



**76th Session
of the Committee on the Elimination of all forms of Racial Discrimination**

**Opening statement to the presentation of the 6th to 8th periodic reports of
Slovakia, 16 February 2010**

**Ambassador Fedor Rosocha,
Permanent Representative of Slovakia to the United Nations, Geneva**

Mr. Chairman, Distinguished Committee Members,

On behalf of the Government of the Slovak Republic, it is my pleasure to present the 6th to 8th consolidated periodic reports of the Slovak Republic under the International Convention on the Elimination of All Forms of Racial Discrimination.

The Slovak Republic is a sovereign and democratic country governed by the rule of law; it ratified all core human rights instruments, and its human rights legislation meets the highest internationally recognised standard. The prohibition of discrimination is guaranteed, in addition to the Constitution of the Slovak Republic, by international treaties that take precedence over the laws of the Slovak Republic. In this regard, the International Convention on the Elimination of All Forms of Racial Discrimination to which Slovakia acceded by succession in 1993 constitutes one of the most fundamental international legal instruments for combating racial discrimination.

The Slovak Republic attaches high importance to the international human rights agreements and obligations arising from them. As a demonstration of this commitment, a delegation composed of experts from several governmental institutions has come to Geneva to discuss with you the 6th to 8th periodic reports of the Slovak Republic.

Let me please introduce you the members of the delegation:

Mr. Ľudovít GALBAVÝ

Plenipotentiary of the Government of the Slovak Republic for Roma Communities

Ms. Milica JANČULOVÁ

Acting Director General of the Division of Human Rights and Minorities of the Office of the Government of the Slovak Republic

Ms. Adriána LIPTÁKOVÁ

Ministry of Health of the Slovak Republic
Director of the Department of Healthcare

Mr. Juraj DŽUPA

Ministry of Labour, Social Affairs and Family of the Slovak Republic
Director of the Department of European Affairs and International Cooperation

Ms. Miroslava VOZÁRYOVÁ

Ministry of Interior of the Slovak Republic
Division of Legislation and External Affairs,

Ms. Katarína ONDRÁŠOVÁ

Ministry of Education of the Slovak Republic
Division of Regional Education,

Ms. Zuzana GRETSCHOVÁ

Presidium of the Police Corps of the Slovak Republic

Mr. Matej POLÁČEK

Presidium of the Police Corps of the Slovak Republic

Ms. Monika ŠUHAJDOVÁ

Ministry of Foreign Affairs of the Slovak Republic
Department for Human Rights, Council of Europe, OSCE and National Minorities

Mr. Slavomír KANTOR

Ministry of Foreign Affairs of the Slovak Republic
Department for Human Rights, Council of Europe, OSCE and National Minorities

Representatives of the Permanent Mission of Slovakia to the Office of United Nations in Geneva responsible for the Human Rights agenda are also part of the delegation:

Mr. Branislav LYSÁK

1st Secretary, Deputy Permanent Representative

and

Ms. Ivana KASÁROVÁ

3rd Secretary

In line with Article 9 of the Convention, the Slovak Republic submitted its sixth, seventh and eighth periodic reports to the International Convention on the Elimination of All Forms of Racial Discrimination (*"the Convention" hereinafter*) in 2008. In addition, we have also provided replies to questions addressed to Slovakia by the distinguished Rapporteur, Mr. Avtonomov.

Regarding the time frame, the report contains information on measures taken during the period since 2004 to the first trimester of 2008 (*"the reporting period" hereinafter*). Let me therefore start by highlighting some of these measures and inform you at the same time about the newest developments since 2008.

In connection with legislative measures, I wish to draw attention to the recodification of criminal legislation that led to the adoption of the **new Criminal Code and Code of Criminal Procedure in 2005**. With the aim of combating discrimination on any grounds, the new Criminal Code criminalises also the forms of conduct that violate human rights or fundamental freedoms on racial discrimination grounds.

The general part of the Criminal Code contains the definition of a so-called "**special motive**," which constitutes an aggravating circumstance entailing a heavier penalty for the criminal offence. Such special motive means that a crime is committed for hire, revenge, with the intention to cover up or facilitate another criminal offence, based on national, ethnic or racial hatred or hatred based on the colour of skin, or with a sexual motive.

The Title Twelve of the Criminal Code sets out **crimes against peace, humanity and war crimes** and, in particular, implements the rules of international humanitarian law. **Criminal offences of support and propaganda for groups aiming at the suppression of fundamental rights and freedoms (Sections 421-422), defamation of a nation, race or conviction (Section 423) and incitement to national, racial or ethnic hatred** are declared and recognised as crimes against humanity. The Criminal Code stipulates heavier penalties for aggravated criminal offences. In case of criminal offences mentioned, this applies to offences committed in public, in a particularly serious manner, or in a crisis situation.

A special place among crimes against humanity contained in the Title Twelve of the Criminal Code is held by the **criminal offence of torture or other inhuman or cruel treatment** (*Section 420*), which can also be committed with a special motive, i. e., *inter alia*, national, ethnic or racial hatred or hatred based on the colour of skin.

Moreover, to foster the **fight against extremism**, the Criminal Code amendment from autumn 2009 introduced so-called extremist criminal offences including, *inter alia*, “incitement, defamation and threats against persons identifiable by race, skin colour, birth or family status, national origin, nationality, ethnic group,” “production of extremist materials,” “dissemination of extremist materials” and “possession of extremist materials.”

Regarding the protection of victims of violent crimes, including those of racially motivated criminal offences, the Slovak Republic ratified the **European Convention on the Compensation of Victims of Violent Crimes** (*Strasbourg, 24 November 1983*) in March 2009 and adopted special Act (*No. 215/2006 Coll.*) in 2006 on the compensation of persons injured by violent crimes.

In an effort to strengthen the civil society and local democracy, the Ministry of Justice of the Slovak Republic closely cooperates with non-governmental organisations, mainly with the aim of protecting, supporting and providing compensation to the victims of crime, including those of racially motivated violent crimes.

In view of the fact that computer networks and electronic information can be misused to commit racially motivated criminal offences and that the evidence concerning these offences can be stored and transmitted through such networks, and recognising the need for international cooperation in this field, the Slovak Republic became a Party to the **Council of Europe Convention on Cybercrime** which was ratified by the President of the Slovak Republic in December 2007 and entered into force for in May 2008.

The key piece of the Slovak legislation guaranteeing non-discrimination is the **Act No. 365/2004 on equal treatment in certain areas and protection against discrimination, and on amending and supplementing certain other laws as amended** (*“the antidiscrimination act” hereinafter*). Since 2004 when it came into force, the Act underwent several amendments aimed at creating a comprehensive legal framework for the protection against discrimination in the areas falling within its scope.

The Act lays down the prohibition of discrimination based on an open-ended list of grounds covering expressis verbis grounds such as the race, belonging to a national or ethnic group, religious belief or faith, disability, age or sexual orientation. The antidiscrimination act applies in an equal manner not only to the labour market, but also to other areas, such as social protection including social security and health care, social benefits, education, access to and provision of publicly available goods and services including housing.

The **April 2008 amendment to the antidiscrimination act** introduced the **institute of temporary positive measures**. This amendment lays down the conditions under which it is possible to adopt such measures. It specifies the entities that are authorised to adopt them (*for example state administration authorities*) and defines the object of temporary positive measures (*for example the elimination of various forms of social and economic disadvantage and disadvantage due to age or disability*). It also stipulates that temporary positive measures may be adopted only in the areas, which are set out in the antidiscrimination act, and only for the time necessary to eliminate the inequality that led to their adoption. The amendment introduces as well the legal definition of sexual harassment and specifies in more detail certain procedural safeguards against discrimination (*for example the use of mediation as extra-judicial means of protection against discrimination*).

Moreover, the April 2008 amendment to the antidiscrimination act creates conditions for improving the procedural status of victims of discrimination, replacing the obligation of the plaintiff to submit evidence in judicial proceedings with the obligation to inform the court of the facts based on which it can be reasonably assumed that the violation of the principle of equal treatment has indeed occurred.

A further **amendment to the antidiscrimination act adopted in October 2008** introduced the **right to protection from discrimination also for legal persons** (*the so-called public actions*) in case of potential infringement of rights, legally protected interests or freedoms of a larger or indeterminate number of persons, or of serious endangerment of public interest. Such legal persons, mainly non-governmental organisations working in the field of protection against discrimination but also National Human Rights Institutions as the Slovak National Centre for Human Rights, may demand that the parties failing to respect the principle of equal treatment be made to refrain from such conduct and, where possible, rectify the unlawful situation.

An important positive development in connection with the proceedings on equal treatment matters was the adoption of an amendment to the **Act on Court Fees and Fees for Criminal Record Extracts** (*No. 71/1992 Coll.*) as amended, which reduced the fees for filing complaints concerning the violation of the equal treatment principle.

The Slovak Government is fully aware of the fact that even the best antidiscrimination laws are not effective unless they are consistently applied. To support activities aimed at combating discrimination, the Slovak Republic is implementing a number of programmes, the most important among which is the **Action Plan for the Prevention of All Forms of Discrimination, Racism, Xenophobia, Anti-Semitism and Other Expressions of Intolerance** (*"the Action Plan" hereinafter*).

The Action Plan constitutes a systemic instrument of the Slovak Government for the prevention and suppression of negative phenomena in society such as racism, xenophobia, intolerance and discrimination.

The programme documents for the Action Plan have been regularly prepared since 2000. Priority areas defined in the **2006-2008 Action Plan** were aimed mainly at increasing the level of awareness of Slovak citizens in the area of human rights and non-discrimination, ensuring effective implementation of anti-discrimination legislation, addressing the status of migrants in Slovakia, and identifying other specific activities in the area of prevention of intolerance, discrimination, racism, xenophobia and anti-Semitism. These priorities were complemented in 2008 with activities aimed at preventing extremism, mainly in the form of training for professional groups.

The **Action Plan for the period 2009-2011** is already the fifth since 2000, building on the results achieved in the previous periods. Its principal lines correspond to the present needs of the society. It concentrates at improving the situation in the areas of legislation, application, theory and practice, based on defined objectives and tasks. The Action Plan also constitutes a tool for the development of effective mechanisms for suppressing expressions of hatred and intolerance in different settings, in particular by means of preventive measures. As a long-term goal, the Action Plan pursues also the fulfilment of international commitments to build a tolerant and democratic state and foster its multicultural character.

An important Action Plan priority in the years 2009-2011 is the **organisation of systematic training for members of professional groups** who have an impact, in the exercise of their professions, on the prevention of all forms of discrimination, racism, xenophobia, anti-Semitism and other expressions of intolerance. This includes regular training courses and tests on application of the principle of equal treatment for members of the Police Corps, the Corps of Prison and Court Guard, and of the armed forces.

One of the specific Action Plan objectives is to ensure effective integration into the society of persons belonging to national minorities or ethnic groups, persons from socially disadvantaged environment and aliens.

Regarding national minorities, in Slovakia, particular attention is paid to the situation of **Roma national minority**, which is the second largest minority in the country, with specific needs. The process of inclusion of the Roma, in all areas of life of the society, is facilitated by targeted programmes and projects such as the Field Social Work Programme and the Health Promotion Programme for Disadvantaged Communities, as well as the Project of Police Specialists for work with Roma communities.

Regarding the **education of Roma children and pupils**, allow me to draw your attention to the important changes in the Slovak educational system that have also positively impacted the problem of the placement of Roma children in special schools and the discrimination and segregation of Roma children in education.

A new **Act on Education and Instruction** (*No. 245/2008 Coll.*), the so-called “**School Act**”, was adopted at the end of 2008. The essential feature of this new legislative framework in relation to the Convention is the prohibition of all forms of discrimination and prohibition of segregation.

According to the respective provisions of the new School Act (*Section 95, paragraph 3 of Act No. 245/2008 Coll.*), children are admitted to special primary schools for pupils with mental disabilities or with a combination of mental and other disabilities only if they suffer from a health disadvantage. This is established by means of a diagnostic tests aimed at identifying their special educational needs and carried out by educational prevention and counselling facilities.

The decision to admit a child with special educational needs is made by a headmaster of the school concerned, based on a written application from the child’s legal guardian and written opinion of the educational counselling and prevention facility. Before admitting a child, the headmaster advises the child’s legal guardian of all available education options. Special schools accept children or pupils who are manifestly disadvantaged in terms of health and who, due to their health disadvantage, are unable to achieve adequate level of education and learning at kindergartens or primary schools. Children start compulsory school attendance by enrolling in the first grade of standard primary schools (no enrolment is done at special schools).

New legislative provisions relating to discrimination and segregation of Roma children in education prohibit all forms of discrimination and, in particular, segregation by schools and educational facilities. They address the elimination of problems of segregation of Roma children and pupils at schools and educational facilities, and creation of adequate conditions for their education in the same classes with the majority population.

In the framework of Slovakia's presidency of the Decade of Roma Inclusion 2005-2015, the Ministry of Education of the Slovak Republic organised a **specialised international seminar on Creativity and Innovation in Education of Children from Socially Disadvantaged Environment** in November 2009. The main themes of the seminar were equal access to education and the entry of children into primary education. The issue of placing Roma children in special primary schools was extensively discussed at the seminar.

In 2006, the Roma Education Fund supported a 2-year national **pilot project of the Ministry of Education of the Slovak Republic "Let us go to school together – supporting implementation of the concept of integrated education of Roma pupils in Slovakia,"**. The project focused on the following five key objectives: improving the integration of Roma children in preschool education in the Slovak region of Prešov (the region with the highest rate of Roma population); motivational meetings of Roma and non-Roma parents, mayors, teachers, community workers; educational activities for teachers; publicity and awareness building and monitoring of activities.

Through the implementation of the national pilot project, the objective of the Ministry of Education was achieved, namely to increase the kindergarten attendance rate of Roma children, and to prevent segregation, not only in kindergartens but also in primary schools.

The Roma Education Fund approved the continuation of the project in 2009; which can be perceived as an approval of considerable benefits the project has brought for Roma children, confirmed also by the independent external evaluation of the project.

Another important activity in the education sector aimed at combating racism, intolerance, discrimination and segregation is the implementation of **the National Plan for Human Rights Education for a period 2005-2014**. The National Plan focuses mainly on education to tolerance and elimination of prejudices and on shaping the attitudes of persons belonging to national minorities to the majority population.

The aims of human rights education at schools comprise the acquisition of knowledge, skills and attitudes that are important for strengthening human dignity, informed and independent participation in the development of a democratic society, in line with the values of human rights, equality, plurality and justice.

The following three intrinsically linked areas represent the key components of the National Plan for Human Rights Education:

1. Further education of pedagogical employees
2. Publication of methodology materials and teaching texts
3. Monitoring and evaluation of the scope and quality of human rights education

The Ministry of Education of the Slovak Republic annually oversees the fulfilment of tasks adopted under the National Programme and subsequently formulates the plan of activities for the next calendar year, with allocation of earmarked funds at the level of approximately 100 000 euros per year.

An especially important role in this regard is played by **multicultural education** and information about history, culture and specific rights of persons belonging to national minorities living in the territory of Slovakia. This also applies to instilling civic values as a necessary prerequisite of multiculturalism, and to shaping positive multicultural attitudes while cultivating one's own national and ethnic identity.

Distinguished Members of the Committee,

In the concluding observations to the 4th and 5th periodic reports of the Slovak Republic, your Committee recognised the efforts taken by Slovakia in the area of employment – while recommending that additional measures be adopted to reduce the unemployment of the Roma community.

Let me inform you therefore of some of the measures aimed at **improving the qualification level of the Roma and reducing their unemployment.**

Issues related to the elimination of prejudice among employers and to the incentives aimed at upgrading the skill level of the Roma, in order to reduce their unemployment, are covered in projects within the **Operational Programme “Employment and Social Inclusion”**, supported in the framework of the European Union funding system (European Social Fund). The Programme provides the bases for measures promoting employment and social inclusion that address employability and employment of, in particular disadvantaged groups of job seekers and marginalized groups, including Roma. The Roma community is the eligible target group for the two of the programme measure, one on supporting social inclusion and another one on supporting creation of equal opportunities in access to the labour market. Framework activities of the programme are aimed of sensitising the majority population towards the marginalized Roma community.

Numerous contributions are made by the Slovak Government under the **Active Labour Market Measures**. Through this tool, support and assistance are provided in labour market integration, mainly for disadvantaged job seekers, with emphasis on the long-term unemployed. These measures include initial training for and promoting employment of disadvantaged job seekers, supporting maintenance of employment for low-wage employees, employing disadvantaged job seekers in social enterprises, as well as activation work in the form of smaller-scale local services for the municipality.

The Roma population in the position of multiple disadvantaged job seekers is the eligible target group for the so-called “**National Projects**” realised under the aegis of the **Ministry of Labour, Social Affairs and Family within the European Union funding system**. These projects provide the framework for implementing labour market policy instruments. They are complemented with innovative elements in response to negative impacts of the global economic and financial crisis. The national projects are specifically focused on activation of job seekers (*in the amount of 69, 707, 229. 64 EUR*), supporting employment of job seekers (*in the amount of EUR 83,748,257.32*) and supporting persons at risk of collective redundancies due to the global financial crisis (*in the amount of EUR 3,319,391.89*).

The implementation of the projects will result in the creation of jobs for 1,250 disadvantaged job seekers, maintenance of employment for 2,650 employees with low wages, and support for employment of disadvantaged job seekers in social enterprises by means of creating and maintaining jobs for 870 disadvantaged job seekers.

Distinguished Committee Members,

Now, I would like to shortly touch upon the issue of **alleged forced sterilisations of Roma women**. First of all, I must resolutely reject the allegations made by the Civil and Human Rights Counselling Centre (“Poradňa pre občianske a ľudské práva”), sent to the Committee with regard to the consideration of the 6th to 8th periodic reports of Slovakia, in connection with forced sterilisations of Roma women.

The Slovak Republic is a democratic country governed by the rule of law. The judicial power is exercised by independent and impartial courts in conformity with the Constitution. Courts are the only bodies that may establish a violation of the law. “Poradňa“ civic association claims that the “Slovak Government has been inefficient to ensure effective, prompt and impartial investigation into the practice of forced and coercive sterilization of Romani women”. This claim, however, is inadmissible because of the following reasons:

Immediately after the publication of allegations of possible forced sterilisations of Roma women, the Human Rights Division of the Office of the Government filed a criminal complaint. The criminal prosecution for a criminal offence of genocide started already in January 2003. The prosecution was suspended in October 2003, since it was proved that no crime of genocide or any other crime had been committed. However, several procedural shortcomings of medical personal or healthcare facilities, by obtaining the informed consent from patients, were identified, mainly due to the loopholes in the legislation. The medical indication for sterilization had been however always respected, in accordance with the then applicable legislation (sterilization was considered to be a life saving intervention). The criminal prosecution had been challenged at the Constitutional Court and, based on its decision, it continued from May 2007 until December 2007, and was finally closed with effect from February 2008.

In addition to the investigation by the police, the prestigious Faculty of Medicine of the Comenius University of Bratislava was also invited to provide for an expert opinion in early 2003 and the team of experts from the Ministry of Health and experts in the field of gynecology and obstetrics were charged by the Minister of Health to conduct a special expert overview in hospitals. These controls did not prove any segregation or discrimination practices in the health establishments.

A new Healthcare Act was adopted in 2004 that addressed the shortcomings in legislation on sterilization. It regulates now, inter alia, a non-discriminatory access to health care, requirements for obtaining a patient's informed consent, performance of sterilization and access to medical documentation. According to this Act, sterilization can only be performed on the basis of a written request and a written informed consent after previous instruction. The instruction must include information on alternative methods of contraception and planned parenthood and possible changes in the life circumstances that resulted in the application for sterilization. Information must be also provided on medical consequences of the sterilization, as a method resulting in an irreversible loss of fertility, and on possible failure of sterilization. Besides the request for sterilization and the informed consent a rule was introduced by the new act on a compulsory 30-day period between the patient's consent and the sterilization intervention. Being amended by the new act as well, the Slovak Penal Code recognizes now the illegal sterilization as a criminal act.

Distinguished Members of the Committee,

I would like to assure you that **the sterilization of Roma women has never been an official state policy or a practice supported by the Government or the Ministry of Health.** As a result of the investigation and expert controls, the Slovak Government tasked particular governmental institutions to improve identified shortcomings. The Minister of Health was asked to hold responsible the medical personal and health care facilities that did not act in full compliance with the prescribed procedure for obtaining the informed consent. He ordered an in-depth control and analysis of health-care facilities in order to identify discriminatory practices against Roma and review how the informed consent is obtained in practice. Other measures required by the Government included the review of the access of marginalized groups to health care and improving the human rights education for the police, healthcare personnel and public service officials in general.

Mr. Chairman, Distinguished Members of the Committee,

Let me please conclude by thanking you for the opportunity to start the consideration of our 6th to 8th periodic reports by informing you on the progress we have achieved in addressing the issue of racial discrimination. We stand ready to an open dialogue with you and are prepared to take on board the recommendations you may wish to address to us.

Thank you for your attention.