



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

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Summary record of the 1976th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 17 February 2010, at 10 a.m.

Chairperson: Mr. Kemal

Contents

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (*continued*)

Sixth to eighth periodic reports of Slovakia (continued)

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The meeting was called to order at 10.10 a.m.

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (agenda item 6) *(continued)*

Sixth to eighth periodic reports of Slovakia (continued) (CERD/C/SVK/6-8; HRI/CORE/1/Add.120; CERD/C/SVK/Q/8; CERD/C/SVK/Q/6-8/Add.1)

1. *At the invitation of the Chairperson, the delegation of Slovakia took places at the Committee table.*
2. **Ms. Šuhajdová** (Slovakia) said that several non-governmental organizations (NGOs) had participated in the preparation of Slovakia's periodic reports, including People against Racism and the Slovak National Centre for Human Rights, which, in its capacity as the national human rights institution, had replied to the questions posed by the country rapporteur. The views held by NGOs had been taken into consideration during the preparation of the reports and the formulation of human rights policies. Those views had also been taken into account by the Consultative Committee of the Ministry of Education and the inter-ministerial working group in charge of establishing a national plan of action to prevent all forms of racial discrimination.
3. **Ms. Liptáková** (Slovakia), in response to questions about allegations of forced sterilization of Roma women, said that in December 2006 the Constitutional Court of Slovakia had overturned the decisions of the public prosecutor's office to which one of those questions had referred. That ruling, which had been based on procedural grounds rather than on the merits, would be submitted to the Committee for examination.
4. In 2006 the Code of Criminal Procedure had been amended to include the offence of illegal sterilization. Police statistics indicated that forced sterilization had not been the subject of any police investigation since 2005. The Ministry of Health had issued several decrees on health care for women which made the prior and informed consent of patients a requirement. Consequently, sterilization was authorized by law only if the patient had given her written consent after having been fully informed of the consequences.
5. The independent body responsible for supervising health-care services made sure that those services were provided under proper conditions and that health insurance policies did not authorize sterilization unless it was warranted. No errors in connection with any sterilization procedures had been brought to the attention of the Ministry of Health in the past five years. Slovakia did not keep statistics on sterilization procedures, and no doctor had been convicted of the offence of performing a forced sterilization because none had been carried out.
6. All health institutions in Slovakia with the capacity to perform sterilizations must provide the patient with an informed consent form, and the patient must be informed of the secondary effects and possible risks associated with the operation. That form and the request for sterilization must be signed by the patient, who must then wait for 30 days before confirming the request, following consultations with other health services in some cases. It was up to the doctor to recommend sterilization if it was deemed necessary for the patient's health. In such cases, the social security system covered the operation.
7. Medical personnel, particularly nurses who specialized in obstetrics and gynaecology, received specific training in sterilization procedures. Twenty-eight nurses had received such training in 2005, 48 in 2007, 41 in 2008 and 51 in 2009. As part of the 2009–2015 plan of action on health services for disadvantaged communities, health assistants trained by the public health authorities in cooperation with university departments of medicine had been posted to serve in those communities. Those social workers served as a

link between Roma populations and doctors, particularly gynaecologists. There were no rooms reserved for Roma patients in medical establishments.

8. **Ms. Ondrásová** (Slovakia) said that Roma were consulted with regard to their children's education at all levels of instruction, that they participated in the work of State committees and that the Government was working in cooperation with NGOs in that regard.

9. The Ministry of Education had reformed the regional education system in 2006 and had established a consultative body made up of representatives of ethnic minorities that had requested instruction in their own language (Hungarian, Lithuanian, German and Romany); that body met as needed. The Ministry of Education also had a personal adviser of Roma origin.

10. Since 2005, the Ministry of Education had set up a council of experts to deal specifically with education-related issues of concern to Roma. That council comprised Roma representatives from various regions of the country, along with representatives of NGOs and State institutions. It was under the direct supervision of the Ministry of Education and dealt with teacher training and the educational content of the courses offered to Roma. That council of experts focused on secondary and university education for Roma youth, and the policy that it had proposed had been approved by the Government and had been incorporated into the new Education Act. Given those developments, the Roma community was satisfied with the educational opportunities offered to Roma children.

11. The criteria used to decide whether or not to place children in specialized schools were established by psychologists, who took cultural differences into account when deciding which course of study children should follow. The children did have rights, however, and an individualized approach allowed for their abilities, interests, expectations and mental and physical health to be taken into account when determining their placement. The child's legal guardian then had the right to choose the option that he or she deemed to be the most appropriate for the child. The Education Act guaranteed equal treatment in that regard in accordance with the Anti-Discrimination Act.

12. Children with special education needs had the right to receive specialized instruction that was adapted to their needs. A distinction was made between children with health problems and those with social difficulties in order to provide them with differentiated learning solutions.

13. At the time of enrolment, a child who displayed an obvious mental or physical disability was asked to undergo a medical examination in order to determine whether he or she should attend a regular or a specialized school. The consent of the child's legal guardian was required.

14. Specialized schools did accept children from difficult social environments who were referred to them, but they did not systematically enrol students with poor marks. That decision was made by the school headmaster and the members of the Consultative Committee on Education, who offered the child's guardian several options. That procedure did not pertain to children under 6 years of age, however.

15. Children in need of supplementary instruction could be sent to special classes where they would be given individual attention and their pace of learning and particular needs would be taken into account. There were a maximum of eight students in that type of class.

16. The new Education Act did not allow children to be placed in specialized schools without having first undergone an examination to establish the nature of their disability. In 2002, the Programme of Assistance for Economic Reconstruction in the Countries of Central and Eastern Europe (PHARE) had carried out a project to allow children placed in specialized schools to return to regular schools. As part of that programme, an aptitude test had been developed for children from difficult social environments. That sociometric

examination made it possible to determine a child's ability to benefit from a regular course of study. The test had been in use since 2004, but the methodology was being refined in order to improve its results.

17. Roma children could be placed in specialized schools only on the recommendation of a consultative committee of experts with at least five years of experience. Children with learning difficulties underwent a psychological evaluation in which standardized instrument measurements are used. An adaptation period was allowed for, and the tests were administered every year to monitor the child's development.

18. Since 2007, following a report from Amnesty International highlighting questionable cases in which Roma children had been placed in specialized schools, the Ministry of Education and the Education Inspectorate had focused their efforts on that issue and had strengthened their inspection measures. The National Inspectorate had examined the situations of children from disadvantaged social environments who had been placed in specialized schools, and it had determined that the competent authorities had tested the children in an appropriate manner.

19. The schooling of Roma children was thus overseen by teams from numerous institutions that included trainers, instructors, psychologists and teachers. Without going into detail, it could be said that the relatively large number of Roma children with learning difficulties was no doubt due in part to their particular lifestyle.

20. With a view to improvement of the general conditions in schools, an aid programme was in place that allowed children from low-income families to attend kindergarten free of charge. In addition the income thresholds above which enrolment fees were required had been raised in 2009. The law required schools to provide individual attention for certain students and use teaching methods adapted to their particular needs. Posts for teaching assistants had been created to provide that type of educational support in kindergartens and primary schools. In November 2009, a new law had introduced training for teachers specializing in working with children from difficult social environments. In some regions, educational programmes were adapted to local needs. Subsidies for school lunch programmes had been created, and remedial education programmes were provided online for children who were having difficulty.

21. The European Social Fund helped to provide aid to persons with particular needs, including Roma children. Training in the Roma language had been in place since 2009, and the Government had called for tenders for the preparation of textbooks in the Slovak and Roma languages for primary and secondary school students.

22. With regard to the possibility of establishing quotas for Roma students in secondary schools and universities and doing away with the entrance examinations required for Roma students, she said that such a system had existed before but that it had been discontinued. The system currently in place was based on the marks a child received in school and applied to all students, both Roma and non-Roma alike. Secondary schools and universities looked at students' records and their marks from all years of schooling. An institute for Roma European studies had also recently been created, and that institute accepted students from the Roma community without an entrance exam.

23. Roma students were not subject to any segregation in schools. Since villages in certain regions were inhabited almost exclusively by Roma, however, the student bodies of some municipal schools were made up entirely of children belonging to that group. A study conducted in 2000 as part of the PHARE Programme had determined in which villages that was the case so that special support could be provided to those schools. The Ministry of Education had also made funds available to enable Roma children to attend preschool and then go on to primary school. A project was being implemented in that connection to raise awareness among parents and representatives of the Roma community.

24. In practice, children from disadvantaged socio-economic and cultural environments were placed in specialized schools because they did not always have the necessary motivation to take traditional classes, where they often had difficulty fitting in. A study carried out by the Organization for Economic Cooperation and Development (OECD) had also established that the level of education among Slovak students was below the average for member countries of that organization and that the social origin of students who did poorly in school was a significant factor in those results. The Ministry of Social Affairs had issued a decree granting €90 per year to low-income families to cover the cost of school meals and tuition fees for their children.

25. **Mr. Galbavý** (Slovakia) said that the staff of the directorate responsible for Roma communities had met with the mayors of various cities in the country to discuss the issue of building public housing and to remind them of the existence of social funds and of the steps to be taken to receive assistance for the construction of such housing. Over the course of the period from 2006 to 2009, 1,725 homes had been built. More than €5 million had also been granted in subsidies in 2006–2008, with much of that funding coming from the Ministry of Regional Development. Those funds had been used for projects to, inter alia, provide villages with a water delivery and sanitation system and to grant compensation to victims of fires or floods and to persons who had lost their property in natural disasters. There were also programmes in the fields of health, the environment, education and culture. The directorate had received 178 applications for subsidies for social and cultural projects, and it had €1.4 million at its disposal for 2010.

26. Generally speaking, the Government of Slovakia covered 80 per cent of the total cost of building public housing and left the remaining 20 per cent to be funded by the local municipality, which retained full ownership of such housing. That being said, the municipality had to take steps to rid its territory of all forms of segregation if it wished to receive that form of financial aid.

27. The City of Dubnica nad Váhom had approved a plan to develop public housing units in 2007–2010 in order to meet the needs of the most disadvantaged population groups and to put an end to the use of unsanitary and illegal lodgings. In 2008, a municipal commission had been created and tasked with drawing up the list of families eligible for such housing as well as a list of illegal and unsanitary dwellings.

28. **Ms. Gretschová** (Slovakia) said the Slovak Criminal Code did not contain exactly the same definition of racial discrimination as that found in article 1 of the Convention, but that it did prohibit all the aspects of discrimination listed in the Convention, including incitement to hatred against any individual on the basis of his or her race, nationality, colour, ethnic origin or religion, among other characteristics.

29. Slovakia had also adopted the Anti-Discrimination Act, which clearly defined the concept of discrimination.

30. **Ms. Šuhajdová** (Slovakia) said that Slovak police officers were required to apply the Criminal Code and the Code of Criminal Procedure equally under all circumstances and therefore did not make any distinction between matters of a racial nature and other matters in the exercise of their duties, including police investigations. In any case, racially motivated offences made up a minimal part — less than 1 per cent — of offences committed each year in the country. Moreover, the facts surrounding racial offences were successfully established more often than was the case for other types of offences, and statistics showed that the majority were committed under the influence of alcohol.

31. The new provisions of the Criminal Code that had come into force on 1 September 2009 made it possible to prosecute persons who authored documents of a racist or extremist nature, such as documents advocating fascism or other forms of oppression aimed at depriving people of their fundamental rights. Paragraph 30 of the Criminal Code expanded

the definition of those documents to include any written or audio-visual aid, statement, symbol, flag, slogan or emblem used by a group or a movement seeking to restrict human rights or to incite violence against a group or individual on the basis of, inter alia, colour, ethnic origin, gender or religion. Since those provisions had come into effect, 132 racist offences had been committed in Slovakia. No racially motivated murder had been committed in the country since 2004.

32. **Ms. Jančulová** (Slovakia) said that, in order to implement the Anti-Discrimination Act, many provisional measures could be taken to prevent individuals from being placed at a disadvantage because of, for example, their ethnic identity or state of health. By virtue of that Act, it was possible to demand the withdrawal of any discriminatory requirement and to set up programmes for a given population group in order to guarantee their access to education, health, employment, housing or other social benefits. It was usually women and Roma communities who benefited from those measures.

33. In order to combat discrimination in daily life, teaching assistants had been assigned to kindergartens, social workers had been sent to work in disadvantaged communities, and public housing was being built in those communities. Those measures were of a provisional nature and were lifted once the discriminatory situation in question had been corrected.

34. The Anti-Discrimination Act of 2008 also provided for a reversed burden of proof; it was thus up to the person accused of committing a discriminatory act to prove his or her innocence, rather than the alleged victim having to prove that he or she had suffered from discrimination. The law also offered additional protection to victims by making it possible to settle disputes through a non-judicial mediation system, which was also available to legally constituted organizations.

35. **Ms. Gretschová** (Slovakia) said that racist skinhead groups had recently begun taking a new approach: rather than attacking certain racial or religious groups, they were spreading nationalistic beliefs and honouring the memory of certain figures from Slovak history. Thus, they were no longer systematically targeting Roma. Given the serious nature of the acts committed by those groups over the last 10 years, the police had taken very strict measures and had set up a prevention programme to reassure the population. That programme was designed to inform students, parents and teachers about the problem and to warn them about all extremist propaganda.

36. A number of measures had been taken to combat that phenomenon. In particular, a multidisciplinary group of experts had been established to combat racist crimes and extremism. That group comprised representatives of the Ministry of the Interior and the Ministry of Justice, various public bodies and several NGOs (CERD/C/SVK/6-8, paras. 98 et seq.). In accordance with a decree issued by the Ministry of the Interior on combating racist crimes and extremism, eight new departments focused specifically on those issues had been created within the National Directorate and the regional police directorates. The police directorate had created a programme to prevent racism and extremism for students and their parents and, in the police academies, future police officers were made aware of the problem of racist crimes and learned how to investigate those types of offences.

37. The attitude of the authorities towards groups advocating racist or extremist ideas had evolved. In 2006, the Supreme Court had disbanded the extreme right wing party Slovenská pospolitost' – Národná strana, known for having organized parades in which its members dressed in black uniforms identical to those worn by the Hlinka guard, a Slovak militia that had been allied with Nazi Germany from 1939 to 1945. The Supreme Court had banned the wearing of those uniforms.

38. No special programme had been adopted to encourage the recruitment of Roma into the police force. However, the human resources department of the Ministry of the Interior had received instructions to give priority to Roma candidates for police officer positions in

cases where candidates had equal qualifications. While there were no statistics on Roma in the police force, the Roma minority was definitely represented in the force. As indicated in the report (CERD/C/SVK/6-8, paras. 108 to 112), a pilot project had been launched to provide specialized training to police officers on how to handle dealings with Roma. The goal of that project was to ensure that police officers were accepted by the communities concerned, to progressively improve the situation of the Roma in the areas where they lived and to guarantee them access to the services offered by the municipalities. At the time the project was launched, the police had contacted the local authorities along with NGOs and social workers in order to coordinate their respective activities. Subsequently, meetings had been organized on a regular basis with representatives of the Roma communities and social workers to take stock of the situation. One of the components of the project was to guarantee access for the Roma to legal assistance and to facilitate certain day-to-day procedures, such as applications for identity cards or drivers' licences. An evaluation of that pilot project had been carried out in 2008 and 2009, and the results had been very encouraging. A decision had therefore been taken to increase the number of specialized police officers from 118 in 2007 to 230 in 2010 and to expand the project so that its general principles would also be followed by the national police in their relations with the Roma.

39. **Mr. Kantor** (Slovakia) said that by virtue of the principle whereby all citizens were equal before the law, political figures who made racist comments about a particular group were subject to criminal prosecution, just like any ordinary citizen who committed a similar act. However, if a politician made comments that were biased but did not overstep the boundaries set by the law, then he or she could not be prosecuted.

40. In response to a question from a Committee member, he explained that there was no contradiction between paragraphs 70 and 92 of the report because the latter referred to the establishment of heavier penalties for certain serious offences rather than the number of convictions. On the other hand, he was not in a position to explain why none of the 759 complaints received by the Office of the Ombudsman between 2002 and 2008 dealt with racially motivated offences. The Office of the Ombudsman was a fully independent institution whose task was to monitor respect for fundamental rights by State officials; however, it was not authorized to handle cases of human rights violations, including acts of racial discrimination, committed by individuals.

41. **Ms. Gretschová** (Slovakia) said that the Ministry of the Interior had created the Commission on Coordinating Actions Aimed at Eliminating Racially Motivated Crime and Extremism by decree in 2004, but because that commission had not been accomplishing its mission, the Ministry had replaced it in 2008 with a multidisciplinary group of experts on racist offences and extremism. That body, whose task was to coordinate the activities carried out by public institutions and NGOs, comprised representatives of the Ministry of Education, the Ministry of Labour, Social Affairs and the Family, the Ministry of Health and the Ministry of the Interior. It worked to prevent racism and to raise awareness about the problem, especially among young people. Currently, it was preparing a programme of work for 2011–2014 that would serve as a basis for obtaining the budget allocations needed to carry out its activities.

42. **Ms. Šuhajdová** (Slovakia), commenting on the distinction made in Slovak domestic legislation between racial discrimination and extremism, said that, according to article 148 of the Criminal Code, the term "extremism" was understood to mean: the promotion and dissemination of ideas in support of the restriction of fundamental rights and liberties; the production, possession or dissemination of extremist documents; libel based on a person's ethnic identity, race or the colour of his or her skin; or incitement to racial hatred. The Slovak delegation recognized, however, that not all extremist acts were necessarily of a racist nature and that not all racially motivated acts necessarily involved extremism. Since

the Criminal Code had been amended to include “special bias” as an aggravating circumstance, offences motivated by such a bias had become subject to tougher sentences.

43. **Ms. Jančulová** (Slovakia) said that the National Centre for Human Rights had been created by law and was fully independent, in accordance with the Paris Principles. Its activities centred mainly on combating discrimination and gathering information on manifestations of racism, xenophobia and anti-Semitism, which it made public upon request. The Centre carried out studies and research on issues related to human rights, such as discrimination, and made recommendations in that regard. It organized awareness-raising and information campaigns to promote tolerance in Slovak society. It provided legal assistance to victims of discriminatory acts and helped them to prepare their case once it had been brought before the courts. It played a mediation role and sought to achieve amicable (extrajudicial) settlements of disputes concerning violations of the principle of equal treatment. Since 2008, the Centre had also been authorized to lodge complaints before the courts. Sufficient funds were available to the Centre, and it had seven regional offices. Since its authority had been expanded and there were plans to open new offices, it should be provided with additional financial and human resources. Finally, the Centre’s governing body was composed of representatives from various ministries, local administrations and NGOs who jointly established the programme of activities.

44. **Mr. Thornberry** said that he was pleased to note that women must now be duly informed before undergoing sterilization and must provide their written consent. However, he wished to know whether Roma patients who did not speak Slovak or did not have a good command of it might have difficulty understanding the information provided to them by doctors.

45. With regard to education and the councils established within the Ministry of Education to facilitate dialogue with minorities, he wished to know how minority representatives were chosen to sit on the councils and whether those appointments were made transparently. He would appreciate further information on the measures taken to encourage communication between schools and parents at the local level and on the attitude of the Roma communities towards school.

46. It was his understanding that the results of student examinations had shown a high rate of mental retardation among Roma students, which justified their enrolment in special schools. He wondered whether those poor results might be explained by language barriers, discriminatory attitudes on the part of the test administrators or the predominance of written tests, which were poorly adapted to students from an oral culture. He recalled the recommendations issued by the United Nations Forum on Minority Issues in 2008. Those recommendations warned against potentially discriminatory psychological tests and attendance in separate classes, which, if not voluntary, constituted forced segregation. They also reaffirmed that States should allow for regular consultations between schools and parents, with the help of mediators and interpreters, if needed.

47. Finally, with regard to temporary special measures, he drew the State party’s attention to the Committee’s general recommendation No. 32, which stated in paragraph 27 that temporary special measures should aim to permanently restore minorities’ rights, which were themselves permanent.

48. **Mr. Diaconu** said that he would follow with interest the results of the current measures which called for racial discrimination and extremism to be dealt with jointly and that he hoped those measures would provide greater protection against racial discrimination. He feared, however, that they would divert attention from certain types of acts that were taking place on a daily basis. Disaggregated statistics on cases of extremism or racial discrimination brought before the courts since the new criminal provisions had entered into force would give the Committee an initial picture of the situation in that regard.

49. **Mr. de Gouttes**, recalling that in 2009, 79 people had been convicted of acts prohibited by the Convention, said that he would like to know what sentences had been handed down in those cases. Further information regarding any compensation awarded to victims of forced sterilizations, even if the cases were old, would also be useful. He would appreciate any information regarding the issue of anti-Semitic attacks, which the State party had not discussed, even though the report of the European Commission against Racism and Intolerance (ECRI) made mention of attacks of that kind in Slovakia. The European Commission's report had also emphasized the importance of strengthening the Slovak National Centre for Human Rights so that it could receive an A rating.

50. The reversal of the burden of proof in favour of victims in civil cases was a positive development. In criminal cases, the principle of the presumption of innocence precluded such a reversal, but other methods could be used to obtain convictions, such as discrimination testing. Was such testing allowed in the Slovak Republic?

51. Finally, he wondered about the structural causes that might explain why so many Roma children were considered unfit to attend regular schools.

52. **Mr. Calí Tzay** said that it was his understanding that special treatment was reserved for students from different cultures or disadvantaged environments, and clarification was needed on that issue. If there were in fact more mental health problems among Roma than in other groups, then he wondered why that was so. Would the same conclusions be reached if tests were administered in their own language? Could that situation be the result of policies followed by the State party? Was it a question of an assimilation policy?

53. He was also very concerned about the sterilization of Roma women. He understood that sterilizations were no longer carried out without the consent of the patient, but he wished to know more about the types of cases in which such procedures were proposed. He asked the delegation to explain whether sterilizations were performed due to an overpopulation problem, to health problems on the part of the women concerned or other causes.

54. **Mr. Amir** said that he, too, was surprised that the results of student examinations showed up more cases of mental retardation among Roma, and he asked whether those figures were corroborated by statistics on mental health. If so, then perhaps it was a sign that the State had not given the necessary priority to the problems faced by the Roma community during the transition to democracy.

55. He also invited the Slovak delegation to explain how the Civil Code resolved the question of the nationality of children born to mixed Czech and Slovak couples and what its provisions on the award of custody of those children in the case of divorce were.

56. **Mr. Lindgren Alves** said that he wished to know the exact definition of extremism as laid out in Slovak legislation. The increasing strength of small neo-Nazi groups was certainly a worrying trend that called for action. If, as he believed to have understood, an extreme right wing militia was forming, then the State must not tolerate it.

57. The issue of the Roma was of major concern in Slovakia, as in all Central European countries, yet the so-called scientific methods used to evaluate possible mental retardation were questionable, to say the least. He wondered whether, generally speaking, the measures taken to preserve the culture of the Roma communities had improved their lot or whether those measures were actually counterproductive.

58. **Ms. Liptáková** (Slovakia) pointed out that all patients must give their consent before undergoing sterilization. In order for sterilizations to be carried out, patients must receive information they could understand from medical personnel, after which a legal waiting period of 30 days ensued. She was not aware of any cases in which there had been

language difficulties. Because all sterilizations were voluntary, no compensation was provided.

59. **Mr. Rosocha** (Slovakia) said that, since so little time remained, written replies to the rest of the Committee's questions would be sent to it within 48 hours.

60. **Mr. Avtonomov** (Country Rapporteur) said that he welcomed the frank and open dialogue that had taken place during the consideration of the sixth to eighth periodic reports of Slovakia. The delegation should be assured that the aim of the questions that had been posed was not to put the delegation in a difficult position, but rather to give the Committee the most accurate picture possible of the situation in Slovakia so that it could formulate pertinent and useful recommendations. When drafting those recommendations, the Committee would also consider the additional replies that the State party had undertaken to provide in writing. The Committee would be sure to include the positive developments occurring in Slovakia in its concluding observations. It would take particular note of the fact that the Constitutional Court had begun to invoke the European Convention on Human Rights, which suggested that in the future the Convention might also be a source of law for the courts.

The meeting rose at 1 p.m.