



Observations
of the Slovak National Centre for Human Rights
on the Combined Eleventh and Twelfth Periodic Reports
of the Slovak Republic
to the UN Committee on the Elimination of All Forms of Racial
Discrimination

The Slovak National Centre for Human Rights (SNCHR) is a national human rights institution established in the Slovak Republic, accredited with status B by the Global Alliance of National Human Rights Institutions. As an NHRI, SNCHR is a member of the European Network of NHRIs (ENNHRI). SNCHR was established by the Act of the Slovak National Council No. 308/1993 Coll. on the Establishment of the Slovak National Centre for Human Rights. Pursuant to Act No. 365/2004 Coll. on Equal Treatment in Some Areas and on Protection from Discrimination, and on amendments and supplements to certain acts, as amended (the Anti-discrimination Act) SNCHR acts also as the only Slovak equality body. As an NHRI and Equality Body, SNCHR performs a wide range of tasks in the area of human rights and fundamental freedoms including the observance of the principle of equal treatment. SNCHR among other powers:

- 1) monitors and evaluates the observance of human rights and the observance of the equal treatment principle;
- 2) conducts research and surveys to provide data in the area of human rights; gathers and distributes information in this area;
- 3) prepares educational activities and participating in information campaigns aimed at increasing tolerance of the society;
- 4) provides legal assistance to victims of discrimination manifestations of intolerance;
- 5) issues expert opinions on matters of the observance of the equal treatment principle;
- 6) performs independent inquiries related to discrimination;
- 7) prepares and publishes reports and recommendations on issues related to discrimination;
- 8) provides library services and services in the area of human rights.

Contact Person:

Zuzana Pavlíčková, Head of Office of the Executive Director, Slovak National Centre for Human Rights, Laurinská 18, 811 01 Bratislava, Slovakia, pavlickova@snslp.sk, +421 2 208 501 22



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Introduction

1. SNCHR welcomes the opportunity to submit its observations to the Committee on the compliance of the Slovak Republic with the International Convention on the Elimination of All Forms of Racial Discrimination (CERD/Convention). This NHRI report aims to underline key achievements and remaining challenges for the implementation of CERD in Slovakia as perceived by SNCHR.
2. SNCHR welcomes the efforts made by the Slovak Republic to eliminate racial discrimination during the monitoring period, which led to several significant achievements in the protection of human rights of ethnic minorities in Slovakia. These developments include for instance:
 - Adoption of several legislative measures to achieve a higher degree of hate crime prosecution and, in particular, the introduction of a criminal offense of apartheid and discrimination against a group of persons in the Criminal Code of the Slovak Republic.
 - Activities of the Office of the Plenipotentiary of the Government of the Slovak Republic for Roma Communities during the process of developing updated Action Plans under the Strategy for Roma Inclusion until 2020 for the priority areas of education, employment, housing, health, financial inclusion, non-discrimination and approaches towards the majority society. Representatives of relevant ministries, local government, academia, non-governmental organisations and the Centre were involved in the advisory committee.
 - In particular, the Action Plan for Non-discrimination by the Office of the Plenipotentiary of the Government of the Slovak Republic for Roma Communities, which directly gives the Centre tasks related to the application of the antidiscrimination legislation in Slovakia.
 - Amendment of the Act No. 245/2008 Coll. on Upbringing and Education (School Act). The amendment introduced measures against (segregation) malpractices of enrolment of Roma children in schools, namely the prohibition of segregation of children from socially disadvantaged environments and the prohibition of placing children in special schools or special classes of primary schools based solely on their descent from socially disadvantaged environment.
3. SNCHR is, however, concerned about several areas, where a significant scope for improvement remains. The pertaining problems in elimination of racial discrimination and advancing non-discrimination of Roma in Slovakia, further elaborated on in this NHRI report, include:
 - Racially motivated violence and crimes;
 - Racist discourse (not only) in media;
 - Monitoring mechanisms to investigate police misconduct;
 - Access to education and de facto segregation of Roma children in education;
 - Right to adequate housing for the Roma community;
 - Implementation of temporary compensatory measures (affirmative action) in practice.
4. SNCHR would also provide information on the process of reforming SNCHR to be a fully compliant accredited NHRI, as was recommended to Slovakia in the previous monitoring cycle.
5. SNCHR is ready to provide any further information and assistance to the Committee any time before, during or after the session within which the state report of Slovakia is to be reviewed.

Racially motivated violence and crimes

6. The Slovak Republic adopted several legislative measures to increase the efficiency of hate crime prosecution. Act No. 316/2016 Coll. on the Recognition and Enforcement of Property Decisions in Criminal Proceedings in the European Union and amending certain laws, *inter alia*, the Act No. 300/2005 Coll. the Criminal Code of the Slovak Republic, entered into force on 1 January 2017. It introduced definition of a new criminal offense, in particular, the crime of apartheid and discrimination of a group of persons, implementing international obligations of the Slovak Republic under the Convention and the International Convention on the Suppression.
7. The crime of apartheid and discrimination against a group of persons is a crime in the basic elements of the criminal offense. Its special feature is that the statute of limitations does not preclude criminality of the crime, and at the same time, the punishment imposed for its commitment is imprescriptible. Regarding the subjective aspect of the crime, an intention is required. In order to achieve higher efficiency of the fight against extremism and extremist groups, unions or movements, a definition of extremist material in the Criminal Code has also been changed.
8. With the entry into force of Act No. 316/2016 Coll. on Recognition and Enforcement of Property Decisions in Criminal Proceedings in the European Union and amending certain acts, the Criminal Procedure Code of the Slovak Republic was also amended. The jurisdiction of the Specialized Criminal Court regulated in Article 14 of the Criminal Procedure Code has been extended to cover also crimes of extremism under Article 140a of the Criminal Code. The legislator aims to increase efficiency and improve quality of decision-making in investigating and prosecuting the crimes of extremism.
9. With the entry into force of Act No. 91/2016 Coll. the Criminal Liability of Legal Persons and amending certain acts, the Act no. 85/2015 Coll. on Political Parties and Political Movements was also amended. The provisions of Article 14 of this Act regulates conditions for abolishment of a political party. Following the amendment, the political party is abolished *ex-lege* by a valid decision of the court in criminal proceedings.
10. The unchanged legislation governing the founding and establishment of civic associations or political parties remains problematic. Excessive legal formalism, focusing only on assessment of the statutes of new civic associations and political parties, is a drawback, which should be overcome in the public interest. Otherwise, it may cause situations when extremist groups, whether as civil associations or political parties, will in their registration applications, submit statutes not visibly violating any legal norms, while their practice will be contradictory. In this context, it is necessary to amend the relevant provisions of the Act No. 83/1990 Coll. on Civic Association and the Act No. 85/2005 Coll. on Political Parties and Political Movements.
11. In May 2016, a group of opposition MPs submitted a proposal of a draft amendment to the Act on Political Parties and Political Movements. The proposal suggested introducing clear examples of specific cases, more precisely a typology of prohibited political parties in the provision

regulating the abolishment of political parties. This would concern, for instance, such political parties that spread hatred based on national, racial or ethnic grounds or parties aimed at gradually removing democratic principles of the state. The proposal also contained a provision banning the arming of political parties. However, the proposed amendment was not adopted due to the lack of political will.

12. In May 2017, the General Prosecutor of the Slovak Republic filed a proposal to dissolve the political party Kotleba - the People's Party Our Slovakia. The General Prosecutor did so after evaluating extensive materials and concluding that this extremist political party with fascist tendencies violates the Constitution of the Slovak Republic, national laws, and international treaties, both through programs and activities. The administrative proceedings to dissolve the political party have not been completed yet.

Recommendation 1:

That the Committee recommends the Slovak Republic to adopt legislative changes concerning the founding and establishment of civic associations and political parties and banish formalism in the assessment of statutes of newly formed associations and political parties. In these terms, a personal component should also be considered, i.e. with focus on public figures committing hate speech and contributing to spreading hate speech and increasing extremism the society.

Racist discourse (not only) in media

13. In 2015, the Centre monitored various incidents of hate speech, both in the virtual and the real world. Print media covering online newspapers and magazines must also be mentioned since their websites are accessible to the wide public allowing it the possibility to express opinions through discussion forums and social media.
14. The issue of hate speech in Slovakia is also addressed by companies such as Facebook, Twitter, YouTube and Microsoft. They try to provide an online platform in order to ensure that the content published, *inter alia*, in the discussion fora, does not contain illegal and hateful expressions, which, through their, uncontrolled dissemination, could provoke dangerous discussions and, ultimately, motivate physical attacks against various groups of population.
15. The Criminal Code together with the Act No. 372/1990 Coll. on Offences as amended, create a basic pillar to prosecute formulation and spread of hate speech. Progress in the fight against extremism on the Internet is also reflected in their amendments. It is crucial that social media posts with inappropriate content that may cause hate speech propaganda and have negative public influence, as this information is rarely based on objective facts. The problem thus remains in excessively long response time by some forums administrators concerning posts against various groups of the population, mostly Roma, ethnic minorities or migrants. Strengthened cooperation between the Police Force of the Slovak Republic, social media providers and forum administrators regarding the dissemination of hate speech would greatly contribute to reporting

of such incidents. Inadequate implementation is a frequent problem in the assessment of severity of these incidents. Law enforcement authorities have problems assessing the facts of the case and assessing it as either a misdemeanor or a criminal offense.

16. With regards to hate speech, websites with discussion fora tend to refer to legislation and law enforcement bodies. Their administrators are entitled to provide courts with an IP address, email, inappropriate post or other information in order to investigate the incident when racist posts or posts inciting violence based on race, ethnicity, language, religion, belief, political or other affiliation, national or social origin, membership of a national or ethnic group etc. are concerned. This strengthens prevention of hate speech and helps their prosecution as crimes, although under certain circumstances the incident concerned may entail only to an offense.
17. The persistent problem of social media is the fact that groups associating people with extremist attitudes, especially those of right-wing extremism, remain active after being notified to the administrator, even if blocked and disbanded. Social media do not start the process of disbanding opened or closed groups containing extremist attitudes and bringing together extremists on their own initiative, provided they do not contain information and materials related to terrorism, propagation of child pornography or explicitly dangerous forms of extremism. The problem remains to prove the perpetrators' intention. Penalties imposed are, in many cases, not deterrent enough, thus, losing their preventative effect.
18. Print media, in order to eliminate hate and racist expressions, block discussions, in their internet distributions, on topics that could cause such debate, thus eliminating the spread of hate speech. They do so also by decisions not to publish articles or statements of political leaders that could negatively affect public opinion and incite hatred against various groups of population.

Recommendation 2:

That the Committee recommends the Slovak Republic to effectively apply the Criminal Code in practice in order to investigate and prosecute hate speech on the Internet and to assess the degree of their social danger. It is crucial that effective deterrent punishments and sanctions are imposed.

Recommendation 3:

That the Committee recommends the Slovak Republic to support the forums and social media administrators in proactively fighting hate speech on the Internet by prompt removal of hate speech comments in discussion forums, blocking and deleting groups spreading hate speech on social media.

Monitoring mechanisms to investigate police misconduct

19. An independent body to monitor and investigate police action against minorities, especially the Roma, has not been set up in the Slovak Republic. Despite the existence of the Inspection

Section at the Ministry of Interior of the Slovak Republic (Section), concerns about the independence of this body remain, which is an undesirable situation. This situation may have a negative impact on investigation of the police units' actions against minorities and ethnic groups in Slovakia.

20. In May 2017, media covered the disproportionate police intervention against Roma residents of the village Zborov. In this context, information published alleged participation of the police forces in a physical conflict with two groups of Roma. In addition to the intervention towards those involved in the conflict, police officers were also supposed to attack children and older Roma who were not showing any resistance. The President of the Police Force of the Slovak Republic has publicly declared that the police officers would be inspected through the Section. The results of the investigation are not yet public.
21. In October 2017, the Minister of Interior of the Slovak Republic publicly promised to change the set-up and control mechanisms in relation to the activities of the Section. The change should introduce a review of each refusal statement or statement, stopping the proceeding of the Section by the General Prosecutor's Office of the Slovak Republic. In this context, it is necessary to ensure the independence and to eliminate doubts about the independence, of an authority investigating, monitoring and evaluating conduct of the police forces against minorities in Slovakia.
22. In terms of effective investigation of police misconduct, the Centre emphasises the need for creation of video recordings from all police interventions in case there is an expectation that coercive measures would be used. Cameras on police uniforms could help to clarify the course of police interventions and also lead to increased credibility of the Police Force of the Slovak Republic.¹

Recommendation 4:

That the Committee recommends the Slovak Republic to set up an independent inspection body to investigate police conduct, which will impose effective sanctions on the members of the Police Force of the Slovak Republic for inappropriate and unlawful interventions.

Access to education and de facto segregation of Roma children in education

23. The differences between the average attained education levels of Roma and the majority populations are significant and they are not being reduced. Despite the prohibition of discrimination and especially segregation in education and upbringing pursuant to the Act No.

¹ See also: Slovak National Centre for Human Rights, Report on the Observance of Human Rights including the Principle of Equal Treatment in the Slovak Republic for the Year 2015, chapter 2.1, available at: http://www.snspl.sk/CCMS/files/2015_Report_on_the_observance_of_human_rights_including_the_principle_of_equal_treatment.pdf

245/2008 Coll. on Upbringing and Education (the School Act) and amending certain acts, this area is still problematic, with a positive progress being very slow. The reality of Slovakia is that pupils from socially excluded communities do not have comparable prospects when entering the educational process, mostly due to family factors and especially poverty.

24. Amendment to the School Act No. 188/2015 Coll., *inter alia*, legislatively introduced two measures against segregation malpractices of incorporating Roma children into schools: 1. prohibition of segregation of children from socially disadvantaged environments; 2. prohibition of placement of pupils in special schools or special classes of elementary schools solely due to their descent from socially disadvantaged environment.
25. Despite these legislative measures, the problem remains in inadequate diagnosis of children in the process of their enrolment into elementary schools or the need of ongoing re-diagnostics. Due to diagnostic mistakes (e.g. ignoring the social environment of Roma children), the Centre underlines the barriers in relation to further education, which consists of attending special elementary schools for children with mental disabilities.²
26. In the aforementioned schools, the number of pupils from the Roma community is dominant. The students receive only primary education and not lower secondary education, which is a necessary precondition in order to continue studying at secondary grammar schools. Additional completion of the lower secondary education is only possible in special courses, which schools do not want to provide. As a possible solution, the Centre suggests assessing the possibility of creating special classes at secondary grammar schools for selected education fields, where a mild intellectual disability is not an obstacle to continue with further education. There is also a real problem for graduates to succeed in practice as they lack the necessary education. Courses to complete the missing education grade are paid and hence the graduate must find a job. The educational process at special schools is not individualised, the school curricula are not adapted for pupils with exceptional results. Although parents can request re-diagnostics in order to change the child's enrolment in a special elementary school, they are poorly informed about this possibility.
27. The amendment to the School Act No. 188/2015 Coll. also introduced a state control mechanism over the activities of educational facilities for educational counselling and prevention. The Ministry of Education, Science, Research and Sport of the Slovak Republic (the Ministry of Education) has the authority to investigate pedagogical documentation of such facilities upon complaint, including a proposal to educate a child in a special school and a report of a diagnostic examination of the child, if there is reasonable suspicion that such education is not in line with the educational needs of the child. According to information provided by the Research Institute of Child Psychology and Pathopsychology, it is difficult to establish data of the diagnosis requested by parents of Roma children due to problems with the collection of ethnic data. The Centre, therefore, considers it necessary to conduct a survey of the real situation regarding the re-diagnostics in special elementary schools for pupils with intellectual disabilities.

² Slovak National Centre for Human Rights, Report on the Observance of Human Rights including the Principle of Equal Treatment in the Slovak Republic for the Year 2016, chapter 5.2., available at: http://www.snslp.sk/CCMS/files/2016_HR_Report_SNCHR_eng.pdf

28. The Centre regularly monitors segregation in schools. The Report on the Observance of Human Rights including the Principle of Equal Treatment in the Slovak Republic for the year 2013³ paid attention to cases of segregation in the elementary school in Šarišské Michal'any and the elementary school in Levoča. The elementary school in Šarišské Michal'any got publicly known after the court decision, which ruled that the creation of classes with only Roma pupils constituted unequal treatment and segregation. In the aftermath of the decision, various integration measures have been adopted in the school, including gradual integration of the pupils, elimination of segregation at recreation backyards and in the school canteen, common free time activities, work of the volunteers from the University of Prešov - tutoring etc.
29. The Centre monitored the situation in the elementary school in Levoča also in its Report on the Observance of Human Rights including the Principle of Equal Treatment in the Slovak Republic for the Year 2014.⁴ The situation in the school was criticized by NGOs for a long time. An inspection carried out by the State School Inspectorate in March did not prove segregation.
30. The Centre covered the situation in schools in Medzilaborce and Rokycany in the Report on the Observance of Human Rights including the Principle of Equal Treatment in the Slovak Republic for the Year 2015.⁵ The case of segregated meals in the school canteen in the Medzilaborce elementary school was portrayed in media already in 2013. The school management claimed that Roma children did not have elementary hygienic skills, they did not use cutlery and ate with their hands. The Ministry of Education stated that this school's decision is a violation of the School Act, which prohibits all forms of discrimination and especially segregation. Concerning the school in Rokycany, children were allegedly enrolled into the private special elementary school on purpose, based on non-standard psychological tests carried out by a private educational establishment of educational counseling and prevention. As a result of the inappropriate tests and inappropriate diagnostics, children were allegedly diagnosed with intellectual retardation on purpose with the recommendation that these children get educated the school in Rokycany. The inspection identified several shortcomings based on which the main school inspector proposed the Ministry of Education removed the private special elementary school in Rokycany from the network of schools, school facilities, practical training centers and units of the Slovak Republic.
31. In its Report on the Observance of Human Rights including the Principle of Equal Treatment in

³ Slovak National Centre for Human Rights, Report on the Observance of Human Rights including the Principle of Equal Treatment and Rights of the Child in the Slovak Republic for the Year 2013, chapter 4., available at: http://www.snslp.sk/CCMS/files/REPORT_ON_THE_OBSERVANCE_OF_HUMAN_RIGHTS_INCLUDING_THE_PRINCIPLE_OF_EQUAL_TREATMENT_AND_THE_RIGHTS_OF_THE_CHILD_IN_THE_SLOVAK_REPUBLIC_FOR_THE_YEAR_2013.pdf

⁴ Slovak National Centre for Human Rights, Report on the Observance of Human Rights including the Principle of Equal Treatment and the Rights of the Child in the Slovak Republic for the Year 2014, chapter 4.3., available at: http://www.snslp.sk/CCMS/files/komplet_prekald_spravy_AJ_final.pdf

⁵ Slovak National Centre for Human Rights, Report on the Observance of Human Rights including the Principle of Equal Treatment in the Slovak Republic for the Year 2015, chapter 3.3, available at: http://www.snslp.sk/CCMS/files/2015_Report_on_the_observance_of_human_rights_including_the_principle_of_equal_treatment.pdf

the Slovak Republic for the Year 2016⁶, the Centre covered segregation in schools in Kuzmice, Vít'az, Kendice, and Medzilaborce, which it monitored in cooperation with the State School Inspection. Segregation in education occurred in all of the identified cases, in de facto or symbolic separation of specific groups of students from majority students. In the school year 2015/2016, the State School Inspection identified the application of physical segregation practices in education of Roma pupils in two schools and, in other two schools, it found segregation in the form of accepting pupils from marginalised Roma communities into special classes without appropriate diagnostics.

32. According to the findings of the World Bank, only 18% of all Roma children in Slovakia attend nursery schools.⁷ In comparison, 72% of all preschool children from the majority population attend nursery schools. Even though the last year of nursery school is free of charge, most poor parents cannot bear the hidden expenses related to their attendance.
33. In 2012, the Plenipotentiary of the Government of the Slovak Republic for Roma Communities introduced an upcoming reform, where major focus was placed on education, including obligatory 3-year preschool education for kids from risk families. However, the reform was not implemented.
34. Current Plenipotentiary of the Government of the Slovak Republic for Roma Communities, Mr. Ábel Ravasz aims to enforce obligatory nursery school attendance for kids from 5 years of age.⁸ The Centre emphasises that the draft bill cannot be selective and force mandatory nursery school attendance only for a certain group of children. In practice, this means that the duty to attend the preschool education should apply to all kids without exception. According to Plenipotentiary of the Government of the Slovak Republic for Roma Communities, Slovakia is currently lacking 12 thousand places in nursery schools, which constitutes a great obstacle towards this aim.

Recommendation 5:

That the Committee recommends the Slovak Republic develops capacities and quality of preschool education in order for it to be accessible, both geographically and content-wise, to all children, with the possibility to naturally integrate children from socially excluded communities.

Recommendation 6:

That the Committee recommends the Slovak Republic to increase and maintain the strengthened funding for municipalities and towns according to the number of children, which is needed for capacity building and improvement of schools, pre-school facilities, education and the activities of pedagogues, school assistants and the Centre for Pedagogical and Psychological Counselling and Prevention.

⁶ Slovak National Centre for Human Rights, Report on the Observance of Human Rights including the Principle of Equal Treatment in the Slovak Republic for the Year 2016, chapter 5.1, available at: http://www.snspl.sk/CCMS/files/2016_HR_Report_SNCHR_eng.pdf

⁷ KUSÁ, Zuzana. Investovať do detí: východisko z bludného kruhu znevýhodnenia. Štúdia o vnútroštátnych politikách. Sociologický ústav Slovenskej akadémie vied. 2014.

⁸ skolskyportal.sk [online] ©2017.

Recommendation 7:

That the Committee recommends the Slovak Republic to integrate Roma children with non-Roma children whenever possible since mixed classes are beneficial for social education of children from all groups and can support better acceptance of differences in the adulthood.

Right to adequate housing for the Roma community

35. The housing of Roma communities is a long-term problem in Slovakia. A significant part of the Roma population lives in settlements, where a large part of dwellings do not meet basic technical and hygienic standards: no access to drinking water, electricity, gas, sewage, missing roads and public lighting. The Centre draws attention to the fact that, in the area of housing, social exclusion is the most visible. It is also one of the areas where the gap between the Roma and the majority is the greatest. Residential segregation has an impact on social, economic and living standards of the community.
36. In May 2017, the Parliament passed an amendment to the Act no. 330/1991 Coll. on Land Adjustments, Organisation of Land Ownership, Land Offices, Land Fund and Land Owners Cooperatives in order to help settle lands under the dwellings in Roma communities. The Ministry of Agriculture and Rural Development of the Slovak Republic has prepared the amendment by addressing the need to organize the ownership and usage conditions for the land located under the settlements of the marginalised Roma communities and lands in grange yards. In terms of lands under settlements of marginalised communities, it gives landowners and owners of co-ownership shares the opportunity to opt for settlement in the form of new lands, lands under the settlement or in money. If the owner of such plots of land chooses, for the purpose of settlement, a new plot of land or money, his original land or his co-ownership share in the original land shall be transferred to the municipality via the settlement and the municipality may not scatter or burden the land except for the transfer to the dwelling owners.
37. Social housing also plays an important role in the housing system, which is legislatively defined in Article 21 para. 1 of the Act No. 443/2010 Coll. on Subsidies for Housing Development and Social Housing. Slovakia applies a dual model of social housing. Social housing provided under public funds is divided into social housing in standard flats and social housing in lower-standard flats. Social housing is intended for households and individuals who are disadvantaged or have insufficient funds to secure and maintain housing by themselves. Their disadvantages may be of a short-term or a lasting nature. In particular, these are disadvantages associated with stages of the life cycle, health condition, socio-economic status, but also with discrimination based on ethnicity.
38. The process of allocating social housing is determined by the municipalities/cities themselves in generally binding regulations. These, in addition to the defined conditions laid down in law, often contain specific conditions. In many cases, these conditions create barriers in accessing

social housing. Most commonly, they request a future tenant's financial guarantee, which may represent a significant barrier to accessible housing for low-income groups. A permanent residence of an applicant for housing is often conditioned also by its length, i.e. the minimum duration of the applicant's permanent residence in the municipality/city. Another frequent condition is the absence of obligations towards the municipality/city, for example, dog license commissions, fees for municipal waste, small construction waste etc. There are also conditions consisting of investigating upbringing conditions of a household, school attendance of children or the applicant's benefits for municipality. It is obvious that these conditions for allocation of social housing reduce the accessibility of housing for vulnerable groups of people. Another factor strengthening the inaccessibility of social housing is setting the amount of monthly rent, which in many cases exceeds households' incomes and their regular incomes.

Recommendation 8:

That the Committee recommends the Slovak Republic to adopt measures to increase the share of Roma dwellings with access to basic infrastructure and to increase the share of Roma in legal dwellings and living on legally settled land.

Recommendation 9:

That the Committee recommends the Slovak Republic to adopt targeted measures aimed at improving the housing conditions of Roma, for example through social work.

39. In the recent years, many residential homes inhabited predominantly by Roma in Trebišov, Partizánske, Žilina, Snina, Prešov, and Košice have been demolished. In 2014, the Centre monitored forced evictions in four cases (Žilina, Snina, Prešov, Košice)⁹ and in 2015 again in Košice¹⁰. The most frequent reason for evictions was the disrupted statics of the residential homes and the associated threat to life and health of the inhabitants. In most cases, cities have provided subsidiary accommodation to residents with valid lease agreements. Residents who were not paying rent were left without replacement accommodation.
40. The Centre realises the necessity for independent decision-making of self-governments to be carried out in the interest of their citizen while adhering to the law, but it considers forced evictions to be an extreme solution and an interference with the rights of the inhabitants of demolished houses.¹¹ Residents who do not have a valid tenancy agreement and are not provided with a substitute accommodation become homeless as a result of evictions and settle in other illegal settlements, even if on private lands.

⁹ Slovak National Centre for Human Rights, Report on the Observance of Human Rights including the Principle of Equal Treatment and the Rights of the Child in the Slovak Republic for the Year 2014, chapter 5.2., available at: http://www.snslp.sk/CCMS/files/komplet_prekald_spravy_AJ_final.pdf

¹⁰ Slovak National Centre for Human Rights, Report on the Observance of Human Rights including the Principle of Equal Treatment in the Slovak Republic for the Year 2015, chapter 2.3, available at: http://www.snslp.sk/CCMS/files/2015_Report_on_the_observance_of_human_rights_including_the_principle_of_equal_treatment.pdf

¹¹ Pozri tiež: Operational Platform for Roma Equality, OPRE Joint Statement on Evictions of Roma and Travellers in Europe, available at: <https://www.osce.org/odihr/249056?download=true>

41. The Centre has for a long period of time been pointing out at the construction of the so-called anti-Roma walls in Slovakia. In 2016, it investigated the situation in towns and villages where the anti-Roma walls are located. In the summer of 2016, the Centre approached mayors of the municipalities and cities of Košice, Lomnička, Michalovce, Ostrovany, Partizánske, Plavecký Štvrtok, Prešov, Sečovce, Sered', Trebišov, Veľká Ida, Vrútky and Zlaté Moravce with a request to comment the situation concerning the anti-Roma walls in their towns. Based on their individual statements, it emerged that the walls separating the Roma population from the majority are still standing in 8 out of 12 towns or municipalities. Only the city of Prešov removed the wall. In the towns of Sečovce and Trebišov and in the village of Lomnička such barriers were never constructed. The City of Košice did not respond to the Centre's inquiry.
42. The Centre very strongly criticizes the constant residential segregation of Roma from the municipality that pertains for years and that instead of an effective use of all legal instruments, physical barriers in form of fences and walls are still being constructed.

Recommendation 10:

That the Committee recommends the Slovak Republic to undertake measures to reduce Roma residential segregation and develop clear housing policies to eliminate segregation.

Recommendation 11:

That the Committee recommends the Slovak Republic to provide legal protection against forced evictions, threats of eviction and demolition.

Protection against all acts of racial discrimination – temporary compensatory measures

43. The Centre welcomed the legislative extension of authorities empowered to accept temporary compensatory measures (TCMs) from April 2013 to all public authorities, including municipalities, self-governing regions, but also to private legal entities.¹² The amendment to the Antidiscrimination Act also extended the range of protected grounds that can cause disadvantages to cover: age, disability, ethnic origin, gender and membership of a national or ethnic minority.
44. Despite this legislative change, several barriers to a wider and more frequent use of TCMs in practice can still be identified. An important obstacle is the lack of will or opportunities of the institutions concerned to allocate sufficient financial resources.
45. A general barrier is also a lack of awareness of the benefits of TCMs. In terms of the Slovak Republic, TCMs, especially those aimed at supporting Roma, are often perceived negatively in

¹² Act No. 32/2013 Coll. amending and supplementing the Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and Protection from Discrimination and amending and supplementing certain acts (the Antidiscrimination Act) as amended and amending the Act No. 8/2008 Coll. on Insurance and amending and supplementing certain acts as amended

society. The society is not aware of the fact that a successful and systematic implementation of TCMs in relation to the Roma minority would ultimately have a significant positive impact both on the majority population and on the society as such. In this case, dissemination of information and positive examples of impacts of TCMs, as well as support for tolerance throughout the society, with a special focus on the authorities, plays a very important role. Undoubtedly, the role of media and public opinion is obviously irreplaceable.

46. In order to promote broader awareness of TCMs and on their adoption, in particular, among potential subjects, as well as to support fulfilment of its role as a recipient of reports on implemented TCM, in 2013, the Centre issued a publication "Temporary Compensatory Measures"¹³. Subjects adopting TCMs fail to comply with their statutory notification obligations towards the Centre, hence the Centre draws information concerning relevant projects and programs through its activities and responses of the selected institutions that it approaches (in particular the central government authorities). The Centre annually addresses relevant government and public authorities to inquire about implementation of TCMs in the past year.
47. TCMs are necessary measures to put equality of opportunities into practice. The addressed entities incorrectly perceive or misunderstand the term TCMs. Further support of the Slovak Republic in disseminating information on TCMs, their possibilities and concrete examples of good practice is therefore necessary. For this purpose, the Centre has developed a training program on the TCMs including the development and publication of a simple information manual¹⁴. Within the established cooperation, the manual was also provided to the Plenipotentiary of the Government of the Slovak Republic for Roma Communities in order to make the information available to their recipients.
48. Bodies responsible for the adoption of TCMs, especially at the level, or from the initiative, of the central state administration authorities, use the established practices when implementing TCMs. TCMs adopted within particular resorts can be characterised by focusing on either legislative or non-legislative measures. Additionally, in some cases, legislative measures (amendments to acts or secondary legislation) have only partially fulfilled the requirements for TCMs, especially concerning their temporality. Non-legislative measures have most often taken forms of various projects, campaigns (even multiyear) as well as shorter activities. The combination of the two forms of TCMs in a balanced ratio is used to a lesser extent, although especially TCMs in the form of legal amendments or subordinate acts, which could be purposefully followed up by non-legislative TCMs, appear to be the most perspective.
49. In 2015 and 2016, the Centre carried out a research aimed at the use of TCMs by municipalities and self-governing regions in Slovakia.¹⁵ Based on the database of towns and municipalities in Slovakia, 2938 subjects were addressed. The Centre received answers from 1198 respondents.

¹³ http://www.snslp.sk/CCMS/files/Do%20C4%8Dasn%C3%A9_vyrovn%C3%A1vacie_opatrenia.pdf

¹⁴ See: <http://snslp.sk/CCMS/files/DVO.pdf>

¹⁵ Slovenské národné stredisko pre ľudské práva: Monitoring a vyhodnocovanie účinnosti dočasných vyrovnávacích opatrení v podmienkach Slovenskej republiky. Bratislava, 2016. Available in Slovak at: http://snslp.sk/CCMS/files/1DVO_Vyskum_FINAL.pdf

The results showed that 55.18% did not know about TCMs. 78.87% even said that cities and municipalities did not notice the opportunity to adopt TCMs. Only 8.93% of respondents replied that their municipality/self-governing region has implemented or is currently implementing at least one TCM. Despite this response, the Centre did not receive a single report on the adopted TCMs. Respondents who implemented or are currently implementing TCMs most often did it in favour of a disadvantaged group due to their race, ethnicity or membership to an ethnic or national minority (44.79%). The most common area of TCMs is the area of employment or related topics (41.14%). The most frequent reasons for non-adoption of TCMs are unfamiliarity with the concept of TCMs (33.43%) and that TCMs are not considered necessary (23.06%). The biggest obstacles for implementing TCMs are the lack of basic information on TCMs, lack of municipal funds and poor financial support.

50. In 2016, the Centre implemented the second phase of the research focusing on respondents who identified that they had implemented TCMs (107 subjects). The aim was to get more information about the TCMs implemented, their content, duration, and effectiveness. More than 75% of respondents mostly did not realize that the project implemented by their town, city or municipality was a temporary compensatory measure and they realized this only after a more detailed understanding of the topic. The most frequent goal of the project was the effort to integrate disadvantaged groups of people, create jobs or create better conditions for seniors and persons with disabilities.
51. The need to evaluate the effectiveness of TCMs and to share examples of good practice among the recipients appears to be very important. The need to follow up on ongoing TCMs when designing and implementing new TCMs targeting the same groups shows to be of equal importance. It would be appropriate to extend and apply the TCMs policy to the local level, as well as to the widest number of subordinate organisations and bodies and/or to the organisation and bodies founded and supported by the central state administration. In order for TCMs to bring real results in improving equality and opportunities for disadvantaged groups on the grounds of their ethnic origin, it would be appropriate to combine TCMs of legislative and the non-legislative nature, focusing on their broad and complex reach, directness, addressing, understanding and acceptance by all concerned subjects.

Recommendation 12:

That the Committee recommends the Slovak Republic to increase support, scope and volume of temporary compensatory measures that are being implemented, including the provision of sufficient public funds for their funding and the establishment of funding structures for different projects in order to strategically and systematically support temporary compensatory measures projects targeted particular groups.

Recommendation 13:

That the Committee recommends the Slovak Republic to support temporary compensatory measures recipients in development of a temporary compensatory measures strategy based on

comprehensive and cross-sectional documents mapping and evaluating the situation of disadvantaged and marginalised groups of population.

Reform of the Slovak National Centre for Human Rights

52. The Centre regained accreditation from the ICC (now GANHRI) Accreditation Committee in 2014 with the B status¹⁶ and henceforth functions accordingly in order to fulfil its tasks in the area of human rights protection and promotion. It also performs a wide range of tasks in relation to its mandate of equality body, since the adoption of the Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and Protection from Discrimination and amending and supplementing certain acts as amended (the Antidiscrimination Act).
53. Despite the limited financial and human resources, as well as the pertaining need to amend the establishing law (Act No. 308/1993 Coll. on Establishment of the Slovak National Centre for Human Rights) to meet full compliance with the Paris Principles, the Centre keeps fulfilling its broad mandate. It manages to continue with planned activities, prepare new activities and fulfil new tasks under the adopted legislation and action plans.¹⁷

Recommendation 14:

That the Committee recommends the Slovak Republic to strengthen the mandate as well as financial and human resources of the Slovak National Centre for Human Rights without undue delay, to ensure its full compliance with the Paris Principles.

¹⁶ International Coordinating Committee of National Institutions for the Promotion and Protection of Human rights: Report and Recommendations of the Session of the Sub-Committee on Accreditation (SCA), Geneva, 17-21 March 2014, available at:

<http://nhri.ohchr.org/EN/AboutUs/ICCAccreditation/Documents/SCA%20MARCH%202014%20FINAL%20REPORT%20-%20ENGLISH.pdf>

¹⁷ Please consult the activity reports of the Centre, available in English at: <http://www.snslp.sk/?locale=en#page=2441>

List of Recommendations

The SNCHR advises that the Committee recommend the Slovak Republic to:

1. adopt legislative changes concerning the founding and establishment of civic associations and political parties and banish formalism in the assessment of statutes of newly formed associations and political parties. In these terms, a personal component should also be considered, i.e. with focus on public figures committing hate speech and contributing to spreading hate speech and increasing extremism the society;
2. effectively apply the Criminal Code in practice in order to investigate and prosecute hate speech on the Internet and to assess the degree of their social danger. It is crucial that effective deterrent punishments and sanctions are imposed;
3. support the forums and social media administrators in proactively fighting hate speech on the Internet by prompt removal of hate speech comments in discussion forums, blocking and deleting groups spreading hate speech on social media;
4. set up an independent inspection body to investigate police conduct, which will impose effective sanctions on the members of the Police Force of the Slovak Republic for inappropriate and unlawful interventions;
5. develop capacities and quality of preschool education in order for it to be accessible, both geographically and content-wise, to all children, with the possibility to naturally integrate children from socially excluded communities;
6. increase and maintain the strengthened funding for municipalities and towns according to the number of children, which is needed for capacity building and improvement of schools, pre-school facilities, education and the activities of pedagogues, school assistants and the Centre for Pedagogical and Psychological Counselling and Prevention;
7. integrate Roma children with non-Roma children whenever possible since mixed classes are beneficial for social education of children from all groups and can support better acceptance of differences in the adulthood;
8. adopt measures to increase the share of Roma dwellings with access to basic infrastructure and to increase the share of Roma in legal dwellings and living on legally settled land;
9. adopt targeted measures aimed at improving the housing conditions of Roma, for example through social work;
10. undertake measures to reduce Roma residential segregation and develop clear housing policies to eliminate segregation;
11. provide legal protection against forced evictions, threats of eviction and demolition;
12. support temporary compensatory measures recipients in the development of a temporary compensatory measures strategy based on comprehensive and cross-sectional documents mapping and evaluating the situation of disadvantaged and marginalised groups of population;



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13. support temporary compensatory measures recipients in development of a temporary compensatory measures strategy based on comprehensive and cross-sectional documents mapping and evaluating the situation of disadvantaged and marginalised groups of population;
14. strengthen the mandate as well as financial and human resources of the Slovak National Centre for Human Rights without undue delay, to ensure its full compliance with the Paris Principles.

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