



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

Distr.: General
16 August 2013
English
Original: French

Committee on the Elimination of Racial Discrimination
Sixty-fifth session

Summary record of the 1654th meeting

Held at the Palais des Nations, Geneva, on Monday, 9 August 2004, at 3 p.m.

Chairperson: Mr. Yutzis

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The meeting was called to order at 3.10 p.m.

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

Fourth and fifth periodic reports of Slovakia (CERD/C/419/Add.2; HRI/CORE/1/Add.20)

1. *At the invitation of the Chairperson, the members of the delegation of Slovakia took places at the Committee table.*

2. **Mr. Petocz** (Slovakia) welcomed the opportunity afforded him to present the fourth and fifth periodic reports of Slovakia, pursuant to the International Convention on the Elimination of All Forms of Racial Discrimination, and to engage in an open and constructive dialogue with the Committee.

3. The most important event since the submission of the report under consideration was Slovakia's entry into the European Union on 1 May 2004, which had had a significant impact since the country had been obliged to modify its legislation to bring it into line with European and international human rights instruments. The antidiscrimination act, which had entered into force on 1 July 2004, was fully compatible with the European Union's guidelines on racial discrimination and article 1 of the Convention since it explicitly defined the concept of discrimination. Furthermore, several amendments had been made to the Constitution so that international human rights instruments would have primacy over national law.

4. In respect of institutional arrangements, the mandate of the Government Plenipotentiary for Roma minority affairs had been strengthened and the Slovak Government had decided, in December 2003, to transform the secretariat of the Plenipotentiary into the Office of the Plenipotentiary for Roma communities. A comprehensive series of measures had been taken to improve living conditions in Roma communities and ensure greater respect for their fundamental rights. Slovakia was convinced that its policy to assist the Roma community would yield rapid results. The Slovak delegation itself included a member of the Roma community and a member of the Hungarian minority. The Government was doing everything possible to prevent all forms of discrimination and had adopted a third action plan for the prevention of all forms of discrimination, racism, xenophobia and anti-Semitism, covering the period 2004 to 2005.

5. **Mr. Sicilianos** (Rapporteur for Slovakia) congratulated the State party on the regularity with which it submitted its periodic reports. The report under examination was extremely frank and self-critical, evidence of the Slovak authorities' open-minded approach. It provided updated information, in accordance with the Committee's guidelines, and responded to nearly all the Committee's concerns. A non-governmental organization (NGO) had participated actively in the drafting of the report.

6. He welcomed the adoption of a constitutional amendment (article 154c of the Constitution), which established the primacy of international human rights treaties over domestic law, and an amendment to article 127 of the Constitution, which established a constitutional complaint procedure and was an effective tool for meeting the demands, under domestic law, of victims of human rights violations.

7. The main body of the report focused on article 2 of the Convention. The principal innovation was the entry into force on 1 July 2004 of the antidiscrimination act, which defined the concept of discrimination and complied with the European Community "antidiscrimination" guidelines. He nevertheless asked the delegation whether the act included a provision on sharing the burden of proof in civil cases and whether the State party planned to establish the antiracism body provided for in the original draft law.

8. With regard to institutional arrangements in the area of human rights and the combat against discrimination — in particular the post of Vice Prime Minister for Human Rights, Minorities and European Integration, the Monitoring Centre for Racism and Xenophobia, and the Government Council on National Minorities and Ethnic Groups — he wished to know what distinction Slovakia made between national minorities and ethnic groups, and what powers had been entrusted to the Government Plenipotentiary for Roma minority affairs and to the Ombudsman. More detailed information on the complaints lodged with the Ombudsman, the coordination and sharing of responsibilities among the bodies mentioned above, and the assessment of their effectiveness would be welcome.

9. The adoption by the State party of a new action plan for the prevention of all forms of discrimination, racism, xenophobia and anti-Semitism for 2004–2005 was welcome, but it would be useful to know whether the previous plans had been assessed. In that regard, the Committee considered that the definition of a coherent policy to prevent discrimination depended to a large extent on information about the ethnic composition of the population. The State party had admitted freely that there were significant differences between the data collected during the 2001 census and the estimations made with respect to the Roma community in particular. Furthermore, Slovakia had failed to provide sufficient data on its other minorities and ethnic groups. Various NGOs had expressed concerns that minority groups, including Roma and foreigners, were victims of ill treatment by the police. He urged the State party to set up an independent mechanism to investigate those allegations. He welcomed the training and awareness-raising activities on tolerance and racism provided to police officers, the organization of seminars on the issue in cooperation with NGOs, and the recruitment of approximately 80 police officers of Roma origin, and encouraged the State party to step up its action.

10. With regard to article 4 of the Convention, he welcomed the adoption of Act 421/2002 amending the Criminal Code, which would make punishable the diffusion on the Internet of information inciting to hatred or defamation of a race or ethnic group. He would appreciate details on the application of the act as well as on claims that the new Criminal Code contained less rigorous provisions on incitement to racial hatred. According to the report, the number of racial offences registered and prosecuted had risen between 1997 and 2002; that increase was viewed by the State party as proof that police agents, prosecutors and judges were taking effective action. He therefore urged Slovakia to pursue that path.

11. He requested information on allegations of forced sterilization of women, on any investigations and prosecutions that had been carried out, and on compensation provided to victims. In his view, it would not be possible under the legal framework to sanction of authors of such practices.

12. In respect of article 5 of the Convention, the situation of the Roma community regarding the enjoyment of economic, social and cultural rights was highly problematic. The difficulties experienced by that community appeared to be intrinsically bound together. For example, their problems in the field of education had an impact on their unemployment rate, which was around 80 per cent, and contributed to their poverty, which was synonymous with precarious and unsanitary housing, which in turn gave rise to hygiene and health problems, especially among children. It was reassuring to see that the Government was determined to break that cycle, as demonstrated by the many costly measures it had taken to assist the Roma community.

13. In the field of education, the placing of Roma children in special schools for the mentally disabled was a matter of serious concern. The practice of using Roma assistants to help primary school teachers (para. 75) should be extended to all levels of education, and additional teacher training in combating prejudice against the Roma should be provided.

14. In respect of employment, he welcomed the entry into force, on 1 April 2002, of the new Labour Code which prohibited discrimination through a provision encompassing such key areas as direct and indirect discrimination, sharing the burden of proof, and discrimination at all stages of the recruitment process, including recruitment policy. It was nevertheless important to bear in mind that the unemployment rate of the Roma sometimes reached 100 per cent (para. 85). Thus far, the Government had made the provision of social services to the Roma community a priority; it might be preferable at that point to focus on specific training programmes in various fields and to enforce existing laws effectively.

15. With regard to housing, the report under consideration had described the situation with exemplary honesty, painting a rather gloomy picture. The Government Plenipotentiary for Roma Minority Affairs had, during the last quarter of 2001, drawn up a comprehensive programme for the development of Roma settlements (para. 91), one of the aims of which was to create a space for the progressive integration of Roma into the communes. It would be interesting to have a status report on the programme results to date.

16. In terms of health, he asked whether the same programme would improve sanitary conditions for the Roma, in particular the provision of healthy drinking water. What progress had been made under the Ministry of Health programme launched in 2001 for environmental clean-up, improvement of sanitary conditions and prevention of infectious disease among inhabitants of Roma settlements (para. 105)? Another problem relating to health services delivery was apparently linked to the fact that without an identity card or permanent residency card for the country, it was difficult to obtain social services. What practical measures was the Government planning to remedy that situation?

17. In respect of article 6 of the Convention, he noted that procedures for protection against acts of racial discrimination were exclusively criminal and that it was obviously not possible for a victim to seek and obtain satisfaction, including adequate compensation, through a civil procedure. According to paragraph 165 of the report, compensation could be sought by the victim if he was a Slovak citizen or a stateless person domiciled in Slovakia. Did that mean that foreigners or refugees were not entitled to join criminal proceedings?

18. Concerning the application of article 7, the police training programme organized by the police academy (para. 169) in cooperation with NGOs was noteworthy. At the same time, the report failed to provide information on human rights education in the schools, which was apparently taught in civics classes at the primary and secondary level. It would be interesting to have more information on the matter and to be informed of the outcome of those programmes, with particular regard to the eradication of prejudices, especially against the Roma.

19. **Mr. Aboul-Nasr** said that he was extremely shocked by certain paragraphs in the report under consideration which, in his view, contained racist statements. Without calling into question the authors' intentions, some of those statements were unacceptable, such as the one claiming that "the lifestyle of the inhabitants of the Roma settlements and its improvement are directly linked not only to the problem of the emergence of infectious diseases, but also, to a large extent, to the emergence of chronic non-infectious diseases such as cardio-vascular, tumorous diseases and respiratory diseases". That type of statement implied that the Roma were the cause of their own health and education problems and insinuated that they were born dirty and retarded, with cardiovascular diseases and brain tumours.

20. **Mr. Thornberry** said that according to data from 2001, Slovakia had only 90,000 citizens (1.67 per cent) claiming Roma nationality, while according to reliable estimates, the actual number of citizens of Roma origin was between 360,000 and 420,000 (para. 54). That situation was problematic because it meant that the Roma national and ethnic identity crisis was continuing (para. 54). Could the delegation comment on its causes?

21. The fact that ten pilot elementary schools for the mentally disabled and seven experimental classes in five elementary schools with a high share of Roma pupils had been integrated into the programme “Accelerating the success of Roma pupils” (para. 78) was a matter of serious concern. It confirmed reports claiming that a sizeable number of Roma children were placed in schools for the mentally disabled. The first measure to take in that case was to establish a procedure for assessing the mental capacities of the children concerned, based on criteria that could not be challenged. Was it possible that the association made by the authorities between ethnicity and disability was masking a virtual education policy, based on the assumption that certain cultures were more intelligent than others? He was in favour of recommending to the Slovak authorities that they should reflect on ways of adapting the education system to Roma community needs. Furthermore, he wished to know whether cultural and linguistic diversity was protected by the laws on Slovak citizenship.

22. **Mr. Valencia Rodríguez** welcomed that fact that the State party had taken administrative and legislative measures, including the amendment to the Constitution and to the organic law of the constitutional court, that guaranteed continuity in the implementation of human rights treaties and their primacy over domestic law, including the Convention, which could be invoked directly before the courts. He asked whether the constitutional court was competent to consider cases involving violation of the principle of equal treatment and racial discrimination, and whether the Slovak courts had been seized with complaints of discrimination.

23. He stressed the particular importance of the draft legislation relating to implementation of the principle of equal treatment (para. 18), but recommended that it draw on the definition of discrimination set out in the Convention. It was important also to transfer the burden of proof to the accused in cases where there was a strong presumption of guilt, while maintaining the presumption of innocence. He welcomed the creation of various human rights bodies, in particular, in relation to matters covered by the Convention, the government council for national minorities, and the Slovak National Human Rights Centre. Measures should be taken to increase the Centre’s effectiveness, which might consist of transforming it into a body to monitor cases of discrimination. Action in the framework of national prevention programmes implemented to curb racially-motivated violence and prevent discrimination should be pursued by launching a collective awareness-raising campaign.

24. In terms of the ethnic structure of the Slovak population, the number of Roma living in Slovakia was actually much higher than the number of those who had declared themselves members of the Roma minority during the 2001 census. That difference might be explained by the Romas’ traditional reluctance to identify themselves as such for fear of continuing to be victims of discrimination if they acknowledged their ethnic identity. To change that, efforts must be made to make the Roma more aware of the advantages of claiming their national identity.

25. He welcomed with satisfaction the information in the report (para. 60) on the various efforts being made by the police to combat racial intolerance. It was to be hoped that those measures would yield positive results in the struggle against racism and racial discrimination, and that the Committee would be duly informed. The possibility of increasing the number of Roma police officers should be studied at the same time in order to reassure the Roma community.

26. He appreciated the abundant information provided on measures taken by the authorities to resolve the problems of the country’s Roma population (paragraph 67 of the report). Education and teaching should be among the highest priorities, in view of the large number of out-of-school children in Slovakia, as should be efforts to reduce unemployment and improve socioeconomic conditions, particularly in the area of housing.

27. With regard to foreigners, he wished to know which national or ethnic group had the largest number of undocumented individuals illegal aliens, and the reasons for their illegal immigration into Slovakia.

28. **Mr. Herndl** welcomed the adoption by the Slovak Parliament of the antidiscrimination act, which had entered into force in July 2004. Like Mr. Aboul-Nasr, he was concerned by the questionable wording of certain paragraphs in the report concerning the Roma minority.

29. In respect of article 4 of the Convention, he noted that the report referred back to information on that question in the previous periodic report, and failed to mention two additions to the Criminal Code since that time: article 196, which created an additional category of potential victims of racist acts, namely members of an ethnic group, and article 261, which made revisionist thinking, as well as incitement to racial hatred, punishable by law. Those additions were very encouraging and should have been mentioned in the report.

30. Given that the cases mentioned in paragraphs 151 to 163 of the report had not been described in detail, more information, at least about one of them, would be useful. Furthermore, in view of the clear rise in racist crimes, as demonstrated by the data in the report (para. 162), the institutions mentioned in paragraphs 39 to 41 would benefit by cooperating with NGOs and civil society.

31. He urged Slovakia to approve as rapidly as possible the amendment to article 8 of the Convention, as the Committee had recommended following the examination of the country's previous periodic report.

32. **Mr. Pillai** said that according to the International Helsinki Federation for Human Rights, riots between Roma communities and members of the police and armed forces had broken out in February 2004 in several regions of Slovakia, following the decision by the Government to reduce social benefits for families with more than four children. Could the delegation comment on that information and describe the consequences of reducing social benefits for Roma families?

33. Paragraph 28(a) of the report mentioned an attack on a Roma family. How had the public reacted to the sentences given to the perpetrators by the court? In relation to the publication of the book *Mein Kampf*, referred to in paragraph 28(c) of the report, what was the State party's position on the question of finding a balance between freedom of expression and respect for article 4 of the Convention? He asked the delegation whether the Racism and Xenophobia Monitoring Centre was carrying out campaigns to encourage police to reflect on their relations with the Roma community, in the light of information alleging that police had abused their power against the Romas. Greater detail on the State party's distinction between the concepts of national minority and ethnic minority, and on the classification of the Roma minority as an ethnic minority, would be appreciated.

34. **Mr. de Gouttes** asked whether the fact that an offence was motivated by racial considerations constituted an aggravating circumstance under criminal law. Did the draft amendment designed to transfer the burden of proof in civil cases concern criminal cases as well? If that were the case, the amendment would be incompatible with the principle of presumption of innocence.

35. In conjunction with its examination of communication 11/1998 (CERD/C/59/D/11/1998), the Committee had recommended to the State party that it should draft new legislation with a view to guaranteeing the right of access to public places and sanctioning any denial of that right based on racial discrimination. Had any steps been taken to that end? What had been the outcome of the investigation into cases of forced sterilization of Roma women, undertaken at the request of the Council of Europe Commissioner for Human Rights?

36. He wished to know the status of the project concerning Roma assistants (para. 75), who played a positive role as a liaison between schools and Roma families, what schools were involved, what the actual number of assistants was, and whether they were recruited from the Roma community.

37. The Human Rights Committee had expressed concern at the disproportionate number of Roma children who were sent to special schools for mentally disabled children (CCPR/CO/78/SVK). It would be useful to know how many Roma children were in those schools and to hear the Slovak delegation's views on allegations by the Human Rights Committee that members of the Roma community had been abused by the police, and were distrusted by them and by the population in general. It would also be interesting to know whether the prosecutor responsible for dealing with racially-motivated offences, who was appointed to each district public prosecutor's office, was performing effectively.

38. **Mr. Avtonomov**, referring to the recent constitutional complaint procedure mentioned in paragraphs 4 and 5 of the report, asked for additional information on the functioning and effectiveness of the procedure and on the follow-up to the complaints heard by the Constitutional Court. Any statistics relating to the complaints or to the decisions handed down by the Court would be welcome. He also wished to know what measures had been taken to put an end to and prevent forced sterilization of Roma women. He noted with satisfaction that the State party had launched a television campaign on prevention of discrimination, as recommended by the Committee following its examination of the previous periodic report.

39. **Mr. Amir** reminded the Committee that the Roma had also been victims of the Holocaust and asked whether they had received compensation for damages sustained during World War II. He would like to know the reasons for the increase in racially-motivated crimes (para. 163) and whether the number of anti-Semitic acts was on the rise in the State party.

40. **Mr. Boyd** said that, as he understood it, the sharp rise in racially-motivated hate crimes in Slovakia did not indicate an increase in acts of that kind but instead reflected the State party's new policy of pursuing the perpetrators systematically. He was nevertheless surprised by the light prison terms given to the perpetrators (paragraph 28 of the report) of the attack against a Roma family living in Zilina, which combined the aggravating circumstances of a hate crime and bodily harm resulting in death. Had the verdict provoked indignation in the Roma community and in the public as a whole?

41. He welcomed the establishment within the Ministry of the Interior, at the end of 2001, of a commission to deal with racially-motivated violence, the aim of which was to monitor problems of evident discrimination by police officers. In that regard, he would appreciate more specific details on the commission's mandate, in particular, if it was authorized to carry out an independent investigation, hear witnesses, initiate proceedings that could give rise to administrative, civil or criminal penalties and, more generally, to know what its role had been, in practice, since its establishment.

42. He welcomed the fact that minorities were entitled to be taught in their own language and to employ it for administrative purposes. Nevertheless, exclusive use of a minority language might tend to isolate the minority in question and hinder its economic and social integration. Instruction should therefore be offered in both Romani and Slovak.

43. He failed to discern any discriminatory language in the description of the lifestyle of the inhabitants of Roma villages, in paragraph 94 of the report. The paragraph could certainly have been drafted in a more balanced manner, but it at least had the merit of demonstrating that the Slovak authorities were aware of the health risks to which the Roma community was exposed.

44. **Mr. Tang** applauded the State party's numerous efforts to assist the Roma community, in particular the measures taken to improve the community's standard of living; impress upon the police, law enforcement officials and the population as a whole the importance of respecting minority rights; and punish those who violated the law. Such efforts were especially welcome because they demonstrated that the Government had been paying attention to the recommendations made to it under the various international human rights instruments and had been listening to them with an open mind.

45. According to the Center for Reproductive Rights publication entitled *Body and Soul, Forced Sterilization and Other Assaults on Roma Reproductive Freedom in Slovakia*, Roma women had been subjected to numerous violations, particularly in the area of procreation. Could the delegation confirm or deny the information contained in the publication?

46. **Mr. Shahi** regretted that Slovakia's efforts to improve the socioeconomic status of minorities in general, and the Roma in particular, were still inadequate, as demonstrated by the extremely high unemployment rate (80 per cent) of that population. He could, therefore, only welcome the recent steps taken to improve the situation, including the adoption in 2004 of the antidiscrimination act guaranteeing legal protection and awarding damages to victims of discrimination; the extension of the national action plan for minorities through the period 2004 to 2005; and various other measures to prevent racism and discrimination.

47. An impartial investigation on forced sterilization of Roma women must be conducted so that the matter could be clarified. In addition, stricter disciplinary controls for police officers were needed given the still very high rate of police violence against minorities. With regard to paragraph 124 of the report, he wished to know whether proceedings had already been initiated under the Criminal Code provision that had recently made unlawful the diffusion on the Internet of articles inciting to hatred or defamation of a particular race, nation or ethnic group.

48. It was regrettable that foreigners entering Slovak territory illegally could be placed in detention for 180 days, a maximum period that he deemed excessive.

49. **Mr. Lindgren Alves**, referring to the "Assert your identity" programme mentioned in paragraph 54 of the report, asked why the State party was encouraging minorities to underscore their differences. He asked the delegation whether the Roma considered themselves to be a nationality, and to specify the exact content of the programme of seminars on multiculturalism for university students, focused on democracy and human rights (para. 44(e)).

50. He shared the views of Mr. Boyd with regard to paragraph 94 concerning the Roma lifestyle: they would be regarded as victims of discrimination if they did not receive aid and assistance from the State. In that particular case, in view of the many awareness-raising campaigns launched to assist the Roma, their lifestyle must surely be a deliberate choice.

51. **Mr. Cali Tzay** asked whether the recodification of the Roma language mentioned in paragraph 76 of the report would be carried out by Roma, which would be the logical choice. He supported the views of Mr. Boyd with regard to 94 of the report.

The meeting rose at 6.05 p.m.