorities to maintain contacts across frontiers, in particular those with persons living in other States with whom they share an ethnic, cultural, linguistic or religious identity.

Cross border cooperation has become one of the most important attributes for the development of regions in the Slovak Republic and in the central European framework. Thanks to concrete results of activities of Euro regions, intergovernmental commissions on cross border cooperation, chambers of commerce and the NGO sector, established jointly with neighbouring countries of the Slovak Republic; this cooperation has attained a higher level of quality. Within the framework of such groupings, the towns, villages and local State administration have conducted a number of successful activities in the economic, social, legal, scientific, cultural and other fields. These include, e.g., an increase in the number of border crossings and in simplifying the crossing of the borders, improved transport, environmental protection, etc. One aspect that cannot be expressed in financial terms is the quality of interpersonal relations established through cross border cooperation, which is beneficial not only for persons belonging to the specific national minority that lives in the frontier region, but for everybody living in that area.

The most important international associations that are active in this area include the Carpathian Euroregion, Tatra Euroregion, Pomoravie Euroregion, Beskyds Euroregion, White Beskyds Euroregion, White Carpathian Euroregion, Vah – Danube – Ipel Euroregions, Neogradiensis Euroregion, Slaná – Rimava Euroregion, Triple Danube Euroregion and association Kras Euroregion.

Article 18

1. The Parties shall endeavour to conclude, where necessary, bilateral and multilateral agreements with other States, in particular neighbouring States, in order to ensure the protection of persons belonging to the national minorities concerned.

2. Where relevant, the Parties shall take measures to encourage transfrontier co-operation.

An important development in the relevant period was the signing on 16 January 2003 of the **Agreement between the Government of the Slovak Republic and the Government of the Republic of Hungary on Cooperation in the Fields of Culture, Education, Science, Sports and Youth** (*Annex No. 15*), whose absence was felt for a long time.

A document of special importance, that has also a more general impact on the strengthening of international legal standards in the area of promoting national minorities, is the **Agreement between the Governments of the Slovak Republic and of the Republic of Hungary on Mutual Support Provided to National Minorities in the Areas of Education and Culture** (*Annex No. 16*), signed by the ministers of foreign affairs of the Slovak Republic and of the Republic of Hungary in Brussels on 12 December 2003 (entered into force on 13 February 2004).

More detailed information on the developments in the area of bilateral cooperation with Hungary is given in the reply to Question 3 of the Questionnaire of the Advisory Committee.

**Information Provided in Connection with the Questionnaire of the Advisory Committee
for the Second Report on the Implementation of the Framework Convention for the
Protection of National Minorities in the Slovak Republic**

1. What are the recent developments with respect to a possible introduction of a law on the position of national minorities, mentioned in the Government's Programme Declaration?

A draft law on national minorities, envisaged in the Plan of Legislative Tasks of the Government for 2003, was to be submitted to the Government by the Minister of Culture in December. However, because in the Minister's opinion the subject of the draft law goes beyond the sphere of culture and requires a more comprehensive solution, he asked, in agreement with the Deputy Prime Minister for European Integration, Human Rights and Minorities, to change the sponsorship of the bill and prolong the time limit for its submission. The Government approved the above proposal by Resolution No. 1182 of 10 December 2003. According to the Resolution and to the Plan of Legislative Tasks of the Government for 2004, the draft law on national minorities is to be put forward to Government by the Deputy Prime Minister for European Integration, Human Rights and Minorities in December 2004.

2. Please provide information on the investigation concerning the alleged forced or coerced sterilisations of Roma women and other measures taken by the authorities to address this issue.

As regards alleged unlawful sterilisations of Roma women, the General Director of the Section for Human Rights and Minorities of the Government Office, acting on an instruction from the Deputy Prime Minister for European Integration, Human Rights and Minorities, filed a criminal complaint against unknown offenders on a suspicion of criminal offence of bodily harm pursuant to Sections 221 to 224 of the Criminal Code. The criminal complaint was filed because there were indications that at an unidentified point in time between 1999 and the present, medical intervention – sterilisation – was allegedly performed on Ingrid Giňová, born 20 Feb. 1983, and Renáta Horváthová, born 7 Jan. 1972, while they were giving birth at the Gynaecology and Obstetrics Department of the Hospital with Polyclinic at Krompachy, by the as yet unidentified doctors of that establishment.

The competent investigator of the Regional Investigation Authority of the Košice Police Force re-qualified the criminal complaint on 31 January 2003 and launched prosecution on a suspicion of the criminal offence of genocide pursuant to Section 259 paragraph 1(b) of the Criminal Code. In the reasoning to his resolution the investigator stated that, in addition to 2 cases of unlawful and involuntary sterilisations of Roma women, there was a reason to believe that another 26 such sterilisations were performed in several hospitals in eastern Slovakia.

Roma activist and advisor to the Minister of Interior Mgr. Ladislav Fízík was immediately contacted and asked for cooperation on 3 February 2003.

The investigation was conducted by the Regional Judicial Police Services of the Police Force in Košice.

A working meeting was held on 21 February 2003 with a legal consultant of the European Roma Rights Centre in Budapest who stated that the Centre was conducting a preliminary survey to identify cases of forced sterilisations of Roma women in Slovakia.

The Minister of Interior appointed a specialised investigation team composed of investigation and criminology specialists. The State Supervision and Control Section of the Ministry of Health created a control group composed of gynaecology and obstetrics experts who initiated an inspection of medical records covering a period of several years, starting in medical establishments of Krompachy and Gelnica mentioned in the report. Investigation into the matter was overseen by the competent supervising prosecutor and a prosecutor from the General Prosecution Office of the Slovak Republic.

Criminal investigation into the cases of alleged illegal sterilisations of Roma women, which was closed on 24 October 2003, did not establish the commission of genocide against the Roma population in the Slovak Republic as an act of Government policy. The investigator reached that decision on the basis, among other things, of the conclusions of expert opinion delivered by the most prestigious institute of its kind in the Slovak Republic, the Faculty of Medicine of Comenius University in Bratislava. In June 2003, the Committee of the National Council of the Slovak Republic on Human Rights, Nationalities and the Status of Women was presented the results of the inspection carried out by a group of medical experts. Neither this inspection proved the commission of genocide, segregation or discriminatory practices. No intimidation of alleged female victims occurred during the investigation. Prosecution against the authors of the 'Body and Soul' report (on the grounds of spreading alarming news) was never instigated, since the General Prosecution Office dismissed the motion to this effect, invoking the freedom of speech guaranteed under the Constitution of the Slovak Republic.

Given the results of the investigation, the Government of the Slovak Republic did not accept any political responsibility for the performance of alleged illegal sterilisations. Sterilisations of Roma women were never an official governmental policy in the Slovak Republic, nor did the Government officially condone such practice. Individual cases of women who feel to have suffered harm will be heard before independent courts. Should any violation be proven on the part of hospitals or concrete physicians, they will be severely punished and the victims will be compensated.

The Government of the Slovak Republic admits that although investigations failed to uphold serious accusations made in the 'Body and Soul' report, certain shortcomings were nevertheless identified in the Slovak healthcare legislation, and administrative irregularities were committed by certain physicians and medical establishments in connection with obtaining informed consent with sterilisation from patients (although the obligation to perform sterilisations only on the basis of medical indications was always respected).

Being aware of this fact, the Government of the Slovak Republic approved on 29 October 2003 a "Report on the Developments Regarding Suspicions of Alleged Forced Sterilisations of Roma Women in the Slovak Republic and on Implemented Steps and Measures", and a statement concerning the report and a related resolution whereby it instructed the Plenipotentiary of the Government of the Slovak Republic for Roma Communities and relevant ministries to adopt specific measures.

The tasks concerned involve mainly amendments to the relevant healthcare legislation (comprehensive legal provisions concerning the right to non-discriminatory access to medical

care; new legislation on access to medical files; amendment of legal provisions relating to healthcare aimed at incorporating the principle of voluntary and informed consent). To this end, the amendment to the law on healthcare has been elaborated by the Ministry of Health and adopted by the National Council with incorporated amended directive on sterilisations. The Minister of Health was instructed to hold the physicians and hospitals that violated applicable regulations liable for their misconduct, and to perform in-depth controls and analyses of all medical establishments with a view to verifying allegations of involuntary sterilisations, identifying discriminatory practices against the Roma, and examining compliance with the procedures for obtaining voluntary and informed consent of the patients. Other relevant tasks include a review of access of marginalized groups to healthcare, and the strengthening of human rights education of police officers, healthcare personnel, and employees of public administration authorities.

The Slovak Republic is fully aware of the magnitude of problems faced by members of the Roma national minority living in Slovakia. Addressing these problems became one of the Slovak Government's policy priorities, and the need for their solution was also expressed in the Government Programme adopted after the 1998 parliamentary elections, as well as its Programme adopted after the last election in 2002.

Notwithstanding extraordinary efforts of the Slovak Government at improving the living conditions of Roma in Slovakia, the standard of a relatively large percentage of members of the Roma national minority still falls behind that of the majority population. The Slovak Government therefore deems it necessary to continue implementing measures in various areas with the objective of ensuring equal opportunities. Basic theses of the Slovak Government's policy on integrating Roma communities, adopted in April 2003, comprise a series of specific steps that reflect the abovementioned political will. The principle of "temporary equalising measures" has become an underlying prerequisite for improving the situation of the Roma in the most sensitive areas, including healthcare – and reproductive health in particular. To achieve a *de facto* access of Roma to healthcare, the Basic Theses of the Government's Policy Concept for the Integration of Roma Communities include adoption of temporary medium-term (2003-2006) and long-term (until 2010) equalising measures under the competence of the Ministry of Health of the Slovak Republic, including extensive programmes aimed at the prevention of all forms of discrimination, racism and intolerance in healthcare and adoption of a comprehensive national programme of reproductive health. Special attention should be paid particularly to women from marginalized groups.

3. Please, provide information on the latest bilateral contacts with Hungary and other developments connected with the content and effect in Slovakia of the 2001 Hungarian Law on the Hungarians living in neighbouring countries.

Contractual framework and institutional support for cooperation

*Bilateral cooperation with Hungary is carried out on the basis of the **Treaty on Good***

Neighbourliness and Friendly Cooperation between the Slovak Republic and the Republic of Hungary signed in Paris on 19 March 1995.

Eleven joint commissions were created under Article 5 of the Treaty on Good Neighbourliness and Friendly Cooperation between the Slovak Republic and the Republic of Hungary and the protocol concluded between the Ministries of Foreign Affairs of the Slovak Republic and of the Republic of Hungary on 24 November 1998, approved by the

Government on 9 December, including a **Slovak-Hungarian joint commission on minority affairs**.

The Slovak part of the commission was re-constituted after parliamentary elections of 20 and 21 September 2002. The commission also includes persons belonging to the Hungarian national minority living in Slovakia. One of its members is also the Slovak Government's plenipotentiary for Slovaks living abroad.

The Slovak and the Hungarian parts of the joint commission for minority affairs met four times till now. The first (instituting) session was held on 8 February 1999 in Budapest, the second on 29 September 1999 in Bratislava, the third on 23 February 2000 in Budapest and the latest, fourth meeting, was held on 5 June 2003 in Bratislava.

The Slovak part of the joint commission has held regular meetings and conducted assessments of the current status of fulfilment of recommendations adopted by joint sessions of the Slovak and the Hungarian parts of the joint commission, approved by resolutions of the Slovak and the Hungarian Governments that instructed individual members of Government to take measures for their implementation.

The Agreement between the Governments of the Slovak Republic and of the Republic of Hungary on Cooperation in the Areas of Culture, Education, Science, Sports and Youth (*annex to Report No. 15*), signed on 16 January 2003, has a general character; it is not oriented exclusively on national minorities and deals with the relevant matters in the framework of broader cooperation between the two countries.

The Agreement draws on the Basic Treaty of 1995 and recommendations of joint commissions. Among other things, it is driven by the ambition to ensure comparable and full-fledged preservation and improvement of life of the Hungarian national minority in the Slovak Republic and of the Slovak national minority in the Republic of Hungary, attaching special importance to a mutually balanced satisfaction of spiritual, educational and cultural needs of the minorities.

All provisions of the Agreement are aimed at fostering mutual relations and understanding between the two nations, irrespective of whether the measures are targeting members of the Slovak or of the Hungarian minority living in the territory of the other Contracting Party. In this context, the assessment should focus on all of its provisions and not only on those that explicitly mention minorities. Cooperation in the areas of culture and education of national minorities is addressed in Articles 8, 9, 10 and 11.

The Agreement between the Republic of Hungary and the Slovak Republic in the Area of Monument Protection – proposals relating to the restoration and reconstruction of cultural monuments were put forward at a meeting of State secretaries on 26 January 2004 in Budapest together with financial backing required for individual projects. The draft Agreement on Slovak-Hungarian Cooperation in the Area of Monument Protection for 2004 is currently under interministerial review.

The Agreement between the Governments of the Slovak Republic and of the Republic of Hungary on Mutual Support for National Minorities in the Areas of Education and Culture (*annex to Report No. 16*) – see also information on the Hungarian status law.

Joint commission for the issues of culture and press was set up under Article 1, paragraph 1 of the Protocol between the Ministries of Foreign Affairs of the Slovak Republic and of the Republic of Hungary on the creation of a mechanism facilitating the implementation of the Treaty on Good Neighbourliness and Friendly Cooperation between the Slovak Republic and the Republic of Hungary, signed on 24 November 1998 in Bratislava. The joint commission meets alternatively in Bratislava and Budapest. To date, it met five times.

A relatively intensive and successful **cultural exchange and cooperation** takes place between the Slovak Republic and the Republic of Hungary at the level of the Slovak Ministry of Culture and the Hungarian Ministry of Cultural Heritage, as well as at the level of non-State cultural institutions.

In the area falling under the competence of the **Ministry of Construction and Regional Development of the Slovak Republic**, several projects are being prepared or implemented to support **cross border cooperation** between Slovakia and Hungary, especially under the PHARE programme: Project SR 0102.01 – Reconstruction of the II/587 Plešivec road – Slovak–Hungarian border, Project SR 0102.02 and Project 2002/000.603.02 – Joint Fund for Small Projects, Project 2002/000-603-01 – Environmental protection and nature conservation in Hungarian frontier regions through local initiatives.

Joint Slovak-Hungarian commission on environmental protection and nature conservation issues was established under a Protocol between the Slovak and Hungarian Ministries of Foreign Affairs on Creating a Mechanism to Assist in the Implementation of the Treaty on Good Neighbourliness and Friendly Cooperation between the Slovak Republic and the Republic of Hungary, and under a separate Agreement between the Governments of the Slovak Republic and of the Republic of Hungary on cooperation in the area of environmental protection and nature conservation, signed in Bratislava on 12 February 1999. Based on the Treaty and on bilateral Agreement on the environment, working bodies were established to deal with specific environmental issues, namely: protection of elements of the environment and computer technology; environmental impact assessment; environmental safety; nature and landscape protection; land-use planning, integrated regional policy; waste management; environmental hygiene; meteorology; geology and 2 specialised consultancy fora: education and shaping environmental awareness, and old environmental liabilities.

In the period between 1999 and the present, the joint commission met eight times; at the same time, working groups have attained a considerable progress in terms of their quality. The cooperation has not been limited to the exchange of information and experience, and it enabled also identification and preparation of development studies for the frontier region, as a basic and important prerequisite for future economic development of frontier regions on both sides of the border. Considerable attention is attached to targeted protection of attractive natural sites; a broad spectrum of measures were taken to make them accessible to the public by crossing the borders through hiking trails; bilingual publications are published containing information about the locations attractive for tourists.

A yearbook on environmental quality of air and waters in the frontier regions is regularly published; air quality monitoring stations are being built. Environmental safety issues continue to receive considerable attention and both sides are taking all the necessary steps, mainly under separate treaties, to secure an on-going exchange of data on monitoring radioactivity of the environment, exchange of information and data aimed at preventing

accidents, informing about operations and activities that could have a potential impact on the environment on the other side.

The following documents were produced in cooperation with Hungary: Basic vocabulary of land-use and regional planning terms; Special Study Novohrad – Salgótarján; methodology and proposal for developing a Project of Land Use and Regional Development of the Slovak – Hungarian Frontier Region; methodology for monitoring cross-frontier cooperation; and information about the land-use planning system in the Republic of Hungary and the Slovak Republic.

The Project of Land Use and Regional Development of the Slovak – Hungarian Frontier Region is intended to be a continuously updated common document that should serve as a basis for individual territorial development projects. The objective of the methodology is to harmonise the objectives of development on the two sides and to create conditions for cooperation, communication and coordination with a view to the sustainable development of the territory.

Trade has recorded a steady increase, as documented by the following overview of the trade between the Slovak Republic and the Republic of Hungary in the period from 1993 to Jan. – July 2003

	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	1-7/03
Exports	247.6	365.7	390.9	403.4	430.7	467.3	457.8	577.3	678.9	783.7	589.9
Imports	84.5	110.8	193.2	221.9	242.3	318.2	265.1	268.3	377.0	450.5	397.0
Turnover	332.1	476.5	584.1	625.3	673.0	785.5	723	846	1.056	1.234	987.0
Balance	163.1	254.9	197.7	181.5	188.4	149.1	193	309	302.0	333.0	193.0

Source: Ministry of Economy of the Slovak Republic, Statistical Office of the Slovak Republic

The adoption of the **Law on Hungarians Living in Neighbouring Countries** (Hungarian Status Law) in 2001 raised concerns in the Slovak Republic. In spite of Slovakia's objections, Hungary started to partly implement the law in the territory of the Slovak Republic. In February 2002, the National Council of the Slovak Republic declared that it did not agree with the law having effects in the territory of Slovakia, and urged the Hungarian Parliament to bring the law in conformity with the European standards for the protection of national minorities.

It was not until critical comments were made by international institutions (the Council of Europe, the OSCE High Commissioner on National Minorities, the European Union) that the Republic of Hungary agreed to amend the law. Since not even the amendment took account of all the objections of the Slovak Republic against the law, the Slovak Government reiterated its remaining objections in June 2003, and urged the Republic of Hungary not to apply those provisions of the law that were to have effects in the territory of Slovakia. It also suggested that the Hungarian Government address some of the issues that Hungary intended to deal with through unilateral application of its law within a standard bilateral framework (by mutual agreement). Bilateral negotiations resulted in the conclusion of an Agreement between the Governments of the Slovak Republic and of the Republic of Hungary on Mutual Support for National Minorities in the Areas of Education and Culture. The text of the Agreement was drafted by the Joint Slovak-Hungarian Commission on Minority Affairs, with the representatives

of the Slovak national minority in Hungary and those of the Hungarian national minority in Slovakia being involved in its drafting.

The Agreement between the Government of the Slovak Republic and the Government of the Republic of Hungary on Mutual Support for National Minorities in the Fields of Education and Culture (*Annex to Report No. 16*) was signed in December 2003 and took effect in February 2004. The Agreement follows up on the Basic Treaty between the Slovak Republic and the Republic of Hungary of 1995 and on the Agreement between the Governments of the Slovak Republic and of the Republic of Hungary on cooperation in the fields of culture, education, science, sports and youth signed in January 2003. It also takes account of multilateral international instruments that provide for the protection of the rights of persons belonging to national minorities, in particular the Council of Europe's Framework Convention for the Protection of National Minorities of 1995.

The main purpose of the Agreement is to mutually recognise that each State party may support its kin minority living in the territory of the other State party under agreed conditions. The support will be channelled to the process of education in schools and educational facilities, and will not be provided to individual persons. The support is intended to contribute "to the preservation and development of culture and language identity of persons belonging to national minorities". Implementation of the Agreement is entrusted to the foundations – Péter Pázmány Foundation in Slovakia and the Union of Slovaks in the Republic of Hungary – and compliance with the purpose of the Agreement will be assessed on an annual basis by the Joint Slovak–Hungarian Commission for Minority Affairs.

The conclusion of the Agreement gives testimony to the fact that the mechanism for cooperation created under the Treaty on Good Neighbourliness and Friendly Cooperation between the Slovak Republic and the Republic of Hungary of 1995 lays down all the necessary prerequisites for a constructive agreement between the two sides to support the language and culture of national minorities in the spirit of international law and good neighbourly cooperation.

4. What has been the impact on the participation of national minorities in decision-making of the implementation of the legislation adopted in 2001 concerning "higher territorial units"?

The legislation on public administration in the Slovak Republic was completed in 2001 with the enactment of Act No. 302/2001 Coll. on self-government of upper-tier territorial units (law on self-governing regions), which entered into effect on the dates of elections to self-governing regional authorities on 1 December and 15 December 2001. Its passage implemented the provision of Article 64 of Chapter Four of the Slovak Constitution which provides that basic units of territorial administration are municipalities. Territorial self-government is represented by municipalities and self-governing regions.

Act No. 302/2001 Coll. on self-government of upper-tier territorial units creates eight self-governing regions; the boundaries of self-governing regions coincide with the boundaries of regions created under Act No. 221/1996 Coll. on territorial and administrative division of the Slovak Republic as amended.

Representatives of national minorities were also involved in drafting and reviewing the law, mainly through their members of Parliament. The law did not change the administrative organisation of the Slovak Republic as set out in Act No. 221/1996 Coll. on Territorial and Administrative Division of the Slovak Republic. It can be unequivocally stated that the law on self-governing regions did not change the proportions of the population in the areas inhabited by Slovak citizens belonging to national minorities as compared with the situation in 1996.

The representation of national minorities in public administration bodies at all levels is given in the report – information to Article 15 of the Framework Convention.

5. Please provide information on the results of work of the Office of Ombudsman pertaining to the protection of national minorities.

The office of the public defender of rights handles complaints in conformity with Section 5 paragraph 1 Act No. 184/1999 Coll. on the use of languages of national minorities. Under Section 11 paragraph 2 Act No. 564/2001 Coll. on the public defender of rights as amended, on the petitioner's request the office of the public defender of rights handles complaints written in a foreign language by arranging for their calque translation directly in the office. Two petitioners took advantage of this possibility to date. The office of the public defender of rights has not yet received any request to reply to a petition in a minority language. The office has recorded one case when the petition was filed in the Slovak language, and the petitioner asked for interpretation to Hungarian during his meeting with a lawyer, which was provided.

6. Have there been any attempts within public schools, health care and other public facilities to separate Roma from others and, if so, how have authorities monitored and reacted to these incidents?

Roma national minority in the Slovak Republic

According to the Population and Housing Census, the number of Slovak citizens who declared to belong to the Roma national minority as of 3 March 1991 was 75,802 (i.e. 1.4 %), compared with 89,920 in 2001.

Most ethnic Roma do not declare to belong to the Roma national minority and choose a different nationality. It is of interest that while 99,448 Slovak citizens stated the Roma language as their mother tongue, they declared to belong to the following nationalities:

Slovak	Hungarian	Roma	Czech	Ukrainian	Ruthenian	Other
37,803	2,018	59,174	89	19	17	327

Educational level of the Roma national minority in the Slovak Republic

The 1991 and 2001 Population and Housing Censuses produced the following data about the Slovak population, broken down by nationality and the highest completed education.

<i>School education – Roma national minority</i>	<i>1991</i>	<i>2001</i>
<i>primary (including incomplete)</i>	32,931	40,831
<i>apprentice (without school-leaving examination)</i>	3,468	5,925
<i>vocational</i>	260	1,017
<i>complete secondary education, total</i>	363	1,088
<i>of it: apprentice</i>	57	378
<i>vocational</i>	239	508
<i>general</i>	67	202
<i>5. university</i>	56	174
<i>6. no university-level education</i>	4,579	1,963
<i>7. no school education data</i>	1,287	2,204
<i>8. children under 16 years of age</i>	32,858	36,718
<i>Total</i>	<i>75,802</i>	<i>89,920</i>

Statistical data *do not* give the real number of citizens of Roma origin. The number of Roma in the Slovak Republic is estimated at 380,000, of which 43.6% are children under 14 years of age. The highest birth-rate is recorded in the category of Roma women aged 15 to 19 (Source: Demografická charakteristika rómskej populácie v SR (*Demographic Characteristics of Roma Population in the Slovak Republic*), INFOSTAT, Demography Research Centre, Bratislava, July 2001)

Roma live dispersed throughout Slovakia. Their concentrations in individual regions vary widely. The number of Roma settlements registered as of 31 December 2000 was 620; some municipalities have more than one settlement. (The data were compiled on the basis of annual returns concerning residential concentrations at a low socio-cultural level at the end of 2000. Source: Website of the Office of the Government of the Slovak Republic.)

According to the Population and Housing Census, the largest concentration of Slovak citizens who declared to belong to the Roma national minority live in the Prešov region, where 31,653 of a total of 789,968 inhabitants declare to be of Roma origin. A total of 250 Roma settlements are registered in the Prešov region.

The analysis of the school network (kindergartens, primary schools and special primary schools) in municipalities and in Roma settlements, using the Prešov district as an example:

There are 91 municipalities in the district, and 34 registered Roma settlements. The school system comprises 93 kindergartens, 67 of them in villages (rather than towns); 79 primary schools, 57 of them in villages, of which 34 primary schools have grades 1 through 9; 9 primary schools for pupils with mental disabilities, 4 of them in villages.

Of 14 municipalities in the district that have Roma settlements:

- in 2 villages there is no kindergarten, primary school or special primary school
- in 4 villages there is only a primary school with grades 1 to 4
- in 3 villages there is only a kindergarten and a special primary school
- in 5 villages there is only a kindergarten
- in 1 village with no Roma settlement there is only a special primary school.

Evaluation of data concerning education and instruction of Roma children and pupils

Government Resolution No. 294/2000 instructed the Methodological and Pedagogical Centre at Prešov to conduct sectoral research on the situation of Roma children and pupils in the school education system. This broadly conceived sectoral research aimed at mapping out the actual situation of children and pupils of Roma origin in the area of education and instruction, identifying the actual number of Roma children and pupils in specific locations, and the related problems of social, demographic, educational, criminal law or cultural character. The data are from the 2000/2001 school year.

Of a total of 79 districts in the Slovak Republic, background documents for research were provided by 73 departments of education, youth and physical culture of district authorities, i.e. the return rate was 92.41%.

The degree of segregation in education is influenced by several factors, and is also related to the demographic structure of the population in individual localities of the Slovak Republic.

Out of 154,232 children attending kindergartens, 4,391 were Roma, i.e. 3.41% of total kindergarten population. In 82 kindergartens the percentage of Roma children ranges from 50% to 100%. 31 kindergartens are attended only by Roma children. In 1,631 kindergartens, the proportion of Roma children varies from 0.1 to 100%.

Of 576,331 pupils attending primary schools 47,701 were Roma, i.e. 8.28% of the primary school population. In 178 primary schools, the percentage of Roma pupils varies from 50 to 100%. 44 primary schools are only attended by Roma pupils. The proportion of Roma pupils in 1,087 primary schools is 0.1 to 100%.

Representation of Roma children and pupils in the regions:

Region	kindergartens, in %	primary schools, in %
Bratislava	2.09	2.96
Trnava	1.67	3.23
Trenčín	0.20	0.53
Nitra	1.34	2.78
Žilina	0.48	1.09
Banská Bystrica	6.76	14.19
Košice	7.07	19.24
Prešov	5.39	14.49
Slovak Republic	3.41	8.28

Preschool education and performance of Roma pupils in primary schools

Data obtained from the departments of education, youth and physical culture of district authorities in the Slovak Republic suggest that while the total annual number of pupils is falling, the number of pupils belonging to the Roma national minority who start compulsory school attendance is growing. The percentage of Roma pupils attending kindergartens before compulsory school attendance is 5.35%, the percentage of Roma pupils in the first grade of primary schools being 11.12%. According to the results of research, average year-on-year increase in the number of pupils belonging to the Roma national minority at the age of compulsory school attendance has been 6% during the last four years. If this rate does not

change, approx. 6,460 Roma pupils should enter first grades. Based on these facts, school attendance of Roma children in kindergartens can be assumed to stand at approx. 25%. (Vyhodnotenie prieskumu o postavení rómskeho dieťa a žiaka vo výchovno-vzdelávacom systéme SR [*Evaluation of the research into the situation of Roma children and pupils in the Slovak system of education and instruction*], p. 16. Publisher, Bratislava, year).

The 5.35% proportion of Roma pupils attending kindergartens before entering primary schools is reflected in the fact that 3,491 of a total of 70,476 first graders in Slovakia, i.e. 4.89%, fail to pass to the higher grade. 2,482 of them, i.e. 71.94%, are coming from socially disadvantaged and neglected family environment.

At the same time, the percentage of pupils in all grades of primary schools who failed to pass to the higher grade was 2.44%. Of this percentage, 59.01% are pupils coming from socially disadvantaged and neglected family environment. (The data were obtained from Reports on the Performance of Primary School Pupils as of 31 August 2001, Institute of Information and Prognoses of Education.)

1,827 of 3,086 pupils who attend the tenth year of compulsory school attendance are Roma.

The objective of the research and collection of statistical data was to ascertain the reasons for the failure of Roma pupils in the first grade, and to uphold the hypothesis that one of the decisive factors underlying this fact is the low percentage of Roma children attending kindergartens. In the search for solutions – given the fact that compulsory schooling of five-year olds foreseen also in the Millennium project has not yet been introduced – “It is necessary to gradually introduce compulsory attendance of the last year of preschool education before the child’s entry to primary school”. (Milénium (Millennium), p. 47. Publisher, Bratislava, year).

Zero grades of primary schools create, among other positive aspects, an opportunity for long-term observation of the child, and improves the possibility to make a diagnosis of the child, whose absence often resulted in placing a child in a special primary school, although the only reason for such placement was social neglect.

In February 2002 the Ministry of Education produced an analysis of school performance of pupils attending zero grades of primary schools between the 1992/1993 and 2000/2001 school years. The relevant data were submitted by competent departments of education, youth and physical culture of district authorities.

Overview of the number of pupils attending zero grades of primary schools, by school year

<i>School year</i>	<i>Number of primary schools</i>	<i>Number of classes</i>	<i>Number of pupils</i>	Average number of pupils per class
1992/1993	15 (1 kindergarten, 1 special primary school)	18	251	13.94
1993/1994	5	7	88	12.57
1994/1995	18	20	271	13.55
1995/1996	17	19	238	12.52
1996/1997	51	56	688	12.28
1997/1998	74	89	1 220	13.70

1998/1999	50	64	807	12.60
1999/2000	70	89	1 178	13.23
2000/2001	61	85	1 057	12.43

In the 2000/2001 school year, zero grades of primary schools in 23 districts were attended by 1,057 pupils. Of them:

- 6-year old pupils 759
- 7-year old pupils 247
- pupils older than 7 years 51
- 178 pupils attended kindergarten and did not meet the requirements for school attendance.

Evaluation of pupil performance in zero grades of primary schools

School performance is currently used as the only quantitative data on educational achievements of pupils.

Out of a total of 4,741 pupils attending zero grades of primary schools in respective school years, the assessment was carried out in a basic set of 1,143 pupils, using detailed data generated in accordance with statistical processing methods.

Excluded from the computation of educational achievements of pupils in the relevant period were

- 112 pupils who moved out, i.e. 9.79%,
- 2 pupils who died, i.e. 0.17 %,
- 5 pupils who stopped attending school for reasons not ascertained, i.e. 0.43 %.

Of the total number (1,024 pupils) included in the basic set for the purposes of statistical processing 686 pupils, i.e. 66.99%, were rated as successful. This means that they did not repeat the year and were able to cope with the school subject matter. Of this number of successful pupils, 40 pupils in zero grades, i.e. 5.83%, were transferred to the regular first grade of primary school. During the relevant period, irrespective of the time of creation of the zero grade in the school year concerned,

- 186 pupils were transferred to a special primary school, i.e. 18.16 %,
- 110 pupils repeated the year during the evaluation, i.e. 10.74 %,
- 44 pupils were not clearly identified, representing a 3.84 % reliability interval.

School attendance

The situation in school attendance of Roma pupils is unfavourable; concrete figures on individual schools indicate that the problem of educational achievements is also linked with school attendance. Roma pupils account for 55% of missed classes, i.e. one Roma pupil misses one month of classes on the average. The situation is even more difficult as regards the number of unexcused classes, where the Roma account for as much as 94.5 %. While one non-Roma pupil misses an average of one unexcused class a year, one Roma pupil misses an average of one week (30 classes) without excuse.

Evaluation of conduct

The data on the evaluation of conduct suggest that Roma pupils are more likely to be reprimanded or to receive a lower grade on conduct than to be praised.

Praise	Reprimands or lower grades	
Total	4,413	2,841
Of which Roma	496 (11.24%)	1,979 (69.66%)

Teacher

One irreplaceable actor in working with Roma pupils is the teacher; he can be successful only if he knows how to work with them and, in particular, if he is committed to such work, if he is familiar with and understands the mentality of Roma children and ethnic group. Roma children need much more love, understanding, patience, and a greater commitment to building and strengthening their self-confidence than the rest of the population.

Of the total number of school workers included in the survey, as many as 22.69% are unskilled. The situation is especially unfavourable at the first level of primary schools where 1/3 of teachers do not meet required qualification criteria (32.28 %); this is certainly reflected in the quality of teaching at the first level of primary schools.

Healthcare

Every citizen of the Slovak Republic, i.e. including persons belonging to the Roma ethnic group and other minority groups, are guaranteed the right to the highest attainable standard of health. Since members of the Roma ethnic group do not adequately exercise their rights due to a variety of reasons, the **Ministry of Health** prepared a comprehensive project designed to secure, in a systematic and comprehensive manner, availability of healthcare to marginalised Roma communities in selected remote locations of the Slovak Republic. The project corresponds to the Slovak Government's priorities regarding the Roma community in 2002, the Government strategy for addressing problems of the Roma community in 2001, and basic theses of the Government's policy concept for integrating Roma communities (*Annexes 3 and 4*).

The availability of healthcare is guaranteed under the current Slovak legislation by the district system of the provision of healthcare, the district being a precisely determined territorial area serviced by a healthcare facility. The healthcare sector strives to improve the availability of healthcare to marginalised Roma communities living in peripheral settlements by means of a comprehensive project as follows:

1. Preferring, where appropriate and possible, permanent outpatient facilities in the municipalities and localities inhabited by Roma communities, through restoring and reconstructing adequate (municipal) buildings in cooperation with local government;
2. Carrying out community social projects, by means of which Roma field assistants offer their cooperation and function as mediators between first-contact healthcare workers and ethnic Roma;

3. Physicians from individual independent regions oversee, from the methodological point of view, the standard of provided healthcare, and monitor the effectiveness and quality of primary outpatient care and special outpatient care in the regions concerned;
4. The network of primary and specialised healthcare services is being expanded in certain areas to meet the relevant needs, and larger districts with a high percentage of Roma population are divided into more units in order to improve access to healthcare for the Roma population;
5. Allocations from healthcare budget are envisaged for medical personnel providing primary healthcare, so as to compensate them for working under more difficult conditions in the areas with the largest number of Roma settlements, since neither the legislation in force nor health insurance companies provide more favourable selective treatment of medical personnel working in these areas.

Because health insurance companies do not reimburse the costs of transportation of patients from their homes to primary healthcare outpatient facilities, and the patients must pay for it themselves, the project also aims at improving access to and bringing healthcare closer to Roma settlements in selected regions of Slovakia, and at encouraging Roma to seek out preventive checkups, including through financial incentives (e.g. making the payment of various benefits conditional on preventive examinations by a general practitioner for children, general practitioner for adults, or a gynaecologist).

The Ministry of Health takes a proactive approach towards improving the provision of healthcare to the Roma population in Slovakia.

- a) It supports, as a matter of priority, prevention measures carried out in recent years in Slovakia to prevent the spread of infectious diseases. It attaches great significance to preventive vaccinations, mainly against hepatitis A, and preventive and repressive anti-epidemic measures including passive and active immunisation (such as administration of gammaglobuline and/or a vaccination) to persons that had been in close contact with the patient. Each year it allocates SKK 6 million, necessary to ensure a free of charge implementation of the project with a view to preventing the spreading of hepatitis in Roma settlements with low hygienic standards. The implementation of the project brought down the number of cases of infectious hepatitis in Slovakia. We note that the rest of the population (if interested) must pay for the vaccination against infectious hepatitis. Vaccination of the child population (including Roma) and of selected risk groups (including Roma) in the Slovak Republic is compulsory and is provided for in the relevant legislation;
- b) Through its numerous educational activities (carried out by the State Faculty Health Institute and regional health institutes), the healthcare sector seeks to improve hygienic habits and general health awareness of Roma, since the reasons for the poor state of health of the Roma minority include: low level of education, poverty, high rate of unemployment, poor standard of personal and communal hygiene, extended families, polluted environment, lack of safe drinking water, bad dietary habits, smoking, alcohol abuse and, more recently, also drug addiction;

- c) The Ministry of Health deals with the problems in a comprehensive manner and supports the projects aimed at improving health awareness of the Roma minority and alleviating the most acute problems. Within the budget chapter of the Ministry of Health, funds derived from lotteries and similar games were allocated for financing the projects under the National Health Promotion Programme. Many projects implemented by the State Faculty Healthcare Institute in cooperation with regional state healthcare institutes were specifically targeting young Roma populations. The objective of these projects was to teach a selected group of Roma youngsters certain hygienic habits, teach them vocational skills and activities necessary to increase the hygienic standard of Roma settlements;
- d) A project on the “Protection of Reproductive Health of Roma Women and Girls in the Selected Region – Rožňava, gynaecologic outpatient facility Plešivec” was launched in November 2000. The project was carried out in cooperation with the Slovak Association for Planned Parenthood and Education for Parenthood with foreign financial assistance. The objective of the project was to develop a model of public education and therapeutic-preventive healthcare aimed at improving the reproductive health of Roma girls and women, and of a smaller group of less socially adaptable non-Roma women. Two years into the project, its contribution to improving care for sexual and reproductive health of the target group has already started to bring better than expected results. As a result of the project, interest of the target group in reproductive health has increased and so did awareness of the need of disease prevention and family planning, lifestyle changes were initiated, and the relationship between female patients and physicians/healthcare workers was transformed from fear and mistrust to understanding and mutual trust. At the same time, it helped overcome deep-seated interpersonal, ethnic, social and societal barriers. There is a pronounced difference between the situation before and after the completion of the project. Before the implementation of the project, women from the target group would visit healthcare facilities in a chaotic manner, and would often seek medical attention only when their health condition significantly deteriorated. Thanks to the activities carried out under the project this situation has radically changed.

Due to the success of the project on the protection of reproductive health, the Ministry of Health asked the Slovak Planned Parenthood Association to draw up a National Programme of Reproductive Health for Women in the Slovak Republic by 31 December 2003.

In the framework of the provision of healthcare, Roma women have a guaranteed right to the highest attainable standard of health, which includes not only the therapeutic-preventive and dispensarisation care, but also the care for and protection of reproductive health.

Primary care is provided by specialised gynaecological outpatient departments. Primary care involves early diagnosis of pregnancy and prenatal care for women with physiological and high-risk pregnancies. In the framework of primary care, gynaecologists also address planned parenthood and contraception issues, preferring contraception to abortion, actively seeking out women with the risk of undesirable pregnancy and recommend them suitable type of contraception. Women are acquainted with contraception, its reliability, safety, favourable effects, as well as possible side effects and complications. The preferences of women are taken into account when recommending different contraception methods.

The existing network of gynaecological outpatient departments in Slovakia ensures availability of all forms of modern contraception. The number of users of oral contraception in Slovakia grew from 2% (at the beginning of 1990s) to 18.5% in 2002. Over the same period, the number of IUDs dropped from 15% to the current 7%.

Sterilisation as one of the safest and the most reliable forms of contraception is used in Slovakia by only 0.1% of women. This situation is also related to the guideline on the performance of sterilisations, which lays down the list of medical indications and conditions under which sterilisation can be performed.

Act No. 73/1986 on abortion as amended by Article III of Act No. 419/1991 Coll. changing certain legal provisions in the healthcare sector, which is in effect since 1 January 1987, is comparable with the laws in the countries of the European Union, and respects the free choice of the woman. After the enactment of the law, the number of abortions temporarily increased, but after 1988 the number of performed abortions recorded a steep downward trend. Such decline in the number of abortions (by 70%) in 14 years has no parallel in any European country with the exception of the Czech Republic.

Year	Number of women	Number of performed abortions
1988	1000 women aged 15 – 49	43
2002	1000 women aged 15 – 49	11

Women in Slovakia have easy access to medical services in the area of reproductive health, and the standard of these services is good. Dispensarisation is offered not only to pregnant women, but also to those using hormonal contraception or intrauterine devices. This type of care is, as a rule, sought by more highly educated women with greater legal awareness, while Roma women and women from other marginalized groups seek these services less often. The latter usually fail to seek the services of gynaecologists even in connection with preventing sexually transmitted diseases, they do not or only seldom undergo prenatal checkups during their frequent pregnancies, thus risking their health and that of their offspring. They are not aware of the risks of frequent pregnancies, and do not know how to avoid them. Thus, they do not sufficiently realise the value of their reproductive health.

Under the current healthcare system, gynaecological nurses no longer make home visits. Yet, this type of services played an important and irreplaceable role especially in the Roma community and in other marginalized groups. Nurses knew the community, enjoyed the trust of women and were able to motivate them to take advantage of the preventive type of care. Also for these reasons, State health institutes organise a number of training courses on the protection of reproductive health of women and family planning for these categories of healthcare workers and, as a matter of priority, also for members of the Roma community.

Training of healthcare staff

In the system of specialised training of physicians, dentists and further training of medical staff, the issue of the enjoyment of the right to the highest attainable level of health by Roma and other marginalized groups of the population is part of the subject matter of various training events. The Ministry of Health has incorporated the deontological code for individual categories of healthcare personnel into the legislation on the medical profession, pharmaceutical profession, and the profession of nurses and midwives. The code entails a moral obligation and a principle of providing healthcare without difference of ethnic origin,

race or religion, and without difference of culture, social status or political conviction. The Slovak Healthcare University, together with the Slovak Medical Chamber, put forward a proposal of continuous training in healthcare provision to the Roma community, designed for doctors involved in the primary care programme, and for various categories of medical staff.

In the preparation of the proposal for addressing the problems of Roma communities, the Ministry of Health also derived inspiration from the experience of other countries, the following of which are seen as relevant in this context:

- a) *Most EU countries make efforts at integrating the Roma community and preventing its marginalisation and exclusion of this group to the periphery of the society.*
- b) *Roma settlements (the so-called shanty towns) are characterised by poor hygienic standards and in many respects remind of our Roma settlements.*
- c) *Health condition of the Roma population in every country is worse than that of the majority population, and individual EU countries struggle with similar problems to a greater or lesser degree.*
- d) *It is important to deal with the problem in a comprehensive and systematic manner through combining efforts of many sectors, local and international foundations.*
- e) *In each EU country efforts are made to identify and prevent direct or indirect discrimination of the Roma population. Certain differences in approaches used to address these issues reflect the economic level of the country and the model of health insurance applied in individual countries.*
- f) *Provision of assistance to ensure adequate healthcare for the Roma population is viewed as a priority task.*
- g) *Efforts at achieving speedy integration of these groups into the majority population must respect their cultural diversity.*
- h) *Great emphasis is laid in the EU countries on drug prevention of the Roma population, since the danger of drug addiction in the young generation greatly aggravates the social situation of the Roma minority.*
- i) *Health condition of the Roma population is only partly dependent on the level of provided healthcare and, for the most part, is negatively influenced by the low level of education, unemployment, poor housing conditions, large families with many children, etc.*

To ensure the coordination of efforts taken to address the issues of Roma communities, a working group was created within the Ministry of Health for implementing the Slovak Government's policy on integration of Roma communities in the area of healthcare; the group cooperated with the Government Office's Section on Human Rights and Minorities, the Government Plenipotentiary for Roma Communities, and pre-accession advisor Mr. Michel Digne.

Information concerning the investigation into alleged forced or coerced sterilisations of Roma women and other measures aimed at addressing this problem (they also include investigation into the alleged segregation of Roma women in healthcare establishments) is provided in the answer to the second question of the Advisory Committee.

Activities of the Ministry of Interior

A proposal to create a post of a police specialist for working with Roma communities was discussed in 2003 by the management of the Ministry of the Interior and the Government.

In 2003, the Ministry of Interior organised a seminar with international participation for police officers in charge of extremism-related issues, focusing on the detection, clarification and documentation of criminal activities motivated by racial, national or other types of intolerance, or committed by the sympathizers of extremist groups.

The Academy of the Police Force in Bratislava has included into its curricula a course on “Police and the Roma”, which deals with Roma history, cultural, educational and other specific characteristics of this community, and outlines various possible ways of communication of police officers with the Roma minority. The issue of working with the Roma community is also part of the curricula of secondary vocational schools of the Police Force.

The Ministry of Interior is engaged in the “CAPRA” project initiated in 2002 in cooperation with the Royal Canadian Mounted Police. The project focuses on the communication of police officers with members of minorities. The project includes the organisation of workshops and meetings with officials from other State authorities, organisations and non-governmental organisations, committed to addressing the Roma problem in the Slovak Republic.

The Ministry of Interior set up a commission for coordinating actions aimed at eliminating racially motivated crime and extremism, which cooperates with the representatives of civil initiative People against Racism, the Citizen and Democracy Association, the League of Activists for Human Rights, the Open Society Foundation, the Inforoma Foundation and the Slovak Helsinki Committee. These cooperating organisations helped recruit collaborators of Roma origin. A total of 95 collaborators from among Roma and non-governmental organisations are currently registered.

The Ministry of Interior carries out a prevention-oriented project “Behave Normally” in primary schools, selected in consultation with officials from education departments of district authorities with a view to including those with the highest risk of delinquent behaviour of pupils. The project was carried out in schools in the municipalities of Spišské Bystré, Sabinov, Podolínec, Rimavská Sobota, Revúca, Brezno, Bratislava II, Malacky, Jarovnice, Letanovce and Košice Luník IX.



ACFC/SR/II(2005)001
Appendices 1 to 7

**SECOND REPORT SUBMITTED BY THE SLOVAK REPUBLIC
PURSUANT TO ARTICLE 25, PARAGRAPH 1
OF THE FRAMEWORK CONVENTION FOR
THE PROTECTION OF NATIONAL MINORITIES**

(Received on 3 January 2005)

Annex No. 1

NATIONAL COUNCIL OF THE SLOVAK REPUBLIC

ACT 184

of 10 July 1999

on the Use of National Minority Languages

The National Council of the Slovak Republic,

pursuant to the Constitution of the Slovak Republic and international instruments binding on the Slovak Republic,

respecting the protection and development of the fundamental rights and freedoms of the citizens of the Slovak Republic who are persons belonging to national minority,

taking into account the existing legal acts in force which govern the use of national Minority Languages,

recognising and appreciating the importance of mother tongues of the citizens of the Slovak Republic who are persons belonging to national minority as an expression of the cultural wealth of the State,

having in mind establishing of a democratic, tolerant and prosperous society in the context of an integrating European Community,

realising that the Slovak language is the State Language in the Slovak Republic, and that it is desirable to regulate the use of the languages of the citizens of the Slovak Republic who are persons belonging to national minority,

hereby passes the following Act:

Section 1

A citizen of the Slovak Republic who is a person belonging to a national minority has the right to use, apart from the State Language¹, his or her national Minority Language (hereinafter referred to as „Minority Language“). The purpose of this Act is to lay down, in conjunction with specific legal acts², the rules governing the use of Minority Languages also in official communication.

¹ Section 1 paragraph 4 of Act of the National Council of the Slovak Republic No. 270/1995 Coll. on State Language of the Slovak Republic

² E.g., Section 18 of Civil Procedure Code, Section 2 paragraph 14 of Criminal Procedure Act No. 141/1961 Coll. (Code of Criminal Procedure), Section 7 paragraph 3 of Act No. 335/1991 Coll. on Courts and Judges, Section 23 of 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 the Court and the Status of Its Judges, Section 2 paragraph 1 of Act of the National Council of the Slovak Republic no. 300/1993 Coll. on Names and Surnames, section 16 and Section 19 paragraphs 3 and 5 of Act of the National Council of the Slovak Republic No. 154/1994 Coll. on Registers, Section 1

Section 2

(1) If the citizens of the Slovak Republic who are persons belonging to a national minority constitute according to the last census at least 20 % of the inhabitants of a municipality, they may use a Minority Language in official communication within that municipality.

(2) The list of the municipalities referred to in paragraph 1 shall be determined by a regulation of the Government of the Slovak Republic.

(3) A citizen of the Slovak Republic who is a person belonging to a national minority shall have, in the municipality referred to in paragraph 1, the right to address written filings to the Governmental Agencies and self-government bodies (hereinafter referred to as „the Body of Public Administration“) also in a Minority Language. The Body of Public Administration in the municipality referred to in paragraph 1 shall reply, apart from in the State Language, also in the Minority Language, with exception of public documents.

(4) The decision made in an administrative proceeding³ by the Body of Public Administration in the municipality referred to in paragraph 1 shall be issued, except in the State Language also in a Minority Language in the form of a counterpart. In the event of any doubts, the text of the decision in the State Language shall apply.

(5) The name of a Body of Public Administration displayed on buildings in a municipality referred to in paragraph 1 shall be given also in a Minority Language.

(6) The body of local self-government in a municipality referred to in paragraph 1 shall provide the citizens with official forms issued within its competence in the State Language and, upon request, also in a Minority Language.

Section 3

(1) A session of the local self-government body in the municipality referred to in Section 2 paragraph 1 may be held also in a Minority Language, subject to the consent of all present persons.

(2) A member of the municipal council in the municipality referred to in Section 2 paragraph 1 shall have the right to use at the meetings of that body a Minority Language. Interpretation shall be secured by the municipality.

(1) A session of the local self-government body in the municipality referred to in Section 2 paragraph 1 may be held also in a Minority Language, subject to the consent of all present persons.

paragraph 1 of Act of the National Council of the Slovak Republic No. 191/1994 Coll. on Displaying the Names of Municipalities in National Minority Languages, Section 5 paragraph 2 of Act of the Slovak National Council No. 255/1991 Coll. on the Slovak Radio, Section 3 paragraph 3 of Act of the Slovak National Council No. 254/1991 Coll. on the Slovak television, Section 5 paragraph 1 (e) of Act No. 308/1991 Coll. on the Freedom of Religious Beliefs and on the Status of Churches and Religious Societies, Section 2 paragraph 8 of Act No. 212/1997 Coll. on Compulsory Copies of Periodical Publications, Non-periodical Publications and Duplicates of Audio-visual Works.

³ Act No. 71/1967 Coll. on Administrative Proceedings (Administrative Procedure Code) as amended.

Section 4

(1) A session of the local self-government body in the municipality referred to in Section 2 paragraph 1 may be held also in a Minority Language, subject to the consent of all present persons.

(2) In the municipality referred to in Section 2 paragraph 1, important information, in particular warnings, cautions and health information shall be displayed in publicly accessible places apart from the State Language also in a Minority Language.

(3) The Body of Public Administration in the municipality referred to in Section 2 paragraph 1 shall, within the scope of its competence, provide information on the generally binding legal provisions upon request apart from the State Language also in a Minority Language.

Section 5

(1) The right to use a Minority Language in a proceeding before court and in other spheres is regulated by specific legal acts.^{2/}

(2) The provisions of Section 2 paragraph 1 shall not apply to the pre-school education, system of primary and secondary schools or culture. The use of national Minority Languages in these areas is regulated by specific legal acts.⁴

Section 6

In application of this Act, the use of the Czech language in official communication shall be deemed to fulfil the requirement of basic understanding with the State Language unless an international instrument binding on the Slovak Republic provides otherwise.

Section 7

(1) A Body of Public Administration and its employees are obliged to use the State Language in official communication^{1/} and, under conditions provided for under this Act and specific legal acts, they may use also a Minority Language. The Body of Public Administration and its employees shall not be required to have a command of a Minority Language.

(1) A Body of Public Administration and its employees are obliged to use the State Language in official communication^{1/} and, under conditions provided for under this Act and specific legal acts, they may use also a Minority Language.

Section 8

Section 10 of the Act of the National Council of the Slovak Republic No. 270/1995 Coll. on the State Language of the Slovak Republic is hereby cancelled.

⁴ E.g., Section 3 paragraph 1 and Section 3a of Act No. 29/1984 Coll. on the System of Primary and Secondary Schools (School Act) as amended, Act of the National Council of the Slovak Republic No. 279/1993 Coll. on Educational Establishments as amended by Act of the National Council of the Slovak Republic No. 222/1996 Coll.

Section 9

This Act shall enter into effect on 1 September 1999.

President of the Slovak Republic

Chairman of the National Council of the Slovak Republic

Prime Minister of the Slovak Republic

Annex No. 2

Relevant provisions of the Criminal Code and of the Code of Criminal Procedure

I. Criminal Code

Violence against a group of inhabitants and against an individual Section 196

- (1) A person who threatens a group of inhabitants with death, bodily harm or substantial harm to property shall be punished by imprisonment for a term not exceeding one year.
- (2) A person who uses violence against a group of inhabitants or against an individual or threatens them with death, bodily harm or substantial harm to property on grounds of their political conviction, nationality, race, belonging to an ethnic group, religion or because they are without religion, shall be punished by imprisonment for a term not exceeding two years.
- (3) The punishment referred to in paragraph 2 shall be applicable to a person who associates or assembles in order to commit such act.

Section 198 Defamation of a nation, race or conviction

- (1) A person who publicly defames
 - a) any nation, its language, any race or ethnic group, or
 - b) a group of inhabitants of the country on the grounds of their religion or because they are without religion,shall be punished by imprisonment for a term not exceeding one year or a pecuniary sentence.
- (2) The offender shall be punished by imprisonment for a term not exceeding three years if he commits the act referred to in paragraph 1 together with at least two other persons.

Section 198a Incitement to national, racial or ethnic hatred

- (1) A person who publicly incites to hatred for any nation or race or ethnic group or to limitation of the rights and freedoms of persons belonging to such nation, race or ethnic group, shall be punished by imprisonment for a term not exceeding one year, or by a pecuniary penalty.
- (2) The offender shall be punished in like manner if he associates or assembles in order to commit the act referred to in paragraph 1.

Section 219

Murder

(1) Any person who deliberately causes death to another person shall be punished by imprisonment for a term of ten to fifteen years.

(2) The offender shall receive an extraordinary sentence if he commits the offence referred to in paragraph 1

a) against two or more persons,

b) in an exceptionally brutal or cruel manner,

c) repeatedly,

d) against a person of under fifteen years of age,

e) against a pregnant woman,

f) against another person because of the latter's race, belonging to an ethnic group, nationality, political conviction, religion, or being without a religion,

g) against a public officer in the course of or in connection with the performance of his powers,

h) against a witness, expert or interpreter in connection with the performance of their duties,

i) as a member of an organised group,

j) with the intention to obtain tangible profit or to cover up or facilitate another criminal offence, or for another particularly despicable reason.

Bodily harm

Section 221

(1) A person who deliberately causes bodily harm to another person shall be punished by imprisonment for a term not exceeding two years or a pecuniary sentence.

(2) The offender shall be punished by imprisonment for a term of six months to three years or a pecuniary sentence,

a) if he commits the offence referred to in paragraph 1 against a witness, expert or interpreter in connection with the performance of their duties, or

b) if he commits such offence against another person because of the latter's political conviction, nationality, race, belonging to an ethnic group, religion, or being without a religion.

(3) The offender who causes grievous bodily harm by committing the act referred to in paragraph 1 shall be punished by imprisonment for a term of one to five years.

(4) The offender who causes death by committing the act referred to in paragraph 1 shall be punished by imprisonment for a term of three to eight years.

Section 222

(2) A person who deliberately causes grievous bodily harm to another person shall be punished by imprisonment for a term of two to eight years.

(2) The offender shall be punished by imprisonment for a term of three to ten years

a) if he commits the offence referred to in paragraph 1 against a witness, expert or interpreter in connection with the performance of their duties, or

b) if he commits such offence because of another person's political conviction, nationality, race, belonging to an ethnic group, religion or being without a religion.

(3) The offender who causes death by committing the act referred to in paragraphs 1 or 2 shall be punished by imprisonment for a term of five to twelve years.

Section 259 Genocide

(1) A person, who with the intention to destroy, in whole or in part, any national, ethnic, racial or religious group

a) inflicts on the group conditions of life calculated to bring about its physical destruction in whole or in part,

b) imposes measures intended to prevent births within the group,

c) forcibly transfers children of the group to another group, or

d) causes serious bodily harm or death to a member of such group,

shall be punished by imprisonment for a term of twelve to fifteen years or extraordinary sentence.

(2) The offender shall be punished in the like manner if he takes part in committing the act referred to in paragraph 1.

Sponsoring and promotion of movements aimed to suppress the rights and freedoms of citizens

Section 260

(1) A person who sponsors or promotes a movement manifestly aimed to suppress the rights and freedoms of citizens, or who advocates national, racial, class or religious hatred, shall be punished by imprisonment for a term of one to five years.

(2) The offender shall be punished by imprisonment for a term of three to eight years

a) if he commits the act referred to in paragraph 1 through press, film, radio, television or in any other similarly effective manner,

b) if he commits such act as a member of an organized group, or

c) if he commits such act in time of defence emergency.

Section 261

A person who publicly expresses his sympathy for fascism or any other similar movement as defined in Section 260, or who publicly denies, questions, condones or tries to justify the crimes of fascism or any other similar movement referred to in Section 260, shall be punished by imprisonment for a term of six months to three years.

Section 263a Persecution of the population

(1) A person who in time of war practises apartheid or commits other inhuman acts arising from racial discrimination or terrorizes defenceless civilian population by violence or threat of violence, shall be punished by imprisonment for a term of three to ten years.

(2) The offender shall be punished in like manner if, in time of war:

a) he destroys or seriously damages a source of supplies vital for the civilian population residing in the occupied area or in the combat zone or arbitrarily denies the population assistance necessary for survival,

b) he without reasonable excuse impedes the return of civilian population or prisoners of war,

c) he without reasonable excuse effects the displacement of civilian population residing in the occupied territory,

d) he settles the occupied territory with the population of his own country, or

e) he arbitrarily prevents the civilian population or prisoners of war from having their guilt determined in impartial judicial proceedings..

(3) The offender shall be punished by imprisonment for a term of eight to fifteen years or by an extraordinary penalty if by the act referred to in paragraphs (1) or (2) he causes grievous bodily harm or death or any other especially serious consequence.

II. Code of Criminal Procedure

Section 2

(11) Court proceedings shall be oral; as a rule, the court shall take evidence through testimony of witnesses, experts or the defendant at a hearing.

(13) A person subject to criminal proceedings must be advised of his right to full defence and the right to retain a lawyer at each stage of the proceedings; all criminal justice authorities must guarantee the exercise of such rights.

(14) Everybody has the right to use his mother tongue in criminal proceedings.

Interpreter Section 28

(1) Should it be necessary to translate the content of a testimony or a document, or should the defendant state that he does not speak the language of the proceedings, the court shall assign an interpreter who may also act as a recording clerk.

(2) If a defendant, invoking Section 2 paragraph 14, chooses a language for which there is no registered interpreter, or if the matter does not permit a delay and registered interpreters are not available, the criminal justice authority shall appoint an interpreter for the official language of the State of which the defendant is a national; if the defendant is a stateless person, official language of the State in which the defendant has his residence.

Section 151 Costs of criminal proceedings paid by the State

(1) The costs incurred by criminal proceedings, including execution proceedings, shall be paid by the State; however, the State shall not pay the costs of the defendant, accomplice or the victim, or expenses incurred by appointing a lawyer or granting a power of attorney. The court shall, however, pay the costs of necessary defence incurred by the defendant in connection with filing a complaint on points of law.

Selected case law relating to racially motivated crime

The case law below was selected and compiled by the General Prosecution Office of the Slovak Republic as a background for the Fourth and the Fifth Periodic Report to the UN Convention on Elimination of All Forms of Racial Discrimination (June 2003).

- a) The most serious racially motivated crime was the assault against a Roma family at Žilina. Four sympathizers of skinhead movement broke into a family house at night and started hitting sleeping girls with bats, causing them bodily harm. One of them then hit the head of their mother, causing her death. All four offenders were finally sentenced according to the Criminal Code in force and pursuant to Articles 4 and 6 of the Convention; they received unconditional imprisonment sentences of seven, five, four and three years.
- b) Extensive preliminary investigation led to opening criminal prosecution and bringing charges for the commission of crime under Section 260 paragraphs 1 and 2 letter a/ of the Criminal Code, in conformity with Article 4 paragraphs a) and b) of the Convention, against two producers and distributors of printed matters, entitled *Edelweis* and *The White Struggle*, containing articles and drawings promoting a movement aimed to suppress the rights and freedoms of citizens and advocating national, racial and religious hatred. The prosecutor filed an indictment against the two defendants. The court has not yet reached final decision in the case.
- c) Another exceptionally serious criminal offence according to Section 260 paragraphs 1 and 2 (a) of the Criminal Code and Article 4 (a) of the Convention committed in 2000 was the preparation, publication and sales distribution of Adolf Hitler's *Mein Kampf*.

Two persons were prosecuted for this criminal offence as co-offenders. Since both of them are Czech nationals and live in the Czech Republic, after the investigation was completed the criminal proceedings were transmitted to the Czech Republic in accordance with relevant legal provisions.

- d) After a police intervention at a meeting of sympathizers of skinhead movement held under the guise of a dance party in September 2001 at Papradno, prosecution was initiated against eight young men pursuant to Article 4 (a) and (b) of the Convention for publicly expressing their sympathy for fascism by adorning their clothes with various symbols, such as modified swastikas and other symbols.
- e) As a result of another police intervention at a meeting at Svrčinovec, where computer music was played promoting the Skinheads movement and the *Third Reich*, prosecution was launched and charges were filed against 12 offenders for criminal offences of sponsoring and promoting movements aimed to suppress the rights and freedoms of citizens according to Section 260 paragraphs 1 and 2 (a) or Section 261 of the Criminal Code, and Article 4 of the Convention. One of the persons charged is remanded in custody.
- f) Other persons are under prosecution for the same type of criminal offences promoting neo-Nazi, racist ideas, publishing and distributing songs with the like content. They are members of music groups Doctor Martens Skinheads and Justicia.

Statistics on racially motivated crime

Number of criminal offences with proven racial motives in 1997 – 2002:

Year	1997	1998	1999	2000	2001	2002
Number of detected criminal offences	8	15	11	25	37	109

Number of persons charged with racially motivated crime committed in 2000 – 2002:

2000	42 persons charged
2001	40 persons charged
2002	73 persons charged

Number of persons sentenced for racially motivated crimes in 2000 – 2002:

Criminal Offence	Section of the Criminal Code	Number of finally sentenced persons		
		2000	2001	2002
Violence against a group of inhabitants or against individuals	Section 196	7	4	13
Defamation of a nation, race, or conviction	Section 198	0	1	3
Incitement to national, racial or ethnic hatred	Section 198a	1	0	3
Murder – racially motivated	219 paragraph 2(f)	0	0	0
Bodily injury (harm) – racial motivation	221 paragraph 2(b)	0	2	2
Bodily injury (grievous harm) racial motivation	222 paragraph 2(b)	2	4	0
Genocide	Section 259	0	0	0
Crime against humanity	Section 259b	-	-	0
Sponsoring and promoting movements aimed to suppress rights and freedoms of citizens	Section 260	0	1	1

-II- : public expression of sympathy for fascism	Section 261	4	3	10
Persecution of population	Section 263a	0	0	0
Total	-	16	15	36

Annex No. 3

Evaluation of the Slovak Government's Priorities with Regard to Roma Communities in 2002 and of the Slovak Government's Strategy to Address the Problems of the Roma Community in 2001

The present document is derived from the Slovak Government's Activity Plan of 18 December 2002, which instructs the Deputy Prime Minister for European Integration, Human Rights and Minorities to evaluate the strategy of the Slovak Government addressing the problems of the Roma community in 2002.

In 2002, the Slovak Government approved its Priorities with Regard to Roma Communities in 2002, based on the *Strategy of the Slovak Government Addressing the Problems of the Roma National Minority and the Set of Measures for Its Implementation – Stage I*, and *Elaboration of the Strategy of the Slovak Government Addressing the Problems of the Roma National Minority into a Package of Concrete Measures in 2000 – Stage II*.

The following material thus includes both the evaluation of the Strategy of the Slovak Government Addressing the Problems of the Roma National Minority in 2001 and of the related Slovak Government's Priorities for 2002. Measures are proposed in its conclusion with a view to facilitating a more systematic implementation of individual strategies or activities of the State in relation to the Roma.

1. Overview of the most important Government documents and steps adopted to deal with Roma issues in 1998 – 2002

During its aforesaid term the Government adopted several key documents and created the institutional umbrella in 1999 for dealing with the issues in question by establishing the post of the Slovak Government Plenipotentiary for Roma minority issues. The position of the plenipotentiary, set out in a statute, is part of the organisational structure of the Office of the Government of the Slovak Republic.

1999

Strategy of the Slovak Government Addressing the Problems of the Roma National Minority and a Set of Measures for Its Implementation – Stage I (approved by Slovak Government Resolution No. 821/1999 of September 1999)

This is a key document setting out the priorities in addressing problems of the Roma national minority, and outlining a long-term and systemic approach of the Government in a field of human rights, education and instruction, development of Roma language and culture, unemployment, housing, social security and the provision of health services.

2000

Elaboration of the Strategy of the Slovak Government Addressing the Problems of the Roma National Minority into a Package of Concrete Measures and a Set of Measures for 2000 – Stage II (approved by Government Resolution No. 294/2000 of May 2000) – set of concrete measures to implement the objectives approved in Stage I of the Strategy.

2001

Programme of support for the construction of special-standard municipal rental housing for persons in material distress and of infrastructure in Roma settlements – programme of

supporting housing construction, involving the future tenants into the construction of flats and of the relevant infrastructure.

2002

Priorities of the Slovak Government with Regard to the Roma Communities in 2002 (approved by Government Resolution No. 357/2002 of April 2002)

The document is based on the Strategy and Elaboration of the Strategy, and represents steps that had to be taken in areas where the situations was critical in 2002. Among the key priorities were the Comprehensive Roma Settlement Development Programme and the Social Field Workers Programme.

1.1. Important changes in the Slovak legislation in 1998–2002 relating to the Roma:

1999

law on the use of the languages of national minorities

rules governing the use of minority languages also in official communication in municipalities where minority population constitutes at least 20% of the population – they apply to 57 municipalities where the number of Roma reaches the aforesaid threshold

2001

ratification of the European Charter of Regional or Minority Languages

legal provisions governing the protection and use of the languages of national minorities in the areas of education, judiciary, state and public administration, media, culture, economic and social life, and cross border cooperation in the Slovak Republic – a total of 49 provisions apply to the Roma language. The Government appointed Governmental Council on National Minorities and Ethnic Groups as an advisory body for the objectives of the Charter.

2001

amendment of the Constitution of the Slovak Republic

introduction of the institution of ombudsman – public defender of human rights

2001

approval of the use of bilingual Slovak – Roma census forms in the census of the population, houses and dwellings

2. Evaluation of the Strategy and of the Elaboration of Strategy in 2001

The Slovak Government approved a *Strategy of the Slovak Government Addressing the Problems of the Roma National Minority and a Set of Measures for Its Implementation – Stage I* (hereinafter referred to as “*Strategy*”) in September 1999, and an *Elaboration of Strategy of the Slovak Government Addressing the Problems of the Roma National Minority into a Package of Concrete Measures and a Set of Measures in 2000 – Stage II* (hereinafter referred to as “*Elaboration of the Strategy*”) in May 2000.

The Government Resolution was implemented by: the Minister of Labour, Social Affairs and Family, the Minister of Construction and Regional Development, the Minister of Justice, the Minister of Economy, the Minister of Foreign Affairs, the Minister of the Environment, the Minister of Education, the Minister of Agriculture, the Minister of Interior,

the Minister of Health, the Minister of Defence, the Minister of Culture, the Slovak Government's plenipotentiary for the Roma minority, heads of regional authorities

The relevant tasks and measures were implemented in the following areas:

1. Human rights, rights of persons belonging to national minorities and non-governmental organisations
2. Education and instruction
3. Language and culture
4. Unemployment
5. Housing
6. Social field
7. Health condition (the environment)

The submitted document contains information about the fulfilment of Government tasks and measures in 2001 and 2002, drawn from the reports of individual sectors and regional authorities. Task fulfilment evaluation confirmed that, in some sectors, the Strategy started to address long-standing problems and that its implementation helped many professional staff members acquire various skills and capacities in the relevant field. However, the evaluation also reflects certain shortcomings in addressing problems of the Roma minority in individual sectors. Financial assessment of the Strategy is also inadequate. Although many tasks or measures were assigned specific budget allocations, the evaluation does not specify the costs that were actually incurred in comparison with the planned costs. A more detailed evaluation is presented in Tables 1 and 2 (Annex).

3. Evaluation of the Slovak Government's Priorities with Regard to Roma Communities for 2002

Priorities of the Slovak Government with Regard to Roma Communities in 2002 (approved by Government Resolution No. 357/2002 in April 2002). They were based on the adopted *Strategy* and *Elaboration of Strategy*. The priorities were translated into proposals for long-term systemic programmes; these programmes were necessary for the formulation of the 2003 State budget, and in relation to the funds of the European Union. Identified as key priorities were the Comprehensive Roma Settlement Development Programme and the pilot Social Field Workers Programme. These efforts aimed at finding a comprehensive solution and involving all the parties concerned into the actual implementation of the programme. The abovementioned programmes were implemented as pilot programmes, coordinated by the Office of the Slovak Government's Plenipotentiary. Even though they were provided for under Government resolutions, their implementation at certain stages phases depended on the willingness of central state administration bodies and on the good will of self-governing authorities.

3. 1. Comprehensive Roma Settlements Development Programme

- introduced by Government Resolution No. 357/2002 on 10 April 2002
- implementation started in June 2002

A pilot programme aimed to deal with the situation in selected Roma settlements in a comprehensive manner, by means of activities in the area of housing and infrastructure building, education, identification of the opportunities for economic development of these municipalities, support for business activities and the related growth of employment.

A broader objective of the programme is to build civic amenities in selected settlements, ensure connection with the rest of the municipality, build infrastructure, alleviate and gradually eliminate social segregation, create conditions for their gradual integration and thus for sustainable improvements in the quality of life of the inhabitants of selected municipalities.

Selected localities for implementing the Comprehensive Roma Settlements Development Programme:

13 municipalities with Roma settlements

district of Spišská Nová Ves (Bystrany, Rudňany, Spišská Nová Ves)

districts of Prešov and Sabinov (Hermanovce, Jarovnice, Pečovská Nová Ves)

district of Vranov nad Topľou (Čičava, Hlinné, Jastrabie nad Topľou, Malá Domaša, Sol', Žalobín)

district of Gelnica (Nálepkovo)

3. 2. Social Field Workers Programme

- introduced by Government Resolution No. 357/2002 on 10 April 2002
- implementation of the programme started in August 2002

Social field work is a prerequisite for implementing follow-up programmes. Social field work can be deemed to be completed only after the implementation of follow-up programmes. In the absence of such programmes, social field work cannot be considered to have fulfilled its objectives, i.e. to bring a long-term solution to the complicated situation of Roma settlements. Social field workers create the conditions and structures necessary to implement such programmes, and are personally involved in some of them. Their role is gradually changing from that of social workers to community organisers.

A total of 19 social workers were selected to conduct first-contact social counselling work for the citizens in need of social assistance. They cooperate with 40 helpers from local communities. They are remunerated from funds of the National Labour Office allocated for publicly beneficial works. The 19 selected social workers participated in a training programme organised through Partners for Democratic Change Slovakia, and spent a training period in the Czech Republic.

The programme is coordinated by the Secretariat of Government's Plenipotentiary for Roma Communities, in cooperation with the National Labour Office, the Ministry of Labour, Social Affairs and Family, and civil association ETP.

The programme is implemented in the district of Spišská Nová Ves (municipalities of Letanovce, Markušovce, Rudňany, town of Spišská Nová Ves), district of Sabinov (municipalities of Jarovnice, Krivany, Pečovská Nová Ves, Torysa), district of Prešov (Hermanovce, Svinia, Veľký Šariš), district Vranov nad Topľou (Čičava, Hlinné, Jastrabie nad Topľou, Malá Domaša, Sol', Žalobín) and district of Gelnica (municipality of Nálepkovo).

3. 3. Education and instruction

Based on the approved Slovak Government's Priorities with Regard to Roma Communities in 2002, the following steps were taken:

- The Concept of Education and Instruction of Roma Children and Pupils was incorporated into the National Programme of Education and Instruction in the Slovak Republic (Slovak Government Resolution No. 1193/2001).
- A course on Roma studies at a Secondary Bilingual School in Bratislava (Slovak and English languages) was prepared.

- Preparations were made for creating gymnasium-type secondary schools in Zvolen and Košice.
- Preparations were made for introducing bachelor-level study of teacher's assistants and of social and missionary work in Roma communities at the Constantine the Philosopher University in Nitra.
- A Roma language grammar and a key for its use were published.
- A course on wood design and shaping was opened at the Secondary School of Art in Košice.
- The position of teacher's assistant was introduced under amendment to School Act No. 29/1984 Coll.
- The Roma Education, Information, Documentation, Advisory and Counselling Centre (ROCEPO) was created as part of the Methodological Centre in Prešov.

3. 4. Housing

The Secretariat of the Slovak Government's Plenipotentiary for Roma Communities cooperated with the Ministry of Construction and Regional Development in implementing Government Resolution No. 335/2001 concerning the draft "Programme of Support for the Construction of Special-Standard Municipal Rental Flats for Housing Citizens in Material Distress and for the Construction of Infrastructure in Roma Settlements". Financial support was provided in 2002 for funding requests from municipalities to prepare building documentation for 919 flats.

3. 5. Influencing public opinion

Media strategy of the Secretariat was aimed at improving the effectiveness of communication with the public regarding Roma issues, at a more objective information of the general public by public officials (representatives of state administration and self-government), and at improving information provided through the media – both as regards the quantity and the quality.

The Secretariat of the Slovak Government's Plenipotentiary for Roma Communities launched a campaign in 2001 on *We Are All Citizens of the Slovak Republic – the Solution to the Relationship between the Roma and the non-Roma is through Co-operation*, funded from a World Bank grant. The activities carried out in the campaign framework are targeting state administration officials on the one hand, and the general public on the other hand.

- *Campaign Čačipen – Pravda (8 – 30 April 2002)*
- Training course for press secretaries and spokespersons of ministries and other State institutions in the Slovak Republic
- Dialogues with editors-in-chief of printed media
- Seminar for journalists and editors of Slovak national printed and electronic media
- Information manual for journalists "Media in Relation to the Roma"
- Series of lectures on "Roma in Slovakia and a View from Elsewhere", designed for university students and general public
- Training meeting of journalists in the Spiš region for journalists from national and local Slovak media
- Cooperation between Roma and non-Roma media
- Competition for journalists – "Baroro – Kamienok"

4. Human rights

One of important steps taken by the Government of the Slovak Republic with a view to strengthening education to mutual respect and tolerance to minorities was the **Action Plan for the Prevention of All Forms of Discrimination, Racism, Xenophobia, Anti-Semitism and Other Expressions of Intolerance in 2000–2003 and its continuation in the 2002–2003 period**. The Action Plan comprises a variety of actions of relevant sectors, non-governmental organisations and other social subjects. The activities are aimed at such areas as education, culture, upgrading of Roma communities, combating extremism and similar phenomena, preventing discrimination, racism, xenophobia and similar intolerance in various areas. **The Action Plan is evaluated after each semester.**

5. Overview of funds allocated for implementing the Strategy of the Slovak Government Addressing the Problems of the Roma National Minority in 2001 and Slovak Government's Priorities with Regard to Roma Communities for 2000.

2001

5.1. A reserve for addressing the problems of the Roma community and Social and Cultural Needs of the Roma Community – General Treasury Administration chapter (allocation of SKK 30 million)

The funds were used for:

- **completing the building of infrastructure in Roma settlements, reconstruction and construction of buildings such as schools and community centres** SKK 9,282,460
- **education and instruction** SKK 1,116,000
- **employment with emphasis on retraining** SKK 2,539,740
- **development of culture, health condition and social field** SKK 7,718,800

5.2. Support for the **construction of special-standard municipal rental flats** for housing citizens in material distress and for the construction of **infrastructure** in Roma settlements (State Fund for Housing Development of the Ministry of Construction and Regional Development).

Financial support of SKK 17,029,400 and SKK 25,580,200 was provided in 2001 to build 56 flats and infrastructure in 15 municipalities, respectively.

5.3. Implementation of the tasks under the Strategy, secured by the ministries and regional authorities (evaluation in the Annex). Data are not complete because some ministries and regional authorities did not specify the planned and actually spent amounts, since the data in their reports are not broken down to reflect ethnicity.

from State budget funds	SKK 120,707,090
from other funds	SKK 19,291,000

5.4. Implementation of PHARE projects for national minorities in 2001

5.4.1. Improving the situation of Roma in the Spiš region – SR 9813.04
PHARE 1998

The objective of the project was to improve the situation of the Roma minority in the Spiš region by involving members of the Roma minority in developing, implementing, running and monitoring the project.

The objectives of the project were:

- to improve the level of education and cultural life (reconstruction of kindergartens and community centres)
- to enhance the awareness of fundamental human and civil rights and obligations among the Roma population (through social workers in the regions who run various hobby groups and information meetings in community centres)
- to create jobs for Roma (for approximately 50 members of the Roma minority)
- to improve the standard of living (in cooperation with the Slovak Government and local self-governing authorities, depending on the availability of governmental funds)

Subsidy from PHARE: EUR 450,000

Co-financing: EUR 100,000

Status: The project was implemented and completed in December 2001

2002

5.5. A reserve for addressing problems of the Roma community and Social and Cultural Needs of the Roma Community - General Treasury Administration chapter (allocation of SKK 50 million)

The funds were used for:

- | | |
|---|----------------|
| – Comprehensive Roma settlement development programme and Social Field Workers Programme | SKK 2,451,690 |
| – subsidy provided to municipal authorities to procure design documentation for the construction of municipal rental flats (919 flats) and infrastructure | SKK 10,991,200 |
| – influencing of public opinion, media activities | SKK 1,490,000 |
| – research | SKK 870,000 |
| – State budget subsidies for projects in the area of housing, infrastructure, culture, education and instruction, dealing with emergencies | SKK 34,197,110 |

5.6. Support for the construction of special-standard municipal rental flats for housing citizens in material distress and for the construction of **infrastructure** in Roma settlements (State Fund for Housing Development of the Ministry of Construction and Regional Development).

Financial support of SKK 99,160,240 and SKK 72,509,860 was provided in 2002 to build 425 flats and infrastructure in 34 municipalities, respectively.

5.7. Implementation of PHARE projects for national minorities in 2002

5.7.1. Minority Tolerance Programme – SR 9905.02

PHARE 1999

The programme designed for all national and ethnic minorities in the Slovak Republic was divided into 3 subprojects:

1. Training programme for local authorities and opinion makers

Key problems of coexistence between the Roma and the majority population were defined through research into interethnic relations in the areas with high concentrations of persons

belonging to the Roma national minority. The results were used in the training courses for public administration, local government, law enforcement, criminal justice, etc.

Another 20 training courses will be organised through co-financing from the Slovak Republic; support is envisaged for several projects prepared in cooperation with citizens' associations and local government authorities.

2. Public information campaign about minorities in the media

The project focused on increasing tolerance to minorities through public information campaign in electronic media. It consisted of a series of documentaries about European models of coexistence with minorities, and about minorities living in Slovakia. Co-financing from the Slovak Republic was used to organise accompanying events, trailers for documents and discussions, TV spots, radio spots, posters, etc.

3. Improving the standard of language teaching and learning in schools that provide instruction in minority languages, and creating the Roma Education, Information, Documentation, Advisory and Counselling Centre

The objectives were:

- to improve the situation of national minorities through promoting the development of their education with special emphasis on Roma minority
- to create better conditions for teaching and learning in schools providing instruction in minority languages

Co-financing from the Slovak Republic covers the reconstruction of selected primary schools and the running of the newly created Roma Education, Information, Documentation, Advisory and Counselling Centre.

Subsidy from PHARE: EUR 1,800,000

Co-financing: EUR 500,000

Status: The PHARE-funded part of the project was completed in December 2002. Implementation of project activities funded from the State budget of the Slovak Republic is in progress.

5.7. 2. Improvement of the Situation of the Roma in the Slovak Republic – SK 0002 PHARE 2000

The objectives of the project are:

- to increase mutual tolerance between Roma and non-Roma communities in municipalities by means of training social field workers, Roma and non-Roma leaders, administrative staff in the area of minority issues and problem-solving. In this respect, 10 community centres are to be established;
- facilitating access to the labour market for young Roma. Improving professional competence of labour market advisors, professional training of apprentices and young people aged 15 to 18 who did not complete school attendance. A module programme will be offered to the unemployed Roma in the 18 to 26 age bracket;
- enhance the process of education and instruction at all levels of schools: preschool education for children, support for primary school system through preparatory classes and intensive daylong care and alternative methods of education.

Subsidy from PHARE: EUR 3,800,000

Co-financing: EUR 309,000

Status: Some twinning activities were implemented in 2002; the remaining activities were opened for public tendering. As of January 2003, all projects reached the implementation stage.

5.7.3. Support to the Roma Minority in the Educational Field – SR 0103.01 PHARE 2001

Objectives of the project are as follows:

- Improving preschool education in preschool facilities with a large number of Roma children.
- Improving basic education through daylong instruction and reintegration modules in the process of education.
- Establishment and running of community centres.

Co-financing from the Slovak Republic is designed to provide for:

- the reconstruction of school and community centre premises, financing operating costs of community centres during the duration of the project
- the salaries of social workers in community centres during the duration of the project
- technological support for community centres and primary schools.

Subsidy from PHARE: EUR 1,700,000

Co-financing: EUR 675,000

Status: The Financing Memorandum relating to the project was signed in 2002; the signature of the memorandum was followed by public tendering. The implementation continued in 2003.

6. Infrastructure Support for Roma Settlements - SR0103.02

The objective of the project is to build basic infrastructure in the settlements in the region of East Slovakia and to conduct community work in these localities.

The following municipalities were included into the project:

Arnutovce, Banské, Belina, Brzotín, Drahňov, Drienovec, Ďurkov, Hermanovce, Huncovce, Jarovnice, Kecerovce, Klenovec, Letanovce, Markušovce, Ostrovany, Pečovská Nová Ves, Rakúsy, Slavošovce, Soľ, Spišský Štiavnik, Stráne pod Tatrami, Svinia, Šimonovce, Šumiac, Telgárt, Trenč, Varhaňovce, Veľká Lomnica, Zborov, Zbudské Dlhé

Subsidy from PHARE: EUR 8,300,000

Co-financing: EUR 8,400,000

Status: The Financing Memorandum relating to the project was signed in 2002, followed by tender proceedings. The implementation continued in 2003.

7. Further Integration of the Roma Children in the Educational Field and Improved Living Conditions – SR 2002/000.610.03 PHARE 2002

Main objectives of the project are as follows:

- Building a successful integrated Roma education system by means of setting up classes in special primary schools
- Helping the municipalities prepare for the construction of infrastructure

Co-financing of the project by the Slovak Republic is intended to cover part of the costs connected with the setting up of 20 classes in special primary schools.

Subsidy from PHARE: EUR 1,000,000

Co-financing: EUR 50,000

Status: The project prepared in the course of 2002 was approved with the signature of the Financing memorandum on 10 January 2003.

8. Positive and negative aspects of the fulfilment of *Strategy* and *Elaboration of the Strategy*

8.1. Strategy evaluation system

Considering the current state of Roma affairs and the fact that they represent one of the Government's priorities, it is necessary to take more vigorous steps towards addressing the most problematic issues. This calls for a better coordination of individual sectors and their mutual information about the existing or envisaged programmes. This also applies to the competent institutions at the regional level. One of the prerequisites for improving the effectiveness of work and cooperation is a more frequent evaluation of Government-approved tasks.

Proposed measures:

- to evaluate the fulfilment of the Strategy at the regional and sectoral levels at least twice a year,
- to make sure that the evaluation is based on concrete data,
- to analyse the achievements and failures, and to bring them to the attention of not only the competent bodies, but also of the general public,
- to recognise and promote successful activities in the regions,
- to use the media and political support to create a favourable environment for fulfilling relevant tasks.

8.2. Financial means

Proposed measures:

- to allocate financial means for the tasks that the previous Strategy identified as the tasks not requiring financial backing,
- to perform an on-going evaluation of the use of financial means,
- to ensure better targeting of financial means.

8.3. Professional staff

The quality of evaluation reflected not only the actual state of implementation, but also the level of professionalism or lack of it among the officials responsible for implementing the tasks.

Proposed measures:

- to upgrade the skill level of the officials dealing with Roma issues by means of training courses, workshops and seminars,
- to appoint to these positions persons belonging to the Roma national minority who meet educational requirements and perceive their work as a mission,
- to create wider opportunities for exchanging experience among officials responsible for implementing the Strategy at the level of individual sectors and regions.

**BASIC POSITIONS OF THE SLOVAK GOVERNMENT'S ROMA COMMUNITIES
INTEGRATION POLICY**

(approved by the Resolution No 278 of the Slovak Government on 23 April 2003)

Developing national or ethnic identity and its protection are a natural right of minorities. Tendencies to maintain or revive historic regional or ethnic communities became stronger in European countries in the last decade. The interests of the communities and their need of having own tradition, language, culture, as well as the efforts of the majority communities and national governments to create a counterweight to the increasingly stronger European integration by supporting minorities and regional communities are the reasons behind it. The care for existing minorities is in a way an indication of the future of whole nations. The current European Union (EU) reform includes a strong supporting and protecting dimension with respect to minorities. This fact is important also with respect to their participation and influence in the EU bodies and institutions.

The degree of minorities integration and their coexistence with the majority society are the condition for a successful functioning of Slovakia in the EU. Countries going through the integration process that failed to resolve the situation of their minorities will have only limited chances to succeed in the community of European countries. Productive integration through political participation, education and employment is the premise for a conflict free coexistence. The price to be paid for postponed solutions would be too high.

The search for a model of coexistence of a part of the Roma minority with the majority as well as the choice of integration procedures and steps are a difficult multifaceted problem the solution of which is a subject of ongoing discussions also in other European countries. In a uniting Europe the Roma face similar challenges as other ethnic groups. They are, however, considered an all-European specific non-territorial minority. Its specific nature is the reflection of a different history, extermination practices in the WWII, assimilation programmes of the communist era as well as a residue of a non-systemic and superficial approach in the post-communist period. Poverty, dependence on the social system together with the historic legacy of the past have resulted into the current social exclusion with elements of discrimination. While the essence of the Roma issue is of a socio-economic nature and it is linked with poverty the approach to the potential of their human and economic development assumes a full enjoyment of human rights.

Experience shows that strong assimilation pressures neglecting specific features, regardless of how well meant, fail to produce the desired results. A real integration and inclusion of the Roma ethnic group, and thus also an improvement of their standard of living, can be achieved, on the one hand, on the basis of the broadest possible consensus and a political will, on the other hand. Successive, properly timed and comprehensive approaches that will offset unequal opportunities and that put into effect equality of opportunities are the starting points for long lasting all-society solution.

It is clear that the existence of a political vision of the final situation enjoying the acceptance of the whole society and being the product of an agreement reached between the minority and the majority is the premise of a successful integration. The proposed solutions must be reached by a political consensus and must not become a means of political struggle. For the process of shaping solutions to be successful it has to be open to a public and expert discussion.

Therefore the specification of *Basic Positions of Slovak Government's Roma Communities Integration Policy* reflecting not only the specific aspects and conditions of Roma

communities in Slovakia but also the international political context seems to be the first and fundamental task in the search for positive and mutually acceptable solutions of the current situation of the Slovak Roma.

1. The approach to tackling the Roma issues after the 2002 elections

After the September 2002 parliamentary elections the Government declared in its Memorandum: *“The Government considers tackling the Roma issues its priority and it shall continue to support concrete development programmes for ensuring the improvement of the situation and integration of the Roma in the society including its adequate financial coverage. The Government shall prepare the continuation of the strategy for tackling the situation of the Roma community and in order to strengthen the implementation effectiveness and efficiency of individual plans it shall complete the development of technical and specific capacities directly in the regions where larger numbers of citizens belonging to the Roma minority live. The Government shall continue implementing the current useful projects in the area of education, housing, infrastructure and social sector while taking into account the aspects of a harmonious coexistence of Roma and non-Roma citizens.”*

This material is a set of solutions and concrete steps translating the declared political will of the Government into real life. It needs to be supported with **financial, institutional and human capacities**. A state authority having the adequate scope of competences and sufficient administrative capacities ensuring its capability to administer and **implement** the policy at a regional level shall be responsible for the solution of the issue.

2. The objectives of the integration policy

Integration is a balanced stable possibility of an ethnic group to participate in the social and economic life of a country on the basis of equal opportunities without jeopardising its identity (linguistic, cultural) that enriches the cultural wealth of the society with its specific features.

In our situation *the social exclusion* of a part of the Roma population means a general disadvantaged status mainly in the field of education, employment, housing, health and social care and access to services.

The strategic goal in addressing the issue of poverty and social exclusion is the support to the process of *social inclusion* through policies focused on achieving equal opportunities in the social field, employment, health care, housing and education. Social inclusion can be supported by guaranteeing adequate conditions and resources for a life in dignity, equal access to quality services (legal protection, education, health care, social care, culture, etc.), employment as a right and equal opportunities for all, tackling disadvantaged situations in education, and ensuring adequate housing for all.

The Government of the Slovak Republic considers integration of the Roma, as an emancipated national minority, with the Slovak society an important task in the public policy domain. Creating conditions for integration is not a special service for the Roma it is mainly a contribution to the society as a whole. In the process of integration the minority must receive a permanent support from the state. It is a task the minority cannot manage alone. The state must create affirmative action for disadvantaged groups and, thus, support acquiring of education, skills and employment. The public opinion around the Roma is based on the understanding that an active and targeted support for the Roma minority to give them equal opportunities is a kind of an “original sin” committed on the democratic principle of the equality of citizens.

Integration based policy means to make the best of the results achieved in the governmental policies applied, to define and intensify programmes aiming at ensuring real equal opportunities for the persons belonging to the Roma minority. Achieving integration requires continuing the creation of real opportunities for equal participation in the political, social and economic life of the society. The Romany culture is a part of the common cultural wealth of the Slovak Republic.

The ways in which the policy goals are being achieved are based on the human rights principles enshrined in the Constitution of the Slovak Republic and international human rights conventions signed and ratified by the Slovak Republic. These rights guarantee the Roma minority, *inter alia*, the right to participate in addressing the matters concerning the national minority and to freely decide on one's own national origin.

The policy is based on the belief that the key components of the problems persons belonging to the Roma minority face are perpetuating negative stereotypes, insufficient unbiased information on this national minority, prejudice and the resulting intolerance on the side of the majority population. Therefore the effort to change the attitude of the majority to the Roma minority is the long-term objective of the activities under this policy.

A legal framework for the protection of minority rights is necessary but not sufficient for a stable integration. A broader context of development means possibilities, choice, participation and responsibility.

The policy is based on partnership with the NGOs the activities of which are a significant and irreplaceable contribution to the solutions of the Roma community situation in the Slovak Republic.

However, integration is a two-way street. It requires changes on both sides - both from the majority and also from minority groups. Co-operation must be based on the understanding that integration is in the interest of both. Moreover, a successful integration is possible only when the international communities will share the responsibility with national governments, civic society and private sector in finding solutions for such an endangered group as the Roma.

3. Affirmative action - achieving equal opportunities

Adopting temporary affirmative action is a vehicle for achieving equality and a life in dignity as proved by the practice spread in many developed democratic countries. In international law that is an important source of anti-discrimination legislation affirmative action is considered *legitimate measure* aiming at achieving *de facto* equality for disadvantaged groups. The UN Human Rights Committee holds that "*the principle of equality sometimes requires States Parties to take affirmative action in order to diminish or eliminate conditions which cause or help to perpetuate discrimination prohibited by the Covenant (on Civil and Political Rights)*".^{5[1]} Similarly, Article 2 paragraph 2 of the International Convention on the Elimination of all Forms of Racial Discrimination encourages the State Parties *to take special measures for the purpose of guaranteeing full and equal enjoyment of human rights and fundamental freedoms*. Under Article 4 paragraph 2 of the Framework Convention for the Protection of National Minorities ^{6[2]} the parties undertake "*to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national*

^{5[1]} General Comments , 18 UN Human Rights Committee.(Non-Discrimination: 10/11/89, ICCPR General Comment 18, paragraph 10)

^{6[2]} Framework Convention for the Protection of National Minorities published by Notification of the Ministry of Foreign Affairs of the SR No. 160/1998. The date of effect for the Slovak Republic is 1 February 1998 and the date of validity 4 June 1998.

minority and those belonging to the majority.” and further that “*In this respect, they shall take due accord of the specific conditions of the persons belonging to national minorities.*” EU Council Directive No. 43/2000 of 29 June 2000 laying down the principle of equal treatment between persons irrespective of racial or ethnic origin requires positive actions by states in order to ensure “*full equality in practice*” in a similar spirit. This may include adopting or maintaining “specific measures to prevent or compensate for disadvantages linked with racial or ethnic origin”. In its latest Recommendation No. 7 on combating racism and racial discrimination adopted on 17 December 2002 the European Commission against Racism and Intolerance recommends adopting of temporary special measures designed to prevent or compensate for or to facilitate their full participation in all fields of life for groups suffering from discrimination on grounds of their ethnic or racial origin. These measures should not be continued once the intended objectives have been achieved.

Under the principles enshrined in international law these affirmative actions are in compliance with *the principle of equality and the right to non-discrimination* if these special measures are adopted :

- a) with the approval of the persons belonging to the groups they concern,
- b) on the basis of a sole objective, which is achieving equality,
- c) on a temporary basis,
- d) suspended when the proclaimed goal has been achieved,
- e) not a consequence of maintaining unequal or different standards.

If the adopted measures focusing on equal opportunities satisfy these requirements they do not constitute discrimination against the rest of the population. **The implementation of temporary affirmative action does not constitute the improvement of the situation of one group of persons but it concerns facilitating equal opportunities with the objective to achieve *de facto* equality, which is the fundamental requirement for the enjoyment of other human rights and freedoms.** In case of affirmative action focusing on the Roma the measures are of *temporary nature* and they do not impose quotas of permanent character. Therefore it is not possible to conclude that they would contradict Article 12 paragraph 2 or the provisions of Article 34 paragraph 3 of the Constitution of the Slovak Republic. Discriminatory differentiation is a measure that has no objective or rational justification or that supports an illegitimate goal or that violates the principle of proportionality between the goal and the means employed to achieve it.

The Government realizes that a substantial percentage of persons belonging to the Roma minority currently fails to enjoy the same starting position as the majority population in Slovakia for various historic and other reasons. Their opportunity to be included and to participate in the life of the country is not equal. The principle of equal opportunities is the crucial prerequisite for the exercise of all fundamental human rights and freedoms. The experience gained from the implementation of previous strategies has proved that it is necessary to adopt measures for achieving equal opportunities in the whole ambit of public administration.

Political will, highly professional co-ordination of adopted measures with a strong emphasis on regionalisation and direct participation by the Roma is an important dimension in adopting affirmative actions. Adopting affirmative actions must be accompanied with majority population awareness-raising aiming at convincing them of the need and contribution of such measures for the whole society and of the reasons for their implementation.

A. Education

Education seems to be the priority key to solving various problems linked with the situation of the Roma population. At the same time it is obvious that the education is only the

necessary condition and in order to achieve a *de facto* materialisation of it all the actors directly or indirectly concerned with the issue must become one concert.

Based on the experience gained from the implementation of various steps in the area of education in 1998-2002 the issues of equal opportunities and access to education seem to be very important. The creation of integrated education guarantees equality of the participation in creating common values of the society. The school is for the Roma children from segregated settlements a complex, unknown and formalised environment difficult to get incorporated into. The difficulties in the education are mainly caused by the fact that the “present school” fails reflect the multicultural composition of the Slovak society.

1. The educational structure of the Roma population

The level of education and the educational structure of the population are the reflection and also the result of concrete steps implemented in the educational system. In the 1991 census 76.68 % of the Roma had basic education as the highest level of completed education. 8.07 % identified vocational school without a school leaving examination. Only 0.60 % of the Roma had secondary technical education. Only 0.84 % of the Roma had full secondary education as the highest level of education completed. Out of all the ethnic groups living in Slovakia the Roma had the lowest percentage of university students.

2. Unequal opportunities of Roma children in access to education

The Constitution of the Slovak Republic guarantees everyone the right to education (Article 42). Everyone has the right to education regardless of sex, race, colour, language, belief and religion, political affiliation or other conviction, national or social origin, nationality or ethnic origin, property, descent or any other status. (Article 12, paragraph 2 of the Constitution).

Surveys as well as experience gained in the 1998 – 2002 period show that inequality of Roma children opportunities is caused mainly by:

- - curricula and teaching methods mainly reflect the values and expectations of the majority population thus failing to provide sufficient room for the development of the talents and capabilities of the Roma children,
- - the teachers are not sufficiently prepared to cope with teaching in a multicultural class
- - children are not sufficiently prepared to understand the teaching instructions given by the teacher in the official language, they have poor motivation, they lack positive models oriented on education
- - the distance of the schools from municipalities is several kilometres and taking into account the low social and economic status of the families it represents a substantial barrier and often also the reason for putting the children to special schools which are closer to their residence,

The disproportionally high representation of Roma children in special schools is a separate problem requiring immediate action. It is necessary to adopt effective measures in the field of school readiness testing, pre-school education, preparatory grades and the content of education in the sector of the Ministry of Education.

The objective of this material is to propose concrete measures to ensure *equal opportunities* to Roma children through many temporary measures in the area of school legislation and also to create institutionally and financially room for educating the Roma children in their mother tongue.

2.1 Educating in the language of national minorities

Article 34 paragraph 2 of the Constitution guarantees the citizens belonging to national minorities their right to education in their language. The Slovak Constitution and the obligations the Slovak Republic acceded to in the framework of the European Charter of Regional and Minority Languages ^{7[3]} guarantee the persons belonging to national minorities the right to be educated in their mother tongue. The Slovak Republic has, *inter alia*, undertaken to,

- a. ensure that the *teaching of the relevant regional or minority languages becomes an integral part of the curricula at the primary school level*;
This commitment was adopted for the Bulgarian, Czech, Croatian, German, Polish and the Romany. ^{8[4]}
- b. ensure that teaching of the Romany language becomes an *integral part of the curricula at secondary school and secondary technical schools*. ^{9[5]}

The Ministry of Education as the competent body of state administration has the responsibility to create room for Roma children in case of their interest to be educated also in the Romany language in long-term, i.e. the period 2004-2010. Materialising this responsibility requires in addition to a reliable survey of needs in this area also amending Section 3 paragraph 1 of Act No. 29/1984 Coll. on the system of primary and secondary schools (the School Act) as amended or adopting of a new law. According to the Programme Memorandum of the Government of the Slovak Republic and the Plan of Main Tasks of the Ministry of Education drafting of the legislative concept of a new education law is under preparation with the deadline of 30 September 2003.

It is not possible to ensure the exercise of this right in the short term also because of lack of qualified teachers capable of teaching in the Romany language. Therefore it is necessary to devise temporary measures with the objective to train sufficient number of teachers teaching in the Romany language in the period 2004 – 2010.

3. Education as a mean to preventing and coping with negative attitudes and prejudice on the side of the majority

Negative attitudes of a part of the majority to the Roma minority play an important role in the current unsatisfactory situation of the Roma minority. The content and methods of child education from early age on are one of the most effective means to achieve the identified integrating goal. Two significant components should be present in the content and method of education: education to human rights and education taking into account the principles of multiculturalism.

3.1 Education to human rights

^{7[3]} The European Charter for Regional or Minority Languages published by Notification of the Ministry of Foreign Affairs of the SR No. 588/2001 Coll. The Charter came into validity for Slovakia on 1 January 2002.

^{8[4]} Article 8, subparagraph b. (Part III) of the Charter

^{9[5]} It also results from the obligations attached to the Declaration of the Slovak Republic when signing the European Charter for Regional or Minority Languages of 2001. (ETS No. 148) - namely from the obligation under Article 8, subparagraphs ciii and d iii. (Part III) of the European Charter for Regional or Minority Languages.

In December 1994 the UN General Assembly announced the Decade for Human Rights Education from 1 January 1995 to 31 December 2004 in its Resolution 1994/184 on the basis of Paragraph 33 of the Vienna Declaration and the Action Plan adopted by the UN General Assembly at the 1993 Human Rights World Conference. National governments are playing an active role in the effective implementation and strengthening of human rights education at all levels of education. Active cooperation with national human rights institutions and NGOs is indispensable for the achievement of this task.

Education to tolerance, mutual respect and understand in the framework of the 2000 - 2001 Action Plan for the Prevention of All Forms of Discrimination, Racism, Xenophobia, Anti-Semitism and Other Forms of Intolerance and also the education in the framework of the 2002-2003 Action Plan are the first steps to materialising the goals of the UN Decade.

The level of human rights education at all levels of education *cannot be considered satisfactory* as confirmed by evaluation reports made by international human rights organisations.^{10[6]} It is necessary that the Ministry of Education as the sectoral state administration body drafts and financially covers the National Education Plan in the Area of Human Rights as a systemic measure to eliminate the existing shortcomings in the 2004-2006 period.

3.2 Multicultural education

The prerequisite for creating room for the integration of minorities, in particular the Roma into the society is the change of negative attitudes in a part of the majority population. It can be achieved through a systemic change in the content of education. On one level it concerns a consistent education to human rights and tolerance. At the lower level understanding must be achieved that the minority Romany culture is a part of the common culture of the society. This objective can be achieved through systemic multicultural education.

Though several projects^{11[7]} have been carried out in this area no sufficient systemic conditions for implementing multicultural education covering the whole country have been created so far in Slovakia.

Middle-term (2003-2006) and long-term (to 2010) measures that have to be adopted in the sector of the Ministry of Education:

1. to elaborate a policy of Romany children and youth integrated education with the objective to facilitate equal opportunities of Romany children in access to education,
2. to adopt temporary affirmative action tackling segregation and also real accessibility of education for Roma children in the context of decentralisation in the school system,

^{10[6]} The recent ones include for instance: the 2002 UN Committee on Economic, Social and Cultural Rights Report on Slovakia, (E/C.12/1/Add.81, 19/12/2002) paragraph 34, the 2000 UN Committee on the Rights of the Child Report on Slovakia, (CRC/C/15/Add.140. 23/10/2000) paragraph 15, the 2001 UN Committee for the Elimination of Racial Discrimination Report on Slovakia , (CERD/C/304Add.110, 01/05/2001) paragraph 15.

^{11[7]} For instance the distribution of the Katici publication by Katarína Taikon Swedish-Roma author or the PHARE project called "Increasing the standard of teaching and learning at schools with the minority language as the language of instruction, and establishing the Roma Education, Documentation, Advisory & Counselling Centre", which is a part of the *Minority Tolerance Programme* coordinated by the Human Rights and Minorities Section of the Office of the Government under the sponsorship of the Deputy Prime Minister for Human Rights, Minorities and Regional Development.

3. to cover the teacher's assistants activities financially at all those kindergartens and primary schools that are attended by a high percentage of Roma children. Teacher's assistants^{12[8]} are a means of giving Roma children equal opportunity to make it in a broader context of the society,
4. to create conditions for further education of teachers and teacher's assistants from schools with high concentration of the Roma with a special emphasis on the co-operation between the teacher and the assistant,
5. to draft a development policy for the Roma youth having secondary and university level of education,
6. to adopt temporary affirmative action in the field of enrolment of Roma pupils and students to secondary schools and secondary vocational schools,
7. to establish a scholarship fund for secondary school and university Roma students,
8. to draft a report on the conditions of education and training of Roma children from segregated Roma settlements,
9. to regularly monitor the successfulness and school attendance of Roma children in the school system,
10. to ensure the implementation of alternative forms of pre-school education of children.
11. to draft a new act on education and training that will also include the implementation of commitments in the area of education resulting from the European Charter of Regional or Minority Languages,
12. 12. to devise temporary affirmative actions with the objective to train sufficient number of teachers teaching in the Romany language,
14. to draft a National Human Rights Education Plan for all levels of education in the meaning of paragraph 11 of the 1995-2004 UN Action Plan for the Decade for Human Rights Education. The National Plan should be the starting line for a sustainable human rights education also for the period after the lapse of the decade in 2004,
15. to guarantee the principles of multicultural education in a systemic way,
16. to motivate the pupils attending the final grades of primary schools to continue their studies at secondary schools and secondary vocational schools and to ensure their systemic training for the enrolment interview at secondary schools and secondary vocational schools, and to ensure the training of primary school teachers and teacher's assistants in this context,
17. to create conditions for distance or evening studies with the objective to complete the study and to pass the school-leaving examination,
18. to influence the regular school attendance with financial tools,
19. to create the possibility for granting a school aids or boarding financial support to children from poor families,
20. to determine the condition of school buildings, in particular of kindergartens, primary schools and secondary schools, in order to ensure funds for their reconstruction,
21. to build and reconstruct kindergartens and primary schools in localities with higher population growth.

The 2003 priorities:

- ☐ to draft and adopt a policy of Romany children and youth integrated education including a proposal of temporary affirmative action,

^{12[8]} This also emanates from the recommendations in the National Action Plan for Children in Slovakia, part Education, paragraph (1.1) adopted with Resolution of the Government No. 837/2002 on 7 August 2002.

- ☐ to cover the teacher's assistants activities financially and capacity-wise at all those kindergartens and primary schools that are attended by a high percentage of Romany children,
- ☐ to support the drafting of a set of tests taking into account cultural differences and to gradually re-integrate Roma children from special schools,
- ☐ to draft a development policy for Roma youth having secondary and university education,
- ☐ to establish a scholarship fund for the support of studying Roma children,
- ☐ to draft a report on the education and training of Roma children from segregated Roma settlements.

B. Employment and the social sector

1. Employment

The employability rate of citizens is one of the fundamental premises for social and labour integration. Traditional skills of the Roma do not offer a potential solution for their unemployment - they are only of marginal interest for the labour market. Though some data indicate discrimination against the Roma in the labour market it is not the only reason for their problems in job-seeking. Low level of education and skills is their major weakness in the skills competition in the labour market. In addition, employers' attitudes to employing persons belonging to this ethnic group have a negative and undesirable effect on the employment rate of this minority.

1. 1. Discrimination against the Roma in the labour market

Article 35 of the Constitution guarantees everyone the right to work. Everyone has the right to work regardless of sex, race, colour, language, belief and religion, political affiliation or other conviction, national or social origin, nationality or ethnic origin, property, descent or any other status. (Article 12, paragraph 2 of the Constitution) The persons belonging to the Roma minority are *de facto* discriminated against in the access to employment as stated in evaluation reports made by international human rights organisations.^{13[9]}

This disadvantaged position has different causes, e.g. the employers refuse to employ the Roma on grounds of their ethnic origin or the employers refuse to employ the Roma because they lack the necessary qualification. These facts should be seen in a broader context. The past assimilation practices combined with insufficient level of access to education have significantly diminished the chances of the Roma to establish their economic and political presence in the transition period.

The situation of Roma women requires special attention as their position in the labour market is made more difficult by their discrimination firstly on grounds of ethnic origin, and secondly on grounds of gender.

The objective pursued by the temporary affirmative actions taken by the Ministry of Labour, Social Affairs and Family should be creating equality of opportunities in the labour market for the Roma while special attention should be paid to the situation of women.

^{13[9]} The last ones included e.g. the 2002 UN Committee on Economic, Social and Cultural Rights Report on Slovakia, (E/C.12/1/Add.81, 19/12/2002) paragraph Slovak 9, indirectly also the 2001 UN Committee for the Elimination of Racial Discrimination Report on Slovakia (CERD/C/304Add.110, 01/05/2001) paragraph 13, the 2000 UN Committee on the Rights of the Child Report on Slovakia, (CRC/C/15/Add.140, 23/10/2000) paragraph 24.

Priorities in achieving an improvement of the Roma population situation in the labour market:

1. increasing the employability of registered unemployed including the Roma, in particular the long-term unemployed ones, through development of programmes facilitating acquiring and maintaining of skills and of reskilling programmes,
2. integration of persons facing social exclusion including the persons belonging to the Roma ethnic minority in the labour market by creating rules regulating the concurrence of income from employment and income from public resources,
3. to support job creation for risk groups, including the Roma, in the labour market,
4. to involve mainly young people, including the young Roma, in social and voluntary activities,
5. to support alternative employment services and social integration of groups of citizens who require more care in the labour market, including the Roma.

2. The social sector

In addition to a high unemployment rate the social situation of the Roma in Slovakia is also determined by the low level of education and housing Act No. 195/1998 Coll. on social assistance that distinguishes material need caused by subjective and objective reasons had a very negative effect mainly in the Roma settlement communities. In the first half of 2002 the number of recipients of social assistance benefits increased by 2,928 compared with the first half of 2001, i.e. 642,069 persons which is 11.9 % of the population at an unemployment rate of some 20 %.

From 1 January 2003 amended act on social assistance limiting the income of families in material need on objective grounds to SKK 2,900 compared with SKK 3,490, and to SKK 1,450 from SKK 1,745 on subjective grounds is being applied. Children are always classified on objective grounds, in case of independent minor up to SKK 1,000 and in case of dependent child up to SKK 1,600. The social assistance benefit must not exceed a total of SKK 10,500. It is a fixed amount independent from the number of the members of the family. On the one hand this step has increased the difference between the amount of a social assistance benefit and the minimum wage which is set at a level of SKK 5,570 , and thus strengthened the motivation to get employed, on the other hand, the possibility to find a job remained unrealistic in regions where the general level of unemployment is around 25 - 30 per cent.

The amendment of the social assistance act in effect from 1 January 2003 links receiving of social assistance benefits with smaller public services performed for the municipality and its locality. On the one hand, the measure helps to acquire work habits, on the other hand it does not resolve the problem in municipalities with larger Roma communities because the number of available jobs is too low to satisfy all citizens. The amendment of the social assistance act linking payment of child benefits with regular school attendance had a positive effect on reducing absenteeism in school age children. Ensuring regular school attendance (when the school is in another distant municipality) is often beyond the financial possibilities of some Roma families because of the material need in which they live. The experience gained in 2000-2001 has confirmed the urgent **need of social work in field.**

The temporary affirmative actions of the Ministry of Labour, Social Affairs should, in the short-term and medium term (2003 - 2006), focus on:

1. 1. creating legislative conditions for social work in field at the level of local state administration and self-governments, incorporating social work in field in the catalogue of works for public service,
2. 2. adopting measures for improving the efficiency of the institute of special recipient,
3. 3. decentralised granting of social assistance and, thus, allowing the individual regions to adjust the programmes of social assistance to local and regional conditions,
4. 4. creating legislative conditions for social work at the level of NGOs and other non-profit institutions and for supporting social counselling agencies,
5. 5. creating a network of mainly Roma advisors for addressing the problems of the Roma community at regional and local self-government levels taking into account the planned closure of district authorities,
6. 6. drafting a study on the impact and effect of the social system reform on the Roma community and a study mapping the Roma family at the Research Institute of Labour, Social Affairs and Family in 2003-2006 and to allocate sufficient funds for this purpose.

The 2003 priorities:

- ☐ to draft a temporary affirmative action programme aiming at ensuring equal opportunities for the persons belonging to the Roma minority in the social sector,
- ☐ to cover the implementation of the Social Field Workers Programme in terms of legislation and funds,
- ☐ to create a consultant network at the level of higher territorial units,
- ☐ to draft a report on the impact and effect of social system changes on the Roma community in selected Roma settlements in which the Social Field Workers Programme and the Comprehensive Development Programme are being implemented.

C. Housing

The housing conditions of the Roma living in integrated and segregated areas differ significantly. 620 Roma settlements of an urban and also rural type with a total number of inhabitants of 139,560 making 24,342 families living in 15,016 dwellings were registered in Slovakia at the end of 2001. Out of the total of 620 Roma settlements 154 are located outside towns and villages and 466 settlements are located at the periphery or very close to towns or villages. The number of shacks is 4,511 (the 2001 Annual Report on Housing Agglomerations at a Low Socio-Cultural Level – (Roma settlements)).

The Slovak Republic is bound by the obligation resulting from the International Covenant on Economic, Social and Cultural Rights, namely, to ensure everyone an **adequate standard of living** (Article 11 paragraph 1 of the Covenant). The exercise of this right shall take into account legal certainty of housing, ensuring access to services and infrastructure, price affordability of housing, habitability, accessibility, appropriate location of housing allowing access to employment, health services, schools, kindergartens and other social facilities.^{14[10]} One of the supporting programmes ensuring the enjoyment of the right to adequate standard of housing is the Ministry for Construction and Regional Development SR subprogramme of social acquisition of rental flats. The programme is being implemented on the basis of Resolution of the Government of the SR No. 335/2001 to the *Proposal of Support for the*

^{14[10]} General Comments No. 4 of the UN Committee for Economic, Social and Cultural Rights on the right to adequate housing. (E/1992/23), paragraph 8

Construction of Communal Rental Flats of Different Standard designed to House Citizens in Material Need and also the Technical Infrastructure in Roma Settlements. The rules for the construction of communal rental flats of different standard and also the technical infrastructure in Roma settlements lay down that a municipality will get a state subsidy up to 80 % of purchase costs and 20 % are usually represented by the work of future users contributed to their construction. Currently the Ministry for Construction and Regional Development SR does not have sufficient funds allocated for constructing new buildings under the housing development programmes in 2003 and this result in the slowing down of the implementation of projects prepared.

The implementation of the programme proves that in the sector of the Ministry of Construction and Regional Development and the Ministry for the Environment there is a need to adopt temporary affirmative actions and projects focusing on :

1. continuing the "Support Programme for the Construction of Communal Rental Flats of Different Standard designed to House Citizens in Material Need and also the Technical Infrastructure in Roma Settlements" *including its funding from the state budget to ensure its permanent implementation,*
2. making the granting of state subsidies for building of flats to municipalities conditional upon drafting comprehensive development programmes linked with the National Development Plan of the Slovak Republic and the De Minimis Assistance Programme for the development of districts with high unemployment rate,
3. linking together the Comprehensive Roma Settlement Development Programme, Support Programme for the Construction of Communal Rental Flats of Different Standard linked with the National Development Plan of the Slovak Republic and the De Minimis Assistance Programme for the development of districts with high unemployment rate.

The 2003 priorities:

- ☐ to continue in the building of social flats in Roma settlements,
- ☐ on the basis of the National Development Plan to elaborate the principles of regional policy taking into account marginalized groups of the Roma population,
- ☐ to ensure potable water source in Roma settlements

D. Health

The most sensitive indicator of population health is the so called life expectancy calculated from the current mortality population ratios. According to demographic estimates the life expectancy in the Roma is significantly shorter than in the other population. If the calculated life expectancy for men in Slovakia is 66.5 years than for the Roma men this values is estimated by 12 years less (54.5). A significant difference is also estimated in life expectancy of women with an average for women in Slovakia being 76.5 while in Roma women this indicator is by 10 years less (68.5). Child mortality compared with the mortality of all children up to five years of age in Slovakia is also significantly higher.

The life in Roma settlements – rural settlements with overcrowded dwellings, absent innocuous potable water, sewage system or cesspits for waste water, accumulating solid quickly decaying communal waste and no adequate access road - is high risk.

The main factors determining the lower quality of Roma population health are today:

- - lower level of education which may be the source of insufficient level of health and social awareness,
- - low personal hygiene standard,
- - low communal hygiene standard,
- - the already mentioned low housing standard and hazardous environment linked with polluted and devastated environment,
- - unhealthy eating habits, unsuitable nutrition,
- - increasing rate of alcohol and tobacco products consumption also during pregnancy,
- - growing drug addiction and thus higher risk of HIV and hepatitis B and C infection.

1. Unequal approach in health care

Article 40 of the Constitution of the Slovak Republic ensures everyone the right to protection of his or her health and the right to free health care and medical equipment for disabilities under the terms to be laid down by a law. Everyone has the access to the right to the protection of health and health care regardless of sex, race, colour, belief and religion, political affiliation or other conviction, national or social origin, nationality or ethnic origin, property, descent or any other status (Article 12, paragraph 2 of the Constitution). Under Article 1 paragraph 1 of the Charter of Patient's Rights adopted by Resolution of the Government No. 326/2001 of 11 April 2001 everyone has the right to respect of his or her fundamental rights and freedoms while being given health care. Paragraph 2 of the same Article lays down the right to access to health care without any discrimination and Article 2 paragraph 4 the right to equal access to health care.

However, the Roma citizens have been disadvantaged in the provision of health care e.g. with segregating measures in hospitals when the Roma patients are placed separately from the non-Roma patients or when they are given special consulting hours. The approach of some health care workers violates the rights of the Roma to human dignity on the grounds of their ethnic origin.

The equal access to health care is enshrined in the Constitution of the Slovak Republic. In Article 12.^{15[11]} Article 12 of the International Covenant on Economic, Social and Cultural Rights, which is a part of the legal order of the Slovak Republic, lays down the obligation of State Parties to recognise the right of everyone to enjoy the highest attainable standard of physical and mental health. The basic obligations of states in the recognition of this right *that must be unconditionally ensured by the state* regardless of its economic situation include the obligation to ensure access to health facilities, goods and services without any discrimination: (*de iure and also de facto*), in particular for the most endangered and marginalized groups of population.^{16[12]} In addition the state has the obligation to ensure that *no third persons* may violate the right to health within the jurisdiction of that state.^{17[13]}

2. Financially and practically accessible provision of health care

In its Section 2, Act No. 272/1994 Coll. on the protection of human health defines health as a condition of full physical, mental and social comfort and not only an absence of a

^{15[11]} International Covenant on Economic, Social and Cultural Right of 1966 published in the form of a decree. Decree of the Ministry of Foreign Affairs No. 120/1976 Coll.

^{16[12]} General Comments 14 of the UN Committee for Economic, Social and Cultural Rights on the right to the highest attainable health standard. (E/C.12/2000/4) paragraph 43.

^{17[13]} Paragraph 51 of the quoted comments.

disease; it is the result of relations between the human organism and the socio-economic, physical, chemical and biological factors of the environment, work environment and way of living (paragraph 1). Under this provision the protection of health is a set of measures composed of the prevention of the emergence and propagation of diseases and the limitation of occurrence and of health disorders, improvement of health through care for sound living conditions and a healthy way of living and the performance of state health supervision (paragraph 2). Under Section 10 of this act state administration authorities and municipalities have the obligation to create prerequisites for sound living conditions, working conditions and a sound way of living, to carry out disease prevention measures imposed by bodies of health protection and to co-operate with them in the implementation of their tasks.

Section 3 of Act No. 277/1994 Coll. on health care as amended stipulates the obligations of the state in the provision of health care that should be at a professional level, continuous, systematic and *accessible*. The recognition of the right to the highest attainable standard of physical and mental health requires health care provision *accessible in a safe physical distance for all population segments, in particular the most endangered and marginalized groups like ethnic minorities, indigenous people, women, children, adolescents, older persons, persons with disability and HIV/AIDS infected people*.^{18[14]}

Most Roma settlements are located several kilometres from health care facilities. This fact together with the low social and economic status and other reasons affects the unequal access of the Roma to health care. *Identical treatment is, however, not sufficient* to achieve real *de facto* equality. In order to make health care really accessible to the Roma the sector under the Ministry of Health should adopt temporary affirmative actions covering primary health care including preventive care, and thus influence the existing unequal status of the Roma.

3. The protection of reproduction health

The rights linked with reproduction health are an important component of human rights in the field of health. A systemic approach to the protection of the reproduction health is missing in the Slovak Republic. Considering the social and economic exclusion of a significant number of persons belonging to the Roma minority this shortcoming in the public policy has an even more significant impact on this minority. Especially education in the field of family planning is insufficient. The fact that sexual education is a part of the education at higher grades of primary schools, which a significant percentage of Roma pupils fail to achieve, is also a problem. Provision of information concerning the reproductive rights of women, in particular to Roma women in an easy to understand and acceptable form is insufficient.

3.1 Provision of information concerning family planning

All information on family planning methods or sexually transmitted diseases must be available in an *acceptable form*. Article 34 paragraph 7 of the Constitution of the SR guarantees the right of persons belonging to a national minority to receive information in their other tongue. This right is regulated only in Act No. 270/1995 Coll. on the state language of the Slovak Republic in its Section 8 paragraph 4 under which “Communication of medical staff with the patients is usually conducted in the state language; if the person concerned is a citizen or alien not in command of the state language it is also conducted in a language in which it is possible to communicate with the patient”. The 1994 Cairo UN International

^{18[14]} paragraph 12 subparagraph b of the quoted comments. This also results from paragraph 19 of the UN Committee on the Rights of the Child Report on Slovakia. (CRC/C/15/Add. 140)

Conference on Population and Development Action Plan also formulates these requirements on states. (Chapter 7, provision 7.5).

To achieve *de facto* access to health care and health of the Roma it is necessary to adopt temporary medium-term (2003 - 2006) and long-term (till 2010) affirmative actions falling under the competence of the Ministry of Health:

1. to incorporate the system of temporary affirmative actions focusing on the sufficient motivation of doctors, in particular doctors of the first contact, who provide health care including the reproduction health education to the Roma in the framework of the amendment process of Act No. 98/1995 Coll. on the Rules of Medical Treatment as amended,
2. to carry out a health survey among the inhabitants of Roma settlements, The survey should be carried out in co-operation with local doctors and inhabitants of the communities who enjoy the trust of their fellow-citizens. A pilot project in 5 areas should be carried out with the objective to gain the trust of the people prior to the survey,
3. to improve the co-ordination of programmes in the field of health and health care of the Roma by allocating a person or institution that would be responsible for all the projects concerning the health of the Roma,
4. to include the funding of the Programme for Upgrading the Environment, Hygiene Standard and Infectious Disease Prevention among the Inhabitants of the Roma Settlements approved by Resolution of the Government of the Slovak Republic No. 550 of 17 May 2002 in the state budget in 2004. The percentage of vaccinated inhabitants of the Roma settlements shall be increased from 70 to 95 % in the coming five years,
5. to draft a programme for improving the work of field workers of state health care institutions including also expanded health assistance network of Roma settlements,
6. to support and enlarge the network of health assistants who would provide health care in particular to children and mothers also as field work in the Roma settlements,
7. to expand the programmes focused on the prevention of all forms of discrimination, racism and intolerance in health care,
8. to elaborate a Comprehensive Systemic Human Rights Education Programme for health care workers and students of such vocations,
9. to adopt a comprehensive national reproductive health programme while special attention should be paid to women from marginalized groups,
10. to draft a model of mobile health units operating in remote localities responsible also for the education, vaccination and counselling in addition to the responsibility for acute cases in compliance with the decentralisation process in the health care sector.

The 2003 priorities:

- ☐ to draft a health care accessibility system together with financial coverage for marginalized Roma communities
- ☐ to elaborate a Health Condition Report of the population living in the Roma settlements

E. Human rights

1. Discrimination against the persons belonging to the Roma minority

Article 12, paragraph 1 of the Constitution enshrines the freedom and equality of people in dignity and in rights while under paragraph 2 "fundamental rights shall be guaranteed in the Slovak Republic to everyone regardless of sex, race, colour, language, belief and religion, political affiliation or other conviction, national or social origin, nationality or ethnic origin, property, descent or any other status." Persons belonging to the Roma minority are in an unequal position with respect to the majority mainly in the field of education, housing, employment and health care as observed in evaluation reports drafted by international intergovernmental and non-governmental human rights organisations^{19[15]} and important EU progress reports^{20[16]}. Measures aiming at gradual elimination of inequality should take two lines - prevention and sanctioning of these negative phenomena.

1.1 1.1 Prevention of discrimination

The focus on the prevention of this negative phenomenon mainly through systemic education of professional groups and influencing the majority population opinion in a positive way is an important condition for successfully coping with this negative phenomenon. The 2000-2001 Action Plan for the Prevention of All Forms of Discrimination, Racism, Xenophobia, Anti-Semitism and Other Forms of Intolerance adopted by the Government with its Resolution No. 382/2000 on 3 May, is a tool of the Government for achieving this goal. The 2002 - 2003 Action Plan for the Prevention of All Forms of Discrimination, Racism, Xenophobia, Anti-Semitism and Other Forms of Intolerance adopted by the Government with its Resolution No. 207/2002 on 6 March 2002 (hereinafter the "2002-2003 Action Plan") is its current continuation.

The 2002 – 2003 Action Plan activities are translated into concrete steps in several areas: the prevention of all forms of discrimination, racism, xenophobia, and anti-Semitism in various areas of life, education, cultural activities aiming at bolstering up Roma communities and combating extremism and similar manifestations of intolerance. The Action Plan implementation progress is evaluated every six months. Systemic education of persons belonging to professional groups who have influence on the prevention of all forms of discrimination, racism, xenophobia, anti-Semitism and other manifestations of intolerance while performing their occupation in an important tool of the 2002-2003 Action Plan. (Training of Police Force officers, judges, candidate judges and officers of the Corps of Prison and Court Guard, prosecutors and prosecutor candidates, Armed Forces officers, educational workers and future educational workers, social services staff and staff of the social affairs departments at district or regional authorities.)

The first 2002-2003 Action Plan Progress Report adopted with Resolution of the Government No. 136 of 26 February stated that the state administration bodies concerned provided education and training in their sectors mainly in the form of seminars and discussions. Only a *relatively small number of persons belonging to professional groups* takes part in these activities because of financial restrictions and other reasons. Therefore it is

^{19[15]} The last ones include e.g. the 2002 UN Committee on Economic, Social and Cultural Rights Report on Slovakia. (19/12/2002) paragraph 9, 2000 UN Committee on the Rights of the Child Report on Slovakia reports submitted by states parties (CRC/C/15/Add.140. 23/10/2000) paragraph 19, 2001 Human Rights Watch Report on Slovakia or in general Regional Human Development Report, the Roma in Central and Eastern Europe, 2003, UN Development Programme.

^{20[16]} Regular Report on Slovakia's Progress towards Accession of 9 October 2002, p. 28.

necessary to redesign them into a sustainable and systemic project with the objective to educate the highest possible percentage of, if not all, employees in the given sectors. When planning training activities it is necessary to monitor the percentage of “trained” staff out of the total number of employees in the sector taking into account the regional representation. The “Liaison Project” carried out under the auspices of the Ministry of Education is a good example of systemic training. The subject of the project is education of selected secondary school teachers of history and other subjects, which include instructions on the Holocaust. After this training the teachers act as multipliers who train other teachers with a similar focus in their region, this, the percentage of final project recipient is significantly increased.

1.2 1.2 Sanctioning of discrimination

The existence of a comprehensive and effective anti-discrimination legislation is the fundamental condition for eliminating and preventing all forms of discrimination. The first draft act on the application of the equal treatment principle (the so called Anti-Discrimination Act) was approved by the Slovak Government with its resolution No. 557 on 29 May 2002. In the 1998-2002 term the National Council did not debate the draft law. In November 2002 the Human Rights and Minorities Section of the Office of the Government prepared an amended draft law on the application of the equal treatment principle, which is in the inter-ministerial commenting procedure and shall be prepared for the session of the Government beginning of April 2003.

The reason for the submission of the draft law on the application of the equal treatment principle is the absence of a compact legislation that would cover discrimination in a comprehensive way. The relevant provisions have a purely declarative nature, they lack uniformity, they are scattered in the whole legal order and they fail to provide for a uniform level of protection. Discrimination as such is not a crime. Under the currently valid legislation the victims of discrimination have no effective legal remedy available even if they could prove that they were discriminated against while exercising one of the fundamental rights or a right guaranteed by law. Therefore the draft of the anti-discrimination act introduces such legal remedies. The draft law grants the victims of discrimination the right to sue the discriminator and to request refraining from such conduct and, if possible, reinstating. The draft law also provides for the possibility to claim appropriate satisfaction and compensation for other than proprietary harm in cash, the amount of which shall be determined by the court taking into account the seriousness of the harm suffered and the circumstances under which discrimination occurred. The draft law also introduces a new legal institute in the legal order, namely the transfer of the burden of proof on the respondent. This institute means that it shall be for the respondent to prove that there has been no discrimination; it is not sufficient to present only a declaration as to this fact. This shall apply to cases when the person who claims to be discriminated against establish before a court facts from which it may be presumed that there has been discrimination.

The proposed anti-discrimination law is based EU Council Directive No. 43/2000 of 29 June 2000 laying down the principle of equal treatment between persons irrespective of racial or ethnic origin and EU Council Directive No. 78/2000 of 27 November 2000 that lays a general framework for equal treatment in employment and gainful activity. The proposed legislation regulates the area of discrimination in a consistent way, thus making access to legal remedies possible for the victims. There is reason to believe that the special legislation will have also a preventive effect.

The draft anti-discrimination act includes also an amendment of Act No. 308/1993 Coll. as amended on the establishment of the Slovak National Centre for Human Rights. The

Slovak National Centre for Human Rights would support practical implementation of the anti-discrimination law mainly by:

1. continually monitoring and evaluating the observance of the equal treatment principle,
2. participating in dispute resolution, providing legal assistance to victims of discrimination,
3. issuing expert opinions in cases of equal treatment upon request by natural persons or legal entities or out of own initiative, developing a national information network on racism, xenophobia and anti-Semitism with a link to the European Information Network ,
4. carrying out surveys and research for the provision of data in the field of human rights, collecting and disseminating information in this area,
5. preparing educational activities, participating in information campaigns, providing library and other services.

The prepared draft anti-discrimination law takes into account the material need of having a complex piece of legislation and also recommendations to adopt comprehensive anti-discrimination legislation as stated in the Regular Report on Slovakia's Progress towards Accession of 9 October 2002, p. 24.

1.2.1 Legal assistance to victims of discrimination in the application of legal remedies

The persons belonging to the Roma minority are the socially weakest strata of the Slovak population. Because of the low economic and social status their capacity to defend themselves against discrimination and to use legal remedies for protection is substantially limited. The programme of free legal assistance for socially weaker citizens which already exists in the area of civil law, family law and labour relations under the auspices of the Ministry of Justice is a suitable complement to the prevention and effective protection laid down in the law. Free legal advice is only provided in some larger cities during a few days in a week at given hours.^{21[17]} (Free legal consultancy is also the activity of some NGOs.) Considering the regional distribution of existing legal advisory centres there is reason to believe that the socially weaker citizens living in remote settlements have significantly more difficult access to them.

2. The Roma and racially motivated violence

The reports by domestic and international human rights intergovernmental and non-governmental organisations^{22[18]} point out the phenomenon of racially motivated violence against the Roma. The government is aware of this problem and this is reflected in the commitments resulting from the *2002-2003 Action Plan*. Concrete measures and solutions take this into account. The Commission for Addressing Racially Motivated Violence established with Order of the Minister for the Interior of the SR No. 61/2002 is responsible for the exchange of information on and knowledge of racially motivated crime occurrence with an emphasis on all forms of violence and co-ordination of a joint procedure in eliminating all forms and manifestations of racial discrimination on a state wide level. Representatives of NGOs are also members of the commission. In order to improve the effectiveness of activities

^{21[17]} Free legal assistance provided under the auspices of the Ministry of Justice is usually offered at regional courts. (Trnava, Nitra, Trenčín, Žilina, Banská Bystrica, Prešov (district court), Košice (regional prosecution), Bratislava (MoJ))

^{22[18]} E.g. 2001 UN Committee for the Elimination of Racial Discrimination Report on Slovakia (CERD/C/304Add.110, 01/05/2001) paragraph 10, 1997 UN Human Rights Committee report (CCPR/C/79/Add.79, 04/08/97) paragraph 15, 2001 Human Rights Watch Report on Slovakia .

it is necessary to establish **commissions also at the level of regional and possibly also district Police Force headquarters** (in districts with more frequent occurrence of racially motivated crime).

In addition to preventing racially motivated crime, active confidence building between the Roma communities and the police should be the objective of the long-term strategy. Creating of the function of **a police expert for the work with Roma communities** is also one of the conditions necessary for achieving the defined goal. Such an expert would not only pass the obligatory police officer training but also attend specialised training focusing on the acquisition of knowledge on the Romany culture, tradition and language. This expert would serve in the public order service and he/she would operate in districts with a higher concentration of the persons belonging to the Roma minority. While performing his/her duty they would focus on solving problems linked with attacks on Roma communities, conflicts between the majority and minority and criminality inside the community. He/she would develop activities aimed at crime prevention be it crime committed on he Roma, among the Roma or by the Roma. In his/her job they would actively co-operate with the police officer tasked with extremism cases at the district and/or regional level. The police expert competence would also include activities focusing on the prevention and assistance in detecting the crime of usury occurring in Roma communities. Resolving the wide-spread problem of usury would, however, also require a long term approach and active co-operation of the victims with the prosecution and judiciary.

Raising public awareness of the risk and unacceptability of such conduct is also a way of preventing racially motivated violence. Informing the public, and thus also the potential perpetrators, on a regular basis and **media presentation** of cleared racially motivated violence cases by the relevant sectors, Ministry for the Interior and the Police Force of the SR are an effective preventive measure.

3. Strengthening of trust in penal justice among the persons belonging to the Roma minority

As a standard, the relations between the persons belonging to the Roma minority and criminal justice staff are not positive. Mediation and probation service represents an alternative way of tackling crime the objective of which is to contribute to the strengthening of trust in penal justice. The institute of mediation and probation service strives to achieve the correction of criminal offenders, attempts to motivate them to take responsibility for their actions and to participate in designing the proposals for handling the damage caused. It takes into account the interest of the victims of crime and offers them a possibility of getting involved in the design of the manner in which damage caused by the crime is handled. In mediation a civil servant trained for this purpose facilitates the search for alternative resolution of the dispute while duly taking into account the interests and needs of the perpetrator, the victim and the society. In this way he/she creates conditions for effective and fair decisions on alternative sentence. The agreement by all parties to the dispute is a necessary condition for mediation. The purpose of the probation service is to create conditions for the application of alternative sentences. During a sentence combined with probation, the probation service officer shall encourage the offender to lead a life that is in compliance with the laws in addition to executing supervision over the offender. He/she also co-operates with the family and social environment in which the offender lives and/or works. The probation and mediation service pays special attention to the care for juvenile accused and the accused of an age close to juvenile. Amendment to the Criminal Procedure Code with Act No.

422/2002 Coll. established a legal framework for mediation by introducing the institute of dispute settlement and conciliation under conditions laid down by the law.^{23[19]}

The current pilot probation and mediation service project of the criminal Law Section at the Ministry of Justice in co-operation NGO representatives takes these facts into account. The pilot probation and mediation service project is based on the plan of the Government to newly codify the Criminal Code and Criminal Procedure Code with the aim to change the philosophy followed in imposing criminal sanctions. In the new philosophy emphasis should be put on the individual approach in criminal matters using the possibility of alternative sentences. A task force at the Ministry of Justice works with the Office of the Plenipotentiary of the Government of the SR for Roma Communities together on the pilot project because one of the pilot projects is implemented in a district with a numerous Roma community - Spišská Nová Ves. The task force has prepared a Draft Probation and Mediation Service Act that should come into effect on 1 January 2004 and which should create the institutional background for mediation and conciliation in criminal matters. Probation and mediation service has the potential to significantly strengthen the trust in penal justice among the persons belonging to the Roma minority. Persons belonging to the Roma minority trained and later represented among the probation and mediation service officers would help to achieve the goals of the probation and mediation services in combination with addressing the Roma challenge.

Measures in the sectors of state administration:

1. In order to improve the effectiveness and efficiency of discrimination prevention each relevant sector should draft a sustainable plan for a systemic education of selected professional groups focusing on the prevention of all forms of discrimination, racism, xenophobia, anti-Semitism and other manifestations of intolerance from 2004 and prospects to 2010 and cover it financially in the 2004 budget.

2. Improving the effectiveness of discrimination behaviour sanctioning requires, on the one hand, adopting the draft anti-discrimination legislation, and, on the other hand, it is necessary to link the existing initiative of the Ministry of Justice and the NGOs in the framework of the Comprehensive Roma Settlement Development Programme and to create and financially cover free legal consultancy for socially weaker citizens in co-operation with the Slovak National Human Rights Centre, law schools, universities, Police Force Academy.

In order to improve preventing and sanctioning racially motivated crime it is necessary to adopt and financially cover concrete medium-term (2003 - 2006) and long-term (till 2010) actions falling under the competence of the Ministry for the Interior and the Ministry of Justice:

1. to create a commission for racially motivated crime of the Police force also at a regional level,
2. to elaborate an analytical material concerning the function of a police specialist for the work with Roma communities,
3. to increase the risk linked with racially motivated crime through its higher media coverage,
4. to ensure the functioning of the Probation and Mediation Service in terms of legislation, institutions and funds with the objective to strengthen the trust of the Roma in penal justice in the 2004-2006 period,

^{23[19]} Section 309 and subseq. of Act No. 422/2002 Coll. amending and supplementing Act No. 141/1961 Coll. on criminal proceedings before courts as amended and on the amendment and supplement of certain other acts.

- 5.
6. to draft and financially cover in the 2004 budget a sustainable plan for a systemic education of selected professional groups focusing on the prevention of all forms of discrimination, racism, xenophobia, anti-Semitism and other manifestations of intolerance from 2004 and prospects to 2010 .

The 2003 priorities:

- ☐ to assess the implemented educational projects in the area of the prevention of all forms of discrimination, racism, xenophobia, anti-Semitism and other manifestations of intolerance with respect to the percentage of relevant professional groups trained,
- ☐ to draft a policy for an expanded system of free legal consultancy for socially weaker citizens taking into account regions with a higher concentration of the Roma minority,
- ☐ to elaborate an analytical material concerning the function of a police specialist for the work with Roma communities,

F. The development of the Romany culture

The right to the development of own culture is necessary for national and ethnic minorities to have a full and free life in the countries where they live. The reason for this important status, which this right enjoys in international human rights agreements, is also laid down in Article 34 paragraph 1 of the Constitution. The Slovak Republic has many obligations in financing minority cultures resulting from the European Charter of Regional or Minority Languages the Slovak Republic has undertaken. The Minority Culture Financing Act currently being prepared at the Ministry of Culture is a systemic step in this field. Its drafting is based on the Plan of Legislative Work of the Government adopted with Resolution No. 1358 of 11 December 2002. This act should also implement the commitments resulting from the European Charter of Regional or Minority Languages, which include for instance:

- - Article 11 paragraph 1, subparagraph ei) to support and/or facilitate founding and/or maintaining at least one daily in regional or minority languages,
- - subparagraph eii) to apply the existing measures on the financial support also to the production of audio-visual products in regional or minority languages,
- - Article 12 paragraph 1 to support cultural activities and facilities, in particular libraries, videotheques, cultural centres, archives, academies, theatres, etc.

The approach of the media to the Roma co-shapes the attitude of the society to the Roma. This attitude of the majority community is also reflected in the way how information is presented and also in the content of information presented. The legal provisions on the access of minorities to public means are also insufficient. According to the 2001 Plan of Legislative Tasks of the Government of the SR, Act No. 254/1991 Coll. on the Slovak Television as amended and Act No. 255/1991 Coll. on the Slovak Radio as amended should be replaced with new regulations that must include the obligation of public media to offer programmes in regional or minority languages^{24[20]}, to support and/or enable regular broadcasting of radio and television programmes in regional or minority languages and to support or ease the production and distribution of audiovisual pieces in regional or minority languages.^{25[21]}

^{24[20]} Obligation under Article 11 paragraph 1 subparagraph a) of the European Charter of Regional or Minority Languages.

^{25[21]} Obligations under Article 11 paragraph 1 subparagraph b), c) , d) of the European Charter of Regional or Minority Languages.

In order to improve the situation of the Roma in the field of culture it is necessary to adopt and financially cover concrete medium-term actions falling under the competence of the

Ministry of Culture:

1. to draft a National Minority Act and National Minority Culture Financing Act in compliance with the obligations in the European Charter of Regional or Minority Languages,
2. to lay down in a legislative way the access of the Roma minority to public information means in compliance with the obligations undertaken when signing the European Charter of Regional or Minority Languages.
3. to support the Romany culture mainly through the Ministry of Culture by:
 - 3.1 3.1 financially supporting the publishing of Roma periodicals and non-periodicals. It is necessary to grant a contribution for publishing at least one Romany periodical in the framework of the grant system,
 - 3.2 3.2 creating a Roma national minority department at the National Educational Centre focusing on methodological assistance to national minority associations.

The following actions to be ensured outside the sector of the Ministry of Culture include:

1. creating Roma national minority departments at regional educational centres,
2. regular TV broadcasting of a Roma magazine from three regions on a weekly basis,
3. regular radio broadcasting of a Roma magazine from three regions on a weekly basis.

The 2003 priorities:

- ☐ to financially support regular publishing of at least one Romany bi-weekly in the framework of the grant system.

G. Financial coverage for the 2003 priorities implementation

It is anticipated that the implementation of the proposed 2003 priorities of the government will be financially covered from the titles of the individual ministries in the state budget. The following Table presents a proposal for using funds from the Title of the General Treasury Administration - Cultural Needs of the Roma Community and the Reserve for Tackling the Problems of the Roma Community.

The structure of the Title of the General Treasury Administration - Social and Cultural Needs of the Roma Community and the Reserve for Tackling the Problems of the Roma Community for 2003

Programme	Amount
The Comprehensive Roma Settlement Development Programme	18 mill. SKK
Scholarship Fund	1 mill. SKK
Secondary School of Arts at Košice	2 mill. SKK
Supporting secondary schools	10 mill. SKK

Social Field Workers Programme	4 mill. SKK
Influencing public opinion	5 mill. SKK
<i>Projects</i>	10 mill. SKK
TOTAL	50 mill. SKK

Annex No. 5
Information
about the measures taken with a view to enhancing positive effects of changes in the
system of benefits in material distress for certain groups of the population

The objective of the Proposal of the Measures Taken with a View to Enhancing Positive Effects of Changes in the System of Benefits in Material Distress for Certain Groups of the Population, approved by Government Resolution No. 165 of 25 February 2004 is to increase the motivation of persons in material distress to improve their social situation through the effort of their own, to motivate the employers to create new jobs by employing persons from disadvantaged groups of unemployed citizens, to secure the activation of persons in material distress, to improve the level of information concerning the possibilities created under the law on employment services, and to fight against and prevent usury.

By the same Resolution the Government instructed the Minister of Labour, Social Affairs and Family to submit, by 5 March 2004, information about the implementation of adopted measures in cooperation with the ministers of the sectors concerned.

Implementation of measures

1. Indexation of the activation allowance

Proposal: Indexation of the activation allowance/protective contribution for benefit recipients from SKK 1,000 to SKK 1,500 a month

Coordinator: the Ministry of Labour, Social Affairs and Family

Implementation:

The Ministry of Labour, Social Affairs and Family prepared a proposal to increase the amount of activation allowance and of protective contribution granted under Act No. 599/2003 Coll. on Assistance in Material Distress amending and supplementing certain other laws, as amended by Act No. 5/2004 Coll., to SKK 1,500/month. The expected entry into effect of the amended law is 1 April 2004.

2. Steps to prevent usury

Proposal: Identifying municipalities/communities with a high incidence of usury and using the option of a more frequent payment of benefits, or payment through a special beneficiary; ensuring presence of the police during the payment of benefits; introducing an allowance/contribution for special beneficiaries to cover the costs incurred by this activity. Paying the entire benefit or part of the benefit through the special beneficiary in the form of benefits in kind.

Coordinator: the Ministry of Labour, Social Affairs and Family + the Ministry of Interior (identification of municipalities/communities with a high incidence of usury)

Implementation:

The most appropriate preventive measure in the regions with suspected usury cases is to grant the benefits in material distress or allowances through municipalities as special beneficiaries. This form had already been used in the past, but only in a limited

number of cases. The discussions that have thus far been held with the municipalities in the regions of Prešov and Košice indicate that 72 of them are ready to perform the function of special beneficiaries. The Ministry of Labour, Social Affairs and Family of the Slovak Republic is drawing up a decree on granting subsidies to special beneficiaries to cover their costs connected with the provision of benefits in material distress, and is developing a methodology for its practical implementation with a view to appointing personnel to perform this agenda. Even now the municipalities can perform these activities through the activation work programme for the unemployed in cooperation with the offices of labour, social affairs and family.

In those cases where it will not be possible to provide the benefit through a special beneficiary, the benefit will be paid in at least three monthly instalments. In this connection, the Centre for Labour, Social Affairs and Family discussed on 8 March 2004 an addendum to the agreement on the payment of social benefits with the Slovak Postal Service. The administrator of the information system is making necessary adjustments to the software. The first such payment can be made in April 2004.

Based on information from the Police Corps, the criminal offence of usury defined in Section 253 paragraph 1 of the Criminal Code committed by the Roma within the Roma communities occurred in twelve cases. Total documented financial profit obtained from usury has reached almost SKK 8.9 million. This criminal activity was found in nine municipalities. The highest incidence of usury was recorded in the district of Michalovce (4 municipalities) and the district of Komárno (3 municipalities). The highest concentration of usury per municipality was recorded in the district of Poprad in the community of Liptovská Teplička.

With a view to a more accurate identification of suspects in the municipalities/communities with a high incidence of usury, the Police Corps Presidium prepared and approved a project of the fight against the criminal offence of usury. The project entails the tasks for public order police in connection with securing public order, life, health and property of citizens in the places and at the time of the payment of social benefits.

From the long-term perspective, cooperation will be established and strengthened with the Office of the Plenipotentiary of the Government of the Slovak Republic for Roma Communities, and with non-governmental organisations and institutions cooperating with Roma communities.

3. Bonus for the organisers of major activation projects + expanding the range of expenditures that are payable from public funds

Proposal: to change the methodology for calculating the allowance for the organisers of activation projects so as to take special account of large projects (over 100 persons).

Coordinator: the Ministry of Labour, Social Affairs and Family

Implementation:

The Centre for Labour, Social Affairs and Family developed an independent project designed to encourage activation efforts by offering municipalities and legal or natural persons, running activation programmes for more than 100 job seekers, an allowance for purchasing necessary work tools. Under the aforesaid project, the offices of labour, social affairs and family will provide such entities an allowance for the purchase of necessary work tools amounting to SKK 300 per one job seeker, in the form of advance payment of 80% of the allowance amount. The implementation of the project will start in March this year.

4. Increase the incentives to employ particularly disadvantaged long-term unemployed

Proposal: if, according to Section 50 of the act on employment services, the employer undertakes to hire a person who has been registered as the long-term unemployed for more than 24 months, the competent office of labour, social affairs and family will arrange for the training of that long-term unemployed before he takes up employment, corresponding to the employer's choice, and cover the costs of that training by up to SKK 10,000.

Coordinator: the Ministry of Labour, Social Affairs and Family

Implementation:

To ensure the implementation of this measure, the Centre for Labour, Social Affairs and Family will prepare a special methodological guideline for the offices of labour, social affairs and family by 20 March 2004. The funds for training and preparing for labour market participation of persons registered as the long-term unemployed for more than 24 months will be drawn from National Project No. 3 – Training and preparing the unemployed for the labour market, initiated by the offices of labour, social affairs and family in February 2004. A special methodological guideline will be implemented from 1 April 2004.

5. Specific treatment of adult children through reinforcing the use of graduate practice

Proposal: to extend the provision of the allowance for graduate practice under the amended law on employment services to all job seekers under 25 years of age, to extend the definition of graduate practice in the relevant law (by deeming participation in the activation work programme as graduate practice), to increase the amount of lump-sum allowance provided to school graduates performing graduate practice from SKK 1,000 to SKK 1,500/month, and to consider abolishing the six-month time limit for the performance of graduate practice.

Coordinator: the Ministry of Labour, Social Affairs and Family

Implementation:

The Ministry of Labour, Social Affairs and Family prepared a draft amendment to Act No. 5/2004 Coll. on employment services with the aim of extending the definition in Section 51 to include among the categories of graduate practice also the acquisition or upgrading of professional skills or practical experience by all job seekers under 25 years of age, regardless of whether they have completed systematic vocational training or whether they have already worked for an uninterrupted period of at least 6 months. The draft also proposes to increase the amount of lump-sum allowance provided during graduate practice from SKK 1,000 to SKK 1,500/month, and abolishes the 6-month time limit for the performance of graduate practice. The 6-month time limit for the performance of graduate practice is replaced with the limitation of 20 hours/week. The expected entry into effect of the draft law is 1 April 2004.

6. To systematically enforce the new package of social laws

Proposal: New social laws enable the unemployed or socially needy persons to improve their social situation by making active efforts at dealing with their situation, in particular by active job search. The current level of information about available options of obtaining help is inadequate. The most important task therefore is:

- to improve the level of information of the unemployed and socially needy persons about available options for improving their situation
- to improve the capacity of the authorities to enable the unemployed and socially needy persons to take advantage of options available under the law

Coordinator: the Ministry of Labour, Social Affairs and Family

Implementation:

This task is implemented by providing methodological guidance to the offices of labour, social affairs and family, and by informing the unemployed in material distress about the possibilities of improving their social situation through participation in the activation work programme. From 1 April 2004, the offices of labour, social affairs and family will:

1. making monthly or weekly visits, depending on the actual offer of jobs under the activation work programme, to the municipalities with large Roma communities and Roma settlements, and informing their dwellers who are engaged in search of employment and receive benefit in material distress about
 - the possibility to perform activation work,
 - the entities where they can perform activation work,
2. identifying the entities that could provide activation work or graduate practice to job seekers,
3. to inform every job seeker under 25 years of age, who meets the definition of a school graduate under Section 52 paragraph 2 of Act No. 5/2004 Coll. on employment services as amended by Act No. .../2004 Coll., about the possibility of and the conditions for performing graduate practice, in particular through
 - information and counselling provided by the offices of labour, social affairs and family,
 - vocational counselling,
 - periodic visits of job seekers to the offices labour, social affairs and family,
 - activities referred to in point 1.

Information is provided to the public also through the Press Department of the Ministry of Labour, Social Affairs and Family (for instance the press conference on 4 March 2004) and the Department of Public Relations of the Centre for Labour, Social Affairs and Family (for instance the press conference on 5 March 2004).

7. Secondary schools – significant strengthening of social scholarships and material security of secondary school pupils

Proposal: to publish without delay a new decree of the Ministry of Education

Coordinator: the Ministry of Education + the Ministry of Labour, Social Affairs and Family

Implementation:

The Ministry of Education in cooperation with the Ministry of Labour, Social Affairs and Family are drawing up an amendment to Decree No. 88/1984 Coll. on the provision of scholarships to secondary school pupils; under the amendment, entitled to scholarship will be all pupils whose families receive assistance in material distress (approx. 28,000 pupils). The amount of scholarship will be differentiated depending on the school outcomes of the pupils (i.e. average grade of below or above 2.0) and will represent SKK 1,000 or SKK 800,

respectively. The proposed entry into effect of the amendment is 1 May 2004. In view of the possibility of funding the scholarship programme from the ESF, the Ministry of Education will prepare a national project on covering the costs involved that should also take effect from 1 May 2004. The addendum to the Sectoral Operational Programme “Human Resources” will be correspondingly adjusted.

8. Primary schools – meals and school aids in the areas with a high percentage of children in material distress

Proposal: to grant the primary schools, among whose pupils is a significant percentage of children in material distress, necessary funds for the provision of meals, school aids and healthcare, or to grant, during a transitional period of max. 2 months, a lump-sum allowance to parents to cover their expenses incurred in connection with school attendance of their children

Coordinator: the Ministry of Education + the Ministry of Labour, Social Affairs and Family

Implementation:

The Ministry of Labour, Social Affairs and Family is drafting a decree on the provision of subsidies to municipalities, with the aim of covering the costs of meals (morning snack and lunch), and for purchasing school aids for children in preschool facilities and schools. The subsidy will be provided in two forms, namely

- a. for all the children attending preschool facilities or children in compulsory school attendance, if at least 70% of children in preschool facilities or schools come from families receiving assistance in material distress, or
- b. individually for children in preschool facilities or children in compulsory school attendance who live in families receiving assistance in material distress.

The subsidies will be provided from the budget chapter of the Ministry of Labour, Social Affairs and Family. The Ministry is preparing a methodological guideline to help the offices of labour, social affairs and family, municipalities and schools implement the decree.

9. Price structure of utilities – water, gas, electricity,

Proposal: To discuss the adjustment of advance payments with the Office for the Regulation of Network Industries to bring them in line with real increases in the prices of utilities (water, gas electricity).

Coordinator: the Ministry of Economy + the Ministry of Labour, Social Affairs and Family
SR + the Ministry of Finance

Implementation:

The Ministry of Economy in cooperation with the Ministry of Labour, Social Affairs and Family will ensure that advance payments do not be raised disproportionately to the increases in energy prices.

10. Improved access to the reimbursement of travel costs to persons in search for employment

Proposal: to take steps to improve information about the possibility to apply for a travel allowance; to ensure real access of settlement dwellers to the allowance, e.g. through the visits to settlements by the staff of the offices of labour, social affairs and family, or through entrusting the administration of the allowance to municipal authorities; or, if necessary, consider an amendment to the decree implementing the law on employment services concerning the amount of reimbursement

Coordinator: the Ministry of Labour, Social Affairs and Family

Implementation:

To improve the knowledge of job seekers about the possibility to apply for the reimbursement of a part of travel expenses incurred by travelling to the place of job interview with the prospective employer or competition pursuant to Section 32 paragraph 10(d) of Act No. 5/2004 Coll. on employment services, or a part of travel expenses connected with the participation of job seekers in the activities defined in the individual action plan to promote employment of job seekers under Section 43 paragraph 7 of Act No. 5/2004 Coll. on employment services, the Centre for Labour, Social Affairs and Family will ensure that the offices of labour, social affairs and family, with effect from March 2004:

- a) the framework of their information, guidance and professional counselling services provide information to
 - the registered job seekers about the entitlement to be reimbursed part of travel expenses incurred by search for work,
 - the newly registered job seekers about the entitlement to contributions under active labour market measures at the time of their registration,
 - the recipients of benefits in material distress about the entitlement to contributions in the framework of active labour market measures
- b) organise regular information days about the entitlement to contributions under active labour market measures and about the possibility of the participation of the Roma in projects and programmes directly in Roma settlements. To this end, the offices of labour, social affairs and family will use the services of specially trained social field workers.

The Ministry of Labour, Social Affairs and Family will amend the decree implementing Act No. 5/2004 Coll. on employment services (Section 32, paragraph 10(d) to allow the reimbursement of travel costs exceeding SKK 100 (up from the initial SKK 250).

11. Repressive steps against usury

Proposal: to actively fight against usury especially through application of the Criminal Code provisions on unlawful business activities, usury and tax avoidance and through active protection of witnesses

Coordinator: the Ministry of Interior

Implementation:

Based on the analysis of gathered information, the Police Corps are using and will continue to use all lawful means to suppress the criminal offence of usury and other related criminal activities. Usury will always be considered in the light of all relevant criminal offences, taking account of all the provisions of the Code of Criminal Procedure and other

generally binding legal provisions. The Police Corps as the State law enforcement authority shall always strive to ensure protection of persons who have suffered harm as a result of criminal offences or who witnessed such offences, and will thus always establish whether there are lawful reasons for their protection (as concealed witnesses, witnesses at risk, protected witnesses).

12. Social Development Fund

Proposal: to speed up the launching of the Social Development Fund in order to enable a speedy operation of community partnerships for dealing with social inclusion and to start working with inhabitants of the most depressed settlements

Coordinator: the Ministry of Labour, Social Affairs and Family

Implementation:

The Social Development Fund – an instrument for financing small projects through grants was established with effect from 1 March 2004. The projects implemented in the framework of the Fund are designed to encourage socially weaker and vulnerable groups to take an active part in their own upgrading. The Fund will operate in three main areas, namely: 1. Economic development and employment promotion; 2. Physical infrastructure and public and social services; 3. Social services. In the initial stage it will focus on the first area.

13. To identify the ways of involving the inhabitants of Roma settlements in afforestation activities, cleaning of forests or in building the environmental infrastructure

Coordinator: the Ministry of Environment + the Ministry of Agriculture + the Ministry of Labour, Social Affairs and Family

Implementation:

The Ministry of Labour, Social Affairs and Family reached an agreement with the Ministry of Agriculture, Ministry of the Environment, Association of Towns and Villages of the Slovak Republic and the Centre for Labour, Social Affairs and Family, to extend the activation work programme for job seekers by including into the programme the activities connected with the removal of wood debris from forests, collecting brushwood and/or performing other activities in accordance with local needs. It was also agreed that part of the collected material can be used for the needs of the municipality or the community. At a coordination meeting held on 3 March 2004 at the Ministry of Agriculture, the representatives of forestry companies and organisations were asked to specify the number of possible jobs in their respective areas of operation, and to inform the towns and villages of these opportunities. The organisers of these activities will maintain a register of persons involved in this kind of work, and forestry companies and organisations will regularly inform the Ministry of Agriculture about the volume of the work performed.

To ensure that all the offices of labour, social affairs and family apply identical procedures, the Centre for Labour, Social Affairs and Family prepared a specimen “Agreement on Extending the Activation Work Programme to Include the Activities Connected with Cleaning the Forests of Brushwood” and sent it on 10 March 2004 to all the offices of labour, social affairs and family, instructing them to start organising activation work for job seekers receiving benefits in material distress in cooperation with municipalities, starting on 15 March 2004.

Over and above the scope of this measure, the Ministry of Agriculture envisages the possible performance of activities in the framework of seasonal works in agriculture – such as moving grass, maintaining field roads, cleaning permanent grass growths from propagating wood species, etc. on the basis of agreements between municipalities and business entities in the field of agriculture.

For the sake of clarity of the terminology, the Ministry of Labour, Social Affairs and Family proposes to exclude from the measure those afforestation activities that have a business character and do not meet the criteria for smaller-scale communal services.

Annex No. 6

Funding provided for cultural activities, periodicals and non-periodicals from the transfer Minority Culture in **1999-2002**

Funding provided for cultural activities, periodicals and non-periodicals from the transfer Minority Culture in **1999**

Nationality	Cultural activities		Periodicals (P)		Non-periodicals (NP)		P and NP		Total	
	SKK	% of total annual funding	SKK	% of total annual funding	SKK	% of total annual funding	P and NP total in SKK	% of total annual funding	SKK	% of total annual funding
Bulgarian	488 175	49,8	432 000	44,07	60 000	6,12	492 000	50,19	980 175	2,1
Czech	661 000	31,8	970 000	46,67	447 400	21,52	1 417 400	68,19	2 078 400	4,4
Croatian	1 153 400	100	0	0	0	0	0	0	1 153 400	2,4
Hungarian	7 848 135	32,96	9 770 000	41,03	6 195 800	26,02	15 965 800	67,05	23 813 935	50,5
Moravian	762 000	78,4	210 000	21,61	0	0	210 000	21,61	972 000	2,1
German	978 200	49,15	883 000	44,36	120 000	6,02	1 003 000	50,38	1 981 200	4,2
Polish	350 175	57,01	264 025	42,9	0	0	264 025	42,9	614 200	1,3
Roma	2 787 750	35,53	4 908 800	62,56	150 000	1,91	5 058 800	64,47	7 846 550	16,6
Ruthenian	625 000	26,04	1 775 000	73,96	0	0	1 775 000	73,96	2 400 000	5,1
Russian	204 200	34,65	385 000	65,34	0	0	385 000	65,34	589 200	1,3
Ukrainian	1 119 990	48,91	1 136 000	49,61	34 000	1,49	1 170 000	51,1	2 289 990	4,9
Jewish	910 000	47,39	0	0	1 010 200	52,61	1 010 200	52,61	1 920 200	4,1
others	487 200	100	0	0	0	0	0	0	487 200	1,0
<i>Total</i>	18 375 225	39	20 733 825	43,99	8 017 400	17	28 751 225	60,99	47 126 450	100

Funding provided for cultural activities, periodicals and non-periodicals from the transfer Minority Culture in **2000**

Nationality	Cultural activities		Periodicals (P)		Non-periodicals (NP)		P and NP		Total	
	SKK	% of total annual funding	SKK	% of total annual funding	SKK	% of total annual funding	P and NP total in SKK	% of total annual funding	SKK	% of total annual funding
Bulgarian	500 000	55,55	400 000	44,45	0	0	400 000	44,45	900 000	2,0
Czech	981 700	47,16	1 100 000	52,84	0	0	1 100 000	52,84	2 081 700	4,5
Croatian	965 000	73,11	0	0	355 000	26,9	355 000	26,9	1 320 000	2,9
Hungarian	9 631 000	41,85	6 543 000	28,43	6 840 000	29,72	13 383 000	58,15	23 014 000	50,0
Moravian	590 000	59,6	400 000	40,4	0	0	400 000	40,4	990 000	2,2
German	1 267 500	61,3	800 000	38,7	0	0	800 000	38,7	2 067 500	4,5
Polish	610 000	73,5	220 000	26,5	0	0	220 000	26,5	830 000	1,8
Roma	2 728 980	45,07	2 843 000	46,95	483 000	7,98	3 326 000	54,93	6 054 980	13,2
Ruthenian	647 000	27,07	1 573 000	65,82	170 000	7,12	1 743 000	72,94	2 390 000	5,2
Russian	180 000	31,03	400 000	68,97	0	0	400 000	68,97	580 000	1,3
Ukrainian	715 000	28,62	1 540 000	61,65	243 000	9,73	1 783 000	71,38	2 498 000	5,4
Jewish	210 000	11,8	70 000	3,93	1 500 000	84,27	1 570 000	88,2	1 780 000	3,9
others	978 350	70,54	408 650	29,46	0	0	408 650	29,46	1 387 000	3,0
Total	20 004 530	43,59	16 297 650	35,51	9 591 000	20,9	25 888 650	56,41	45 893 180	100

Funding provided for cultural activities, periodicals and non-periodicals from the transfer Minority Culture in 2001

Nationality	Cultural activities		Periodicals (P)		Non-periodicals (NP)		P and NP		Total	
	SKK	% of total annual funding	SKK	% of total annual funding	SKK	% of total annual funding	P and NP total in SKK	% of total annual funding	SKK	% of total annual funding
Bulgarian	493 000	100	0	0	0	0	0	0	493 000	1,12
Czech	1 095 000	49,75	1 106 000	50,25	0	0	1 106 000	50,25	2 201 000	5 02
Croatian	1 346 000	79,18	0	0	354 000	20,82	354 000	20,82	1 700 000	3,88
Hungarian	10 540 000	44,47	7 504 000	31,66	5 695 000	24,03	13 199 000	55,69	23 739 000	54,1
Moravian	0	0	400 000	100	0	0	400 000	100	400 000	0,91
German	1 130 000	61,75	700 000	38,25	0	0	700 000	38,25	1 830 000	4,17
Polish	445 000	61,3	281 000	38,7	0	0	281 000	38,7	726 000	1,65
Roma	2 408 000	48,7	2 150 000	43,47	388 000	7,84	2 538 000	51,31	4 946 000	11,29
Ruthenian	580 000	26,18	1 500 000	67,72	135 000	6,09	1 635 000	73,81	2 215 000	5,05
Russian	105 000	20,2	415 000	79,8	0	0	415 000	79,8	520 000	1,12
Ukrainian	787 000	32	1 460 000	59,35	213 000	8,66	1 673 000	68,01	2 460 000	5,61
Jewish	379 000	23,3	50 000	3,07	1 197 000	73,62	1 247 000	76,69	1 626 000	3,71
others	512 000	51,72	348 000	35,15	130 000	13,13	478 000	48,28	990 000	2,25
<i>Total</i>	19 820 000	45,24	15 914 000	36,32	8 112 000	18,43	23 990 000	54,75	43 846 000	100

Funding provided for cultural activities, periodicals and non-periodicals from the transfer Minority Culture in **2002**

Nationality	Cultural activities		Periodicals (P)		Non-periodicals (NP)		P and NP		Total	
	SKK	% of total annual funding	SKK	% of total annual funding	SKK	% of total annual funding	P and NP total in SKK	% of total annual funding	SKK	% of total annual funding
Bulgarian	660 000	66,66	240 000	33,34	0	0	240 000	33,34	900 000	1,47
Czech	1 304 800	50,2	1 294 000	49,8	0	0	1 294 000	49,8	2 598 800	3,85
Croatian	1 629 000	86,7	0	0	250 000	13,3	250 000	13,3	1 879 000	2,78
Hungarian	14 743 300	37,67	11 650 000	29,76	12 749 000	32,57	24 399 000	62,33	39 142 300	58
Moravian	325 000	32,5	400 000	40	275 000	27,5	675 000	67,5	1 000 000	1,48
German	1 553 000	65,44	820 000	34,56	0	0	820 000	34,56	2 373 000	3,51
Polish	900 000	69,23	400 000	30,77	0	0	400 000	30,77	1 300 000	1,93
Roma	5 313 900	72,75	1 750 000	23,96	240 000	3,29	1 990 000	27,25	7 303 900	10,83
Ruthenian	1 386 000	40,78	1 723 000	50,69	290 000	8,53	2 113 000	59,22	3 399 000	5,03
Russian	114 000	21,92	406 000	78,08	0	0	406 000	78,08	520 000	0,77
Ukrainian	940 000	36,29	1 445 000	55,79	205 000	7,92	1 650 000	63,71	2 590 000	3,84
Jewish	264 000	12,78	100 000	4,84	1 701 900	82,36	1 801 900	87,2	2 066 400	3,06
others	1 725 000	86,55	198 000	9,94	70 000	3,51	268 000	13,45	1 993 000	2,95
<i>Total</i>	30 858 000	45,77	20 426 000	30,27	15 780 900	23,95	36 587 300	54,22	67 064 900	100

Annex No. 7

NATIONAL COUNCIL OF THE SLOVAK REPUBLIC

ACT 191

of 7 July 1994

on Denomination of Municipalities in National Minority Languages

The National Council of the Slovak Republic has adopted the following law:

Section 1

- (1) Municipalities, in which citizens of a national minority form at least 20 % of the population (hereafter only “municipality”), are denominated in the language of the national minority on separate road signs denominating the beginning and end of a municipality.
- (2) Road signs are placed according to paragraph 1 under road signs bearing the name of the municipality which is always stated in the official language. 1)
- (3) The list of the denominations of municipalities in languages of national minorities is given in an enclosure to this law; denominations of municipalities have a local character.
- (4) The Ministry of Internal Affairs of the Slovak Republic will provide by generally obligatory regulation a road sign for purposes of informative denomination of municipalities in languages of national minorities, which will differ from a road sign with the name of a municipality.

Section 2

In official relations, especially in public documents, stamps of municipalities, cartographic works and postal communications, names of municipalities are exclusively in the official language.

Section 3

- (1) A municipality may decide by means of a vote of its inhabitants on changing the denomination of a municipality given in an enclosure of this law and may determine the denomination of the municipality in the language of a national minority in this form, if the denomination is not stated in the enclosure to this law.
- (2) Voting according to paragraph 1 is valid, if a majority of the inhabitants of a municipality authorized to vote pursuant to special regulation took part in it. 3) The decision of the municipality according to paragraph 1 is accepted, if at least 80 % of inhabitants who participated in the voting voted for it in a valid manner.
- (3) Provisions of paragraphs 1 and 2 do not refer to municipalities whose name was changed in the period 1867 - 1918 or 1938 - 1945.

Section 4

Bodies of the state administration 4) are obliged to ensure denomination of municipalities pursuant to this law.

Section 5

This law comes into effect on the date of its promulgation, with the exception of Section 4, which comes into effect on November 1, 1994.

Michal Kováč in his own hand
Ivan Gašparovič in his own hand
Jozef Moravčík in his own hand

- 1) Section 3 of Law of the Slovak National Council No. 517/1990 Coll. on territorial and administrative division of the Slovak Republic.
Section 3 paragraph 4 of Law of the Slovak National Council No. 428/1990 Coll. on the official language in the Slovak Republic.
- 2) Section 4 paragraph 2 letter b) of Law of the Slovak National Council No. 369/1990 Coll. on communal establishment.
- 3) Section 2 of Law of the Slovak National Council No. 364/1990 Coll. on elections to self-administration bodies in the wording of subsequent regulations.
- 4) Section 48 of the Decree of the Federal Ministry of Internal Affairs No. 99/1989 Coll. on rules of road traffic in the wording of subsequent regulations.

ENCLOSURE

THE LIST of denominations of municipalities in languages of national minorities according to districts.

District	Name of the municipality in official language	Denomination of the municipality in language of national minority
Bardejov	Andrejová	
	Becherov	
	Cigel'ka	
	Frička	
	Chmeľová	
	Jedlinka	
	Mikulášová	
	Nížný Tvarožec	
	Ondavka	
	Petrová	
	Regetovka	
	Šarišské Čierne	
	Varadka	
	Vyšná Polianka	

	Vyšný Tvarožec	
Bratislava- vidiek	Malinovo	Éberhard
	Nová dedinka	Dunaújfalú
	Senec	Szenc
	Tomášov	Fél
	Tureň	Zonctorony
	Veľký Biel	Magyarbél
	Vlky	Vök
Dunajská Streda	Báč	Bacsfa
	Baka	Baka
	Baloň	Balony
	Bellova Ves	Vitény
	Blahová	Sárrét
	Blatná na Ostrove	Sárosfa
	Bodíky	Nagybodak
	Boheľov	Bögellő
	Čakany	Csákany
	Čenkovce	Csenke
	Čiližská Radvaň	Csilizradvány
	Dobrohošť	Doborgaz
	Dolný Bar	Albár
	Dolný Štál	Alistál
	Dunajská Streda	Dudaszerdahely
	Dunajský Klátov	Dunatókés
	Holice	Egyházgelle
	Horná Potôň	Lógerpatony
	Horné mýto	Felsővámos
	Horný Bar	Felbár
	Hubice	Gomba

	Jahodná	Eperjes
	Janíky	Jányok
	Jurová	Dericsika
	Kľúčovec	Kulcsod
	Kostolné Kračany	Egyházaskarcsa
	Kráľovičove Kračany	Királyfiakarcsa
	Kútniky	Hegyéte
	Kvetoslavov	Úszor
	Kyselica	Keszölcés
	Lehnice	Lég
	Lúč na Ostrove	Lúcs
	Macov	Macháza
	Mad	Mad
	Malé Dvorníky	Kisudvarnok
	Medveďov	Medve
	Mierovo	Béke
	Michal na Ostrove	Szentmihályfa
	Nový Život	Illésháza
	Ňarad	Csiliznyárad
	Ohraby	Csállóközkurt
	Okoč	Ekecs
	Ol'dza	Olgya
	Orechová Potôň	Díósfőrgepatony
	Padán	Padány
	Pataš	Csilizpatas
	Povoda	Pódatejed
	Rohovce	Nagyszarva
	Sap	Szap
	Šamorín	Somorja
	Štvrtek na Ostrove	Csallóközcsutórtók
	Topoľníky	Nyárad
	Trhová Hradská	Vásárút

	Trnávka	Csallókőztárnok
	Trstená na Ostrove	Csallókőznádasd
	Veľká Paka	Nagypaka
	Veľké Blahovo	Nagybony
	Veľké Dvorníky	Nagyudvarnok
	Veľký Meder	Nagymegyer
	Vieska	Kisfalud
	Vojka nad Dunajom	Vajka
	Vrakúň	Nyékvárkony
	Vydrany	Hodos
	Zlaté Klasy	Nagymagyar
Galanta	Boldog	Boldogfa
	Čierna Voda	Feketenyék
	Čierny Brod	Vizkelet
	Diakovce	Deáki
	Dlhá nad Váhom	Vághosszúfalu
	Dolné Saliby	Alsószeli
	Dolný Chotár	Alsóhatár
	Galanta	Galánta
	Horné Saliby	Felsőszeli
	Hrubá Borša	Nagyborsa
	Hrubý Šúr	Hegysúr
	Jankovce	Jánosháza
	Jelka	Jóka
	Kajal	Nemeskajal
	Kostolná pri Dunaji	Egyházfa
	Košúty	Kosút
	Kráľov Brod	Királyrév
	Kráľová nad Váhom	Vágkirályfa
	Mostová	Hidaskurt
	Neded	Negyed

	Reca	Réte
	Selice	Szelőce
	Šaľa	Vágselly
	Topoľnica	Tósnyárasd
	Trnovec nad Váhom	Tornóc
	Trstice	Nádszeg
	Váhovce	Vága
	Veľká Mača	Nagymácséd
	Veľké Úľany	Nagyfődémes
	Vlčany	Farkasd
	Vozokany	Vezekény
	Žihárec	Zsigárd
Humenné	Brestov nad Laborcom	
	Brezovec	
	Čabalovce	
	Čabiny	
	Čertižné	
	Čukalovce	
	Habura	
	Hrabová Roztoka	
	Kalinov	
	Klenová	
	Krásny Brod	
	Medzilaborce	
	Michajlov	
	Nagov	
	Nechválova Polianka	
	Nížná Jablonka	
	Nová Sedlica	
	Oľka	
	Oľšinkov	

	Palota	
	Parihuzovce	
	Pčoliné	
	Pichne	
	Radvaň nad Laborcom	
	Repejov	
	Rokytov pri Humennom	
	Rokytovce	
	Runika	
	Ruská Volová	
	Ruský Potok	
	Sukov	
	Svetlice	
	Topoľa	
	Ubl'a	
	Uličské Krivé	
	Valentovce	
	Výrava	
	Vyšná Jablonka	
	Zbudská Belá	
Komárno	Bajč	Bajcs
	Bátorove Kosihy	Bátorkeszi
	Bodza	Bogya
	Bodzianske Lúky	Bogyarét
	Brestovec	Szilas
	Búč	Búcs
	Čalovec	Megyerics
	Číčov	Csicsó
	Dedinka Mládeže	Ifjúságfalva
	Chotín	Hetény
	Imeľ	Imely

	Iža	Izsa
	Kameničná	Keszegfalva
	Klížska Nemá	Kolózsnéma
	Komárno	Komárom
	Kravaj nad Dunajom	Karva
	Marcelová	Marcelháza
	Martovce	Martos
	Moča	Dunamocs
	Modrany	Madar
	Nesvady	Naszvad
	Okoličná na Ostrove	Ekel
	Patince	Pat
	Pribeta	Perbete
	Radvaň nad Dunajom	Dunaradvány
	Sokolce	Lakszakállas
	Svätý Peter	Szentpéter
	Tôň	Tany
	Trávník	Fuss
	Veľké Kosihy	Nagykeszi
	Virt	Virt
	Vrbová nad Váhom	Vágfuzes
	Zemianska Oľča	Nemesócsa
	Zlatá na Ostrove	Csallókőzaranyos
Košice-vidiek	Buzica	Buzita
	Cestice	Szeszta
	Čečejevce	Csécs
	Debrad'	Debród
	Drienovec	Somodi
	Dvorníky-Včeláre	Szádudvarnok-Méhész
	Háj	Áj
	Host'ovce	Bódvavendégi

	Chorváty	Tornahorváti
	Janík	Jánok
	Kechnec	Kenyhec
	Komárovce	Komaróc
	Milhost'	Migléc
	Mokrance	Makranc
	Moldava nad Bodvou	Szepesi
	Nižný Lánec	Alsólánc
	Peder	Péder
	Perín-Chym	Perény-Hím
	Rešica	Reste
	Turňa nad Bodvou	Torna
	Turnianska Nová Ves	Tornaújfalu
	Veľká Ida	Nagyida
	Zádiel	Szádelő
	Žarnov	Zsarnó
Levice	Bajka	Bajka
	Beša	Bese
	Bielovce	Ipolybél
	Bory	Bori
	Čata	Csata
	Demandice	Deménd
	Dolné Semerovce	Alsószemeréd
	Farná	Farnad
	Hokovce	Egeg
	Hontianska Vrbica	Hontfuzesgyarmat
	Horná Seč	Felsőszecse
	Horné Smerovce	Felsőzemeréd
	Horné Turovce	Felsótúr
	Horný Pial	Felsőpél
	Hronovce	Lekér

	Ipeľské Úľany	Ipolyfödémes
	Ipeľský Sokolec	Ipolyszakállos
	Jur nad Hronom	Garamszentgyörgy
	Kalná nad Hronom	Kálna
	Keť	Kéty
	Lok	Lők
	Lontov	Lontó
	Málaš	Málas
	Malé Ludince	Kisőlved
	Mýtné Ludany	Vámosladány
	Nýrovce	Nyír
	Ondrejovce	Endréd
	Pastovce	Ipolypásztó
	Plášťovce	Palást
	Pohronský Ruskov	Oroszka
	Sazdice	Százd
	Slatina	Szalatnya
	Starý Hrádok	Óvár
	Šahy	Ipolyság
	Šalov	Garamsalló
	Šarovce	Sáró
	Tehla	Tőhöl
	Tekovské Lužany	Nagysalló
	Tekovský Hrádok	Várad
	Tupá	Tompa
	Turá	Tőre
	Veľké Ludince	Nagyőlved
	Veľké Turovce	Nagytúr
	Vyškovce nad Ipľom	Ipolyvisk
	Vyškovce nad Hronom	Nagyod
	Zalaba	Zalaba
	Zbrojníky	Fegyvernek

	Želiezovce	Zselíz
	Žemliare	Zsemlér
Lučenec	Belina	Béna
	Biskupice	Fulekpuspóki
	Boľkobe	Bolyk
	Čakanovce	Csákányháza
	Čamovce	Csoma
	Fiľakovo	Fulek
	Fiľakovské Kováče	Fulekkovácsi
	Holiška	Galsa
	Jelšovce	Jelsőc
	Kalonda	Kalonda
	Mučín	Mucsiny
	Nitra nad Ipľom	Ipolynyitra
	Nové Hony	Keresztúr
	Panické Dravce	Panyidaróc
	Pinciná	Pinc
	Pleš	Pilis
	Prša	Perse
	Radzovce	Ragyolc
	Rapovce	Rapp
	Šávoľ	Sávoly
	Šíd	Síd
	Šurice	Sóreg
	Trebeľovce	Terbeléd
	Trenč	Tőrincs
	Veľká nad Ipľom	Vilke
	Veľké Dravce	Nagydaróc
Michalovce	Malé Raškovce	Kisráska
	Zemplínske Kopčany	Hegy

Nitra	Branč	Berencs
	Čechynce	Csehi
	Čifáre	Csiffár
	Dolné Obdokovce	Alsóbodok
	Horná Kráľová	Felsőkirályi
	Host'ová	Nyitrageszte
	Jelenec	Gímes
	Klasov	Kalász
	Kolíňany	Kolon
	Ladice	Lédec
	Nitrianske Hrnčiarovce	Nyitragerencsér
	Pohranice	Pográny
	Telince	Tild
	Veľký Cetín	Nagycétény
	Žirany	Zsére
Nové Zámky	Andovce	Andód
	Bajtava	Bajta
	Bardoňovo	Baracska
	Belá	Béla
	Bešeňov	Zsitvabesenyő
	Bíňa	Bény
	Bruty	Bart
	Dubník	Csúz
	Dvory nad Žitavou	Udvard
	Gbelce	Kőbólkút
	Chľaba	Helemba
	Kamenica nad Hronom	Garamkövesd
	Kamenín	Kéméd
	Kamenný Most	Kőhídgyarmat
	Komča	Kamocsa

	Leľa	Leléd
	Lubá	Libád
	Malá nad Hronom	Kicsind
	Malé Kosihy	Ipolykeszi
	Mužla	Muzsla
	Nána	Nána
	Nová Vieska	Kisújfalu
	Nové Zámky	Érsekújvár
	Pavlová	Garampáld
	Pozba	Pozba
	Rúbaň	Fur
	Salka	Szalka
	Sikenička	Kisgyarmat
	Strekov	Kurt
	Svodín	Szőgyén
	Šarkan	Sárkányfalva
	Tvrdošovce	Tardoskedd
	Veľký Kýr	Nagykér
	Zemné	Szimő
Rimavská Sobota	Abovce	Abafalva
	Barca	Baraca
	Bátka	Bátka
	Blhovce	Balogfalva
	Bretka	Beretke
	Cakov	Cakó
	Číž	Csíz
	Dolné Zahorany	Magyarhegymeg
	Dražice	Perjése
	Drňa	Darnya
	Držkovce	Deresk
	Dubno	Dobfenék

	Dubovec	Dobóca
	Dulovo	Dúlháza
	Figa	Fuge
	Gemer	Sajógőmőr
	Gemerček	Kisgőmőri
	Gemerská Panica	Gőmörpanyit
	Gemerská Ves	Gőmőrfalva
	Gemerské Dechtáre	Détér
	Gemerské Michalovce	Gőmőrmihályfa
	Gemerský Jablonec	Almágy
	Gortva	Gortvakisfalud
	Hajnáčka	Ajnácskő
	Hodejov	Várgede
	Hodejovec	Kerekgede
	Hostice	Gesztete
	Hubovo	Hubó
	Husiná	Guszona
	Chanava	Hanva
	Chrámec	Harmac
	Chvalová	Felfalu
	Ivanice	Iványi
	Janice	Jéné
	Jestice	Jeszte
	Kaloša	Kálosa
	Kesovce	Sajókeszi
	Konrádovce	Korlát
	Kráľ	Sajószentkirály
	Lenartovce	Lénártfalva
	Lenka	Lenke
	Leváre	Lévárt
	Levkuška	Lőkősháza
	Lipovec	Lipóc

	Martinová	Martonfalva
	Neporadza	Naprágy
	Nová Bašta	Újbást
	Otročok	Otrokocs
	Ožďany	Osgyán
	Padarovce	Pádár
	Pavlovce	Pálfalva
	Petrovce	Péterfalva
	Polina	Alsófalu
	Radnovce	Radnót
	Rakytník	Rakottyás
	Rašice	Felsőrás
	Riečka	Sajórecske
	Rimavská Seč	Rimaszecs
	Rimavská Sobota	Rimaszombat
	Rimavské Janovce	Jánosi
	Rumince	Runya
	Skerešovo	Szkáros
	Slizké	Szilistye
	Stará Bašta	Óbást
	Stránska	Oldalfalva
	Studená	Mesveshidegkút
	Sútor	Szútor
	Šimonovce	Simonyi
	Širkovce	Serk
	Štrkovec	Kővecses
	Tachty	Tajti
	Tomášovce	Balogtamási
	Tornaľa	Tornalja
	Uzovská Panica	Uzapanyit
	Valice	Alsóvály
	Včelnice	Méhi

	Včelkov	Vecseklő
	Veľký Blh	Nagybalog
	Vieska nad Blhom	Balogújfalu
	Višnové	Visnyó
	Vlkyňa	Velkenye
	Vyšné Valice	Felsővály
	Zábor	Zádorháza
	Zacharovce	Zeherje
	Žiar	Zsór
	Žíp	Zsip
Rožňava	Ardovo	Pelsőcardó
	Bôrka	Barka
	Brzotín	Berzété
	Čoltovo	Csoltó
	Čučma	Csucsom
	Dlhá Ves	Hosszúsó
	Drnava	Dernő
	Gemerská Hôrka	Gömörhorka
	Gemerský Sad	Gömörliget
	Hrhov	Tornagörgő
	Hrušov	Kőrtvélyes
	Hucín	Gice
	Jablonov nad Turňou	Szádalmás
	Jovice	Jólész
	Kečovo	Kecső
	Kováčová	Koskovácsvágása
	Krásnohorská Dlhá Lúka	Várhosszúrét
	Krásnohorské Podhradie	Krasznahorkaváralja
	Kružná	Körös
	Kunova Teplica	Kuntapolca
	Licince	Lice

	Lipovník	Hárskút
	Lúčka	Lucska
	Meliata	Melléte
	Pašková	Páskaháza
	Plešivec	Pelsőc
	Rožnava	Rozsnyó
	Rudná	Rudna
	Silica	Szilice
	Silická Brezová	Borzova
	Silická Jablonica	Jablonca
	Slavec	Szalóc
Stará Ľubovňa	Jarabina	
	Legnava	
	Obručné	
	Ruská Voľa nad Popradom	
	Stráňany	
	Údol	
Svidník	Belejovce	
	Bodružal	
	Bystrá	
	Cigla	
	Dobroslava	
	Dubová	
	Havaj	
	Havranec	
	Jurkova Voľa	
	Kečkovce	
	Kožuchvce	
	Krajná porúbka	
	Kurimka	

	Malá Poľana	
	Medvedie	
	Miková	
	Nižná Jedľová	
	Nižná Pisaná	
	Nižný Mirošov	
	Nižný Orlík	
	Nová Polianka	
	Oľšavka	
	Potôčky	
	Pstriná	
	Roztoky	
	Staškovce	
	Vagrinec	
	Vápeník	
	Varechovce	
	Veľkrop	
	Vladiča	
	Vojtovce	
	Vyšná Jedľová	
	Vyšná Pisaná	
	Vyšný Mirošov	
	Vyšný Orlík	
Trebišov	Bačka	Bacska
	Bara	Bári
	Beša	Bés
	Biel	Bély
	Bol'	Boly
	Borša	Borsi
	Boťany	Battyán
	Brehov	Imreg

	Budince	Budaháza
	Černocho	Csarnahó
	Čičarovce	Csicser
	Čierna	Ágcsernyó
	Čierna nad Tisou	Tiszacsernyő
	Dobrá	Dobra
	Drahňov	Deregyő
	Ižkovce	Iske
	Kapušíanske Kľačany	Kelecsény
	Klin nad Bodrogom	Bodrogszög
	Kraľovský Chlmec	Királyhelme
	Krišovská Liesková	Mokcsamogyros
	Ladmovce	Ladmóc
	Leles	Lelesz
	Malá Tŕňa	Kistoronya
	Malé Trakany	Kistárkány
	Malý Horeš	Kisgéres
	Malý Kamenec	Kiskővesd
	Maťovské Vojkovce	Mátyócvajkóc
	Oborín	Abara
	Poľany	Pólyán
	Pribeník	Perbenyik
	Ptrukša	Szirénfalva
	Rad	Rad
	Ruská	Dobóruszka
	Sirník	Szurnyeg
	Slovenské Nové Mesto	Újhely
	Sol'nička	Szolnocska
	Somotor	Szomotor
	Strážne	Őrös
	Streda nad Bodrogom	Bodrogszerdahely
	Svätá Mária	Szentmária

	Svätuše	Szentes
	Svinice	Szinyér
	Veľké Kapušany	Nagykapos
	Veľké Raškovce	Nagyráska
	Veľké Slemenice	Nagyszelmenc
	Veľké Trakany	Nagytárkány
	Veľký Horeš	Nagygéres
	Veľký Kamenec	Nagykövesd
	Viničky	Szőlőske
	Vojany	Vaján
	Vojka	Véke
	Zatín	Zétény
	Zemplín	Zemplén
Veľký Krtíš	Balog nad Ipľom	Ipolybalog
	Bátorová	Bátorfalu
	Bušince	Bussa
	Čebovce	Csáb
	Čeláre	Csalár
	Dolinka	Inám
	Ďurkovce	Gyurki
	Glabušovce	Galábocs
	Chrastince	Haraszi
	Ipeľské Predmostie	Ipolyhidvég
	Kamenné Kosihy	Kőkeszi
	Kiarov	Ipolykér
	Kleňany	Kelenye
	Koláre	Kóvár
	Kosihovce	Dacsókeszi
	Kosihy nad Ipľom	Ipolykeszi
	Kováčovce	Szénkovácsi
	Muľa	Rárósmulyad

	Nenince	Lukanénye
	Olováry	Óvár
	Opatovská Nová Ves	Apátújfalu
	Sečianky	Szécsénke
	Seľany	Szelény
	Širákov	Sirák
	Trebušovce	Terbegec
	Veľká Čalomija	Nagycsalomja
	Veľká Ves nad Ipľom	Ipolynagyfalu
	Veľké Zlievce	Felsőzellő
	Vinica	Ipolynyék
	Vrbovka	Ipolyvarbó
	Želovce	Zsély
Žiar nad Hronom	Krahule	Blaufuss
	Kunešov	Kuneschhau



ACFC/SR/II(2005)001
Appendices 8 to 18

**SECOND REPORT SUBMITTED BY THE SLOVAK REPUBLIC
PURSUANT TO ARTICLE 25, PARAGRAPH 1
OF THE FRAMEWORK CONVENTION FOR
THE PROTECTION OF NATIONAL MINORITIES**

(Received on 3 January 2005)

Annex No. 8
NATIONAL COUNCIL OF THE SLOVAK REPUBLIC
ACT 270
of 15 November 1995
on the State Language of the Slovak Republic

Amended: No. 260/1997 Coll., No. 5/1999 Coll., No. 184/1999 Coll.

The National Council of the Slovak Republic, following from the fact that the Slovak language is the most important feature of the individuality of the Slovak nation, the most precious value of its cultural heritage and the expression of sovereignty of the Slovak Republic and the universal communication mean of its citizens, that ensures their freedom and equality in dignity and rights 1) on the territory of the Slovak Republic, has adopted the following law:

Section 1
Introductory provision

- (1) The state language on the territory of the Slovak Republic is the Slovak language.2)
- (2) The state language has preference over other languages used on the territory of the Slovak Republic.
- (3) Law does not treat usage of liturgical languages. The usage of these languages is treated by regulations of churches and religious communities. 3)
- (4) Law does not treat the usage of languages of national minorities and ethnic groups. The usage of these languages is treated by special laws. 4)

Section 2
State language and its protection

- (1) The state
 - a) creates in school, scientific and information systems such conditions that each citizen of the Slovak Republic may acquire and use the state language in word and in writing,
 - b) takes care for scientific research of the state language, its historical development, research of local and social dialects, codification of the state language and increase of the language culture.
- (2) The codified form of the state language is stated by the Ministry of Culture of the Slovak Republic (hereafter only "the Ministry of Culture") on the proposal of special Slovak linguistic workplaces.
- (3) Any intervention into the codified form of the state language in discrepance with its causalities is not allowable.

Section 3

Usage of the state language in official contacts

- (1) State bodies and state organizations, bodies of territorial self-administration and bodies of public and legal institutions 5) (hereafter only „public organs“) use obligatorily the state language while performing their duties on the whole territory of the Slovak Republic. Showing of adequate knowledge of the state language in word and in writing is the condition of acceptance to work or to a similar labour relation and the assumption of performing the agreed-upon work in determined working activity in public organs.
- (2) Employees and functionaries of public organs, transport and communication employees as well as members of armed forces, armed security corps, other armed corps and fire corps use the state language in official contacts.
- (3) In the state language
- a) laws, governmental acts and other general binding legal regulations including regulations of organs of the territorial self-administration, decisions and other public deeds are published,
 - b) negotiations of public organs are conducted,
 - c) entire official agenda (registers, minutes, resolutions, statistics, registers, balances, official records, information determined for public, etc.) and agenda of churches and religious communities determined for public is conducted,
 - d) official names of municipalities and their parts, denomination of streets and other public spaces, other geographical names as well as data on state map works including cadaster maps are stated; denomination of municipalities in other languages is treated by a special law, 6)
 - e) chronicles of municipalities are written. Possible other-language wording is translation from the state language.
- (4) Public organs and organizations established by them are obligated to use the state language in all information systems and in mutual contacts.
- (5) Written presentations of citizens determined for public organs are presented in the state language.
- (6) Each citizen of the Slovak Republic has the right to free adjustment of his name 7) and surname into Slovak spelling form.

Section 4

Usage of the state language in schools

- (1) Learning of the state language is obligatory at all primary and secondary schools. Other than the state language is the instructional language and examining language to extent determined by special regulations. 8)
- (2) Pedagogical workers at all schools and in school facilities on the territory of the Slovak Republic with the exception of foreign pedagogues and lecturers are obliged to speak and use the state language in word and in writing.
- (3) The entire pedagogical documentation is conducted in the state language.
- (4) Textbooks and instructional texts used in the education process in the Slovak Republic are published in the state language besides textbooks and instructional texts for study in the language of national minorities, ethnic groups and other foreign languages. Their publishing and use is treated by special regulations. 9)
- (5) Provisions of paragraphs 1, 2 and 4 do not refer to usage of the state language in study at universities, in study of other languages or in education in other than the state language 8) nor for using textbooks and instructional texts in study at universities.

Section 5

Usage of the state language in mass information media at cultural events and public gatherings

(1) Broadcasting on radio and television is performed in the state language on the whole territory of the Slovak Republic. Exceptions are

- a) other language radio programmes and foreign language television programmes consisting of audiovisual works and other sound and pictorial recordings with subtitles in the state language or otherwise fulfilling the requirement of basic understandability from the point of view of the state language,
- b) foreign language broadcasting of Slovak radio for foreign countries, television and radio language courses and programmes with similar orientation,
- c) music programmes with original texts.

Broadcasting in languages of national minorities and ethnic groups are treated by special regulations. 10)

(2) Other language audiovisual works determined for children up to 12 years must be dubbed into the state language.

(3) Operators of radio and television broadcasting, announcers, moderators and editors are obligated to use the state language in broadcasting.

(4) Broadcasting of regional or local stations, radio stations and radio facilities is performed, in principle, in the state language. Other languages may be used before a particular programme is broadcast in the state language.

(5) Periodical and non-periodical publications are published in the state language. Publishing of different language print is treated by the special regulation, 11)

(6) Occasional print determined for public, catalogues of galleries and museums, libraries, cinema, theatre, concert and other cultural event programmes are published in the state language. In case of need, they may contain translations into different languages.

(7) Cultural and educational events are performed in the state language, or in another language if they fulfill the requirement of basic understandability from the point of view of the state language. The exception is formed by cultural events of national minorities, ethnic groups, foreign artists appearing as guests and music works with original texts. Accompanying presentation of programmes will first be expressed in the state language.

(8) Each participant of a gathering or lecture on the territory of the Slovak Republic has the right to present his speech in the state language.

Section 6

Usage of the state language in armed forces, in armed corps and in fire corps

(1) The state language is used in official relations in the Army of the Slovak Republic, in the forces of the Ministry of the Interior of the Slovak Republic, in the Police Corps, in the Slovak Information Service, in the Corps of Prison and Justice Guard of the Slovak Republic, in Railway Police of the Slovak Republic and in municipal police.

(2) The entire agenda and documentation of armed forces, armed security corps, other armed corps and fire corps is carried in the state language.

(3) Provision of paragraph 1 does not refer to air forces during flight operation and on international activities of armed corps.

Section 7

Usage of the state language in court and administrative proceedings

- (1) Mutual contact of courts with citizens, court proceedings, administrative proceedings, decisions and minutes from courts and administrative organs are carried and published in the state language.
- (2) Rights of persons belonging to national minorities and ethnic groups or rights of foreigners who does not speak the state language, following from special regulations 12) remain untouched.

Section 8

Usage of the state language in economy, services and health system

- (1) In the interest of the consumer, the usage of the state language is obligatory in marking the contents of domestic or imported goods, in instructions for usage of goods, especially groceries and medicaments, in guarantee conditions and other information for consumers. 13)
- (2) Written legal acts in public and legal relation or in similar labour relations are made in the state language.
- (3) Finance and technical documentation, Slovak technical standards, statutes of associations, groups, political parties, political movements and trade companies are made in the state language.
- (4) The entire agenda of health facilities is made in the state language. Contacts of health personnel with patients is usually made in the state language; if a citizen or foreigner does not speak the state language, also in the language in which it is possible to communicate with the patient.
- (5) In proceedings before public and legal bodies on contracts treating binding relations, only wording in the state language is acknowledged.
- (6) All notices (signs), advertisements and announcements determined for informing the public, especially in shops, at sports centres, in pubs, in streets, along roads and above them, at airports, in bus stations and railway stations, in rail wagons and in mass transport vehicles must be stated in the state language. They may be translated into other languages, but different language texts follow after the equally large text in the state language.

Section 9

Supervision

The Ministry of Culture supervises over the keeping of duties following from this law. If it finds out any shortcomings, it warns legal entities and physical persons, in which activities the shortcomings have been found out, and it is authorized to require removal of the anti-legal state.

Section 10

Fines (cancelled)

Section 11 Common and temporary provisions

- (1) Usage of common other languages names, special concepts or denominations of new facts, on which there is not so far a proper equivalent expression, is not touched by this law.
- (2) All heads of public and legal organs and other legal entities and physical persons are responsible for keeping the provisions of this law (Section 10 paragraph 1).
- (3) Costs of all adjustments of information tables, names and other texts according to this law are covered by particular offices and other legal entities and physical persons. These adjustments will be done up to one year from the day of effect of this law.
- (4) The state language is for purposes of Section 2 paragraph 1 letter a) and b), Section 3 paragraphs 1, 2 and paragraph 3 letter a), c), d) and e), Section 4, Section 5 paragraphs. 5 and 8, Section 6 paragraph 2 and Section 8 paragraphs 1 to 5 understood to be the Slovak language in its codified form (Section 2 paragraph 2).

Section 12 Provisions of repeal

Law of the Slovak National Council No. 428/1990 Coll. on the official language in the Slovak Republic will be repealed.

Section 13

This law comes into effect on January 1, 1996 with the exception of Section 10, which comes into effect on January 1, 1997.

Michal Kováč in his own hand
Ivan Gašparovič in his own hand
Vladimír Mečiar in his own hand

-
- 1) Art. 12 paragraph 1 of Constitution of the Slovak Republic.
 - 2) Art. 6 paragraph 1 of the Constitution of the Slovak Republic.
 - 3) Law No. 308/1991 Coll. on freedom of religious faith and position of churches and religious communities.
 - 4) E.g., Law No. 141/1961 Coll. on criminal court proceedings (Criminal Order) in the wording of subsequent regulations, Civil Court Order, Law No. 81/1966 Coll. on periodical print and other mass information media in the wording of subsequent regulations, Law No. 29/1984 Coll. on the system of primary and secondary schools (school law) in the wording of subsequent regulations, Law of the Slovak National Council No. 254/1991 Coll. on Slovak Television in the wording of subsequent regulations, Law of the Slovak National Council No. 255/1991 Coll. on Slovak Radio in the wording of subsequent regulations, Law of the National Council of the Slovak Republic No. 191/1994 Coll. Laws on denomination of municipalities in the language of national minorities.
 - 5) E.g., Law of the Slovak National Council No. 254/1991 Coll. in the wording of subsequent regulations, Law of the Slovak National Council No. 255/1991 Coll. in the wording of subsequent regulations, Law of the National Council of the Slovak Republic No. 273/1994

Coll. Laws on health insurance, financing of health insurance, on establishing of the General Health Insurance Company and on establishing of departmental, branch, business and civic health insurances in the wording of subsequent regulations, Law of the National Council of the Slovak Republic No. 274/1994 Coll. Laws on the Social Insurance Company in the wording of subsequent regulations.

6) Law of the National Council of the Slovak Republic No. 191/1994 Coll. Laws.

7) Section 7 paragraph 1 of Law of the National Council of the Slovak Republic No. 300/1993 Coll. Laws on name and surname.

8) Section 3 and 3a of Law No. 29/1984 Coll. in the wording of Law No. 171/1990 Coll. and Law of the National Council of the Slovak Republic No. 230/1994 Coll.

9) Section 40 of Law No. 29/1984 Coll. in the wording of subsequent regulations. Regulation of the government of the Slovak Republic No. 282/1994 Coll. Laws on using textbooks and instructional texts.

10) Section 3 paragraph 3 of Law of the Slovak National Council No. 254/1991 Coll. in the wording of subsequent regulations.

Section 5 of Law of the Slovak National Council No. 255/1991 Coll. in the wording of subsequent regulations.

11) Law No. 81/1966 Coll. on periodical print and other mass information media in the wording of subsequent regulations.

12) Section 18 of the Civic Court Order. Section 2 paragraph 14 of Law No. 141/1961 Coll., Law No. 36/1967 Coll. on experts and interpreters. Decree of the Ministry of Justice No. 37/1967 Coll. on execution of law on experts and interpreters in the wording of subsequent regulations.

13) Section 9 paragraphs 1 and 2 and Section 11 of Law No. 634/1992 Coll. on consumer protection. Law of the National Council of the Slovak Republic No. 152/1995 Coll. Laws on groceries.

Annex No. 9

List
of municipalities, where citizens of the Slovak Republic belonging to the Hungarian
national minority constitute at least 20 % of the population according to the results of
the census of 26 May 2001

Region	District	Municipality	
Bratislava	Senec 20,4	1.Senec	22,1
		2. Boldog	70,3
		3.Hamuliakovo	55,6
		4. Hrubá Borša	31,7
		5. Hrubý Štúr	74,3
		6. Kalinkovo	37,1
		7. Kostolná pri Dun.	68,8
		8. Malinovo	50,6
		9. Nová Dedinka	28,7
		10.Reca	44,1
		11.Tomášov	55,4
		12.Tureň	77,0
		13.Veľký Biel	41,4
		14.Vlky	77,4
Trnava	Dunajská Streda 83,3	1. Dunajská Streda	79,7
		2. Báč	67,2
		3. Baka	92,5
		4. Baloň	94,0
		5. Bellova Ves	45,1
		6. Blahová	52,1
		7.Blatná na Ostrove	87,9
		8. Bodíky	96,5
		9. Boheľov	97,8
		10.Čakany	86,3
		11.Čenkovce	90,9
		12.Čiližská Radvaň	95,4
		13.Dobrohošť	91,4
		14.Dolný Bar	82,6
		15.Dolný Štál	94,2
		16.Dunajský Klatov	93,9
		17.Gabčíkovo	90,4
		18.Holice	96,0
		19.Horná Potôň	93,9
		20.Horné Mýto	97,2
		21.Horný Bar	89,2
		22.Hubice	77,2
		23.Hviezdoslavov	45,1
		24.Jahodná	94,0
		25.Janíky	90,3
		26.Jurová	94,1
		27.Kľúčovec	98,1
		28.Kostolné Kračany	92,8

		29.Kraľovičove Krač.	90,2
		30.Kútňiky	87,4
		31.Kvetoslavov	46,0
		32.Kyselica	78,9
		33.Lehnice	68,9
		34.Lúč na Ostrove	95,7
		35.Macov	56,8
		36.Mad	95,7
		37.Malé Dvorníky	92,5
		38.Medveďov	87,3
		39.Mierovo	82,3
		40.Michal na Ostrove	89,0
		41.Nový Život	85,3
		42.Ňarad	95,1
		43.Ohrady	95,3
		44.Okoč	92,5
		45.Oľdza	93,8
		46.Orechová Potôň	93,5
		47.Padáň	94,4
		48.Pataš	89,7
		49.Povoda	78,6
		50.Rohovce	87,7
		51.Sap	96,3
		52.Šamorín	66,6
		53.Štvrtok na Ostrove	82,8
		54.Topoľníky	93,0
		55.Trhová Hradská	94,6
		56.Trnávka	81,3
		57.Trstená na Ostrove	93,2
		58.Veľká Paka	55,6
		59.Veľké Blahovo	86,0
		60.Veľké Dvorníky	95,8
		61.Veľký Meder	84,5
		62.Vieska	89,9
		63.Vojka nad Dunajom	87,7
		64.Vrakúň	92,7
		65.Vydrany	85,4
		66.Zlaté Klasy	67,7
Galanta	38,6	1.Galanta	36,8
		2.Čierna Voda	92,4
		3.Čierny Brod	90,2
		4.Dolné Saliby	78,0
		5.Dolný Chotár	93,3
		6.Horné Saliby	67,0
		7.Jánovce	33,0
		8.Jelka	68,4
		9.Kajal	70,9
		10.Košúty	60,7
		11.Kráľov Brod	83,5
		12.Matúškovo	64,1

			13. Mostová	88,1
			14. Sládkovičovo	38,5
			15. Tomášikovo	88,0
			16. Topoľnica	53,3
			17. Trstice	93,7
			18. Váhovce	77,1
			19. Veľká Mača	84,8
			20. Veľké Uľany	71,1
			21. Vozokany	83,0
Nitra	Komárno	69,1	1. Komárno	60,1
			2. Bajč	56,8
			3. Bátorové Kosihy	83,4
			4. Bodza	92,9
			5. Bodzianske Lúky	95,1
			6. Brestovec	96,3
			7. Búč	93,6
			8. Čalovec	73,0
			9. Čičov	91,5
			10. Dedina mládeže	66,6
			11. Holiare	92,9
			12. Hurbanovo	50,2
			13. Chotin	87,1
			14. Imeľ	46,5
			15. Iža	72,8
			16. Kameničná	78,6
			17. Kližská Nemá	92,2
			18. Kolárovo	80,8
			19. Kravany nad Dunajom	81,0
			20. Marcelová	88,5
			21. Martovce	90,6
			22. Moča	92,0
			23. Modrany	85,3
			24. Nesvady	59,0
			25. Okoličná na Ostrove	88,6
			26. Patince	91,4
			27. Pribeta	76,6
			28. Radvaň nad Dunajom	91,5
			29. Sokolce	91,4
			30. Svätý Peter	73,6
			31. Tôň	88,0
			32. Trávník	91,3
			33. Veľké Kosihy	85,6
			34. Virt	67,5
			35. Vrbové /Váhom	89,2
			36. Zemianska Olča	89,8
			37. Zlatná na Ostrove	90,5

Levice 27,9

Levice mesto 12,2

1. Bajka	26,7
2. Beša	40,2
3. Bielovce	91,6
4. Bory	45,6
5. Čata	68,6
6. Demnadice	32,3
7. Dolné Semerovce	59,3
8. Farná	76,8
9. Hokovce	46,6
10. Hontianska Vrbica	36,9
11. Horná Seč	23,1
12. Horné Semerovce	54,3
13. Horné Turovce	68,0
14. Horný Pial	52,2
15. Hrkovce	57,8
16. Hronovce	48,0
17. Ipeľský Sokolec	86,3
18. Ipeľské Uľany	89,2
19. Jur nad Hronom	41,8
20. Keť	93,2
21. Hrubáňovo	78,2
22. Kukučínov	32,6
23. Lontov	70,9
24. Máláš	51,4
25. Malé Ludince	82,8
26. Mýtne Ludany	45,7
27. Nýrovce	72,9
28. Ondrejovce	35,7
29. Pastovce	73,6
30. Plašťovce	69,2
31. Pohronský Ruskov	61,6
32. Sazdice	61,5
33. Sikenica	40,4
34. Slatina	56,0
35. Šahy	62,2
36. Šalov	72,6
37. Šarovce	46,0
38. Tehla	21,3
39. Tekovské Lužany	35,4
40. Tekovský Hrádok	56,4
41. Tupá	34,4
42. Turá	60,6
43. Veľké Ludince	82,6
44. Veľké Turovce	60,7
45. Výškovce nad Ipľom	79,4
46. Vyšné nad Hronom	62,1
47. Zalaba	85,9

Nitra 6,7	48.Zbrojníky	32,1
	49.Želiezovce	51,2
	50.Žemliare	71,8
	1.Bobindol	30,4
	2.Branč	30,7
	3.Čechynce	53,7
	4.Čifáre	43,0
	5.Dolné Obdokovce	69,5
	6.Host'ová	82,5
	7.Jelenec	36,6
Nové Zámky 38,3	8.Klasov	43,1
	9.Kolíňany	59,5
	10.Nitrianske Hrnčiarovce	32,7
	11.Pohranice	59,3
	12.Veľké Chyndice	24,9
	13.Veľký Cetín	79,7
	14.Žirany	62,2
	1.Nové Zámky	27,5
	2.Andovce	66,8
	3.Bajtava	91,3
	4.Bardoňovo	38,6
	5.Belá	76,5
	6.Bešenov	80,1
	7.Biňa	89,6
	8.Bruty	90,7
	9.Dubník	64,4
	10.Dvory nad Žitavou	71,4
	11.Gbelce	74,3
	12.Chľaba	86,8
	13.Kamenica nad Hronom	78,2
	14.Kamenín	89,9
	15.Kamenný most	90,0
	16.Komoča	84,4
	17.Leľa	86,6
	18.Ľubá	86,9
	19.Malá nad Hronom	93,8
	20.Malé Kosihy	97,1
	21.Mužla	84,7
	22.Nána	75,0
	23.Nová Vieska	88,0
	24.Obid	88,1
	25.Pavlová	94,8
	26.Pozba	77,0
	27.Rúbaň	85,3
	28.Salka	93,1
	29.Sikenička	92,0
	30.Strekov	88,8

		31.Svodin	77,0
		32.Šarkan	85,7
		33.Štúrovo	68,7
		34.Tvrdošovce	71,3
		35.Veľký Kýr	64,3
		36.Zemné	74,7
	Šaľa 35,7	1.Diakovce	71,5
		2.Dlhá nad Váhom	71,5
		3.Kráľová nad Váhom	83,1
		4.Neded	62,4
		5.Selice	59,4
		6.Tešedíkovo	82,8
		7.Trnovec nad Váhom	23,9
		8.Vlčany	72,4
		9.Žihárec	75,4
Banská Bystrica	Zlaté Moravce	1.Ladice	43,7
	Lučenec 27,6	1.Belina	90,4
	Lučenec mesto 13,1	2.Biskupice	77,6
		3.Boľkovce	25,3
		4.Bulhary	84,3
		5.Čakanovce	71,9
		6.Čamovce	78,1
		7.Fiľakkovo	64,4
		8.Fiľakovské Kováče	55,0
		9.Holiša	55,7
		10.Jeľšovec	34,2
		11.Kalonda	63,6
		12.Mikušovce	26,7
		13.Mučín	29,4
		14.Nitra nad Ipľom	38,5
		15.Panické Dravce	46,1
		16.Pleš	51,3
		17.Prša	90,8
		18.Radzovce	72,1
		19.Rapovce	44,4
		20.Šávoľ	84,1
		21.Šíd	72,0
		22.Šurice	89,8
		23.Trebeľovce	25,3
		24.Trenč	30,1
		25.Veľká nad Ipľom	51,0
		26.Veľké Dravce	73,3
	Poltár	1.Nové Hony	21,5
		2.Pinciná	48,3
	Revúca 22	1.Držkovce	68,8
		2.Gemer	83,1

		3.Gemerská Ves	67,5
		4.Gemerský Sad	53,8
		5.Hucin	26,5
		6.Chvalová	39,0
		7.Leváre	84,6
		8.Levkuška	79,8
		9.Licince	57,9
		10.Otročok	72,4
		11.Polina	71,7
		12.Rašice	94,3
		13.Skerešovo	46,4
		14.Tornaľa	62,1
		15.Višňové	52,7
		16.Žiar	74,1
Rimavská Sobota	41,3	1.Rimavská Sobota	35,3
		2.Abovce	66,3
		3.Barca	85,5
		4.Bátka	72,3
		5.Belín	32,6
		6.Blhovce	76,9
		7.Čakov	84,4
		8.Číž	71,4
		9.Dolné Zahorany	93,7
		10.Dražice	65,0
		11.Drňa	79,4
		12.Dubno	97,1
		13.Dubovec	82,9
		14.Dulovo	29,9
		15.Figa	43,7
		16.Gemerček	83,8
		17.Gemerské Dechtáre	96,8
		18.Gemerské Michalovce	78,4
		19.Gemerský Jablonec	89,7
		20.Gortva	55,4
		21.Hajnáčka	86,3
		22.Hodejov	64,2
		23.Hodejovec	55,0
		24.Hostice	87,0
		25.Hubovo	88,3
		26.Husiná	77,6
		27.Chanava	88,2
		28.Chrámec	66,2
		29.Ivanice	95,1
		30.Janice	96,2
		31.Jesenské	56,8
		32.Jestice	91,6
		33.Kaloša	77,5
		34.Kesovce	67,8
		35.Konrádovce	77,6

	36.Kráľ	69,6
	37.Lenartovce	78,0
	38.Lenka	63,9
	39.Martinová	67,8
	40.Neporadza	52,6
	41.Nová Bašta	90,3
	42.Ožďany	26,1
	43.Paradovce	52,2
	44.Pavlovce	54,3
	45.Petrovce	96,3
	46.Radnovce	84,9
	47.Rakytník	87,8
	48.Riečka	84,1
	49.Rimavská Seč	88,5
	50.Rimavské Janovce	41,3
	51.Rumince	66,4
	53.Stará Bašta	94,2
	54.Stránske	45,2
	55.Studená	84,0
	56.Sútor	56,8
	57.Šimonovce	92,1
	58.Širkovce	86,0
	59.Štrkovec	84,6
	60.Tachy	96,1
	61.Tomášovce	74,2
	62.Uzovská Panica	63,6
	63.Valice	60,9
	64.Včelince	66,4
	65.Večelkov	95,6
	66.Veľký Blh	69,0
	67.Vieska nad Blhom	96,0
	68.Vlkyňa	96,2
	69.Vyšné Valice	87,6
	70.Zádor	83,2
	71.Žip	85,3
Veľký Krtíš 27,4	1.Balog nad Ipľom	87,9
	2.Bátorová	29,1
	3.Bušince	40,2
	4.Čebovce	72,0
	5.Čeláre	35,5
	6.Dolinka	96,7
	7.Ďurkovce	63,5
	8.Glabušovce	52,3
	9.Chrastince	21,3
	10.Ipeľské Predmostie	76,8
	11.Kamenné Kosihy	70,2
	12.Kiarov	73,8
	13.Kleňany	92,3
	14.Koláre	80,8

		15.Kosihovce	34,7
		16.Kosihy	85,3
		nad Ipľom	
		17.Kováčovce	66,1
		18.Lesenica	41,2
		19.Muľa	29,7
		20.Nenince	77,8
		21.Olováry	74,6
		22.Opatovská Nová Ves	70,1
		23.Sečianky	87,6
		24.Seľany	54,1
		25.Širákov	76,1
		26.Trebušovce	80,8
		27.Veľká Čalomija	66,0
		28.Veľká Ves nad Ipľom	80,9
		29.Veľké Zlievce	24,1
		30.Vinica	87,9
		31.Vrbovka	83,4
		32.Želovce	22,0
Košice	Košice-okolie 13,2	1.Buzica	63,5
		2.Cestice	47,2
		3.Čečejevce	35,7
		4.Debrat'	69,1
		5.Drienovec	33,5
		6.Dvorníky-Včeláre	68,1
		7.Háj	85,0
		8.Host'ovce	90,1
		9.Chorváty	76,3
		10.Janik	63,8
		11.Komárovce	84,3
		12.Milhost'	41,9
		13.Mokrance	35,4
		14.Moldava nad Bodvou	43,7
		15.Nižný Lánec	51,4
		16.Peder	81,2
		17.Perin-Chym	34,1
		18.Rešica	90,5
		19.Turňa nad Bodvou	43,6
		20.Turnianska Nová Ves	90,9
		21.Zádiel	86,6
		22.Žarnov	74,9
	Michalovce 11,7	1.Beša	92,6
		2.Budince	68,2
		3.Čičarovce	93,6
		4.Drahňov	58,3

	5.Ižkovce	92,5	
	6.Kapušianske Kľačany	73,6	
	7.Krišovská Liesková	78,6	
	8.Malé Raškovce	50,8	
	9.Maťovské Vojkovce	85,7	
	10.Oborin	69,3	
	11.Ptrukša	95,2	
	12.Ruská	93,7	
	13.Veľké Kapušany	57,0	
	14.Veľké Raškovce	83,6	
	15.Veľké Slemence	97,0	
	16.Vojany	70,3	
	17.Zemplínske Kopčany	36,2	
Rožňava 30,6	1.Rožňava	26,8	
	2.Ardovo	69,5	
	3.Bohúňovo	87,2	
	4.Bôrka	53,8	
	5.Bretka	81,9	
	6.Brztotín	40,0	
	7.Čoltovo	70,5	
	8.Čučma	48,8	
	9.Dlhá Ves	86,7	
	10.Drnava	71,3	
	11.Gemerská Hôrka	63,1	
	12.Gemerská Panica	46,8	
	13.Hrhov	90,1	
	14.Hrušov	88,6	
	15.Jablonov nad Turňou	86,7	
	16.Jovice	77,3	
	17.Kečovo	91,9	
	18.Kováčová	89,5	
	19.Krásnohorská Dlhá Lúka	87,7	
	20.Krásnohorské Podhradie	47,2	
	21.Kružná	81,1	
	22.Kunova Teplica	41,2	
	23.Lipovník	85,6	
	24.Lúčka	87,7	
	25.Meliata	74,4	
	26.Pašková	75,5	
	27.Plešivec	49,2	
	28.Rudná	41,8	
	29.Silica	89,0	
	30.Silická Brezová	73,4	
	31.Silická Jablonica	97,2	

Trebišov 29,3

32.Slavec	62,7
1.Bačka	96,3
2.Bara	69,9
3.Biel	75,5
4.Boľ	86,2
5.Borša	50,3
6.Bot'any	71,9
7.Brehov	43,5
8.Černocho	77,2
9.Čierna	89,6
10.Čierna nad Tisou	60,1
11.Dobrá	85,2
12.Klin nad Bodrogom	60,0
13.Kráľovský Chlmec	76,9
14.Ladmovce	86,8
15.Leles	75,5
16.Malé Trakany	87,9
17.Malý Horeš	95,6
18.Malý Kamenec	94,0
19.Poľany	83,0
21.Pribeník	78,9
22.Rad	75,9
23.Sirnik	24,1
24.Sol'nička	87,6
25.Somotor	69,2
26.Strážne	92,1
27.Streda nad Bodrogom	60,0
28.Svätá Mária	87,5
29.Svätuša	95,4
30.Svinice	89,0
31.Veľké Trakany	83,0
32.Veľký Horeš	84,1
33.Veľký Kamenec	88,7
34.Viničky	62,6
35.Vojka	86,9
36.Zatin	84,1
37.Zemplín	64,2

Annex No. 10

List

of municipalities, where citizens of the Slovak Republic belonging to the Roma national minority constitute at least 20 % of the population according to the results of the census of 26 May 2001

Nitra region

District Levice:

1.Dolné Semerovce.20.0%

Banská Bystrica region

District Brezno

1.Valkovňa 34.1 %

District Revúca

1.Držkovce 22.2 %

2.Hucín 50.1%

3.Rybník 31.5 %

District Rimavská Sobota

1.Dulovo 65.2%

2.Neporadza 24.6%

3.Pavlovce 25.9%

District Veľký Krtíš

1. Čelovce 24.7%

Prešov region

District Bardejov

1. Nižný Tvarožec 25.3%

District Kežmarok

1.Jurské 84.0%

2. Malý Slavkov 21.7%

3.Podhorany 54.5%

4.Rakúsy 27.6%

5.Stráne pod Tatrami 20.3%

6.Toporec 30.5%

7.Veľká Lomnica 22.1%

District Prešov

1.Červenica 31.2%

2.Hermanovce 21.3%

3.Mirkovce 61.2%

4.Svinia 27.1%

District Sabinov

1.Olejníkov 37.8%

2.Ostrovany 43.9%

District Stropkov

1. Miková 27.7%

District Svidník

1.Kružlová 21.0%

District Vranov nad Toplou

- 1.Banské 23.1%
- 2.Čaklov 31.3%
3. Čičava 48.8 %
4. Hlinné 21.5 %
- 5 .Prosačov 41.5%
- 6.Sol' 22.7%

Košice region

District Gelnica

- 1.Nálepko 27.6%
- 2.Richnava 26.3%
- 3.Závadka 22.3%

Košice II

- 1.Luník IX 44.0%

Košice surroundings

- 1.Háčava 28.2%
- 2.Kecеровce 61.8%
- 3.Nižný Lanec 24.9%
- 4.Veľká Ida 31.6%
- 5.Vtáčkovce 50.8%

District Michalovce

- 1.Budince 23.4%
- 2.Ľňačovce 31.8%
- 3.Laškovce 42.1%
- 4.Pavlovce nad Uhom 23.5%

District Rožňava

- 1.Bôrka 32.3%
- 2.Henckovce 20.4%
- 3.Krásnohorské Podhradie 28.1%

District Spišská Nová Ves

- 1.Arnúto 29.1%
- 2.Letanovce 20.5%
- 3.Poráč 23.8%
- 4.Žehra 26.3%

District Trebišov

- 1.Egreš 24.3%
- 2.Lastovce 37.7%
- 3.Zbehňov 26.7%

Annex No. 11

List
of municipalities, where citizens of the Slovak Republic belonging to the Ruthenian
national minority constitute at least 20 % of the population according to the results of
the census of 26 May 2001

District, municipality	Persons with permanent residence total	Ruthenian nationality	
			%

District Bardejov

Becherov	274	133	48.5
Chmelová	405	166	41.0
Jedlinka	86	29	33.7
Mikulášová	153	50	32.7
Ondavka	37	18	48.6
Regetovka	14	8	57.1
Šarišské Cierne	345	73	21.2
Vyšná Polianka	124	45	36.3
Vyšný Tvarožec	136	61	44.9

District Humenné

Nechválova Polianka	135	36	26.7
Nižná Jablonka	180	37	20.6
Pritulany	67	55	82.1
Ruská Kajna	150	34	22.7
Ruská Poruba	285	178	62.5
Vyšná Jablonka	84	32	38.1
Závada	84	60	71.4

District Medzilaborce

Brestov nad Laborcom	68	49	72.1
Čabalovce	349	150	43.0
Čabiny	430	195	45.3
Čertižné	421	273	64.8
Habura	497	308	62.0
Kalinov	312	126	40.4
Krásny Brod	405	234	57.8
Medzilaborce	6,741	2 303	34.2
Ňagov	431	356	82.6
Olka	351	202	57.5

Olšinkov	41	16	39.0
Palota	183	64	35.0
Radvan nad Laborcom	602	139	23.1
Repejov	173	87	50.3
Rokytovce	191	119	62.3
Roškovce	237	48	20.3
Sukov	153	54	35.3
Svetlice	175	46	26.3
Valentovce	42	24	57.1
Volica	347	98	28.2
Výrava	144	72	50.0
Zbojné	214	59	27.6
Zbudská Belá	161	99	61.5

District Snina

Čukalovce	143	82	57.3
Hostovice	378	85	22.5
Kalná Roztoka	630	172	27.3
Klenová	535	176	32.9
Osadné	233	58	24.9
Parihuzovce	28	11	39.3
Pcoliné	621	167	26.9
Runina	91	62	68.1
Ruská Volová	139	66	47.5
Topola	226	94	41.6
Ubla	881	176	20.0
Ulic	1,078	227	21.1

District Stará Lubovna

Čirc	1,118	373	33.4
Ruská Vola nad Popradom	115	32	27.8
Stránany	207	51	24.6
Údol	431	121	28.1

District Stropkov

Brusnica	351	112	31.9
Bystrá	38	18	47.4
Havaj	406	144	35.5
Jakušovce	58	14	24.1
Kožuchovce	67	20	29.9
Malá Polana	121	57	47.1
Miková	173	66	38.2
Potôcky	75	19	25.3
Staškovce	281	59	21.0
Vladica	75	40	53.3
Vojtovce	116	32	27.6

District Svidník

Belejovce	18	11	61.1
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Cigla	88	19	21.6
Dobroslava	41	14	34.1
Dubová	243	69	28.4
Havranec	10	4	40.0
Jurkova Vola	84	34	40.5
Keckovce	230	56	24.3
Korejovce	70	19	27.1
Krajná Bystrá	335	72	21.5
Krajná Porúbka	58	40	69.0
Krajné Cierne	84	34	40.5
Medvedie	62	21	33.9
Mirola	85	17	20.0
Nížná Jedlová	80	32	40.0
Nížná Pisaná	98	23	23.5
Nížný Mirošov	249	66	26.5
Nížný Orlík	260	71	27.3
Nová Polianka	62	17	27.4
Pstriná	70	29	41.4
Roztoky	294	69	23.5
Šarbov	9	4	44.4
Vagrinec	134	30	22.4
Vápeník	52	24	46.2
Vyšná Jedlová	173	87	50.3
Vyšná Pisaná	80	41	51.3
Vyšný Mirošov	604	185	30.6

Annex No. 12

List
of municipalities, where citizens of the Slovak Republic belonging to the Ukrainian
national minority constitute at least 20 % of the population according to the results of
the census of 26 May 2001

District, municipality	persons with permanent residence total		
		Ukrainian nationality	%

District Bardejov

Ondavka	37	9	24.3
Šarišské Čierne	345	93	27.0

District Medzilaborce

Olšinkov	41	16	39.0
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District Snina

Runina	91	23	25.3
Ruský Potok	161	39	24.2

District Stará Ľubovňa

Jarabina	834	243	29.1
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Annex No.13

List
of municipalities, where citizens of the Slovak Republic belonging to the German
national minority constitute at least 20 % of the population according to the results of
the census of 26 May 2001

District, municipality	persons with permanent residence total		
		German nationality	%
Slovak Republic	5379455	5405	0,1

Krahule	144	35	24.3
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List
of municipalities, where citizens of the Slovak Republic belonging to the Croatian
national minority constitute at least 20 % of the population according to the results of
the census of 26 May 2001

District, municipality	persons with permanent residence total		
		Croatian nationality	%
Bratislava - Jarovce	1199	244	20,4

Annex No. 14

Overview of the schools and school facilities where languages of nationalities were taught in the school year 2003/2004

1. Nursery schools		
Number of children by nationality:		
Czech, Moravian, Silesian		50
Slovak		137283
Ukrainian		111
Ruthenian		99
Hungarian		11581
Polish		17
German		13
Roma		1192
Other		133
Aliens		239
Total		150718
Total number of children in NS:		150718

2. Primary Schools			
a) State			
Language of instruction	Number of schools	Number of classes	Number of pupils
Slovak	1980	23854	516227
Hungarian	248	1978	36520
Slovak-Hungarian	35		
Ukrainian	6	45	458
Slovak-Ukrainian	2		
German	1	4	44
Total	2272	25881	553249
b) Private			
Language of instruction	Number of schools	Number of classes	Number of pupils
Slovak	10	34	414
Other	1	8	89
Total	11	42	503
c) Church			
Language of instruction	Number of schools	Number of classes	Number of pupils
Slovak	92	1123	24189
Hungarian	12	71	1070
Total	104	1194	25259
Total primary schools	2387	27117	579011
Primary school pupils by nationality			
Czech, Moravian, Silesian		858	
Slovak		527495	
Ukrainian		490	
Ruthenian		239	
Hungarian		45352	
Polish		49	
German		77	
Roma		3072	
Other		472	
Aliens		907	
Total		579011	
Total - pupils in primary schools:		579011	

3. GYMNASIA			
a) State			
Language of instruction	Number of schools	Number of classes	Number of students
Slovak	120	2512	77674
Slovak - bilingual	18		
Hungarian	11	196	5243
Slovak-Hungarian	8		
Ukrainian	1	7	155
Total	158	2715	83072
b) Private			
Language of instruction	Number of schools	Number of classes	Number of students
Slovak	15	131	3077
Slovak - bilingual	2		
Hungarian	1	5	114
Other	1	4	49
Total	19	140	3240
c) Church			
Language of instruction	Number of schools	Number of classes	Number of students
Slovak	37	422	13033
Slovak - bilingual	4		
Hungarian	5	31	712
Total	46	453	13745
Total - Gymnasia	223	3308	100057
Students of gymnasia by nationality:			
Czech, Moravian, Silesian		280	
Slovak		91918	
Ukrainian		125	
Ruthenian		101	
Hungarian		7219	
Polish		16	
German		45	
Roma		5	
Other		125	
Aliens		223	
Total		100057	
Total – students in gymnasia:			100057

4. SECONDARY VOCATIONAL SCHOOLS			
a) State			
Language of instruction	Number of schools	Number of classes	Number of students
Slovak	215	2894	83656
Slovak-Ukrainian	1	4	71
Hungarian	4	145	3797
Slovak-Hungarian	16		
Total	236	3043	87524
b) Private			
Language of instruction	Number of schools	Number of classes	Number of students
Slovak	27	141	3112
Hungarian	4	19	324
Slovak-Hungarian	1		
Total	32	160	3436
c) Church			
Language of instruction	Number of schools	Number of classes	Number of students
Slovak	11	87	2393
Total	11	87	2393
Total secondary vocational schools	279	3290	93353
Students of SVS by nationality:			
Czech, Moravian, Silesian		204	
Slovak		86508	
Ukrainian		77	
Ruthenian		45	
Hungarian		6226	
Polish		3	
German		18	
Roma		114	
Other		46	
Aliens		112	
Total		93353	
Total – students of SVS:			93353

5. SECONDARY APPRENTICE SCHOOLS AND APPRENTICES			
a) State			
Language of instruction	Number of schools	Number of classes	Number of students
Slovak	227	2869	70 042
Hungarian	2	20	407
Slovak-Hungarian	18	227	4 551
Total	247	3116	75 000
b) Private			
Language of instruction	Number of schools	Number of classes	Number of students
Slovak	11	121	2 981
Hungarian	5	58	1 127
Total	16	179	4 108
c) Church			
Language of instruction	Number of schools	Number of classes	Number of students
Slovak	5	42	1 045
Total	5	42	1 045
Total SAS and apprentices	268	3 337	80 153
Students SAS and apprentices by nationality:			
Czech, Moravian, Silesian		151	
Slovak		73 632	
Ukrainian		51	
Ruthenian		25	
Hungarian		6 157	
Polish		3	
German		9	
Roma		53	
Other		16	
Aliens		56	
Total		80 153	
Total – students of SAS and apprentices:			80153
Total – students of secondary schools:		273563	
Total – pupils of primary schools:		579011	
Total – pupils and students of primary and secondary schools:	852574		

6. SPECIAL SCHOOLS			
a) State			
Language of instruction	Number of schools	Number of classes	Number of pupils
Slovak – nursery, primary	315	2875	24864
Slovak – secondary	82	564	5177
Hungarian-nursery, primary	12	166	1408
Slovak-Hungarian – nursery, primary	18		
Hungarian – secondary	1	7	71
Slovak-Hungarian – special	2		
Total	430	3612	31520
b) Private			
Language of instruction	Number of schools	Number of classes	Number of pupils
Slovak – nursery, primary	2	5	46
Slovak – secondary	1	1	6
Total	3	6	52
c) Church			
Language of instruction	Number of schools	Number of classes	Number of pupils
Slovak – nursery, primary	9	59	467
Total	9	59	467
Total - special schools	442	3677	32039
Pupils in special schools by nationality:			
Czech, Moravian, Silesian		56	
Slovak		27734	
Ukrainian		6	
Ruthenian		0	
Hungarian		2019	
Polish		3	
German		0	
Roma		2190	
Other		13	
Aliens		18	
Total		32039	
Total – pupils in special schools:		32039	

Annex No. 15

**Agreement
between the Governments of the Slovak Republic and of the Republic of Hungary
on Cooperation in the Areas of Culture, Education, Science, Sports and Youth**

The Governments of the Slovak Republic and of the Republic of Hungary (hereinafter referred to as the Contracting Parties),

- *in accordance with* the Treaty on Good Neighbourliness and Friendly Cooperation between the Slovak Republic and the Republic of Hungary signed in Paris on 19 March 1995, and having regard to recommendations of the relevant mixed commissions set up with a view to facilitating the implementation of the Treaty,
- *convinced* that the development of relations in the areas of culture, education, science, sports and youth facilitates better understanding between the nations and promotes permanent cooperation between the States,
- *desirous* to strengthen mutual understanding, friendship and trust between the two States, their nations and national minorities through culture, science, education and sports,
- *in accordance with* the objectives and principles laid down in international instruments adopted by the two States, in an effort at bringing their nations closer together and fostering cultural integration of Europe through cooperation in the areas of culture, education, science, sports and youth, preservation of common cultural heritage and its further development,
- *driven* by the effort to ensure comparable full-fledged preservation and development of the life of the Hungarian national minority in the Slovak Republic and of the Slovak national minority in the Republic of Hungary, attaching special importance to balanced reciprocal satisfaction of spiritual, educational and cultural needs of the minorities,

have agreed as follows:

Article 1

The Contracting Parties shall develop and strengthen direct and comprehensive cooperation comprising regular exchanges of experience and information in the areas of culture, art, education, science, information and the use of mass media, physical education and sports, as well as contacts among young people.

To promote more effective cooperation, the Contracting Parties shall promote the already existing direct relationships and facilitate the establishment of further relationships at the level of State and non-State entities, self-government, churches and in other areas.

Article 2

The Contracting Parties shall promote better mutual knowledge of cultural and artistic heritage of their countries, cooperation and exchanges in all fields of culture, public education, professional or amateur art, pursuing mutual interests and benefits.

The Contracting Parties shall support:

- 1) cooperation between art institutions and agencies, unions and organisations of publishers and distributors of books, libraries, houses of culture, museums, art galleries, monument protection institutions, performing artists, experts on arts and public education, non-governmental organisations active in the areas falling within the scope of this Agreement and, furthermore, exchanges of specialists, experience and documents in all areas of culture,
- 2) exchanges of professional and amateur artists, soloists, artistic ensembles, choirs, orchestras, theatre and other companies on a non-commercial and/or commercial basis, participation of their representatives in cultural festivals, competitions, conferences, international meetings, art events, creative workshops organised by the other Contracting Party and in the juries of international competitions organised in the other State,
- 3) exchanges of exhibitions of photographic documents, periodical and non-periodical art publications, films and other information carriers, musical scores, audio and audio-visual media between cultural institutions,
- 4) cooperation between publishing houses and distribution companies,
- 5) organisation of joint cultural events on mutually agreed themes,
- 6) presentation of dramatic, musical, vocal, dance, audiovisual and visual arts in the relevant institutions of the State of the other Contracting Party on a commercial and/or non-commercial basis,
- 7) translations and publishing of major literary and scientific works by authors from the State of the other Contracting Party.

Article 3

The Contracting Parties shall support the activities of the Slovak Institute in Budapest and of the Cultural Institute of the Republic of Hungary in Bratislava. They shall conclude a separate agreement on the activities of the two centres.

Article 4

The Contracting Parties shall support cooperation between institutions securing the preservation, protection, research into and presentation of cultural heritage of the two States. The Contracting Parties shall examine mutual requests for returning or exchanging cultural heritage items.

The Contracting Parties shall cooperate with a view to preventing illegal exports, imports or possession of cultural heritage items.

Article 5

The Contracting Parties shall promote further familiarisation with cultural values of the State of the other Contracting Party and shall cooperate in the area of the protection of copyright and further improvement of the system of dissemination of cultural values.

Article 6

The Contracting Parties shall promote cooperation between archives, museums, art galleries and libraries and shall ensure access for scientists and researchers from the State of the other Contracting Party to the holdings and collections of these institutions.

Article 7

The Contracting Parties shall promote cooperation on a commercial and/or non-commercial basis in the area of audiovisual art between film archives, distributors, film production and cinematographic institutions, in the development of co-production projects, film exchanges, reciprocal participation in international festivals organised in the State of the other Contracting party, or in the exchange of film posters, professional journals and publications.

Article 8

The Contracting Parties shall support mutual cooperation in the area of audiovisual broadcasting through exchanges of radio and television programmes, exchanges and accreditation of radio and television commentators and reporters.

The Contracting Parties shall mutually facilitate the creation of more opportunities for presenting the Hungarian national minority in the Slovak Republic and of the Slovak national minority in the Republic of Hungary, and information about one another in the public service radio and television of the two Contracting Parties, with a view to improving the knowledge, understanding and trust between the two States and their citizens.

Article 9

The Contracting Parties attach special significance to the satisfaction of spiritual, educational and cultural needs of the Hungarian national minority in the Slovak Republic and of the Slovak national minority in the Republic of Hungary and shall, to this effect:

- 1) promote mutual exchanges of information concerning the situation of and conditions for the development of culture, education, identity and languages of minorities living in States of the two Contracting Parties,
- 2) *reciprocally provide for the development of educational and study opportunities for the Hungarian national minority in the Slovak Republic and of the Slovak national minority in the Republic of Hungary in their mother tongues and the teaching of their mother tongues; they shall reciprocally take necessary legal, administrative and other measures to enable these national minorities in their States to learn and receive education in their mother tongues within the system of State and non-State educational and cultural institutions of the two States, without prejudice to the teaching of the State language and/or the official language, providing instruction in that language,*
- 3) promote the creation of educational and cultural organisations and institutions, foundations and associations of the abovementioned national minorities and provide, within their possibilities, financial support for their activities and operation, including from the State budget,
- 4) support the activities of civil organisations and national minority associations that are conducive to the enhancement of cultural relations between the two States,
- 5) involve the representatives of legitimate organisations of national minorities in the two States in the discussions concerning the issues of national minority education and culture.

Article 10

- 1) The Contracting Parties shall promote, within their respective systems of education and instruction, the activities and operation of schools and educational establishments that teach or provide instruction in the language of the Hungarian national minority in the Slovak Republic and in the language of the Slovak national minority in the Republic of Hungary, and the activities and operation of the respective minority cultural institutions.
- 2) The Contracting Parties shall organise, within their respective systems of education and instruction and in the languages of both national minorities, the training and further training for teachers of schools providing instruction in the Hungarian language in the Slovak Republic, the teachers of schools providing instruction in or teaching the Slovak language in the Republic of Hungary, as well as the training of specialists for the professions that serve to preserve identity of the two national minorities.
- 3) The Contracting Parties shall reciprocally promote the safeguarding and upgrading of cultural traditions, monuments, memorable sites, cultural values and cultural monuments of the Hungarian national minority in the Slovak Republic and of the Slovak national minority in the Republic of Hungary.
- 4) The Contracting Parties agree that minority schools and cultural institutions operating on the territory of their States be provided teaching, methodological and scientific materials, teaching aids, audio and video carriers, scientific literature and fiction by the other Contracting Party in the form of a gift.

Article 11

The Contracting Parties shall support the establishment, operation and activities of a research and documentation institution dealing with the way of life and culture of the Hungarian national minority in the Slovak Republic and the activities and operation of the Slovak Research Institute at Escsaba that studies the way of life and culture of the Slovak national minority in the Republic of Hungary.

Article 12

The Contracting Parties shall conclude a separate agreement on scientific and technological cooperation.

Article 13

The Contracting Parties shall promote cooperation and exchange of experience in the area of education, in particular through:

- 1) agreements on cooperation directly concluded between universities, schools and educational establishments,
- 2) reciprocal exchanges of specialists in the field of school management at all levels,
- 3) reciprocal exchanges of pupils and students aimed at the study or further education and organisation of study stays, language courses and specialised seminars,
- 4) reciprocal exchanges of university teachers and researchers in the form of study stays, consultation trips with a view to working on joint projects, participation in conferences, specialised seminars and lectures,

- 5) reciprocal assistance in setting up and running of branches of Hungarian universities in the Slovak Republic and in setting up and running of branches of Slovak universities in the Republic of Hungary,
- 6) reciprocal exchanges of textbooks, university texts and other educational aids, use of teaching programmes and methods that are successfully applied in the school institutions of the other Contracting Party.

Article 14

The Contracting Parties shall pay special attention to the activities and needs of the Hungarian language and literature departments and of the Slovak language and literature departments at their universities. They shall reciprocally send lecturers and visiting professors of language and literature, participants of summer language and literature courses, to the State of the other Contracting Party, mainly from among teachers and students. They shall exchange information concerning publications and professional literature, necessary for the teaching of language and literature in the State of the other Contracting Party.

The Contracting Parties shall support the idea of setting up a centre of Hungarian studies at a selected university in the Slovak Republic and of a centre of Slovak studies at a selected university in the Republic of Hungary.

Article 15

The Contracting Parties shall promote the process of objectifying and harmonising those parts of the texts of textbooks published in the two States, which deal with the issues of culture, history, geography and ethnography of the two States and nations. To this end, they shall create a mixed specialised commission which will formulate recommendations, in harmony with scientific knowledge, with a view to safeguarding mutual understanding and trust between the two nations.

Article 16

The Contracting Parties shall promote close cooperation in getting involved in the activities and participation in international educational, scientific, cultural, youth and sports organisations, and regular exchange of relevant experience. Furthermore, they shall promote joint participation in the programmes of the European Union and of the Council of Europe in the relevant fields, and in other international programmes.

Article 17

The Contracting Parties shall promote cooperation and expand exchanges in the area of working with young people under agreements concluded between the respective organisations carrying out these exchanges.

Article 18

The Contracting Parties shall promote the overall development of cooperation in the area of physical education, sports and tourism under agreements concluded directly between relevant organisations.

Article 19

Competent authorities of the Contracting Parties shall prepare sectoral cooperation programmes with a view to implementing provisions of the present Agreement, specifying the forms of cooperation, the manner of their implementation and financing.

Article 20

This Agreement is subject to approval in conformity with national legal provisions of both State parties, and shall enter into force on the 60th day after the exchange of diplomatic notes concerning its approval.

Article 21

The entry into force of this Agreement shall, in the relationship between the Slovak Republic and the Republic of Hungary, result in the termination of the Agreement between the Government of the Czechoslovak Socialist Republic and the Government of the People's Republic of Hungary on Cultural and Scientific Cooperation signed in Budapest on 22 October 1986.

Article 22

The Contracting Parties undertake to respect all the provisions of this Agreement in good faith and in harmony with their national legislation and international obligations.

Article 23

This Agreement is concluded for an indefinite period and either Contracting Party may terminate the Agreement with a six (6) month notice.

In the event of termination of this Agreement, unfinished exchange programmes, joint events or projects agreed on the basis thereof shall continue running for the entire period agreed.

Done in *Budapest* on *16 January 2003* in two original copies, each in the Slovak and the Hungarian languages, both texts being equally authentic.

For the Government
of the Slovak Republic

For the Government
of the Republic of Hungary

Agreement

**between the Government of the Slovak Republic and the Government of the Republic of Hungary
concerning mutual support for national minorities in the fields of education and culture**

The Government of the Slovak Republic and the Government of the Republic of Hungary (hereinafter the "Parties")

Guided by efforts to contribute to preservation and development of cultural and linguistic identity of persons belonging to national minorities living in the Slovak Republic and the Republic of Hungary;

In compliance with the Treaty on Good Neighbourliness and Friendly Co-operation between the Slovak Republic and the Republic of Hungary signed on 19 March 1995 in Paris;

Building upon the Agreement between the Government of the Slovak Republic and the Government of the Republic of Hungary concerning co-operation in the fields of culture, education, science, sports and youth signed on 16 January 2003 in Budapest;

Within the meaning of the Joint Declaration of the Ministers of Foreign Affairs of the Slovak Republic and the Republic of Hungary made in Bratislava on 19 July 2003;

Recalling the report of the European Commission for Democracy through Law (the Venice Commission) of 22 October 2001;

Bearing in mind the fundamental principles of the European Union, namely the principle of prohibition of discrimination

Have agreed as follows

Article 1

The Parties agree that the Slovak Republic may support the preservation and development of linguistic and cultural identity of the Slovak national minority living in the territory of the Republic of Hungary and that the Republic of Hungary may support the preservation and development of linguistic and cultural identity of the Hungarian national minority living in the territory of the Slovak Republic.

Article 2

(1) The Slovak Republic may provide support for the financing of the educational process in school and educational institutions providing instruction of Slovak language or in Slovak language, or instruction of Slovak culture in the territory of the Republic of Hungary.

(2) The Slovak Republic may provide grants that will assist in the preservation and development of cultural and linguistic identity of persons belonging to the Slovak national minority to university students studying in the territory of the Republic of Hungary.

(3) The Republic of Hungary may provide support for the financing of the educational process in school and educational institutions providing instruction of Hungarian language or in Hungarian language, or instruction of Hungarian culture in the territory of the Slovak Republic.

(4) The Republic of Hungary may provide grants that will assist in the preservation and development of cultural and linguistic identity of persons belonging to the Hungarian national minority to university students studying in the territory of the Slovak Republic.

Article 3

1) The Slovak Republic may provide support to educationists instructing Slovak language or in Slovak language, or Slovak culture at primary, secondary schools and at universities in the territory of the Republic of Hungary for the participation in accredited and regular further education organised by Slovak institutions in the territory of the Republic of Hungary.

2) The Republic of Hungary may provide support to educationists instructing Hungarian language or in Hungarian language, or Hungarian culture at primary, secondary schools and at universities in the territory of the Slovak Republic for the participation in accredited and regular further education organised by Hungarian institutions in the territory of the Slovak Republic.

Article 4

(1) The Parties ascribe particular importance to the support of national minorities in the field of culture, with special emphasis on the development of the cultural needs and preservation of cultural and linguistic identity of the Slovak national minority in the Republic of Hungary and the Hungarian national minority in the Slovak Republic.

(2) The Parties agree that social organisations established in their territory, whose operation is directed toward the objectives specified under (1) of this Article, may receive support for their activities from the other Party, in compliance with the legal order of the state of registration.

Article 5

(1) The support defined under Article 2 (1) and (2) shall be, with respect to the nationals of the Republic of Hungary, provided in accordance with the legal order of the Republic of Hungary through the Zväz Slovákov v Maďarsku Foundation.

(2) The support defined under Article 2 (3) and (4) shall be, with respect to the nationals of the Slovak Republic, provided in accordance with the legal order of the Slovak Republic through the Pázmány Péter Alapítvány Foundation.

Article 6

The application of the Agreement shall be assessed by the Joint Slovak-Hungarian Commission for Minority Issues once a year in accordance with the legal orders of the Parties.

Article 7

Should any dispute arise with respect to the interpretation or application of this Agreement, the Parties shall proceed in accordance with Article 21 of the Treaty on Good Neighbourliness and Friendly Co-operation between the Slovak Republic and the Republic of Hungary signed on 19 March 1995 in Paris.

Article 8

This Agreement shall enter into force by exchange of diplomatic notes on the day of elaboration of the second diplomatic note confirming the approval of the Agreement by the governments.

Article 9

This Agreement is concluded for an indefinite period of time and each contracting Party can terminate the Agreement by giving a six (6) month's notice.

Done at Brussels, 12 December 2003, in two original copies in the Slovak and Hungarian languages, both texts being equally authentic.

For the Government of
the Slovak Republic

For the Government of
the Republic of Hungary

of 20 May 2004

**on Equal Treatment in Certain Areas and Protection against Discrimination, amending
and supplementing certain other laws (Antidiscrimination Act)**

The National Council of the Slovak Republic has agreed to enact the following Act:

Article I
§ 1
Scope

This Act provides for the application of the principle of equal treatment and lays down the means of legal protection in case of violation of this principle.

Basic provisions
§ 2

(1) Compliance with the principle of equal treatment shall consist in the prohibition of discrimination on any grounds, in the exercise of rights and responsibilities in compliance with good morals, and in the adoption of antidiscrimination measures insofar as the adoption of such measures is necessary in view of the specific circumstances and possibilities of the person who has an obligation to comply with the aforesaid principle.

(2) Discrimination shall mean direct discrimination, indirect discrimination, harassment; and victimisation; discrimination shall also mean an instruction to discriminate and incitement to discrimination.

(3) Direct discrimination shall mean any action or omission where one person is treated less favourably than another person is, has been or would be treated in a comparable situation.

(4) Indirect discrimination shall mean an apparently neutral instruction, provision, decision or practice that would put a person at a disadvantage compared with other persons, unless such instruction, provision, decision or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.

(5) Harassment shall mean such treatment of a person which that person can justifiably perceive as unpleasant, inappropriate or offensive and

- a) the purpose or effect of which is or could be violating the dignity of a person and of creating a hostile, degrading or offensive environment, or
- b) the suffering of which a person may consider to constitute a precondition for a decision or for the exercise of rights and obligations resulting from legal relationships.

(6) An instruction to discriminate shall mean the conduct consisting in the abuse of subordinate position of a person for the purpose of discriminating against a third person.

(7) Incitement to discrimination shall mean persuading, affirming or inciting a person to discriminate against a third person.

(8) Victimisation shall mean any action or omission which has adverse consequences for a person and is directly connected with

- a) seeking legal protection against discrimination for oneself or on behalf of another person, or
- b) making a deposition, providing an explanation or is connected with other involvement of a person in a matter concerning the violation of the principle of equal treatment.

(9) Discrimination against a legal entity shall mean the failure to observe the principle of equal treatment with respect to this entity on grounds set out in Section 6 paragraph 1 with respect to its members, associates, shareholders, members of its bodies, employees, persons acting on its behalf or persons on behalf of which such legal entity is acting.

(1) State bodies, bodies of territorial self-government, bodies of interest self-government, natural persons and legal entities shall be obliged to comply with the principle of equal treatment in areas laid down with this Act; this shall not apply when compliance in a particular case would be or could be in contradiction to measures provided for under separate provisions¹⁾ needed for ensuring ensure security, internal order, crime prevention, health protection or the protection of rights and interests protected by law and freedoms of persons.

(2) To determine whether discrimination has occurred or not, no account shall be taken of whether the underlying reasons were based on facts or on erroneous assumptions.

(3) The principle of equal treatment shall be enforced in conformity with the provisions of this Act and those of separate acts insofar as the latter lay down prohibition of discrimination on other grounds.

§ 4

(1) This Act shall not apply to

- a) differences of treatment resulting from the requirements for entry and stay of aliens in the territory of the Slovak Republic, including the treatment of these aliens provided for under separate provisions²⁾,
- b) differences of treatment based on disability or age, resulting from separate provisions³⁾ regulating the service of customs officers, members of armed forces, armed security services, armed services, National Security Office, Slovak Intelligence Service and Fire and Rescue Service.

(2) The provisions of this Act shall not prejudice the freedom of association or the right to establish trade unions.

§ 5

Principle of equal treatment in social security, healthcare, provision of goods and services, and in education

¹ For instance, Constitutional Statute No. 227/2002 Coll. on State Security in the Time of War, State of War, State of Emergency, and State of Crisis, Act No. 387/2002 Coll. on the Management of State in Crisis Situations Other Than Time of War and State of War as amended by Act No. 515/2003 Coll., Act No. 319/2002 Coll. on the Defence of the Slovak Republic as amended, Act of the National Council of the Slovak Republic No. 46/1993 Coll. on Slovak Intelligence Service as amended, Act of the National Council of the Slovak Republic No. 198/1994 Coll. on Military Intelligence as amended by Act No. 166/2003 Coll.).

² For instance, Act No. 48/2002 Coll. on the Stay of Aliens and on amending and supplementing certain other laws as amended, Act No. 480/2002 Coll. on Asylum and on amending and supplementing certain other laws as amended by Act. 606/2003 Coll.

³ Act No. 200/1998 Coll. on State Service of Customs Officers and on amending and supplementing certain other laws as amended.

Act No. 370/1997 Coll. on Military Service as amended.

Act No. 73/1998 Coll. on State Service of Members of the Police Force, Slovak Intelligence Service, Corps of Prison and Court Guard of the Slovak Republic and Railroad Police as amended.

Act No. 315/2001 Coll. on Fire and Rescue Service as amended.

(1) In conformity with the principle of equal treatment, discrimination on the grounds of sex, racial, national or ethnic origin shall be prohibited in social security, healthcare, provision of goods and services, and in education.

Deleted: .

(2) The principle of equal treatment under paragraph 1 shall apply only in combination with the rights of persons laid down in separate laws regulating access to and provision of

- a) social assistance, social insurance, state social support⁴⁾ and social advantages,
- b) health care,⁵⁾
- c) education,⁶⁾
- d) goods and services including housing provided to the public by legal entities and natural persons - entrepreneurs.⁷⁾

(3) Discrimination on grounds of one's relationship with a person of certain racial, national or ethnic origin shall be also deemed to constitute discrimination based on racial, national or ethnic origin.

(4) For the purposes of this Act, social advantage shall mean a discount, exemption from a fee, benefits in cash or kind provided independently on social security benefits directly or indirectly to a certain group of natural persons who, as a rule, have a lower income or higher living costs than other natural persons.

Principle of equal treatment in employment and other similar legal relations

§ 6

(1) In conformity with the principle of equal treatment, any discrimination shall be prohibited in employment relations, similar legal relations and related legal relations on grounds of sex, religion or belief, racial, national or ethnic origin, disability, age and sexual orientation.

(2) The principle of equal treatment under paragraph 1 shall apply only in combination with the rights of natural persons provided for under separate legal provisions regulating

- a) access to employment, occupation, other gainful activities or functions ("employment" hereinafter), including recruitment requirements and selection criteria and modalities,⁸⁾
- b) employment and conditions of work including remuneration, promotion and dismissal,
- c) access to vocational training, professional upgrading and participation in active labour market policy programmes including access to vocational guidance services⁹⁾ ("vocational training" hereinafter), or
- d) membership and activity in employees' organisations, employers' organisations and organisations associating persons of certain occupations, including the benefits that these organisations provide to their members.

(3) Discrimination on grounds of

- a) pregnancy or maternity, and discrimination based on sexual or gender identification,

⁴ For instance, Act No. 195/1998 Coll. on Social Assistance as amended, Act No. 461/2003 Coll. on Social Insurance as amended.

⁵ For instance, Act of the National Council of the Slovak Republic No. 277/1994 Coll. on Healthcare as amended.

⁶ For instance, Act No. 131/2002 Coll. on Higher Education as amended, Act No. 386/1997 Coll. on Further Education, amending Act of the National Council of the Slovak Republic No. 387/1996 Coll. on Employment as amended by Act No. 70/1997 Coll. as amended by Act No. 567/2001 Coll.

⁷ For instance, Act No. 634/1992 Coll. on Consumer Protection as amended.

⁸ For instance, Labour Code, Act No. 312/2001 Coll. on Civil Service and on amending and supplementing certain other laws as amended.

⁹ For instance, Act No. 5/2004 Coll. on Employment Services and on amending and supplementing certain other laws as amended by Act No. 191/2004 Coll.

- shall be also deemed to constitute discrimination based on sex,
- b) one's relationship with a person of certain racial, national or ethnic origin shall be also deemed to constitute discrimination based on racial, national or ethnic origin,
 - c) one's relationship with a person of certain religion or belief, or discrimination against a natural person without religion, shall be also deemed to constitute discrimination based on religion or belief,
 - d) previous disability or discrimination against a person who, because of external symptoms, may appear to have a disability shall be also deemed to constitute discrimination based on disability.

§ 7

(1) Refusal or omission of the employer to take appropriate measures to enable a person with a disability to have access to employment, to the work of certain type, to promotion or other advance or to training shall be also deemed to constitute indirect discrimination based on disability; this does not apply if the adoption of such measures would impose a disproportionate burden on the employer. (2) To determine whether the measures referred to in paragraph 1 give rise to a disproportionate burden, account shall be taken of

- a) the benefit that the adoption of the measure would mean for the disabled person,
- b) financial resources of the employer, including the possibility of obtaining funding or any other assistance for the adoption of the measure, and
- c) the possibility of attaining the purpose of the measure referred to in paragraph 1 in a different, alternative manner.

(3) The measure shall not be considered as giving rise to disproportionate burden if its adoption by the employer is mandatory under separate legal provisions.¹⁰⁾

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Admissible different treatment

§ 8

(1) Differences of treatment shall not constitute discrimination if they are objectively justified by the nature of occupational activities or the circumstances under which such activities are carried out, provided that the extent or form of such differences of treatment are legitimate and justified in view of these activities or circumstances under which they are carried out.

(2) In case of registered churches, religious societies¹¹⁾ and other legal entities whose activities are based on the religion or belief, differences of treatment based on age, sex, religion or belief and ascertainment of sexual orientation shall not constitute discrimination where they are related to employment by or to carrying out activities for such organisations. Registered churches, religious societies and other legal entities whose activities are based on the religion or belief may require the individuals who are employed by them or carry out activities for them to act in conformity with their religion or belief and with the principles of their religion or belief.

(3) Differences of treatment on grounds of age shall not be deemed to constitute discrimination if they are objectively justified by a legitimate aim and the means of achieving

¹⁰⁾ For instance, Act No. [5/2004](#) Coll. as amended by Act No. 191/2004 Coll., Section [143](#) paragraph [1](#) subparagraph [d](#)) of Act No. [50/1976](#) Coll. on spatial planning and building order (the Building Act) as amended.

¹¹⁾ For instance, Act No. 308/1991 Coll. on freedom of religious faith and the position of churches and religious societies as amended by Act No. 394/2000 Coll.

that aim are appropriate and necessary. Differences of treatment on grounds of age shall not be deemed to constitute discrimination if they consist in

- a) the fixing of a minimum or maximum age as a recruitment criterion,
- b) the setting of special conditions on access to employment and vocational training, and special conditions on employment, including remuneration and dismissal, for persons of a certain age bracket or persons with caring responsibilities, where such special conditions are intended to promote vocational integration or ensure the protection of such persons,
- c) the fixing of minimum conditions of age, professional experience or seniority in service for access to employment or to certain advantages linked to employment.

(4) With regard to occupational social security schemes, differences of treatment on grounds of age shall not be deemed to constitute discrimination where they consist in the fixing of age limits for entitlement to certain benefits in the context of such schemes including the fixing of different age limits in such schemes for employees or groups of employees, and the use of age criteria in actuarial calculations, provided this does not result in discrimination on the grounds of sex.

(5) Differences of treatment on grounds of disability shall not be deemed to constitute discrimination where, by reason of the nature of employment or occupational activities, access to such employment or occupational activities is made conditional on meeting the health requirements.

(6) Differences of treatment on grounds of age or disability in the provision of insurance services shall not be deemed to constitute discrimination where such treatment results from different levels of risk, verifiable by statistical or similar data, and where the terms of insurance services adequately reflect such risk.

(7) Objectively justified differences of treatment on grounds of sex shall not be deemed to constitute discrimination

- a) where they consist in the fixing of different retirement age for men and women,
- b) where their purpose is the protection of pregnant women and mothers.

(8) With a view to ensuring full equality in practice and compliance with the principle of equal treatment, specific positive actions to prevent disadvantages linked to racial or ethnic origin may be adopted.

Legal protection and proceedings in matters concerning the violation of the principle of equal treatment

§ 9

(1) Under this Act, every person shall be entitled to equal treatment and protection against discrimination.

(2) Every person who consider themselves wronged in their rights, interests protected by law and/or freedoms because the principle of equal treatment has not been applied to them may pursue their claims by judicial process. They may, in particular, seek that the person violating the principle of equal treatment be made to refrain from such conduct and, where possible, rectify the illegal situation or provide adequate satisfaction.

(3) Should adequate satisfaction prove to be not sufficient, especially where the violation of the principle of equal treatment has considerably impaired the dignity, social status and social functioning of the victim, the victim may also seek non-pecuniary damages in cash. The amount of non-pecuniary damages in cash shall be determined by the court, taking account of the extent of non-pecuniary damage and all underlying circumstances.

(4) This Act shall not prejudice the entitlement to damages or other compensations

pursuant to separate provisions¹²⁾).

§ 10

(1) Parties to the proceedings concerning the violation of the principle of equal treatment may also be represented by legal entities

- a) who have such authority under a separate law, or
- b) whose activities are aimed at or consist in the protection against discrimination.

(2) If a legal entity takes up representation pursuant to paragraph 1, it shall assign one of its members and/or employees to act on behalf of the person represented.

§ 11

(1) Proceedings concerning the violation of the principle of equal treatment shall be initiated by petition from a person who feels wronged by the violation of the principle of equal treatment (the "plaintiff" hereinafter). In the petition, the plaintiff is obliged to identify the person that has allegedly violated the principle of equal treatment (the "defendant" hereinafter).

2) The defendant has the obligation to prove that there was no violation of the principle of equal treatment if the evidence submitted to court by the plaintiff gives rise to a reasonable assumption that such violation indeed occurred.

(3) The proceedings concerning the violation of the principle of equal treatment shall be governed by the Code of Civil Procedure unless this Act provides otherwise.

§ 12

This Act transposes legal acts of the European Communities and the European Union, specified in the Annex.

§ 13

Transitory provision

Employers and relevant trade union bodies who concluded collective agreements under a separate provision are obliged to bring the provisions of collective agreements in compliance with this Act within six months from the date of entry into effect of this Act; this obligation shall also apply to internal regulations employers are competent to issue.

Article II

Act of the National Council of the Slovak Republic No. 308/1993 Coll. on establishing the Slovak National Centre for Human Rights as amended by Act No. 136/2003 Coll. shall be amended and supplemented as follows:

1. Section 1 paragraph 2 shall read:

“(2) The Centre shall carry out the tasks in the area of human rights and fundamental freedoms, including the rights of the child¹⁾ (“human rights“ hereinafter). To this end, the Centre shall, in particular

¹² For example, Section [41](#) paragraph [9](#) of the Labour Code.

- a) monitor and review compliance with human rights and compliance with the principle of equal treatment under a separate law^{1aa)},
- b) collect and provide upon request information on racism, xenophobia and anti-Semitism in the Slovak Republic,
- c) conduct research and surveys necessary for the provision of data concerning human rights, collect and disseminate information in this field,
- d) develop educational activities, take part in information campaigns with a view to increasing tolerance of the society,
- e) arrange legal aid to victims of discrimination and of expressions of intolerance,
- f) prepare expert opinions concerning compliance with the principle of equal treatment upon request from natural persons or legal entities or of its own initiative under separate provisions^{1aa)},
- g) provide library services and
- h) provide services in the area of human rights.“.

Footnote to reference 1aa shall read as follows:

“^{1aa)} Act No. 365/2004 Coll. on equal treatment in certain areas and protection against discrimination, and on amending and supplementing certain other laws (Antidiscrimination Act)“

2. A new paragraph 3 shall be inserted in section 1 after paragraph 2, reading as follows:

“(3) The Centre shall have the authority to represent parties in the proceedings concerning violation of the principle of equal treatment.^{1aa)}“.

The current paragraph 3 shall be called paragraph 4.

3. In Section 1 paragraph 4 the words “including the child rights¹⁾” shall be repealed.

4. Section 1 shall be added paragraph 5 reading as follows:

“(5) Upon request by the Centre, courts, prosecution authorities, other state bodies, bodies of territorial self-governments, bodies of interest self-governments and other public law institutions have the obligation to provide information on compliance with human rights within the required deadline; this shall be without prejudice to their right to give information on compliance with human rights gathered through their own activities to other entities. The Centre may also ask non-governmental human rights organisations to provide information and agree with them on the manner in which such information will be provided.“.

5. In Section 2 paragraph 4 the words “For managing” shall be replaced with “For management inspection”.

6. In Section 3a paragraph 6 a new sub-paragraph c) shall be inserted after subparagraph b), reading as follows:

„c) shall charge another employee of the Centre with performing the function of the executive director when the office of the executive director lapsed (Section 3b paragraph 5) till a new executive director is elected; the scope of this authorisation shall be defined in a resolution by the Board,“.

Current subparagraphs c) to f) shall be called subparagraphs d) to g).

7. In Section 3a paragraph 6 a new sub-paragraphs h) to k) shall be inserted after

subparagraph g), reading as follows:

- “h) approve the report on the state of human rights compliance in the Slovak Republic,
- i) approve annual report on the activities of the Centre,
- j) approve the final accounts of the Centre,
- k) approve the annual financial report of the Centre.“.

8. In Section 3b paragraph 1 the words “members of the Board” shall replace the words “persons listed in Section 3a paragraph 1”.

9. In Section 3b paragraph 2 the words “has reached the age of 35 years” in the first sentence shall be repealed.

10. In Section 3b paragraph 4 subparagraph d) the words “including the child rights¹⁾” shall be repealed.

11. In Section 3b paragraph 6 subparagraph d) the words “including the child rights¹⁾” shall be repealed.

Article III

Act No. 311/2001 Coll. the Labour Code as amended by Act No. 165/2002 Coll., Act No. 408/2002 Coll., Act No. 413/2002 Coll., Act No. 210/2003 Coll., Act No. 461/2003 Coll. and Act No. 5/2004 Coll. shall be amended as follows:

1. Section 13 reads:

„§ 13

(1) In labour relations the employer has the obligation to treat employees in compliance with the principle of equal treatment laid down for the area employment in a separate Act on Equal Treatment in Certain Areas and Protection against Discrimination, and on amending and supplementing certain other laws (Antidiscrimination Act).

(2) In conformity with the principle of equal treatment, any discrimination shall be prohibited also on grounds of marital and family status, colour, language, political and other opinion, trade union involvement, ethnic or social origin, property, lineage or other status.

(3) Exercising rights and obligations resulting from a employment relations must be in compliance with good morals. No person may abuse such rights and obligations to the detriment of another party to employment relation, or of co-workers. No person shall be persecuted or otherwise adversely treated at the workplace in the context of employment relations performance as a reaction to a complaint, legal petition or petition to start criminal proceedings against another employee or the employer.

(4) An employee shall have the right to submit a complaint to the employer in connection with the infringement of the principle of equal treatment stated in paragraphs 1 to 2; the employer shall be obliged to respond to such a complaint without undue delay, perform retrieval, abstain from such conduct and eliminate the consequences thereof.

(5) An employee who considers themselves wronged in their rights or interests protected by law because the principle of equal treatment or the conditions stated in paragraph 3 have not been applied to them may go before a court and seek legal protection provided for under a separate Act on Equal Treatment in Certain Areas and Protection against Discrimination, and on amending and supplementing certain other laws (Antidiscrimination Act).“.

2. In Section 47 paragraph 2 the words “on the principle of equal treatment” shall replace

the words “governing prohibition of discrimination.”.

Article IV

Act No. 312/2001 Coll. on Civil Service and on amending and supplementing certain other acts as amended by Act No. 131/2002 Coll., Act No. 143/2002 Coll., Act No. 185/2002 Coll., Act No. 411/2002 Coll., Act No. 667/2002 Coll., Act No. 139/2003 Coll., Act No. 267/2003 Coll., Act No. 453/2003 Coll., Act No. 550/2003 Coll. and Act No. 551/2003 Coll. shall be amended as follows:

1. Section 3 paragraphs 2 to 4 shall read:

“(2) Rights laid down by this Act shall be guaranteed equally to all citizens when joining and serving in the civil service in conformity with the principle of equal treatment in employment and similar legal relations laid down in a special act.^{3b)} In conformity with the principle of equal treatment, any discrimination shall be prohibited also on grounds of marital and family status, colour, language, political and other opinion, trade union involvement, ethnic or social origin, property, lineage or other status.

(3) Citizens who consider themselves wronged in their rights or interests protected by law because the principle of equal treatment has not been applied to them when joining the civil service may go before a court and seek legal protection provided for under a separate Act.^{3b)}

(4) Civil servants who consider themselves wronged in their rights or interests protected by law because the principle of equal treatment has not been applied to them may go before a court and claim legal protection provided for under a separate Act,^{3b)} or they may go to the competent authority under Section 126. In proceedings before a competent authority the Service Office (Section 7) shall prove that the principle of equal treatment has not been breached.”

Footnote to reference 3b shall read as follows:

“^{3b)} Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination, and on amending and supplementing certain other laws (Antidiscrimination Act)”

2. In Section 15 paragraph 5 the second sentence shall read: “The principle of equal treatment must be observed in selection procedures.^{3b)}”.

Article V

Act No. 552/2003 Coll. on works performed in public interest shall be amended as follows:

In Section 5 paragraph 2 the second sentence shall read: “The principle of equal treatment in employment and other similar legal relationships provided for under separate provisions must be complied with in selection procedures.^(12a) In conformity with the principle of equal treatment, any discrimination shall be prohibited also on grounds of marital and family status, colour, language, political and other opinion, trade union involvement, ethnic or social origin, property, lineage or other status.”

Footnote to reference 12a shall read as follows:

“^(12a) Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination, and on amending and supplementing certain other laws (Antidiscrimination Act)”

Article VI

Act No. 200/1998 Coll. on state service of customs officers and on amending and supplementing certain other laws as amended by Act No. 54/1999 Coll., Act No. 337/1999 Coll., Act No. 417/2000 Coll., Act No. 328/2002 Coll., Act No. 664/2002 Coll., Act No. 251/2003 Coll. and Act No. 464/2003 Coll. shall be amended as follows:

Section 2a shall be inserted after Section 2 and it reads as follows:

„§ 5a

(1) Rights laid down by this Act shall be guaranteed equally to all citizens when joining and serving in the civil service and to customs officers when performing civil service in conformity with the principle of equal treatment in employment and similar legal relations provided for under separate provisions.^{1a)} In conformity with the principle of equal treatment, any discrimination shall be prohibited also on grounds of marital and family status, colour, language, political and other opinion, trade union involvement, ethnic or social origin, property, lineage or other status.

(2) The exercise of rights and obligations resulting from a service relation must be in compliance with good morals. No person may abuse such rights and obligations to the detriment of another person. No customs officer shall be persecuted or otherwise adversely treated in the context of civil service performance as a reaction to a complaint, legal petition or petition to start criminal proceedings against another customs officer or a superior.

(3) Citizens when joining civil service or customs officers who consider themselves wronged in their rights or interests protected by law because the principle of equal treatment has not been applied to them when joining civil service may go before a court and claim legal protection provided for under separate provisions.^{1a)}

(4) The Service Office or the superior may not impose any sanctions or disadvantage on a customs officer who exercise their rights resulting from their service relation.“

Footnote to reference 1a shall read as follows:

“^{1a)} Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination, and on amending and supplementing certain other laws (Antidiscrimination Act)“

Article VII

Act No. 370/1997 Coll. on military service as amended by Act No. 10/2000 Coll., Act No. 400/2000 Coll., Act No. 263/2002 Coll., Act No. 320/2002 Coll., Act No. 321/2002 Coll., Act No. 512/2002 Coll. and Act No. 545/2003 Coll. shall be amended and supplemented as follows:

1. Section 4a shall be inserted after Section 4 and it reads as follows:

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„§ 4a

(1) Rights provide for under this Act shall be guaranteed equally to all citizens when starting military services and to soldiers while performing military service in conformity with the principle of equal treatment in employment and similar legal relations provided for under separate provisions.^{9a)} In conformity with the principle of equal treatment, any discrimination shall be prohibited also on the grounds of marital and family status, colour, language, political and other opinion, trade union involvement, ethnic or social origin, property, lineage or other status. This shall be without prejudice to Sections 5 to 7.

(2) Citizens when joining military service or soldiers while performing military service who consider themselves wronged in their rights or interests protected by law because the principle of equal treatment has not been applied to them may go before a court and seek legal protection provided for under separate provisions.^{9a)}“

Footnote to reference 9a shall read as follows:

“^{9a)} Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination, and on amending and supplementing certain other laws (Antidiscrimination Act)“

2. In Section 181 paragraph 2 the words “Section 15” shall be replaced with “Sections 13, 15”.

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3. In Section 181 paragraph 2 the words “Section 15” shall be replaced with “Sections 13, 15”.

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Article VIII

Act No. 73/1998 Coll. on state service of members of the Police Force, Slovak Intelligence Service, Corps of Prison and Court Guard of the Slovak Republic and Railroad Police as amended by Act No. 58/1999 Coll., Act No. 181/1999 Coll., Act No. 356/1999 Coll., Act No. 224/2000 Coll., Act No. 464/2000 Coll., Act No. 241/2001 Coll., Act No. 98/2002 Coll., Act No. 328/2002 Coll., Act No. 422/2002 Coll., Act No. 659/2002 Coll., Act No. 212/2003 Coll., Act No. 178/2004 Coll. and Act No. 201/2004 shall be supplemented as follows:

Section 2a shall be inserted after Section 2 and it reads as follows:

„§ 2a

1) Rights provided for under this Act shall be guaranteed equally to all citizens when joining civil service and police officers while performing civil service in conformity with the principle of equal treatment in employment and similar legal relations provided for under separate provisions.¹⁾ In conformity with the principle of equal treatment, any discrimination shall be prohibited also on grounds of marital and family status, colour, language, political and other opinion, trade union involvement, ethnic or social origin, property, lineage or other status.

(2) The exercise of rights and obligations resulting from a service relation must be in compliance with good morals. No person may abuse such rights and obligations to the detriment of another person. No police officer shall be persecuted or otherwise adversely treated in the context of civil service performance as a reaction to a complaint, action or petition to start criminal proceedings against another police officer or a superior.

(3) Citizens when joining civil service or police officers who consider themselves wronged in their rights or interests protected by law because the principle of equal treatment has not been applied to them may go before a court and seek legal protection provided for under separate provisions.¹⁾

(4) The Service Office or the superior may not impose any sanctions or disadvantage on police officers on ground of exercising their rights resulting from their service relation.“

Footnote to reference 1 shall read as follows:

“¹⁾ Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination, and on amending and supplementing certain other laws (Antidiscrimination Act)“

Current reference 1 and footnote to reference 1 shall be called reference 1a and footnote to reference 1a.

Article IX

Act No. 315/2001 Coll. on Fire and Rescue Service as amended by Act No. 438/2002 Coll., Act No. 666/2002 Coll., Act No. 424/2003 Coll., Act No. 451/2003 Coll. and Act No. 462/2003 Coll. shall be amended and supplemented as follows:

1. Current text of Section 16 shall be marked as paragraph 1 and paragraphs 2 to 5 reading as follows:

“(2) Rights provided for under this Act shall be guaranteed equally to all citizens when joining civil service and officers while performing civil service in conformity with the principle of equal treatment in employment and similar legal relations provided for under separate provisions.^{10a)} In conformity with the principle of equal treatment, any discrimination shall be prohibited also on grounds of marital and family status, colour, language, political and other opinion, trade union involvement, ethnic or social origin, property, lineage or other status.

(3) Exercising rights and obligations resulting from a service relation must be in compliance with good morals. No person may abuse such rights and obligations to the detriment of another person. No officer shall be persecuted or otherwise adversely treated in the context of performing civil service as a reaction to a complaint, action or petition to start criminal proceedings against another officer or a superior.

(4) Citizens when joining civil service or officers who consider themselves wronged in their rights or interests protected by law because the principle of equal treatment has not been applied to them may go before a court and seek legal protection provided for under separate provisions.^{10a)}

(5) The Service Office or the superior may not impose any sanctions or disadvantage on a customs officer on grounds of exercising their rights resulting from their service relation.“

Footnote to reference 10a shall read as follows:

“^{10a)} Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination, and on amending and supplementing certain other laws (Antidiscrimination Act)“

2. In Section 20 paragraph 2 the second sentence shall read: “The principle of equal treatment must be complied with in selection procedures.^{1a)}“.

3. In Section 193 words “Section 13“ followed by a comma are inserted after words “provisions shall be applied as appropriate”.

Article X

Act No. 455/1991 Coll. on licensed trades (Small Business Act) as amended by Act No. 231/1992 Coll., Act No. 600/1992 Coll., Act of the National Council of the Slovak Republic No. 132/1994 Coll., Act of the National Council of the Slovak Republic No. 200/1995 Coll.,

Act of the National Council of the Slovak Republic No. 216/1995 Coll., Act of the National Council of the Slovak Republic No. 233/1995 Coll., Act of the National Council of the Slovak Republic No. 123/1996 Coll., Act of the National Council of the Slovak Republic No. 164/1996 Coll., Act of the National Council of the Slovak Republic No. 222/1996 Coll., Act of the National Council of the Slovak Republic No. 289/1996 Coll., Act of the National Council of the Slovak Republic No. 290/1996 Coll., Act No. 288/1997 Coll., Act No. 379/1997 Coll., Act No. 70/1998 Coll., Act No. 76/1998 Coll., Act No. 126/1998 Coll., Act No. 129/1998 Coll., Act No. 140/1998 Coll., Act No. 143/1998 Coll., Act No. 144/1998 Coll., Act No. 161/1998 Coll., Act No. 178/1998 Coll., Act No. 179/1998 Coll., Act No. 194/1998 Coll., Act No. 263/1999 Coll., Act No. 264/1999 Coll., Act No. 119/2000 Coll., Act No. 142/2000 Coll., Act No. 236/2000 Coll., Act No. 238/2000 Coll., Act No. 268/2000 Coll., Act No. 338/2000 Coll., Act No. 223/2001 Coll., Act No. 279/2001 Coll., Act No. 488/2001 Coll., Act No. 554/2001 Coll., Act No. 261/2002 Coll., Act No. 284/2002 Coll., Act No. 506/2002 Coll., Act No. 190/2003 Coll., Act No. 219/2003 Coll., Act No. 245/2003 Coll., Act No. 423/2003 Coll., Act No. 515/2003 Coll., Act No. 586/2003 Coll. and Act No. 602/2003 Coll. shall be amended as follows:

Section 5a shall be inserted after Section 5 and it reads as follows:

„§ 5a

(1) Rights provided for under this Act shall be guaranteed equally to all persons in conformity with the principle of equal treatment in employment and similar legal relations provided for under separate provisions.^(24f) In conformity with the principle of equal treatment, any discrimination shall be prohibited also on the grounds of marital and family status, colour, language, political and other opinion, trade union involvement, ethnic or social origin, disability, age, property, lineage or other status.

(2) Persons who consider themselves wronged in their rights or interests protected by law because the principle of equal treatment has not been applied to them may go before a court and seek legal protection provided for under separate provisions.^(24f)

(3) The Small Business Office may not impose any sanctions or disadvantage on a person on grounds of exercising their rights resulting from this Act.“

Footnote to reference 24f shall read as follows:

“^(24f) Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination, and on amending and supplementing certain other laws (Antidiscrimination Act)“

Article XI

Act No. 154/2001 Coll. on prosecutors and prosecutor candidates as amended by Act No. 458/2003 Coll., Act No. 462/2003 Coll., Act No. 561/2003 Coll. shall be amended and supplemented as follows:

1. In Section 20 paragraph 3 the second sentence shall read: “The principle of equal treatment in employment and other similar legal relationships provided for under separate provisions^(14a) must be complied with in selection procedures.

Footnote to reference 14a shall read as follows:

“^{14a)} Act No. .../2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination, and on amending and supplementing certain other laws (Antidiscrimination Act)“

2. In Section 20 paragraph 3 the following sentence shall be added at the end: “In conformity with the principle of equal treatment, any discrimination shall be prohibited also on the grounds of marital and family status, colour, language, political and other opinion, trade union involvement, ethnic or social origin, property, lineage or other status.”

Article XII

Act No. 5/2004 Coll. on employment services amending and supplementing certain other laws as amended by Act No. 191/2004 Coll. shall be amended as follows:

Section 14 including its heading shall read:

„§ 14

The right to access to employment

(1) The right to access to employment is the right of a citizen who wants to work, can work and looks for a job, to services providing assistance in

- a) search for appropriate employment,
- b) education and training for the labour market as needed for being successful in the labour market.

(2) Citizens shall have the right to access to employment without any restrictions in conformity with the principle of equal treatment in employment and similar legal relations provided for under separate provisions.^(20a) In conformity with the principle of equal treatment, any discrimination shall be prohibited also on the grounds of marital and family status, colour, language, political and other opinion, trade union involvement, ethnic or social origin, disability, age, property, lineage or other status

(3) Exercising rights and duties resulting from the right to access to employment must be in compliance with good morals. No person may abuse such rights and obligations to the detriment of another citizen. No person shall be persecuted or otherwise adversely treated in the context of exercising their right to the access to employment as a reaction to a complaint, action or petition to start criminal proceedings against another persons or authority.

(4) Citizens shall have the right to submit a complaint to the authority in connection with the violation of rights and duties laid down in paragraphs 1 to 3; the authority shall be obliged to respond to such a complaint without undue delay, perform retrieval, abstain from such conduct and eliminate the consequences thereof.(5) The authority may not impose any sanctions or disadvantage on citizens on grounds of exercising their rights resulting from their right to access to employment.“

(6) Citizens who consider themselves wronged in their rights or interests protected by law because the rights under Sections 1 to 5 have not been applied to them may seek legal protection under the special act on legal protection before a court.^{20a)}

(7) Citizens have the right to choose their employment freely and they may perform it in the whole territory of the Slovak Republic or they may arrange for their employment abroad.“

Footnote to reference 20a shall read as follows:

“^{20a)} Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination, and on amending and supplementing certain other laws (Antidiscrimination Act)“

Article XIII

Act No. 131/2002 Coll. on higher education as amended by Act No. 209/2002 Coll., Act No. 401/2002 Coll., Act No. 442/2003 Coll., Act No. 465/2003 Coll. and Act No. 528/2003 Coll. shall be amended as follows:

In Section 55 new paragraphs 2 to 5 shall be inserted after paragraph 1, reading as follows:

“(2) Rights provided for under this Act shall be guaranteed equally to all applicants and students in conformity with the principle of equal treatment in education laid down in separate provisions.^(35a) In conformity with the principle of equal treatment, any discrimination shall be prohibited also on the grounds of gender, religion or belief, marital and family status, colour, language, political and other opinion, trade union involvement, ethnic or social origin, disability, age, property, lineage or other status”

(3) Exercising rights and obligations resulting from this Act must be in compliance with good morals. No person may abuse such rights and obligations to the detriment of another applicant or person. No applicant or student shall be persecuted or otherwise adversely treated in the context of exercising their rights as a reaction to a complaint, action or petition to start criminal proceedings against another applicant, student, teacher, researcher or artist or other university staff.

(4) Applicants or students who consider themselves wronged in their rights or interests protected by law because the principle of equal treatment has not been applied to them may go before a court and seek legal protection provided for under separate provisions.^{35a)}

(5) The university or a school of the university must not impose any sanctions or disadvantage on an applicant or student on grounds of exercising their rights resulting from this Act.“

Footnote to reference 35a shall read as follows:

“(35a) Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination, and on amending and supplementing certain other laws (Antidiscrimination Act)“

Current paragraphs 2 and 3 shall be called paragraphs 6 and 7.

Article XIV

Act No. 386/1997 Coll. on further education and on amending Act of the National Council of the Slovak Republic No. 387/1996 Coll. on employment as amended by act No. 70/1997 Coll. as amended by act No. 567/2001 Coll. shall be amended as follows:

In Section 1 paragraph 2 the following sentence shall be added at the end:

“Clauses of a special provision on the application of the principle of equal treatment shall be applied to the access to further education as appropriate.^{1a)}“

Footnote to reference 1a shall read as follows:

“(1a) Section 55 paragraphs 2 to 5 of Act No. 131/2002 Coll. on higher education as amended.“.

Article XV

Act No. 29/1984 Coll. on the system of primary and secondary schools (the School Act as amended by Act No. 188/1988 Coll., Act No. 171/1990 Coll., Act No. 522/1990 Coll., Act of

the National Council of the Slovak Republic No. 230/1994 Coll., Act of the National Council of the Slovak Republic No. 231/1994 Coll., Act No. 6/1998 Coll., Act No. 5/1999 Coll., Act No. 229/2000 Coll., Act No. 216/2001 Coll., Act No. 416/2001 Coll., Act No. 506/2001 Coll., Act No. 334/2002 Coll., Act No. 408/2002 Coll., Act No. 553/2003 Coll. and Act No. 596/2003 Coll. shall be amended as follows:

1. In Section 2 paragraph 2 the first sentence shall read: “Schools specified in paragraph 1 with the exception of primary schools, primary schools with kindergartens, special primary schools, practical schools, vocational schools, apprentice training centres and general secondary schools (gymnasium) can be merged into a joined secondary school upon founder’s proposal.

2. Section 4b shall be inserted after Section 4 and it reads as follows:

„§ 4b

“(1) Rights laid down by this Act shall be guaranteed equally to all applicants and pupils in conformity with the principle of equal treatment in education provided for under separate provisions.^{1da)} In conformity with the principle of equal treatment, any discrimination shall be prohibited also on the grounds of gender, religion or belief, marital and family status, colour, language, political and other opinion, trade union involvement, ethnic or social origin, disability, age, property, lineage or other status.

(2) Exercising rights and obligations resulting from this Act must be in compliance with good morals. No person may abuse such rights and obligations to the detriment of another applicant or pupil. No applicant or pupil shall be persecuted or otherwise adversely treated in the context of exercising their rights as a reaction to a complaint, action or petition to start criminal proceedings against another applicant, pupil, teacher or other school staff under section 2 or Section 33a.

(3) Applicants or pupils who consider themselves wronged in their rights or interests protected by law because the principle of equal treatment has not been applied to them may go before a court and seek legal protection provided for under separate provisions.^{da)}

(4) The primary or secondary school must not impose any sanctions or disadvantage on an applicant or pupil on grounds of exercising their rights resulting from this Act.“

Footnote to reference da shall read as follows:

“1da) Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination, and on amending and supplementing certain other laws (Antidiscrimination Act)“

3. Section 7 paragraph 5 shall read:

„(5) Education and training shall also be given at joined secondary schools formed as the result of a merger between secondary technical schools and secondary vocational schools having, usually, the same or similar content of technical education with the aim of effective educational process management, improvement of technical education and better use of human and technical resources of these schools.“.

4. Section 10 shall be repealed.

5. In Section 19 paragraph 2 the word “as a rule” shall be omitted.

6. New Sections 32a, 32b, 32c shall be inserted after Section 32 and they, including the titles, read as follows:

“Forms of integrating pupils with special educational and training needs into primary and secondary schools

§ 32a

School integration and forms of school integration

(1) School integration shall mean educating and training pupils with special educational and training needs (Section 3 paragraph 2) in school classes, except classes in special schools, under this Act.

(2) Forms of school integration shall include:

- a) integration in special classes at a primary or secondary school where pupils with special educational and training needs learn in separate classes. Some lessons may take place together with other pupils of the school; teachers of both classes shall be present during the lesson. The pupil may attend some subjects outside the special class.
- b) individual integration where the pupils with special educational and training needs are attending classes and groups with other pupils of the schools and they are educated according to an individual educational and learning plan with curricula and methodology adjusted to their needs.

(3) Usually, special classes at primary schools and special classes at secondary schools are opened for pupils with special educational and training needs who have the same type of disability.

§ 32b

(1) An integrated pupil shall mean a pupil with special educational and training needs admitted to a primary or secondary school on the basis of written statement made by a specialised educational counselling institution^{4c)} after diagnostic tests made by this institutions. Pupils with learning or behavioural developmental disorders may also be registered and reported as integrated upon a written statement made by an educational and psychological counselling institution.^{4d)}

(2) Upon written request by the representatives at law, written opinion by the specialised educational counselling institution^{4c)} the headmaster of the school shall issue a decision on the admission of the pupil to a primary or secondary school after thoroughly studying pupil's diagnosis and prognosis, after discussion with teachers who will teach the pupil, after deliberations in the educational board of the school and after arranging necessary material, technical and human resources.

(3) Prior to pupil's admission the headmaster of the school shall in cooperation with the school special education teacher^{4e)} or specialised educational counselling institution^{4c)} create conditions for integrated education of the pupil, make adjustments in the classroom and the school, arrange for compensatory devices, or take other measures in order to ensure the required level of integrated education and training for the pupil.

(4) An individual educational training plan of a pupil with special educational and training needs drafted and continuously updated by the classroom teacher in cooperation with the school special education teacher or specialised educational counselling institution^{4c)} shall be a part of obligatory documentation of an individually integrated pupil.

(5) Individual educational and training programmes shall include basic information on the pupil, the specific effect of his diagnosis and prognosis on the educational and training process, requirements for changes in the classroom environment, teaching procedures,

organisation of the education and training process, curricula and plans, compensatory devices and special teaching aids and personal assistance.

(6) The headmaster of the school, in cooperation with the school special education teacher^{4c)} and/or specialised educational counselling institution^{4c)}, shall ensure that in case of integrated pupils no groundless reduction of requirements occurs and that requirements put on the pupils are matching their capacities.

(7) When evaluating or classifying the results and behaviour of integrated pupils their possibilities resulting from their diagnosis shall be considered.

(8) The regulations and rules applied to integrated education in special classes at primary schools and secondary schools shall be identical with the ones applied to education and training at relevant special schools.

(9) The content of education of individually integrated pupils with mental handicap is based on curricula for a special primary school for pupils with mental handicap.

§ 32c

The rights and duties of participants in school integration

(1) Pupils with special educational and training needs shall have the right to individual approach in education and training respecting their capabilities and health status, to instructions by a teacher having the necessary specialised and teaching skills,^{4f)} to education and training in safe and healthy environment, to respect for them and to ensured protection against physical and mental violence.

(2) Integrated pupil's exercise of rights may not restrict the rights of other participants in the education and training process.

(3) Integrated pupil's representative at law shall consult the education concerning the integrated pupil with the classroom teacher, the school special education teacher,^{4e)} and/or or specialised educational counselling institution^{4c)} on a regular basis.

(4) The headmaster of the primary school or the secondary school, in cooperation with the school special education teacher,^{4e)} and/or or specialised educational counselling institution^{4c)}, shall inform the relevant school staff on the consequences and possible effects of integrated pupil's diagnosis on the educational and training process, on the individual educational and training programme, the need of compensatory and other devices the pupil is going to use in school and shall ensure their availability and appropriate room for their storage.“.

7. In Section 33 the title “Special School for Mentally Handicapped” shall be repealed.

Notes to footnotes 4c to 4f shall read:

^{4c)} Section 22 of Act No. 279/1993 Coll. on school facilities as amended.

^{4d)} Section 21 of Act No. 279/1993 Coll. as amended.

^{4e)} Section 25 paragraph 2 of Act No. 2 Coll. on school facilities as amended.

^{4f)} Decree of the Ministry of Education of the Slovak Republic No. 41/1996 Coll. on professional and educational competence of education staff as amended

8. Section 34 shall be added paragraph 6 reading as follows:

“(6) The Ministry of Education shall cover the training of the education staff for children and youth under paragraph 1 technically, organisationally, methodologically and financially.“.

9. In Section 58a the current text shall be named paragraph 1 and it shall be added a paragraph 2 that reads as follows:

“(2) No activity directed to or directly inciting racial and ethnic hatred, ethnic and religious intolerance as well as influencing sexual orientation that is contradictory to human dignity and traditional values of European culture and incitement to xenophobia shall be allowed at primary schools, primary schools of arts, apprentice training centres, secondary schools, special schools and school facilities in the framework of and also outside educational activities.“.

Article XVI

Act No. 461/2003 Coll. on social insurance as amended by Act No. 551/2003 Coll., Act No. 600/2003 Coll., Act No. 5/2004 Coll., Act No. 43/2004 Coll. and Act No. 186/2004 Coll. shall be amended as follows:

In Section 6 paragraphs 3 to 4 shall read:

“(3) Policyholders shall have rights in the exercise of social insurance in compliance with the principle of equal treatment in social security provided for under separate provisions.^{23a)}

(4) Policyholders who consider themselves wronged in their rights or interests protected by law because the principle of equal treatment has not been applied to them may go before a court and seek legal protection provided for under separate provisions.^{23a)}

Footnote to reference 23a shall read as follows:

“(23a) Act No. 356/2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination, and on amending and supplementing certain other laws (Antidiscrimination Act)“

Article XVII

Act No. 195/1998 Coll. on social assistance as amended by Act No. 389/1998 Coll., Act No. 155/1999 Coll., Act No. 450/2000 Coll., Act No. 416/2001 Coll., Act No. 507/2002 Coll., Act No. 534/2002 Coll., Act No. 724/2002 Coll., Act No. 453/2003 Coll., Act No. 599/2003 Coll., Act No. 45/2004 Coll. and Act No. 141/2004 Coll. shall be amended as follows:

Section 4a shall be inserted after Section 4 and it reads as follows:

„§ 4a

(1) Rights provided for under this Act shall be guaranteed equally to all citizens in conformity with the principle of equal treatment in social security provided for under separate provisions.^{6a)}

(3) Persons who consider themselves wronged in their rights or interests protected by law because the principle of equal treatment has not been applied to them may go before a court and seek legal protection provided for under separate provisions.^{6a)}

Footnote to reference 6a shall read as follows:

“(6a) Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination, and on amending and supplementing certain other laws (Antidiscrimination Act)“

Article XVIII

Act No. 328/2002 Coll. on social security of police officers and soldiers and on amending and supplementing certain other acts as amended by Act No. 447/2002 Coll., Act No. 534/2002 Coll. and Act No. 463/2003 Coll. shall be amended as follows:

In Section 113 paragraphs 5 to 6 shall read:

“(5) Police officers, professional soldiers, soldiers in preparatory service shall have rights in the exercise of social security in compliance with the principle of equal treatment in social security provided for under separate provisions.^{47a)}

(6) When police officers, professional soldiers, soldiers in preparatory service consider themselves wronged in their rights or interests protected because the principle of equal treatment has not been applied to them may go before a court and seek legal protection provided for under separate provisions.^{47a)}

Footnote to reference 47a shall read as follows:

“^{47a)} Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination, and on amending and supplementing certain other laws (Antidiscrimination Act)”

Article XIX

Act of the National Council of the Slovak Republic No. 277/1994 Coll. on health care as amended by Act of the National Council of the Slovak Republic No. 98/1995 Coll., Act of the National Council of the Slovak Republic No. 110/1996 Coll., Act of the National Council of the Slovak Republic No. 222/1996 Coll., Act No. 140/1998 Coll., Act No. 241/1998 Coll., Act No. 80/2000 Coll., Act No. 416/2001 Coll., Act No. 553/2001 Coll., Act No. 118/2002 Coll., Act No. 131/2002 Coll., Act No. 219/2002 Coll., Act No. 450/2002 Coll., Act No. 457/2002 Coll., Act No. 138/2003 Coll., Act No. 445/2003 Coll., Act No. 528/2003 Coll. and Act No. 578/2003 Coll. shall be amended as follows:

The current text of Section 4 shall be marked as paragraph 1 and it is supplemented with paragraphs 2 to 5 reading as follows:

“(2) The right to health care provision shall be guaranteed equally to every person in conformity with the principle of equal treatment in health care provided for under separate provisions.^(2aa) In conformity with the principle of equal treatment, any discrimination shall be prohibited also on grounds of gender, religion or belief, marital and family status, colour, language, political and other opinion, trade union involvement, ethnic or social origin, disability, age, property, lineage or other status.”

(3) Exercising rights and obligations resulting from this Act must be in compliance with good morals. No person may abuse such rights and obligations to the detriment of another person. No person shall be persecuted or otherwise adversely treated in the context of exercising their rights as a reaction to a complaint, action or petition to start criminal proceedings against another person, health care staff, medical doctor, health care facility or other facility in the health care system.

(4) Persons who consider themselves wronged in their rights or interests protected by law because the principle of equal treatment has not been applied to them may go before a court and seek legal protection provided for under separate provisions.^{2aa)}

(5) Health care providers may not impose any sanctions or disadvantage on a person on grounds of exercising their rights resulting from this Act.”

Deleted: farby pleti, jazyka, národného alebo sociálneho pôvodu, majetku, rodu alebo iného postavenia.

Footnote to reference 2aa shall read as follows:

“2aa) Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination, and on amending and supplementing certain other laws (Antidiscrimination Act)“

Article XX

Act of the National Council of the Slovak Republic No. 273/1994 Coll. on health insurance, health insurance funding, on establishing the General Health Insurance Company and on establishing sectoral, branch, company and civic health insurance companies as amended by Act of the National Council of the Slovak Republic No. 374/1994 Coll., Act of the National Council of the Slovak Republic No. 58/1995 Coll., Act of the National Council of the Slovak Republic No. 98/1995 Coll., Act of the National Council of the Slovak Republic No. 231/1995 Coll., Act of the National Council of the Slovak Republic No. 304/1995 Coll., Act of the National Council of the Slovak Republic No. 376/1996 Coll., Act of the National Council of the Slovak Republic No. 386/1996 Coll., Act No. 202/1997 Coll., Act No. 332/1997 Coll., Act No. 124/1998 Coll., Act No. 11/1999 Coll., Act No. 56/1999 Coll., Act No. 151/1999 Coll., Act No. 242/2000 Coll., Act No. 245/2000 Coll., Act No. 448/2000 Coll., Act No. 233/2001 Coll., Act No. 505/2001 Coll., Act No. 553/2001 Coll., Act No. 118/2002 Coll., Act No. 291/2002 Coll., Act No. 457/2002 Coll., Act No. 534/2002 Coll., Act No. 671/2002 Coll., Act No. 138/2003 Coll., Act No. 442 /2003 Coll. and Act No. 578/2003 shall be amended as follows:

Section 26 shall be supplemented paragraph 5 and 6 reading as follows:

“(5) Policyholders shall have rights in the exercise of health insurance in compliance with the principle of equal treatment in health care provided for under separate provisions.^{13hi)}

(6) Policyholders who consider themselves wronged in their rights or interests protected by law because the principle of equal treatment has not been applied to them may go before a court and seek legal protection provided for under separate provisions.^{13hi)}

Footnote to reference 13hi shall read as follows:

“13hi) Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination, and on amending and supplementing certain other laws (Antidiscrimination Act)“

Article XXI

Act No. 634/1992 Coll. on consumer protection as amended by Act of the National Council of the Slovak Republic No. 220/1996 Coll., Act No. 137/1998 Coll., Act No. 310/1999 Coll., Act No. 128/2002 Coll., Act No. 414/2002 Coll., Act No. 529/2002 Coll. and Act No. 469/2003 Coll. shall be amended as follows:

1. Section 6 paragraph 1 shall read: “(1) When providing goods and services to consumers the seller has the obligation to comply with the principle of equal treatment provided for under separate provisions.^{7b)} The seller shall mainly not refuse to sell the consumer products displayed or otherwise prepared for selling or to refuse to provide a services within his capacity; the seller may also not tie product selling or provision of services to selling of other products or provision of other services unless it is a restriction identical for all cases and usual in commercial relations. This shall not apply to cases when the consumer fails to comply with requirements that must be satisfied under separate provisions.^{7b)}“

Footnote to reference 7b shall read as follows:
“^{7b)} Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination, and on amending and supplementing certain other laws (Antidiscrimination Act)“

2. Section 6 shall be added paragraph 4 reading as follows:

(4) Consumers who consider themselves wronged in their rights or interests protected by law because the principle of equal treatment has not been applied to them may go before a court and seek legal protection provided for under separate provisions.^{7b)}“

Article XXII

Act No. 596/2003 Coll. on state administration in the school system and school self-government and on amending and supplementing certain other acts shall be amended and supplemented as follows:

A new paragraph 7 shall be inserted in section 8 after paragraph 6, reading as follows:

“(7) Provisions applicable to reimbursing travel costs of a primary school pupil’s representative at law under paragraph 6 can also be applied to pupils of special primary schools.“.

The current paragraph 7 shall be called paragraph 8.

Article XXIII

This Act shall come into effect on 1 July 2004.

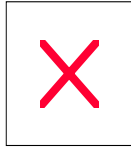
Rudolf Schuster
President of the Slovak Republic

Pavol Hrušovský
President of the National Council of the Slovak Republic

Mikuláš Dzurinda
Prime Minister of the Slovak Republic

**The list of transposed legal acts of the European Communities
and the European Union**

1. Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (Official Journal of the European Communities L 180, 19/07/2000).
2. Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (Official Journal of the European Communities L 303, 02/12/2000).
3. Council Directive 96/97/EC of 20 December 1996 amending Directive 86/378/EEC on the implementation of the principle of equal treatment for men and women in occupational social security schemes (Official Journal of the European Communities L 046, 17/02/1997).



GOVERNMENT OF THE SLOVAK REPUBLIC

Constitutional Court of the Slovak Republic

**Hlavná 72
042 65 Košice**

Bratislava, 14 September 2004

Proposal

in accordance with Article 125 (1) a) of the Constitution of the Slovak Republic

Submitter: The Government of the Slovak Republic
represented by JUDr. Daniel Lipšic,
Deputy Prime Minister of the Government of the Slovak Republic
and Minister of Justice of the Slovak Republic

to commence proceedings
on the compliance of a legal regulation

In accordance with Article 125 (1) a) of the Constitution of the Slovak Republic (hereinafter referred to as the "Constitution") and § 37 (1) of National Council of the Slovak Republic Act No. 38/1993 Coll. on the Organisation of the Constitutional Court of the Slovak Republic, Proceedings Before the Constitutional Court and the Status of its Judges as amended, the Government of the Slovak Republic (hereinafter referred to as the "Submitter")

is submitting a proposal to commence proceedings on the compliance of

§ 8 (8) of Act No. 365/2004 Coll. on Equal Treatment in Certain Areas, Protection from Discrimination and on Amendment and Supplementation of Certain Laws (Antidiscrimination Act) (hereinafter referred to as the "Antidiscrimination Act")

with **Article 1 (1) of the Constitution**

and

Article 12 (1), first sentence, and (2) of the Constitution, in conjunction with Article 35 (1) through (3), Article 36, Article 37 (2), Article 39 (1) and (2), Article 40 and Article 42 of the Constitution.

I.

Objection against the incompliance of § 8 (8) of the Antidiscrimination Act with Article 1 (1) of the Constitution.

According to Article 1 (1) of the Constitution

The Slovak Republic is a sovereign, democratic state governed by the rule of law. It is not bound to any ideology or religion.

§ 8 (8) of the Antidiscrimination Act reads as follows:

In order to ensure equality of opportunities in practice and adherence to the principle of equal treatment, special positive actions can be adopted to prevent disadvantages related to racial or ethnic origin.

In the opinion of the Constitutional Court of the Slovak Republic:

"One of the defining principles of a state governed by the rule of law is legal certainty. Legal certainty requires that the laws in a state governed by the rule of law are sufficiently understood and enable their addressees to have at least an idea of their legal situation. Unclarity, ambiguity and vagueness of a term ... creates a state of legal uncertainty, thereby coming into conflict with Article 1 of the Constitution.

...

The requirement that generally binding legal regulations meet the criteria of comprehensibility, in particular if they prohibit certain forms of behaviour, constitutes an important factor for the elimination of the possibility of their arbitrary, deliberate, inconsistent or other undesired interpretation and application by the relevant public power authorities (a legal regulation should define precisely the behaviour of the entities that it intends to regulate)."

(Finding of the Constitutional Court of the Slovak Republic Ref. PL. ÚS 19/98 published in the Collection of Laws of the Slovak Republic under no. 318/1998 Coll. on 23.10.1998).

§ 8 (8) of the Antidiscrimination Act breaches the principle of legal certainty in a number of respects.

A) The formulation of § 8 (8) of the Antidiscrimination Act fails to make clear the purpose of the special positive actions and clearly define the conditions under which special positive actions can be adopted.

The relevant provision makes it possible to adopt special positive actions, if their adoption provides for or can provide for "ensuring equality of opportunities in practice" and "adherence to the principle of equal treatment". These are cumulative conditions on the basis of which special positive actions can be adopted and which simultaneously define the "purpose" for which special positive actions can be adopted.

The first condition for the adoption of these actions is that they pursue "ensuring equality of opportunities in practice". By making "ensuring equality of opportunities in practice" a condition as well as the purpose for the adoption of these actions, § 8 (8) of the Antidiscrimination Act implies that equality of opportunities has two levels – theoretical (defined by the law) and practical (in the application or use of the law). Since the Antidiscrimination Act fails to define equality of opportunities in practice and hence fails to define when this equality is broken, we can conclude that **§ 8 (8) of the Antidiscrimination Act provides for the possibility, in a concrete situation, on the basis of free consideration, with no regulatory criteria and for an unknown recipient (person who will apply or use § 8 (8)), to decide that equality of opportunities is not ensured in practice and adopt measures with unclear content in order to eliminate "inequality of opportunities in practice" or ensure "equality of opportunities in practice".**

"Ensuring the adherence to the principle of equal treatment" is the second condition for the adoption of special positive actions. Under § 3 (1) of the Antidiscrimination Act, every natural person or legal entity is obliged to observe the principle of equal treatment in areas defined by the law (areas under §§ 5 and 6 of the Antidiscrimination Act). This obligation is explicitly expressed by the Antidiscrimination Act and the act defines the means of legal protection for cases of breaches thereof in §§ 9 through 11. Based on the definition of the principle of equal treatment (§ 2 (1)), the Antidiscrimination Act also lays down the obligation of prevention (adoption of actions for protection from discrimination). **However, besides the means of legal protection, § 8 (8) of the Antidiscrimination Act enables an unknown addressee to adopt actions with unclear content in order to ensure that the principle of equal treatment is adhered to, without making it clear whether these are measures adopted because this principle was breached or preventive measures.**

The aim of the Antidiscrimination Act is to ensure that, if the obligation to observe the principle of equal treatment was breached, the court rules that such breach has occurred and imposes the obligation to rectify it (within the scope of § 9 (2) and (3)). **This means that under the Antidiscrimination Act only courts are allowed to rule, in proper proceedings where evidence has to be provided for the breaches, that the principle of equal treatment has been breached. § 8 (8) of the Antidiscrimination Act authorises an unknown addressee to prejudge or decide, without any criteria, that the principle of equal treatment could be or has been breached, thereby intervening in the authority of courts and the "remedy and penalties" regime envisaged by the law for the event that the principle is breached.**

Ensuring equality of opportunities in practice and adherence to the principle of equal treatment are cumulative conditions for the adoption of the special positive actions. However, the above shows that it is not clear when these conditions are fulfilled and who and according to what criteria will decide on "inequality of opportunities in practice" and the "failure to adhere to the principle of equal treatment". **This means that the potential addressees of this regulation will decide without clear criteria, therefore inconsistently, since § 8 (8) leaves the decision on a matter as serious as potential intervention in fundamental rights and freedoms to the free will and consideration of persons applying this provision.**

B) The addressee, i.e. the person entitled to adopt the special positive actions under § 8 (8) is not clear.

One of the requirements placed on laws and individual regulations contained in a law is that the content of its provisions and above all the target of the law or its regulations are comprehensible and clear. § 8 (8) of the Antidiscrimination Act fails to meet this requirement because it does not define the authorised person. The expression "special positive actions can be taken" gives this authorisation to everyone and no one at the same time – the formulation of the relevant provision suggests that the special positive actions can be taken by any natural person or legal entity.

Such specification, or non-specification of persons entitled to adopt the special positive actions is inadmissible, especially because this may, and in the majority of cases probably will, concern public power authorities – territorial self-government authorities as well as state authorities. Pursuant to Article 2 (2) of the Constitution, these authorities may act solely on the basis and within the scope of the Constitution and their actions shall be governed by procedures laid down by a law. **It is not possible to authorise a public power authority to adopt actions, in particular actions in the area of fundamental rights and freedoms under Title Two of the Constitution, without clearly specifying which authority and under what conditions can take the special positive actions.**

C) The scope, and consequently the content, of the special positive actions are not clear.

"Legal certainty requires that the laws in a state governed by the rule of law are sufficiently understood and enable their addressees to have at least an idea of their legal situation." (Finding of the Constitutional Court of the Slovak Republic Ref. PL. ÚS 19/98 published in the Collection of Laws of the Slovak Republic under no. 318/1998 Coll. on 23.10.1998).

Equally, a law must be terminologically accurate and consistent. Only the correct terms, commonly used in the legal system, and accurate legal terminology can be used in laws. New terms and their content need to be defined in the legal regulation.

§ 8 (8) of the Antidiscrimination Act uses the expression "special positive actions", which is neither defined in the Antidiscrimination Act nor in any other law – it is an expression whose content is not known. We can derive from the definition of the objective to be achieved by these actions that they should be actions that should eliminate disadvantages related to racial or ethnic origin, while the content of these actions remains unclear.

The unclarity and absence of a definition of this expression, and absence of at least a demonstrative list or indication of the content and limits of these special positive actions, **place the persons who will adopt these actions in a state of legal uncertainty, since it is**

not clear from the interpretation of this expression what the content of the "special positive actions" can be and how they should be applied.

The unclarity, ambiguity and vagueness of the expression "special positive actions" therefore create a state of interpretation uncertainty, which is at variance with the principle of legal certainty laid down in Article 1 (1) of the Constitution. **What makes the unclarity and vagueness of the expression even more serious is that the areas, in which special positive actions are envisaged, fall within fundamental rights and freedoms under Title Two of the Constitution. For this reason, it is necessary to clearly define the content and scope, as well as the conditions under which special positive actions will be adopted, since the adoption of these actions can restrict or modify fundamental rights and freedoms of other persons.**

The persons entitled to adopt special positive actions under the Antidiscrimination Act will include public power authorities, which, in conjunction with Article 2 (2) of the Constitution, requires that these authorities act solely on the basis and within the scope of the Constitution and their actions be governed by procedures laid down by law. **With a view to the requirement under Article 2 (2), it is necessary that the law sets out the conditions, method of adoption and content of the special positive actions, as well as the persons entitled to adopt these actions, clearly and unambiguously, without allowing for inconsistent and deliberate interpretation.**

The situation that has arisen due to the fact that § 8 (8) of the Antidiscrimination Act fails to define the expression "special positive actions" and thereby fails to specify the conditions for the adoption of the actions and what can be considered as such actions is in conflict with the principle of legal certainty. In this situation, the authorised persons, including public power authorities, are unable to act in a manner and within the scope laid down by law when adopting special positive actions, since the law does not define any such method or scope. It is apparent that **§ 8 (8) of the Antidiscrimination Act leaves it to the authorities, including public power authorities, to act on the basis of their own consideration and own decision, which is at variance with the principle of legal certainty.**

"A situation enabling a state authority to act outside the framework of law according to its own consideration and own decision or use procedures other than those specified by law does not correspond with legal certainty, which is an integral part of a state governed by the rule of law according to Article 1 of the Constitution." (Resolution of the Constitutional Court of the Slovak Republic Ref. I. ÚS 3/98 published in the Collection of Laws of the Slovak Republic under no. 49/1998 Coll. on 24.02.1998).

At the same time, by failing to define the content of the special positive actions, the conditions for adopting them and what can be considered as special positive actions, § 8 (8) of the Antidiscrimination Act opens up room for inconsistent decision-making in cases of identical type. **The vagueness and interpretation unclarity of the respective provision makes it possible to take different special positive actions in cases of identical type or take these actions in one case and not in another case of identical type.**

No law should give room for different action in cases of identical type. It should contain only provisions that relate equally to all cases of identical type, as was concluded by the Constitutional Court of the Slovak Republic: *"The constitutional provision, under which*

'legal restrictions of fundamental rights and freedoms shall be applied equally in all cases meeting the specified conditions', must be respected by legislative bodies when adopting laws and thoroughly followed by all public administration entities within the framework of their decision-making and application practice. Therefore, laws can only contain restrictions that equally relate to all individual (specific) cases of identical type." (Finding of the Constitutional Court of the Slovak Republic Ref. PL. ÚS 36/95 of 3 April 1996, published in the Collection of Laws of the Slovak Republic under no. 131/1996)

D) The criteria, or conditions, specifying the objective of the special positive actions as well as, in essence, the group of persons in favour of whom special positive actions can be taken are unclear, vague and undefined.

Under § 8 (8) of the Antidiscrimination Act, the objective of special positive actions is to prevent disadvantages related to racial or ethnic origin.

The Constitutional Court of the Slovak Republic has concluded that *"Article 12 (2) of the Constitution ensures the universality of equality in fundamental rights and freedoms for everyone, regardless of differences in person and status. The differences that the Constitution accepts with respect to preserving equality in fundamental rights and freedoms concern sex, colour of skin, language, belief and religion, political affiliation or other conviction, national or social origin, nationality or ethnic origin, property, descent or other status. These need to be respected in each specific case in the effort to avoid infringing the principle of universality of equality. The individual facts that may constitute a reason for natural inequality between people are therefore defined in the Constitution by means of examples and provide room for ensuring that no one is harmed, preferred or discriminated against on these grounds. ... Article 12 (2) of the Constitution is often described as a provision establishing the prohibition of discrimination and, on the other hand, the prohibition of the provision of advantages in a specific fundamental right and freedom to anyone entitled to this right."* (Finding of the Constitutional Court of the Slovak Republic Ref. PL. ÚS 37/95 of 12 September 1996, published in the Collection of Laws of the Slovak Republic under no. 286/1996)

The attributes of race, nationality or ethnic origin can therefore constitute a reason for natural inequality between people. However, the Constitution forbids that they constitute a reason for harming, discriminating against or preferring persons who have these attributes over persons who do not have them. In individual areas falling within its jurisdiction, this is also declared by the Antidiscrimination Act, because it establishes the obligation to observe the principle of equal treatment in the relevant areas. This concerns securing of universal equality, regardless of the above reasons for natural inequality. **Since one of the basic objectives of the Antidiscrimination Act is to ensure that racial or ethnic origin is not a reason for discriminating against or preferring persons, the special positive actions have no purpose with respect to ensuring universal equality.**

One possible explanation of the objective of the positive actions, as implied by § 8 (8) of the Antidiscrimination Act, is that there are certain objective disadvantages linked to racial or ethnic origin, which automatically disqualify persons of a certain race or ethnic origin from access to or exercise of individual rights and the special positive actions should serve to enable them to exercise their rights in areas specified by law. But if we accepted this objective of the relevant provision, then we would come into conflict with Article 12 (1), first sentence, of the Constitution, which states that "people are free and equal in dignity and rights." **Such objective of the special positive actions would simultaneously imply that an unknown**

addressee can decide, on the basis of unclear and vague criteria, that persons of a certain race or ethnic origin are "inferior" or unequal to persons of another race or ethnic origin. The general principle of equality, however, expresses equality of all people in dignity and rights regardless of their race or ethnic origin.

As the Submitter stated above, § 8 (8) of the Antidiscrimination Act suggests that the objective of the special positive actions is to prevent disadvantages related to racial or ethnic origin. This implies that the recipients of the special positive actions will be persons of a certain racial or ethnic origin, who are discriminated against precisely and solely due to their racial or ethnic origin.

Pursuant to Article 12 (3), everyone has the right to freely decide their nationality and it is forbidden to exert any influence on this decision. This means that everyone has the right to decide about their nationality at any time. In the Submitter's opinion, Article 12 (3) needs to be interpreted extensively, i.e. that everyone has the right to also decide which ethnic group they belong to. Since the term "nationality" is narrower than the term "ethnicity", each nationality group is part of a certain ethnic group. **Hence, if special positive actions are taken for persons of a certain ethnic group, no one who identifies him- or herself with the given ethnic group can be excluded from these actions. In other words, such special positive actions would relate to everyone, because no one can be prohibited to identify him- or herself with a certain ethnic group.** The criterion of ethnic affiliation is therefore futile as regards the granting of certain rights, since this criterion will probably not serve the purpose intended by the legislator.

This means that the legislator has specified a group of persons, on the basis of an undefined criterion and consequently unclear specification, in favour of whom special positive actions can be taken and who, due to their race or racial origin or due to belonging to an ethnic group or their ethnic origin, will be entitled to enjoy these actions or assert rights and advantages arising therefrom.

E) The requirement that generally binding legal regulations meet the criteria of comprehensibility is an important factor for the elimination of the possibility of their arbitrary, deliberate, inconsistent or other undesired interpretation and application (a legal regulation should precisely define the behaviour of the relevant entities).

As the above suggests, § 8 (8) of the Antidiscrimination Act is incomprehensible and unclear. The formulation of this provision creates a situation allowing for inconsistent and deliberate interpretation, thereby creating a state of legal uncertainty. **Moreover, this unclarity of interpretation and legal uncertainty will exist in an area as sensitive and critical as fundamental rights and freedoms undoubtedly are,** which further amplifies the need for a clear and comprehensible formulation, not allowing for inconsistent and deliberate interpretation.

With a view to the above, the Submitter is of the opinion that it is not possible to create a state of legal certainty for the addressees of the above legal regulation with respect to what behaviour will fulfil or will not breach its contents, even if the general rule of interpretation, i.e. Article 152 (4) of the Constitution, is applied. Therefore, in the Submitter's opinion, § 8 (8) of the Antidiscrimination Act is at variance with Article 1 (1) of the Constitution.

II.

Objection against the incompliance of § 8 (8) of the Antidiscrimination Act with Article 12 (1), first sentence, and (2) of the Constitution in conjunction with Article 35 (1) through (3), Article 36, Article 37 (2), Article 39 (1) and (2), Article 40 and Article 42 of the Constitution

Article 12 (1) and (2) of the Constitution read as follows:

"(1) People are free and equal in dignity and rights. Basic rights and freedoms are undeniable, inalienable, imprescriptible and irrevocable.

(2) Fundamental rights and freedoms are guaranteed to everyone in the territory of the Slovak Republic regardless of sex, race, colour of skin, language, belief and religion, political affiliation or other conviction, national or social origin, nationality or ethnic origin, property, descent or other status. No one may be harmed, preferred or discriminated against on these grounds."

The section of the Antidiscrimination Act, where § 8 (8) is included, indicates the nature of the special positive actions. § 8 concerns admissible unequal treatment, i.e. exemptions from the prohibition of discrimination. This relates to such unequal treatment, which could be taken as discrimination but is allowed for by the Antidiscrimination Act in certain areas and for specific reasons, providing that this is justified in the given case by a legitimate aim and appropriate for achieving this aim.

The inclusion of special positive actions in § 8 suggests that they are an exemption from the prohibition of discrimination (admissible preferences) justified by the cumulative fulfilment of vague conditions for ensuring equality of opportunities in practice and adherence to the principle of equal treatment, **while this unequal treatment (preferences) is admissible only on the grounds of racial or ethnic origin, without the requirement to meet the condition that they are appropriate and legitimately justified in the specific situation.**

There is, however, an internal contradiction here, because the provisions under § 8 (1) through (7) of the Antidiscrimination Act represent exemptions from the principle of equal treatment, not provisions aimed at achieving equal treatment. On the contrary, § 8 (8), besides being an exemption from the principle of equal treatment, first of all provides for the possibility of taking special positive actions, through the application of which the very objective of the act – adherence to the principle of equal treatment and equality in rights – should be achieved.

In other words, § 8 (8) says that in order to ensure that persons of a certain race or ethnic origin are treated equally as other persons, special positive actions can be taken in certain situations (which are not defined by the Antidiscrimination Act). **This means that the provision implies that persons of a certain race or ethnic origin, in certain cases, upon fulfilment of certain conditions (which the act fails to define) and for objective reasons, are disqualified and do not or would not have access to and exercise their rights, including the fundamental rights stated below, without the positive actions.** Hence, § 8 (8) goes against the principle of equality of people in dignity and rights, because it says that this equality will only be achieved if special positive actions are taken.

Special positive actions can therefore be regarded as a certain special right, the recipients of which are not specific persons with specific disadvantages in a specific situation, but certain racial or ethnic groups regardless of whether their individual members or persons meeting the race or ethnic origin criterion are in fact discriminated against or not. The formulation of § 8 (8) of the Antidiscrimination Act, which says that "special positive actions can be taken to prevent disadvantages related to racial or ethnic origin", makes it possible to use the criterion of race or ethnic origin as a reason for "unequal" or preferential conditions in the access to and exercise of the respective fundamental rights. **Due to the vagueness and unclarity of § 8 (8) objected to above, possibilities open up for any advantages, whether this concerns a system of quotas or other automatic advantages.**

Article 12 (1) establishes the principle of people's equality in dignity and rights – i.e. grants equal rights to all human beings.

Article 12 (2) of the Constitution provides for the universality of equality in fundamental rights and freedoms for everyone, regardless of differences in person and status. The differences that the Constitution accepts with respect to preserving equality in fundamental rights and freedoms concern sex, colour of skin, language, belief and religion, political affiliation or other conviction, national or social origin, nationality or ethnic origin, property, descent or other status. These need to be respected in each specific case in the effort to avoid infringing the principle of universality of equality. The individual facts that may constitute a reason for natural inequality between people are therefore defined in the Constitution by means of examples and provide room for ensuring that no one is harmed, preferred or discriminated against on these grounds.

Article 12 (2) of the Constitution is often described as a provision establishing the prohibition of discrimination and, on the other hand, the prohibition of the provision of advantages in a specific fundamental right and freedom to anyone entitled to this right.

Discrimination, i.e. the situation where a person is harmed, disadvantaged or preferred (advantaged), has its reflection in such violation of equality in fundamental rights and freedoms that is linked precisely to the attribute of natural inequality and it is apparent that only this can constitute a reason for the violation of equality.

This means that under Article 12 (2) of the Constitution no one can be provided advantages in connection with fundamental rights and freedoms. *"Article 12 (2) of the Constitution has a general and declaratory nature, not the nature of a fundamental human right or freedom. Its application can be demanded only in connection with the protection of particular fundamental rights and freedoms specified in the Constitution."* (Finding of the Constitutional Court of the Slovak Republic Ref. I. ÚS 17/99 of 22 September 1999).

§ 5 (2) and § 6 (2) of the Antidiscrimination Act imply that the principle of equal treatment is only applied in conjunction with the rights established by special laws governing social relations in the areas of jurisdiction of the Antidiscrimination Act.

The formulation of § 8 (8) of the Antidiscrimination Act implies that it relates to all areas falling within the jurisdiction of the Antidiscrimination Act, which means that special positive actions can be taken in all of these areas.

In order to object to the incompliance of § 8 (8) of the Antidiscrimination Act with Article 12 (2) of the Constitution, it is necessary to prove that § 8 (8) relates to fundamental rights and freedoms. With a view to the fact that § 8 (8) relates to all areas of jurisdiction of the Antidiscrimination Act according to §§ 5 and 6 of the Antidiscrimination Act, it is necessary to prove that these provisions also relate to rights that are fundamental rights and freedoms under Title Two of the Constitution.

All fundamental rights and freedoms that the Antidiscrimination Act concerns can be demanded under Article 51 (1) of the Constitution, within the limits of laws implementing the relevant articles of the Constitution establishing individual fundamental rights and freedoms. Therefore, below, we provide a list of fundamental rights and freedoms which the Antidiscrimination Act concerns and the special laws governing the relevant relations, i.e. the areas of fundamental rights and freedoms where special positive actions can be taken with a view to § 8 (8) of the Antidiscrimination Act.

The provisions under §§ 5 and 6 of the Antidiscrimination Act relate, *inter alia*, to the following areas:

a) the so-called "social rights" – fundamental rights under Article 39 (1) and (2) of the Constitution

- § 5 (2) a) specifies that this concerns the areas of
- i. social assistance – in accordance with Act No. 195/1998 Coll. on Social Assistance as amended,
 - ii. social insurance – in accordance with Act No. 461/2003 Coll. on Social Insurance as amended,
 - iii. state social support – for instance in accordance with Act No. 599/2003 Coll. on Assistance in Material Distress and on Amendment and Supplementation of Certain Laws and Act No. 601/2003 Coll. on Subsistence Minimum and on Amendment and Supplementation of Certain Laws.

e) the provision of and access to healthcare – fundamental rights under Article 40 of the Constitution

The area of rights described by the Antidiscrimination Act, in § 5 (2) b), as the area of the provision of and access to healthcare is for example regulated by

- i. National Council of the Slovak Republic Act No. 277/1994 Coll. on Healthcare as amended.
- ii. National Council of the Slovak Republic Act No. 273/1994 Coll. on Health Insurance, Financing of Health Insurance, the Establishment of the General Health Insurance Company and the Establishment of Sectoral, Occupational, Corporate and Civil Health Insurance Companies as amended.

f) education – together with other related rights, this concerns the fundamental rights under Article 42 of the Constitution

These rights comprise the right to free elementary and secondary education (Article 42 (2) of the Constitution), as well as the right to university education depending on the abilities of the individual and possibilities of the society (Article 42 (2) of the Constitution). In accordance with the Convention against Discrimination in Education and the definition provided by the Constitutional Court of the Slovak

Republic in its Resolution Ref. PL ÚS 5/93 of 18 May 1994, the term education refers to

- i. all types of education, namely elementary, secondary, higher, general and vocational education,
- ii. access to education and the provision of a certain standard and quality of education (so that everyone has equal access to education and is provided equal standard and quality of education without any discrimination),
- iii. the conditions, under which access to education is provided.

The area of rights described by the Antidiscrimination Act, in § 5 (2) c), as the area of the provision of and access to education is for example regulated by

- ii. Act No. 29/1984 Coll. on the System of Elementary and Secondary Schools (Schools Act) as amended,
- iii. Act No. 131/2002 Coll. on Universities as amended.
- iv. Act No. 386/1997 Coll. on Further Education and on Amendment of National Council of the Slovak Republic Act No. 387/1996 Coll. on Employment as amended.

g) labour law and similar legal relations, as well as the legal relations related to them – fundamental rights under Article 35 (1) through (3), Article 36 and Article 37 (2) of the Constitution

In § 6 (2), the Antidiscrimination Act specifies the legal relations that this concerns. They are:

- i. access to employment, occupation, other income-earning activity or post (hereinafter referred to as "employment"), including the recruitment requirements and the conditions and method of selection for employment (fundamental rights under Article 35 (1) through (3) of the Constitution)
- ii. performance of employment and labour conditions, including remuneration, promotion and redundancy (fundamental rights under Article 36 of the Constitution)
- iii. access to professional education, further professional education and participation in programmes within active labour market measures, including access to advice in the selection and change of employment (fundamental rights under Article 35 (1) and Article 42 (1) of the Constitution)
- iv. membership and activity in employee organisations, employer organisations and organisations associating persons of certain professions, including the provision of benefits that these organisations provide to their members (fundamental rights under Article 37 (2) of the Constitution).

The area described by the Antidiscrimination Act, in § 6 (2), as the area of labour law relations, similar legal relations and legal relations related to them is for example regulated by

- ii. Act No. 311/2001 Coll., the Labour Code, as amended,
- iii. Act No. 312/2001 Coll. on Civil Service and on Amendment and Supplementation of Certain Laws as amended
- iv. Act No. 552/2003 Coll. on the Performance of Work in the Public Interest
- v. Act No. 5/2004 Coll. on Employment Services and on Amendment and Supplementation of Certain Laws.

It is apparent from the above that the Antidiscrimination Act relates to a number of fundamental rights and freedoms under Title Two of the Constitution. The fundamental rights and freedoms under Article 12 (2) of the Constitution are guaranteed to everyone, regardless of, *inter alia*, race or identification with an ethnic group. This means that no one can be harmed, preferred or discriminated against in connection with access to and exercise of fundamental rights and freedoms on the grounds of race or ethnic origin. Hence, Article 12 (2) of the Constitution not only forbids negative discrimination (disadvantaging and harming) on the grounds specified therein, but also the so-called "positive" discrimination (preferences).

Article 34 of the Constitution contains certain specific rights for citizens belonging to national minorities or ethnic groups. Similarly, Article 38 contains certain special rights for women, minors and disabled persons. It can be said that these provisions represent certain specific rights, which provide for the so-called "positive" discrimination (admissible preferences), in areas explicitly defined by the Constitution, for national minorities and ethnic groups, and for women, minors and disabled persons. It can also be stated that the **Constitution knows no exemption from the prohibition of preferences in fundamental rights and freedoms on the grounds of racial origin.**

On the basis of this, we can say that Article 12 (2) of the Constitution, which, *inter alia*, forbids preferences in connection with fundamental rights and freedoms, has exemptions – provisions allowing for a certain form of preferences or special rights, however, these exemptions are explicitly defined by the Constitution.

Based on the hierarchy of legal regulations and the requirement of compliance of laws with the Constitution, a legal regulation of a lower legal force cannot establish exemptions from a ban established by the Constitution, a legal regulation of a higher legal force. It is not possible to establish further forms of the so-called "positive" discrimination or admissible preferences for reasons that are prohibited reasons for preferences, besides the exemptions specified by the Constitution, i.e. besides the forms of the so-called "positive" discrimination envisaged in the Constitution.

§ 8 (8) of the Antidiscrimination Act allows for preferences in the above mentioned fundamental rights on the basis of the criterion of racial origin, which is inadmissible under Article 12 (2) of the Constitution. Equally, § 8 (8) of the Antidiscrimination Act allows for preferences in the above mentioned fundamental rights on the basis of the criterion of identification with an ethnic group. The Constitution lays down special rights for persons belonging to ethnic groups and these rights are specified in Article 34, however, § 8 (8) of the Antidiscrimination Act allows for preferences in fundamental rights on the basis of identification with an ethnic group, which is inadmissible under the Constitution – the preferences go beyond the framework of Article 34 and are therefore prohibited pursuant to Article 12 (2).

If a legal regulation provides for different treatment for different individuals, there must be a legitimate reason for such differentiation. However, the difference lying in racial or ethnic origin is not a legitimate reason for preferential treatment. This is a reason explicitly prohibited by the Constitution. Preferential treatment a priori reinforces the common stereotypes that certain groups are unable to achieve success, or exercise their rights without special protection and special preferences based on characteristics that have no relation to the individual value of every human being. The so-called "positive" discrimination sends a signal

about the inferiority of a certain group, which "would be unable to succeed" under equal conditions. Special positive actions humiliate human dignity and the uniqueness of everyone to whom they relate. It is unfair both in principle and practice, because it divides the society and creates castes.

The Constitutional Court of the Slovak Republic presented its opinion on access to elected and other public posts (a fundamental right under Article 30 (4) of the Constitution) in Finding Ref. PL. ÚS 19/98: *"A legal regulation of any legal force or the practical application thereof by public administration authorities cannot provide preferences or disadvantages to certain groups of citizens over other groups in their possibilities for access to elected and other public posts on the grounds of race, language, belief and religion, political affiliation or other conviction, national or social origin, nationality or ethnic origin, property, status etc."*. It also stated that the *"Constitution of the Slovak Republic contains no provision whose interpretation would make it possible to justify action allowing for the restriction or modification of the citizens' fundamental rights in order to improve the situation of the members of national minorities or ethnic groups."*

We are of the opinion that the same situation occurs with respect to the fundamental rights referred to in the Antidiscrimination Act. **§ 8 (8) of the Antidiscrimination Act provides preferences in access to the above mentioned fundamental rights on the grounds of racial or ethnic origin, thereby restricting or affecting the rights of other citizens, only for the reason of improving the situation of the members of national minorities or ethnic groups. On the basis of the above, the Submitter is of the opinion that § 8 (8) of the Antidiscrimination Act is at variance with Article 12 (2) of the Constitution, in conjunction with articles establishing the relevant fundamental rights and freedoms – i.e. Article 35 (1) through (3), Article 36, Article 37 (2), Article 39 (1) and (2), Article 40, and Article 42.**

III.

On the basis of the above, we propose that the Constitutional Court of the Slovak Republic adopt the following

finding

§ 8 (8) of Act No. 365/2004 Coll. on Equal Treatment in Certain Areas, Protection from Discrimination and on Amendment and Supplementation of Certain Laws (Antidiscrimination Act) **does not** comply with Article 1 (1) and Article 12 (1), first sentence, and (2), in conjunction with Article 35 (1) through (3), Article 36, Article 37 (2), Article 39 (1) and (2), Article 40 and Article 42 of the Constitution of the Slovak Republic.

IV.

Simultaneously, in accordance with § 38 (2) of National Council of the Slovak Republic Act No. 38/1993 Coll. on the Organisation of the Constitutional Court of the Slovak Republic, Proceedings Before the Constitutional Court and the Status of its Judges as amended, the Submitter

proposes to suspend the validity

of § 8 (8) of Act No. 365/2004 Coll. on Equal Treatment in Certain Areas, Protection from Discrimination and on Amendment and Supplementation of Certain Laws (Antidiscrimination Act) until the Constitutional Court of the Slovak Republic decides on the matter itself.

Based on the reasons stated under I. and II. of this proposal, the Submitter **proposes that the Constitutional Court of the Slovak Republic decide to suspend the validity of § 8 (8) of the Antidiscrimination Act until it decides on the matter itself, with a view to the fact that the continued application of § 8 (8) can endanger the fundamental rights and freedoms under Title Two of the Constitution.**

As the Submitter stated above, § 8 (8) of the Antidiscrimination Act relates to and should be applied in areas that are areas of fundamental rights and freedoms under Title Two of the Constitution.

In the Submitter's opinion, § 8 (8) of the Antidiscrimination Act is at variance with the principle of legal certainty, since the formulation of this provision allows for inconsistent and deliberate interpretation. It is not possible to create a state of legal certainty for the addressees of the above legal regulation with respect to what behaviour will fulfil or will not breach its contents, even if the general rule of interpretation, i.e. Article 152 (4) of the Constitution, is applied.

The Submitter is of the opinion that without making it apparent and clear when the conditions for taking special positive actions are satisfied, who is authorised to take the actions, what is the content and scope of the actions, who can enjoy these actions and rights arising therefrom, and how the fulfilment of the conditions for access to the rights and advantages arising from these action is proved, it is not possible to adopt special positive actions and apply § 8 (8) of the Antidiscrimination Act. Otherwise, the unclarity, incomprehensibility and vagueness of § 8 (8), which relates to fundamental rights and freedoms under Title Two of the Constitution, would constitute a threat to the fundamental rights and freedoms of other persons.

In the Submitter's opinion, § 8 (8) of the Antidiscrimination Act provides preferences to certain groups of persons in access to the fundamental rights and freedoms specified in section II. of this proposal on the grounds of racial or ethnic origin, thereby restricting or affecting the rights of other citizens, only for the reason of improving the situation of the members of a certain race or ethnic group. Due to the fact that the respective provision is also unclear, vague and incomprehensible, it creates a situation allowing for the adoption of such special positive actions that will restrict or infringe the fundamental rights and freedoms of other persons.

The Submitter believes that the reasons for suspending the validity of the respective provision under § 8 (8) are made even stronger by the fact that the possibilities for effective remedy, in the case that fundamental rights and freedoms of other persons are indeed breached through the adoption of special positive actions, are very limited or even non-existent. **Special positive actions taken on the basis of the unclear, incomprehensible and vague formulation of § 8 (8), which have no legal limit or specified content, can, in specific cases, put other persons at disadvantage in access to their fundamental rights and freedoms, without the possibility of rectifying the resulting situation.**

The suspension of § 8 (8) of the Antidiscrimination Act would not render the act inapplicable. **The Antidiscrimination Act can continue to serve its objective, i.e. provide for and ensure the adherence to the principle of equal treatment, even if the validity of § 8 (8) is suspended. The Submitter is of the opinion that the fact that this will not render the Antidiscrimination Act inapplicable is another reason why the validity of § 8 (8) should be suspended** until the Constitutional Court of the Slovak Republic decides on the matter itself.