



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

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Sixty-fifth session
2 - 20 August 2004

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

**Concluding observations of the Committee on the
Elimination of Racial Discrimination**

SLOVAKIA

1. The Committee considered the fourth and fifth periodic reports of Slovakia, submitted in one document (CERD/C/419/Add.2), at its 1654th and 1655th meetings (CERD/C/SR.1654 and 1655), held on 9 and 10 August 2004. At its 1668th meeting (CERD/C/SR.1668), held on 18 August 2004, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the reports submitted by the State party in conformity with the reporting guidelines as well as the additional oral and written information provided by the delegation. The Committee is encouraged by the attendance of a large and well-qualified delegation and expresses its appreciation for the very constructive and frank responses provided to the questions asked.

B. Positive aspects

3. The Committee notes with appreciation that the Hungarian minority - the largest national minority in Slovakia - is well integrated in mainstream society and that it is adequately represented, including among high-level civil servants and politicians.

4. The Committee also welcomes:

- (a) The amendment to article 127 of the Constitution, introducing a constitutional complaint procedure;
- (b) The entry into force of the Anti-Discrimination Law on 1 July 2004;
- (c) Act No. 253/2001 and Act No. 421/2004, amending the Criminal Code by, respectively, adding membership of an ethnic group to the elements of racially motivated crimes and criminalizing offences committed through the Internet;

(d) The numerous activities undertaken by the Government Plenipotentiary for Roma minority affairs in promoting and coordinating programmes and projects aimed at achieving equal status for citizens belonging to the Roma community;

(e) The establishment of several institutions and programmes for the promotion and protection of human rights, in particular in the field of racial discrimination, including:

- (i) The Action Plan for the Prevention of All Forms of Discrimination, Racism, Xenophobia, Anti-Semitism and Other Expressions of Intolerance for the Period 2002-2003 and 2004-2005;
- (ii) Resolution No. 278 of 23 April 2003 on the “Assessment of the 2002 Priorities of the Government of the Slovak Republic relating to Roma Communities, the 2001 Strategy of the Government of the Slovak Republic for Addressing Roma Community Issues and the Basic Theses of the Government of the Slovak Republic Policy Concept for the Integration of Roma Communities”.

C. Concerns and recommendations

5. While the Committee notes with appreciation the continuous efforts undertaken to combat racial discrimination and related violence, including the setting up of a commission to deal with racially motivated violence and of the Racism and Xenophobia Monitoring Centre, it remains concerned about the occurrence of racially motivated crimes and incidents in the country.

The Committee encourages the State party to continue monitoring all tendencies that may give rise to racist and xenophobic behaviour and to combat the negative consequences of such tendencies. The Committee also recommends that the State party intensify its efforts to ensure to everyone within its jurisdiction effective protection against any act of racial discrimination, as well as the right to seek just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination. In this respect, the State party should ensure that victims of racist crimes are afforded wider access to free legal assistance.

6. The Committee shares the delegation’s concern that discriminatory attitudes and feelings of hostility towards members of the Roma community are deep-rooted and widespread throughout the country.

The Committee wishes to recall its general recommendation XXVII on discrimination against Roma and recommends that the State party continue to endeavour, by encouraging a genuine dialogue, to improve relations between Roma communities and non-Roma communities with a view to promoting tolerance and overcoming prejudices and negative stereotypes. The Committee also invites the State party to take more effectively into account, in all programmes and projects planned and implemented and in all measures adopted, the situation of Roma women, who are often victims of double discrimination.

7. While the Committee notes with satisfaction the efforts of the State party in respect of the training of law enforcement officials, it expresses concern about allegations of

discriminatory behaviour by the police towards members of minority groups, in particular Roma, including acts of ill-treatment and violence.

The Committee recommends that the State party intensify its action to halt this phenomenon and set up an independent monitoring mechanism to carry out investigations into allegations of police misconduct.

8. While the Committee welcomes the extensive measures adopted by the State party in the field of education aimed at improving the situation of Roma children, including the “Roma assistants” project, it continues to express concern at de facto segregation of Roma children in special schools, including special remedial classes for mentally disabled children.

The Committee recommends that the State party prevent and avoid the segregation of Roma children, while keeping open the possibility of bilingual or mother-tongue education. The Committee further recommends that the State party intensify its efforts to raise the level of achievement in school by Roma children, recruit additional school personnel from among members of Roma communities and promote intercultural education.

9. While the Committee recognizes the efforts made in the field of employment - including the recent adoption of the amended Labour Code, which prohibits discrimination in its section 13 - it is alarmed by de facto discrimination against Roma as well as by the very high rate of unemployment among members of the Roma community.

The Committee recommends that the legislation prohibiting discrimination in employment and all discriminatory practices in the labour market be fully implemented in practice and that further measures be taken, in particular by focusing on professional training, to reduce unemployment among the Roma community.

10. While the Committee notes the “comprehensive Roma settlements development programme”, as well as the “programme of support for the construction of communal rental housing of a different standard”, it expresses concern about the isolation of the Roma community in ghetto-like neighbourhoods and their critical situation in respect of housing conditions, especially in the eastern part of the country, where most of the Roma community is concentrated.

In light of its general recommendation XXVII, the Committee recommends that the State party effectively implement policies and projects aimed at avoiding segregation of Roma communities in housing and involve Roma communities and associations as partners in housing construction, rehabilitation and maintenance projects. Furthermore, the Committee encourages the State party to take all possible measures to further improve housing conditions for Roma, taking also into account that for families, and particularly children, living in a proper environment is an essential prerequisite for access to education and employment on an equal footing.

11. The Committee is alarmed at the critical health situation of some Roma communities, which is largely a consequence of their poor living conditions.

The Committee recommends that the State party continue to implement programmes and projects in the field of health for Roma, bearing in mind their disadvantaged situation resulting from extreme poverty and low levels of education; to this end, the Committee encourages the State party to take further measures to address the issues of drinking water supplies and sewage disposal systems in Roma settlements.

12. The Committee is concerned about reports of cases of sterilization of Roma women without their full and informed consent. In this respect, the Committee welcomes the assurances given by the delegation that a draft law on health care, which would address shortcomings in the system by specifying the requirement of free and informed consent for medical procedures and guarantee patients' access to medical files, has been approved by the Government and should shortly be adopted by the Parliament.

The Committee strongly recommends that the State party take all necessary measures to put an end to this regrettable practice, including the speedy adoption of the above-mentioned draft law on health care. The State party should also ensure that just and effective remedies, including compensation and apology, are granted to the victims.

13. The Committee notes the assurances given by the delegation that the State party is adequately following up the Committee's recommendations in its opinion No. 11/1998 (Miroslav Lacko v. Slovak Republic), and that the new draft Criminal Code will provide for the punishment of violations of the right of access of all persons to public places guaranteed in article 5 (f) of the Convention.

The Committee recommends that the State party include in its next periodic report information on the implementation of the Committee's opinion No. 11/1998 and on the adoption and the implementation of the above-mentioned legislation.

14. The Committee strongly recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention and endorsed by the General Assembly in its resolution 47/111. In this connection, the Committee refers to General Assembly resolution 57/194, in which the Assembly strongly urged States parties to accelerate their domestic ratification procedures with regard to the amendment and to notify the Secretary-General expeditiously in writing of their agreement to the amendment. A similar appeal was reiterated by the Assembly in resolution 58/160.

15. The Committee recommends that the State party take into account the relevant parts of the Durban Declaration and Programme of Action when implementing the Convention in the domestic legal order, in particular in respect of articles 2 to 7 of the Convention, and that it include in its next periodic report information on further action plans or other measures they have taken to implement the Durban Declaration and Programme of Action at the national level.

16. The Committee recommends the State party to continue consulting with organizations of civil society working in the area of combating racial discrimination during the preparation of the next periodic report.

17. The Committee recommends that the State party's reports be made readily available to the public from the time they are submitted and that the observations of the Committee on these reports be similarly publicized.

18. The Committee recommends that the State party submit its sixth, seventh and eighth periodic reports jointly, due on 28 May 2008, and that it address therein all points raised in the present concluding observations.
