



International Convention on the Elimination of All Forms of Racial Discrimination

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Summary record of the 2599th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 29th November 2017, at 10 a.m.

Chair: Ms. Crickley

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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 *(continued)*

Combined eleventh and twelfth periodic reports of Slovakia (continued)
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1. **Mr. Ravasz** (Slovakia) said that the Office of the Plenipotentiary of the Government for Roma Communities represented Roma at the highest level of executive power. The transfer of that Office to the Ministry of the Interior in 2012 had not resulted in any change of practice and it remained well shielded from external influence, in particular through application of the best practice of appointing the posts of Minister of the Interior and Plenipotentiary of the Government for Roma Communities to members of different political parties. Integration was the focus of the Office, which was reflected in the Government's programme. The Office addressed the social integration of Roma communities; a separate body, the Government Plenipotentiary for National Minorities, was responsible for cultural and language issues.
2. Although census data indicated that there were 100,000 Roma in Slovakia, that figure was based on voluntary self-identification. The atlas of Roma communities — considered a best practice within the European Union — was produced in cooperation with municipal authorities and revealed a population of approximately 450,000. Roma communities were not homogeneous and included a number of language groups. Although the main first language spoken was Roma, a significant minority spoke Slovak or Hungarian and other first languages included Ruthenian. Approximately one third of the Roma community lived in integrated conditions, one third in semi-integrated conditions and the final third in problematic conditions in informal settlements.
3. A framework strategy for Roma integration, coordinated by the Office, focused on a number of key areas, including education, housing and financial inclusion. The Office had a network of 10 regional branches and 50 members of staff across the country, who were in direct contact with Roma communities. The Office ensured that the needs of Roma were met by the legal system and implemented European and domestic projects for Roma communities, mostly with support from European structural and investment funds. Recent achievements included reforms to landownership, free kindergartens and a project that funded posts for members of Roma communities to work as mediators between their communities and the municipal authorities.
4. **Mr. Krajňák** (Slovakia) said that Roma communities were included in the education strategy for the next 10 years, which contained a chapter on development for minority groups. Under the framework strategy for Roma integration, a new education action plan had been developed for the period up to 2020 that was aimed at improving the school results of Roma students and providing targeted support for children from socially disadvantaged backgrounds. Targeted outcomes included increased preschool enrolment rates, improved performance at primary school and reduced dropout rates. Projects implemented with the help of European structural and investment funds included access that encouraged schools to develop desegregation plans. The 15 regions with the highest levels of unemployment had been selected for pilot projects to support education, one of which involved reconsidering the diagnoses of children from socially disadvantaged backgrounds to prevent their incorrect placement in special schools. His Government also participated in European and international programmes targeting inclusive schooling and education in disadvantaged areas.
5. The impact of the 2015 amendments to the Education Act could be seen in the change in the number of Roma children attending special schools or classes. The amended Act specified that children whose special needs arose from their socially disadvantaged background could not be placed in special schools or classes, which helped prevent segregation in schools. High schools that used Roma as the language of instruction had been established, and had registered an increase in the number of Roma students awarded trade certificates — leading to success on the labour market.

6. Some schools had been excluded from the education system in the past two years because of serious shortcomings identified by inspections. One advisory body that had incorrectly placed children in special schools had been shut down, while a special school comprising mostly children without any learning disability had been closed and the children transferred to mainstream schooling.

7. The number of Ruthenians in his country was not declining. The census indicated that the number of Ruthenians in the country had almost doubled between 1999 and 2011. In addition, 55,000 persons spoke Ruthenian as their first language.

8. The Ministry of Education had developed materials and programmes to help schools combat extremism and the guidelines for tackling bullying, including cyberbullying, had been updated. Accredited training on combating racist hate speech was available to teachers. A programme to challenge extremism among younger students had been implemented in cooperation with educational institutes in other European countries. Five cases of discrimination involving schools were subject to ongoing legal proceedings. One ruling by a district court had confirmed a case of discrimination involving a private school.

9. **Mr. Briška** (Slovakia) said that the Department of Control and Inspection Service was a part of the Ministry of the Interior that reported directly to the Minister. Its investigators were governed by the Constitution and domestic and international law and were overseen by the Office of the Prosecutor General, which was responsible for defending the rights of individuals, the State and legal entities and was obliged to act in response to breaches of the law.

10. With respect to the cases and prosecutions that had been suspended in 2016, in three cases the suspension had been upheld by the courts. In two of those cases the evidence was considered to have been evaluated correctly, leading to their suspension, while in one of those cases there had been interference in the investigation. In one further case, criminal investigations were ongoing.

11. **Ms. Šebová** (Slovakia) said that, in 2015, the Government had adopted the National Strategy for the Protection and Promotion of Human Rights along with several related action plans, including the National Action Plan on Preventing and Combating Racism, Xenophobia, Anti-Semitism and Other forms of Intolerance. Its objectives included addressing negative stereotypes and preventing hate speech. A number of related projects had received funding from the Ministry of the Interior. One such project involved giving interactive lessons in primary and secondary schools on the topic of extremism, bullying and cyberbullying, while another aimed to increase reporting of online manifestations of extremism and hate speech. A law on the media specifically prohibited the broadcasting of violence, hatred or ill-treatment based on ethnic origin and political views, among other aspects. Law enforcement officers had received training from the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe aimed at improving their ability to detect, uncover and investigate hate crime.

12. Between January and November 2017, a new national counter-terrorism unit had launched 151 investigations and brought charges in 40 cases. Under a 2015-2019 action plan to combat extremism, efforts were being made, with the active participation of government departments and the police, to raise awareness of manifestations of racism and incitement to hatred and identify areas of the legislation that could be improved in order to prevent and punish such offences. Members of a specialist police unit had received training on preventing online hate speech and mitigating conflict. Legislation had also been introduced in 2014 to criminalize hate speech, racial discrimination and extremism at sporting events and establish appropriate penalties.

13. Since 2015, around 600 applications for asylum had been received, with the majority of asylum seekers emanating from Afghanistan, Ukraine, Iraq, the Syrian Arab Republic, Viet Nam, India and Pakistan. A national programme to combat trafficking in persons had been launched for the period 2014 to 2018 and related projects had been undertaken, including public awareness-raising activities and training of State and non-State actors working with at-risk groups.

14. **Ms. Bernátová** (Slovakia) said that measures had been taken to prevent the forced sterilization of Roma women. The relevant legislation had been aligned with international principles. A standard consent form had been drawn up and was available in the Roma language. Sterilization was done only at the specific request of the patient, who was required to give written consent. Health-care providers were obliged to provide appropriate information, including regarding alternatives to sterilization, in line with the legislation, which also stipulated a 30-day cooling off period before the procedure could be performed. No new complaints of forced sterilization had been received, although compensation was still available.

15. As regards reproductive health, efforts were being made to finalize a national programme for women. A Ministry of Health initiative aimed to provide optimal care for pregnant mothers and newborns, reduce maternal and neonatal mortality rates and ensure access to health care and planned parenthood services, with a focus on marginalized and vulnerable groups. A report of the Centre for Reproductive Rights, alleging discrimination, segregation and abuse of Roma women when accessing reproductive health services, had been released only two days prior to the dialogue with the Committee, which had not left the Ministry of Health sufficient time to review its content. The Ministry had received only one complaint of alleged segregation of Roma women in hospital. The complaint had been fully investigated and the case had been closed: the evidence showed that the hospital concerned provided specialized care, irrespective of ethnic considerations. Moreover, the hospital routinely garnered feedback from patients and had not been aware of any complaints. The Ministry of Health was, however, trying to improve access to health care for Roma communities. The introduction of Roma assistants in obstetric and gynaecological departments was being piloted as a means of breaking down the social barriers preventing Roma women from accessing health care. It would also help to identify and address any segregation issues.

16. **Ms. Široká** (Slovakia) said that, regarding the Slovak National Centre for Human Rights, the Government was aware of the need to ensure compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles). In that regard, the Ministry of Justice was working on a draft bill, which it would submit to the Government in due course. A working group had been set up, comprising representatives of government ministries and non-State actors, to evaluate the legislative measures needed and ensure that a broader concept of human rights protection was incorporated.

17. There were no current plans to include racial discrimination as an aggravating circumstance for all criminal offences in the Criminal Code. The Government was of the view that racial discrimination could not be applied as a motivating factor in all criminal offences, such as tax evasion. Regarding extremist organizations, the legislation had been amended in September 2017 with the aim not only of banning the promotion of extremist activities but also of preventing those organizations from becoming established. Membership of an extremist organization was considered as an aggravating circumstance in hate crimes. A specialized unit investigated extremist activities and efforts had been made to ensure that victims of such offences had access to justice and support free of charge, in line with the Committee's recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system. There were, admittedly, delays in court proceedings but they affected cases across the board, not solely those involving racial discrimination. Measures were being put in place to speed up the system. In that connection, the Ministry of Justice was working with the European Commission for the Efficiency of Justice on a project entitled "Strengthening the efficiency and quality of the Slovak judicial system", which aimed to assess the current system and provide recommendations for improvements. Lastly, the data collected in cases of discrimination had been updated in 2017 to add information regarding victims, including age, gender and nationality. Information on the compensation awarded in such cases had been gathered since 2016.

18. **Mr. Juran** (Slovakia) said that official figures from 2011 indicated that there were around 2,000 Muslims in the country, although the actual figure probably lay between 3,000 and 5,000. Many of those Muslims had lived in Slovakia for at least a generation;

they were educated and integrated into society. The country had recently held a conference entitled “Migration: Religions without Borders”, aimed at addressing the European migrant crisis through religion and culture. The Ministry of Culture had invited the members of a Muslim organization to participate, but they had refused. Lastly, there was no law that prohibited the existence or building of mosques in the country. One mosque did exist in a converted building, although the Muslim community preferred to worship in other premises, which they were able to operate without interference or restriction.

The meeting was suspended at 11.30 a.m. and resumed at 11.45 a.m.

19. **Mr. Calí Tzay** (Country Rapporteur) said that he would welcome more information on the steps that were taken by the State party to ensure that the many legislative changes, policies and programmes that had been referred to by the delegation were being implemented. Specific examples in that regard would be especially welcome.

20. He commended the State party for its decision to prohibit the automatic placement of Roma children in special schools but was concerned by reports that schools could still send Roma children who were not performing well to segregated special schools. The efforts made by some ethnically Slovak towns to build walls to exclude their Roma neighbours were another troubling indicator of ongoing segregation. In addition, he wondered what kind of attitude the people of Slovakia could have towards Islam and Muslims if even prominent figures like the Prime Minister were willing to tell the press that Islam and Muslims had no place in his country.

21. He would welcome additional information on the compensation available to persons whose rights were violated by health-care or other personnel. He wished to know, for instance, whether it was necessary to submit a claim for compensation to the courts and how long it took to adjudicate such claims. He also wondered whether the medical personnel who had performed the forced sterilizations for which the State party had been ordered to pay compensation had been prosecuted or punished.

22. The adoption of a 2016–2018 plan to improve the educational outcomes of Roma children was a welcome development. It would be interesting to know whether the plan appeared to be achieving the desired results. The delegation could also provide more information on the schools that were open to all students, including Roma.

23. **Mr. Ravasz** (Slovakia) said that a characteristic of the current Slovak Government was that it attempted to make legal changes that would produce long-term strategic benefits. Efforts to combat segregation, for instance, were made when children were still young. After the publication of a troubling report indicating that only about a third of the children from marginalized Roma communities enrolled in kindergarten, the Government had immediately decided to make kindergarten attendance free for needy children. The Government also had plans to make one year of kindergarten compulsory.

24. Although much remained to be done to combat the placement of Roma children in special schools, some progress had been made. Efforts were under way, for example, to make sure that parents understood the implications of signing the forms that determined their children’s educational future. Efforts were likewise made to ensure that the parents were aware that they had the right to be present for the procedure whereby their children’s ability to function in mainstream schools was assessed and to challenge the outcome of the diagnostic procedure. In August 2017, the establishment of new diagnostic centres had been suspended for a year to enable the Ministry of Education to audit the diagnostic system and make the necessary changes. Major changes were expected.

25. In recent years, a small number of walls had been built between Slovak municipalities and informal Roma settlements, although no such settlements had been completely walled in. The State could not dismantle the walls, but it negotiated with municipalities to stop more from being built. Initiatives such as a Roma civic neighbourhood watch had been undertaken to help build trust rather than walls. All projects involving Roma that were undertaken with the support of European Union or Slovak funds were required to show how they contributed to the fight against segregation, stigmatization and ghettoization.

26. **Mr. Podhorský** (Slovakia) said that when Slovakia next appeared before the Committee it should have ample information on the results of the strategies and action plans that were currently being implemented. It should also be noted that the Office of the Plenipotentiary of the Government for Roma Communities was responsible not only for implementing its own projects and plans but also for monitoring the relevant efforts made by other State institutions and encouraging them to pursue them.

27. **Ms. Bernátová** (Slovakia) said that in 2003 the Ministry of Health had appointed a group of experts to investigate allegations that Roma women had been subjected to forced sterilization. The experts had concluded that, despite a number of shortcomings, in particular in connection with documentation and record keeping, forced sterilization had not been systematic. In a report of 2006, the Council of Europe Commissioner for Human Rights had recommended solely that compensation should be paid to the victims. No further investigation had been recommended.

28. The judgments in the cases in which the European Court of Human Rights had found against Slovakia informed the manner in which the Slovak courts considered complaints by women who had alleged that they had been subjected to illegal sterilizations. In early 2016, a court in Košice had ruled that the rights of a Roma woman who had been sterilized without her consent in 1999 had been violated. She had been awarded compensation. The final ruling in another case, also involving an alleged forced sterilization in 1999, had not yet been handed down.

29. **Ms. Široká** (Slovakia) said that in two cases of forced sterilization, one not yet fully resolved, Roma women had been granted the financial compensation they had sought, around €16,000. None of the doctors involved had been convicted.

30. **Ms. Bernátová** (Slovakia) said that efforts were being made to adopt a national reproductive health programme, which would thoroughly address issues relating to contraception.

31. **Mr. Krajňák** (Slovakia) said that the three-year “School Open to All” project, which had taken up where three other projects had left off, provided for the establishment of inclusion teams in primary schools. The aim of those multidisciplinary teams was to help ensure that Roma children completed their education.

32. In 2017, 17,743 children had been attending special schools, which was slightly less than the number of children attending such schools in 2014. A disproportionate number of those children were Roma. One measure that had been taken in an attempt to address that disproportion was to subsidize kindergarten attendance for the country’s poorest children starting at 3 years of age.

33. Steps had also been taken to prepare teachers to work more effectively with Roma students. Universities in Prešov and Nitra, for example, had made plans to prepare teachers to teach in the Roma language. The idea had been to enable Roma students to learn in their mother tongue.

34. **Ms. Shepherd** said that she would welcome answers to a number of questions she had asked earlier. In particular, she had wondered whether statistical data were kept on the number of sub-Saharan Africans who were seeking asylum or refugee status in the State party and whether any action had been taken to prosecute or punish the perpetrators of the more than 20 racist attacks against Africans that had been mentioned in an article in a Slovak newspaper. The delegation should also address the steps that were taken to combat the routine discrimination to which Africans in the State party were subjected.

35. **Mr. Avtonomov** said that he wished to know whether the State party planned to participate in any of the activities organized as part of the International Decade for People of African Descent.

36. **Mr. Murillo Martínez**, noting the use of the Internet and other digital tools to monitor racial discrimination and racism in the State party, asked what other measures were being taken to combat racism and promote tolerance, such as publicity campaigns and outreach programmes. It would be useful to know whether surveys were conducted to gauge the situation on the ground.

37. **Mr. Yeung Sik Yuen** expressed concerns with regard to the composition of the Judiciary Council of the Slovak Republic and the President's powers to dismiss judges. Equally worrying was the fact that Constitutional Court judges were appointed by the President and that a judgment handed down by the Court had ruled that presidential decisions were not subject to judicial review by the Constitutional Court by means of a constitutional complaint, even though such oversight formed part of the Court's basic duties and powers. The State party was invited to shed some light on those matters. He also requested clarification with regard to comments that only the Constitutional Court was able to "sue" the President.

38. **Ms. Široká** (Slovakia) said that, while the Ministry of Justice was aware of several vacant posts in the Constitutional Court, it was not authorized to comment on the decisions of the President, who was responsible for the appointment of Constitutional Court judges.

39. **Ms. Bierbaumer** (Slovakia) said that there was no specific data available on asylum seekers from sub-Saharan Africa. However, general statistics on asylum seekers from Africa indicated that 14 African asylum seekers had been registered in 2014, 35 in 2016 and 17 in 2017. Similarly, no specific data was available on attacks on African migrants. If a racial motive was suspected in an attack, an officer from the National Criminal Agency would be assigned to investigate the case. However, racist attacks most often targeted members of the Roma community.

40. **Mr. Podhorský** (Slovakia) said that he was not aware of any specific activities relating to the International Decade for People of African Descent but would pass on any relevant information to the Committee. On a related note, the Government provided development assistance to a number of African countries, with a particular focus on marginalized groups, including women and children.

41. **Mr. Khalaf** asked the State party to shed light on the restrictions permissible under domestic law on fundamental rights and freedoms and the status of the Convention within the domestic legal framework. He asked the State party to clarify what measures existed to ensure the separation of powers, particularly in the light of the delegation's statement that the Ministry of Justice was not permitted to express an opinion on the President's powers. As the State party had indicated that complaints relating to violations of rights resulting from international treaties could be lodged with the ordinary courts or the Constitutional Court, he invited the delegation to provide data on racial discrimination complaints submitted to that judicial body.

42. **Ms. Shepherd** reiterated her concerns about the rights of persons from Africa, including their freedom of movement. She drew attention to reports of attacks on African migrants, adding that many more cases could have gone unreported. While she was not expecting an immediate response to her concerns, she encouraged the State party to look into the matter.

43. **The Chair** asked the State party to specify its targets and time frames set for providing accommodation to Roma living in informal settlements and for improving their access to education. In that context, she asked whether any specific targets had been established relating to Roma teachers.

44. She asked whether the Roma community was recognized as a national minority. It would also be useful to know how Roma mediators were recruited and what measures were taken to ensure that efforts to build good relations used an approach based on the rights of the Roma community.

45. **Ms. Bierbaumer** (Slovakia) said that a range of measures had been implemented to combat racism, extremism and hate speech, including the creation of a website to tackle violence and extremism, various projects funded by the European Union and a sectoral model introduced by the Ministry of Interior on the prevention of hate speech.

46. **Ms. Široká** (Slovakia) said that the Convention had been incorporated into the domestic legal framework and that the rights enshrined therein could be invoked in court. Fundamental rights were restricted only in exceptional cases, in line with the provisions of the Constitution. Although nine of the members of the Judiciary Council of the Slovak Republic were appointed by the President, efforts were made to promote non-political

appointments. She was not aware of any complaints relating to racial discrimination lodged with the Constitutional Court but said that a request for such information could be submitted to that judicial body.

47. **Mr. Ravasz** (Slovakia) said that the Roma community was recognized as both a national minority and an underprivileged social minority. In that context, the Plenipotentiary of the Government of the Slovak Republic for National Minorities was responsible for addressing minority rights and issues relating to the Roma community, while the Plenipotentiary of the Government of the Slovak Republic for Roma Communities dealt with social issues. In addition, given the multilingual character of the Roma community, its members often also belonged to other linguistic minority groups.

48. Training on fundamental rights was provided to Roma mediators and others involved in liaison work. There were plans to use mediation materials currently under preparation to train police officers, as well as auxiliary and other field workers. On the issue of targets relating to informal Roma settlements, he said that the Government's updated action plans under its framework strategy for Roma integration included indicators and that work was currently under way to establish baseline data. On a related note, the European Commission had provided funding for a monitoring and evaluation project, which included work on indicators and specialized studies comparing Roma and non-Roma communities. Moreover, the Government was currently preparing the third edition of its atlas of Roma communities, with support from the European Union, and hoped to publish an atlas every five years.

49. **Mr. Calí Tzay** said that he appreciated the State party's acknowledgement of its shortcomings and its desire to tackle existing challenges. However, concerns remained regarding a number of issues, including the justice system, Roma access to health and education, police violence, the situation of African migrants and Muslims and hate speech in the political sphere. Those concerns would be reflected in the Committee's concluding observations.

50. **Mr. Podhorský** (Slovakia) expressed his appreciation for the frank and constructive dialogue with the Committee and stressed that his Government was open to the Committee's recommendations.

51. **The Chair** thanked the State party for its cooperation and fruitful dialogue.

The meeting rose at 1 p.m.