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SUMMARY RECORD OF THE 2108th MEETING

Held at the Palais Wilson, Geneva,
on Friday, 18 July 2003, at 10 a.m.

Chairperson: Mr. RIVAS POSADA
(Vice-Chairperson)

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In the absence of Mr. Amor, Mr. Rivas Posada (Vice-Chairperson) took the Chair.

The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (agenda item 6) (continued)

Second periodic report of Slovakia (continued) (CCPR/C/SVK/2003/2)

1. At the invitation of the Chairperson, the members of the delegation of Slovakia took places at the Committee table.
2. The CHAIRPERSON invited the delegation to respond to questions raised by the Committee at the previous meeting.
3. Ms. GEISBACHEROVÁ (Slovakia), responding to a question about respect for human rights during states of emergency, said that article 1 of Constitutional Act No. 227/2002 relating to State security required the public authorities to protect fundamental human rights, property and the environment. Slovakia was also required to protect human rights and fundamental freedoms during states of emergency under the international treaties of which it was a signatory. Article 4 of the Constitutional Act specified that states of emergency could be declared only in the event of a terrorist threat to, or attack on, the public authorities or a threat to public order and State security, provided that the threat could not be dealt with effectively by the public authorities using other legal means. Moreover, the state of emergency could be declared only in the area immediately affected, it should be limited to 60 days and it could not be used to terminate strikes or public gatherings.
4. The Defence of the Slovak Republic Act defined clearly the rights and duties of legal entities and natural persons. Article 19 contained provisions governing public works during wartime or a state of emergency. No person could be ordered to undertake such works. Even voluntary participation by certain persons, such as minors under 18 years of age or pregnant women, was restricted.
5. The legislation on states of emergency complied with the provisions of article 4 (2) of the Covenant. However, some restrictions on rights and freedoms were occasionally permissible, depending on the gravity of the situation.
6. Mr. PALOV (Slovakia), responding to a question about the definition of terrorism and the reasons for its incorporation in the Criminal Code, said that the definition was based on international treaties and was in conformity with European Union legislation on that subject. It had never been questioned as undemocratic. Terrorism was defined as action taken with the intention of seriously intimidating the population, destabilizing the constitutional order or destroying the country's political, economic or social infrastructure. The intention of suspected terrorists to destabilize the regime had to be proven. Activities by environmental bodies were not considered to constitute terrorism unless they threatened to destabilize the State.

7. Terrorism was included in the Criminal Code because a person could not be convicted under criminal law for an act that was not defined in the Code. Retroactivity of criminal law was not permissible in Slovakia in any circumstances.

8. Ms. KAPIŠOVSKÁ (Slovakia), referring to paragraph 155 of the report (CCPR/C/SVK/2003/2) on non-refoulement, said that the word “Equally” in the penultimate sentence was a mistranslation and should be replaced by “However”. An alien could not be expelled to a country where he or she was liable to the death penalty or was in danger of being tortured. Moreover, article 57 of the Criminal Code prohibited the expulsion of a person enjoying refugee status.

9. In response to a query regarding the large proportion of complaints (65 per cent) that fell outside the jurisdiction of the Ombudsman, she said that his jurisdiction did not cover the Parliament, the President, the Government, the Constitutional Court, the Audit Office, the intelligence services, police investigators, prosecutors’ offices or the courts except, for example, where a petition concerned State administration of the courts and cases involving alleged breaches of discipline by a judge. Where the purpose of a petition was to obtain a legal remedy, different legislation was applicable. In the case of a constitutional complaint, the Ombudsman advised the petitioner on the proper procedure. In handling a petition, the Ombudsman was authorized to enter public administration premises, to question public administration staff in the absence of third parties, and to interview persons in detention centres, military discipline centres and police custody cells. The authorities were required to provide oral and written information, to give the Ombudsman access to files and to act on his recommendations. The Ombudsman must be admitted to hearings and allowed to ask questions.

10. Mr. GURÁŇ (Slovakia) said that there had been a favourable trend in the representation of women in public life. Women now accounted for 19.3 per cent of members of Parliament. The situation was less encouraging in the case of senior offices at the local level. For example, only 2.2 per cent of mayors of towns were women. By contrast, over 20 per cent of village mayors were women. Political parties had been urged to give preference to women candidates or at least to make some effort to improve gender balance. Obviously, it was for individual parties to decide on their policy in that regard; the State could not introduce mandatory quotas.

11. With regard to domestic violence, women could seek shelter in 60 State-run “asylum houses”. In addition, there were 21 private shelters and 12 community-run shelters. Slovak social welfare legislation provided for coverage of the costs of accommodation. Any victim of domestic violence could apply for such assistance.

12. Mr. PALOV (Slovakia) said that the statistics on domestic violence provided by NGOs were usually higher because they drew on sources involved in the provision of assistance to victims and in grass-roots consultations on domestic violence. State statistics were available where criminal proceedings had been brought against the perpetrators, while much of the NGO data related to minor offences.

13. Mr. GURÁŇ (Slovakia), responding to a question about the use of “cage beds” as a means of restraint in psychiatric facilities, said that the Ministry of Labour, Social Affairs and the Family had given considerable attention to recommendations by the European Committee for the Prevention of Torture concerning their prohibition. Draft legislation on the subject had been

submitted to Parliament two weeks previously. It clearly defined the circumstances in which the use of cage beds was permissible, for example when a person's health was in danger or an individual represented a threat to other occupants of the ward. Any such decision had to be taken by a doctor and each facility had to keep a register of cage beds and their use. It was expected that such beds would soon be removed from all facilities.

14. Mr. PALOV (Slovakia), replying to a question about police officers who had been convicted of offences, said that such officers could not seek re-employment in the police force after serving their sentences.

15. Ms. KAPIŠOVSKÁ (Slovakia) said that lay judges were persons who did not need to have legal qualifications. The lay judge system was therefore comparable to the jury system in common law. The legislation required such judges to be persons of integrity, at least 30 years of age, in good health and permanently resident in the Slovak Republic. Nobody could be forced to serve as a lay judge against his or her will. Judges and lay judges were deemed equal in terms of their authority to hand down judgements and decisions.

16. Mr. BELANSKÝ (Slovakia) said that the Committee's recommendations in its concluding observations on Slovakia's initial report had been implemented through government resolutions. Such resolutions assigned responsibility to specific bodies for implementation of the recommendations at the national level. Although the resolutions could not be said to have institutionalized the procedure, it could not be described as an ad hoc procedure either but rather a customary approach that was acquiring the status of a principle or rule.

17. With regard to victims of violence, the Government had recently mounted a campaign in cooperation with the International Organization for Migration called the "Open line for victims of violence". The national strategy for the prevention and elimination of violence perpetrated against women and in families would be submitted to the Government by the end of September 2003. In addition, the NGO known as Assistance to Victims of Violence had received a government grant two years previously in support of the establishment in each regional city of a welfare centre for victims of violence. The system had been in operation for some time and was working well.

18. With regard to anti-discrimination legislation, although Slovakia had not yet adopted such legislation, considerable attention was given to the problem in other legal instruments such as the Labour Code, the Consumers Act, and the Professional Groups Act, which covered, for example, defence lawyers, prosecutors and judges. Every two years the Government adopted an action plan against racism and racial discrimination. A progress report on implementation was submitted to the authorities every six months. In October 2000 Slovakia had signed Protocol No. 12 to the European Convention on Human Rights, which contained an anti-discrimination clause. In August 2002 the Criminal Code had been amended to introduce more severe penalties for racially-motivated offences. There were also many examples of affirmative action, such as the comprehensive development of Roma settlements and a social field workers programme. A campaign focusing on skin colour - "Racism is your problem too" - had been mounted by the Government in collaboration with NGOs. A survey found that it had achieved 44 per cent public

recognition and over 60 per cent of those interviewed welcomed the campaign. In 2002 the Government had adopted a list of priorities regarding minorities and action against discrimination, and basic principles for dealing with Roma issues and influencing attitudes to the Roma ethnic group.

19. Mr. PALOV (Slovakia) said that his country was cooperating with other States on the issue of trafficking in women and girls, including in cases where Slovakia was used as a transit country. In pursuance of Council of Europe and European Union recommendations, it had established some 18 months previously a special unit with substantial police powers to deal professionally with migration flows and to dismantle organized groups that were exploiting such flows and trafficking in women and girls. The unit had so far achieved encouraging results.

20. Mr. DOHÁNYOS (Slovakia), referring to the table in paragraph 229 of the report, said that there were 16 registered churches and religious communities in Slovakia. Those that were operating by law or on the basis of approval by the State on the date of entry into effect of Act No. 308/1991 were considered to be registered regardless of the number of their members (e.g. the Central Union of Jewish Religious Communities and most Protestant denominations). The Jehovah's Witnesses had been registered as a new association in 1993 since it met the registration requirement of 20,000 members. The New Apostolic Church had been registered on 1 September 2001 on presenting the relevant documents. Religious communities with fewer than 20,000 members could register with the Ministry of Internal Affairs as civil associations under Act No. 80/1990.

21. With regard to the question of non-registered churches, he drew attention to the last sentence of paragraph 227 of the report, which was ambiguous as a result of a mistranslation. Most of the rights set out in that sentence were enjoyed only by registered churches. The right to enter health-care facilities, which referred to the performance of pastoral duties in such facilities by religious professionals, was enjoyed by registered and non-registered churches alike.

22. In reply to Mr. Kälin's question regarding asylum, he said that article 15 of Act No. 481/2002 clearly stipulated the conditions under which asylum could be withdrawn; they included commission of a crime against peace or mankind or of a war crime by a refugee or the prior commission of a serious crime by an asylum-seeker. The right to asylum was strictly governed by international law, and no arbitrary action by the Slovak authorities was possible.

23. Ms. KAPIŠOVSKÁ (Slovakia) said that all judges were appointed on the recommendation of the Judiciary Council, with the exception of Constitutional Court judges, who were nominated by Parliament and appointed by the President. The Judiciary Council was an independent body that had decision-making powers relating primarily to the appointment and promotion of judges, whereas the Council of Judges, which had been established by the Courts and Judges Act of 1991 and whose responsibilities had been further defined in the Judges and Lay Judges Act of 2000, functioned in an advisory capacity and had the power to make recommendations only. Its members were judges drawn from judicial councils at the regional and district levels. Its activities were chiefly of an administrative and budgetary nature.

24. Mr. PALOV (Slovakia) added that the purpose of such judicial bodies was simply to serve as control mechanisms aimed at ensuring the independence of the judiciary, particularly from the executive power.

25. With regard to Ms. Wedgwood's questions about the police, he said that Slovakia was engaged in a number of cooperation projects; not only did the country's police learn from colleagues in other countries, but they also provided professional assistance to countries that did not meet Slovak standards. Such activities included witness-protection programmes and assistance in trade-related matters.

26. The Slovak police force did include Roma members, and a special project in the police academy had been designed to recruit Roma officers. Unfortunately, when Roma officers joined the force, they often became somewhat detached from their original communities. Nevertheless, their knowledge and insight were valuable. A special programme had been established to include Roma officers in municipal police units in the Lunik 9 area of Košice, where the Roma population was particularly large.

27. Although legislation on the award of damages in cases of wrongful administrative decisions existed in Slovakia, it did not meet the standards of modern European law. Consequently, new legislation had been drafted and was currently undergoing an inter-agency review with a view to remedying that situation.

28. Legislation also existed to address cases in which the police had obtained confessions by force. Individuals had the right to change their statements or their confession, particularly if such statements had been obtained under duress. Officers found guilty of obtaining confessions by force were liable to up to three years' imprisonment.

29. Ms. GEISBACHEROVÁ (Slovakia), addressing questions that had been raised regarding military service, said that provision was made for military service, which was considered to be a duty of all citizens, in both the Constitution and the Conscription Act. Article 25 of the Constitution, however, stipulated that no citizen could be forced to perform military service if such service ran counter to his or her conscience or religious beliefs. Such citizens were required to perform an alternative form of service, for which provision was made in the 1995 Civilian Service Act. Compulsory military service was divided into a nine-month period of basic training followed by an additional 12 to 16 weeks in the reserves. Extraordinary service could also be required of citizens in cases of war or states of emergency. Citizens between the ages of 18 and 55 were eligible for conscription. Civilian service, on the other hand, lasted one and a half times as long as basic military service because of its less demanding nature, but there were no further periods to be served. Such service could be performed in the areas of health care, social services, culture, education and environmental protection, and could be linked to the work of NGOs and religious communities. The work of citizens performing civilian service was governed by the Labour Code, which was not the case in the military.

30. Alternative service was not the same as civilian service. Alternative arrangements allowed citizens to perform their regular compulsory military service for a three-month period following submission of an application citing such grounds as being the sole breadwinner in a family, having responsibility for child care or care of a disabled person in the home, or bereavement. Such service was performed in military garrisons.

31. Mr. GREXA (Slovakia) added that his country planned to abolish compulsory military service within the next two years, after which it would rely on a professional army.

32. Mr. YALDEN said that he had not yet obtained the detailed information he sought regarding actual cases dealt with by the Ombudsman. He hoped that such information might ultimately be provided in the Ombudsman's next annual report.

33. He welcomed the information that had been provided regarding gender equality in the political arena, but wished to know how many women were to be found in senior posts in the public service and in the private sector. Various legislative instruments had been cited to indicate the State party's efforts to obtain gender equality, but more figures relating to implementation would be helpful.

34. Ms. KAPIŠOVSKÁ (Slovakia), referring to question 15 on the list of issues, said that application of sections 102 and 103 of the Criminal Code, concerning the criminal offence of defamation of the Republic, had in fact been suspended as a result of a ruling by the Constitutional Court in 2002. The Ministry of Justice had proposed that that offence should be abolished, and Parliament had voted to delete the relevant sections of the Criminal Code in September 2002.

35. Mr. DOHÁNYOS (Slovakia), referring to question 16, on the independence of broadcasting, said that the President of Slovakia had two days previously signed an amendment to the Subscription Fees Act, which would help to minimize reliance on government funding. Draft legislation relating to radio and television broadcasting had been submitted for inter-agency review and was scheduled for adoption in October 2003. The new legislation was intended to ensure economic stabilization and the competitiveness of the Slovak broadcasting media and to provide for effective public oversight.

36. Mr. BELANSKÝ (Slovakia), referring to questions 17 to 22 of the list of issues, said that no effort was made to determine the minority affiliation of Slovak citizens elected to public office. At the political level, the Hungarian minority was represented largely through the Hungarian Coalition Party, which occupied a proportionally larger share of Parliament than that occupied by Hungarians in the population as a whole. It was not possible to speak of unified political representation of the Roma minority, which was represented by many small parties. Those parties seldom met the requisite 5 per cent threshold required for representation in Parliament. However, Roma candidates had stood for public office in local self-governing bodies and for the office of mayor in villages and towns. No information was available on other minorities, nor were such data usually compiled, given that such profiling was deemed to constitute discrimination.

37. With regard to efforts to reduce discrimination against the Roma, he recalled that all Slovak citizens were considered to be equal: they enjoyed equal rights under the Constitution and could actively contribute to political and social life. In reality, however, the situation was complex.

38. From 1999 to 2001 his Government had supported some 260 projects (costing over 2 billion koruny (Sk)) to deal with Roma-related problems, earmarking a further Sk 75 million for housing, infrastructure, education and community organization programmes. During the period 2000 to 2002 more than Sk 4 billion had been allocated for unemployment and social housing.

39. With regard to health care, he noted that the lives and health of Roma citizens were substantially at risk, owing in part to unequal access to water supply and waste disposal. The State Health Institute was developing programmes to address those problems, and its regional offices in areas with large Roma populations supported health-care centres for that population. Field workers also visited Roma homes in an effort to address those problems. A number of specific health activities had been designed targeting children in the 6 to 9 and 10 to 11 age brackets.

40. All citizens of the Slovak Republic, including Roma men and women, were guaranteed the right to the highest possible standard of health, including reproductive health.

41. On the question of unemployment and infrastructure, in 2000 and 2001 the Government had implemented more than 150 technical infrastructure projects in villages with a high Roma population. The secretariat of the special representative for the Roma communities had designed a comprehensive programme for the development of the Roma settlements, which included the provision of facilities and communications infrastructure and the elimination of segregation, with the aim of improving the quality of life.

42. It would evidently take time for the attitude of most Slovak citizens towards minorities to change, and even the attitude of the Roma towards themselves.

43. Mr. GREXA (Slovakia), referring to the figures quoted in koruny (Sk), said that 1 euro was equal to Sk 40 and the minimum guaranteed monthly wage was about Sk 6,000.

44. Ms. ŠIKROVÁ (Slovakia), replying to question 19 on the situation of Roma children in the school system, said that steps were being taken to create conditions where Roma children could receive appropriate, high-quality education.

45. The amendment to the Education Act, which had entered into force in 2002, established the zero grade in primary schools, and introduced the position of teacher's assistant in kindergarten, primary, and special primary schools. Roma children were included in the national programme to develop education over the next 15 years. The aim was also to increase the proportion of Roma children who benefited from pre-school preparation, as from the age of 3, with the ultimate intention of providing life-long education for the Roma.

46. The Ministry of Education was also involved in a number of projects to reintegrate Roma children into the education system, because the 2000-2001 survey had indicated that Roma children were underachievers as a result of early dropout. That was partly due to the fact that they did not possess the basic skills in such areas as language capability and hygiene to enable them to adapt to the school environment.

47. When Roma children went to special schools they were not segregated. They were selected on a case-by-case basis, rather than by ethnicity, as a way of guaranteeing the right to education. The special schools provided education to children with special needs, such as students with mental and physical disabilities, children who had problems in communicating,

and children with behavioural problems. Special methods appropriate for each child were used. Children were assigned to special schools only if their parents agreed. The subsequent integration into the regular school system was preceded by an extensive diagnostic procedure conducted by a panel of experts.

48. As in other countries, special schools had been established for children whose specific problems required them. Since October 2000, underachievers were not sent to the special primary schools for the mentally handicapped.

49. The needs of the Roma students would be met by the ongoing reforms to the regional school system, which would provide a wider range of possibilities adapted to each child's capabilities. The curriculum would be supplemented with multicultural education and teaching on overcoming prejudices. Teaching materials in the Roma language already existed, some of them based on Roma traditions and history.

50. Mr. PALOV (Slovakia), referring to question 20 concerning racist attacks on minorities, particularly violence and harassment by skinheads against the Roma minority, said that there were a maximum of 5,000 skinhead sympathizers in the country and, of those, only a few hundred were actual skinheads. Special departments had been established at all levels of the police force; they focused on monitoring the skinheads and preparing actions against skinhead activities aimed at restricting the rights of other minorities. The Government knew where the members of the skinhead movement were located and was aware that it focused on the Roma.

51. It should not be said that the State had failed to investigate and prosecute hate crimes. Every year the number of people investigated and charged with racially-motivated offences increased by about 100 per cent in relation to the previous year, owing to the measures adopted in collaboration with civil society and NGOs. The success rate for the investigation of that kind of offence now stood at 67 per cent.

52. A commission had been set up to deal with racially-motivated offences. It met every three months and its role was to develop strategies to combat racism. The commission made field visits in order to obtain information from local authorities.

53. Mr. BELANSKÝ (Slovakia), referring to question 21 on concrete achievements by the different institutional mechanisms established for the protection and observance of human rights, said that several initiatives had been implemented in his country. The Deputy Prime Minister responsible for minorities and regional development and the special representative for the Roma community were the instigators and implementers of various campaigns that had been mentioned previously. A national plan to combat racism was one of the most significant programmes that had been implemented.

54. Also, in 2002, the Government had adopted certain priorities for the Roma communities in the areas of human rights, education, housing and employment, which had been developed as part of the European Union twinning programme; a special reserve had been set aside for those projects in the national budget for 2003. On 8 June, the International Day of the Roma, a competition had been held to identify successful projects developed by the Roma to improve their general conditions; there had also been a competition among journalists, who were asked to write about issues linked to deeply-rooted prejudices.

55. Mr. DOHÁNYOS (Slovakia), referring to question 22 relating to the implementation of Act No. 184/1999 on the use of national minority languages, said that after adopting the law on the national language, the Government and Parliament had made a commitment to draft legislation on national minority languages. Act No. 184/1999 allowed the use of minority languages in official communications in municipalities where members of minorities accounted for at least 20 per cent of the population according to the latest census.

56. The practice was for members of numerous minorities to use their own language only within their community. The Czech minority represented a special group because, on the basis of article 6 of the Act, communications in the Czech language were not regarded as communications in a minority language.

57. Since 1989, the Roma had been granted the status of a national minority. Currently they accounted for over 20 per cent of the population in 53 municipalities; however, in public they preferred to use the Hungarian or Slovak language. More widespread use of the Roma language was hampered because, in Slovakia, there was no generally accepted version of the language.

58. As to the Ruthenians and the Ukrainians, the problems related to ethnicity and language. Only 40 per cent of the Ukrainian population of Slovakia knew their own language and Ruthenians preferred to use a dialect, because there was no codified version of the Ruthenian language.

59. The Hungarian minority was the largest minority in Slovakia and more than 70 per cent of Hungarians lived in municipalities where they were the majority; consequently, they were able to use Hungarian in official communications. However, officials were unwilling to communicate in a minority language and to avoid misunderstandings, the official State language was used in their communications. Moreover, the translation of official documents into a minority language represented an additional cost. By and large members of national minorities preferred to use the official language when communicating with State authorities.

60. Ms. KAPIŠOVSKÁ (Slovakia), referring to question 23 on human rights training and education, said that the periodic report provided detailed information on human rights education, and information on the education and training of law enforcement officials had been included in the answer to question 10. In the case of court officials, training was provided by the Ministry of Justice.

61. The training for judges included sessions on human rights and fundamental freedoms and was considered a lifelong learning system, because judges needed to keep abreast of developments in international humanitarian law. At the international level, some individual training activities were provided by the Ministry of Education in collaboration with the Council of Europe. At the national level, the Ministry cooperated with the Slovak National Centre for Human Rights, the Office of the United Nations High Commissioner for Human Rights, foundations, NGOs, and the office of the Slovak representative for human rights issues. A justice academy was being developed to focus on postgraduate education.

62. With regard to prison personnel, the focus was on articles 9 and 19 of the Covenant, and also on minimum international requirements for the treatment of prisoners, and issues concerning harmonization with European standards. At the university level, in teacher-training faculties particular attention was accorded to the principles enshrined in the Covenant and Optional Protocol.

63. The CHAIRPERSON asked the members of the Committee if they had any additional questions.

64. Mr. KÄLIN, referring to question 15 on freedom of opinion and expression (art. 19), said that the Government was to be commended for making progress in the abolition of articles of the Criminal Code that restricted freedom of expression. However, the Committee had received reports that representatives of the Government had announced that it might use article 199, which prohibited the spreading of false rumours, against a specific NGO. He would therefore like to know whether the Government would be prepared to use that article against an NGO if it disagreed with the comments that the latter had made on its country report.

65. Progress had also been made with regard to the rights of the child. Article 16 of the Asylum Act required unaccompanied minors to have a legal guardian appointed for them. The Act was being put into practice in the first instance when a child arrived at the border; however, he would like to know why that was not the case in the court proceedings that reviewed the granting of asylum.

66. Mr. YALDEN considered that a Government could be said to be taking a healthy approach when it described itself as far from satisfied with the progress it had made thus far in dealing with such intractable problems as discrimination and minority rights, which were common to all countries. Some of the documentation submitted by the delegation, however, referred to Slovakia as a country without discrimination, which was patently untrue as far as the Roma were concerned. The Committee's own knowledge of the matter - based on a rare degree of unanimity between the Council of Europe and NGOs in the field - pointed to serious discrimination against the country's Roma population.

67. He could not accept the reply to question 17 that counting heads was a form of discrimination. Progress simply could not be judged without knowing the specific numbers involved in all areas affecting minorities. Moreover, the latest Slovak census had put the Roma population at 90,000, but the estimates of non-governmental and intergovernmental organizations set the figure at 500,000, a huge gap. Statistics could affect lives: the Roma would fail to benefit if the census undercounted them and as a result they did not meet the 20 per cent threshold mandated by the legislation on the use of national minority languages in official communications (report, para. 325). It was true that the Government was making a major effort to achieve equality for the Roma, but much still needed to be done. The Roma were always at the bottom of the heap, by whatever indicator. Attitudes, moreover, would not change if the people were not guided, as had been the experience in his own country, Canada. The delegation maintained that the Roma preferred to use Czech or Slovak when dealing with the

State, yet that amounted to circular reasoning. If the services were provided, the people would use them. The same applied to health care. The delegation had stated that for cultural reasons the Roma did not make proper use of their rights, but that was not where the fault lay.

68. Mr. SCHEININ observed that, as compared with the situation at the time of Slovakia's initial report, there seemed to be more commitment to combating discrimination against the Roma, especially among political leaders some of whom had previously practised a heinous form of populist anti-Roma politics.

69. He had been encouraged to learn of the steps the Government had taken to overcome segregation in the education system, but had been shocked by the delegation's answer to question 19, in essence blaming the Roma for their own exclusion. It was the prevailing segregation that had led to substandard education for the Roma and their exclusion from higher education, which in turn had led to marginalization, unemployment and discouragement. There was still an alarming percentage of Roma in the special schools for the mentally disabled, in some districts as high as 99 per cent; that pointed to a continuing pattern of discrimination. He asked how the Government was planning to end the vicious circle of exclusion and segregation of Roma children.

70. Regarding the forced sterilization of Roma women, he asked what was being done to secure full and informed patient consent in all cases. He also would like confirmation that the Government had dropped its charges against an NGO which had issued a credible report corroborated by the European Roma Rights Center, detailing a disturbing pattern of sterilization without such consent.

71. Mr. GLELE AHANHANZO, supporting Mr. Scheinin's statement, said that the reasons given for such a high minority presence in the special primary schools for the mentally disabled - a problem also in Hungary and Romania - were not plausible. Such high percentages indicated a systematic discriminatory pattern of channelling minority children into a parallel system. Did the Government have any specific integration policy that would recognize the dignity and culture of minorities, or was it simply allowing, out of lack of political will and for cultural reasons on both sides, the perpetuation of a parallel system.

72. He too would like information on the current status of the reportedly widespread forced sterilizations and the Government's plans to remedy the situation.

73. Ms. WEDGWOOD observed that, for the honour of Slovakia, it was crucial for the Government to undertake an investigation into the practice of forced sterilization. A vast literature had developed on informed consent to medical procedures, which a patient could give even if she was illiterate. If the Government did not seriously tackle the problem and put a stop to it, it would unfortunately lay itself open to accusations of genocide. Her own country, the United States, had also in the past used federalism as an excuse for not policing bad practices. It was not enough for Slovakia's federal Government to be compliant with European Union standards; there must be compliance at the local level, enforced through such channels as medical societies, mayors and the people themselves.

74. The same applied to the political system. There were currently no Roma members of Parliament or the Cabinet. Zero per cent representation must be considered unacceptable, and the Government should re-examine the 5 per cent rule for Parliament. Also, if housing continued to be built for minorities in peripheral areas, the Roma would assume that they were unwanted, their schools would automatically be segregated and they would lose interest in bettering themselves. After the recent trauma in the Balkans, every Central European country must make non-segregation a priority issue; subtle expressions of intent would reveal if politicians, doctors or teachers took it seriously. Social attitudes and practices were malleable. Exclusionary practices could only lead to an exacerbation of ethnic antipathy.

75. The CHAIRPERSON, speaking in his personal capacity and referring to a point that had come up in the oral introduction, asked how prevalent it was for civilians to be tried by military courts. The reform of the Code of Criminal Procedure had reduced the number of civilians involved, but apparently there were still some cases.

76. Mr. GREXA (Slovakia) said that the Government was naturally trying to pursue a policy of integrating the Roma and combating segregation. The results were not always adequate, of course.

77. With regard to the allegations of forced sterilization in Slovakia, it must be said categorically that there was no systematic sterilization and no such government policy. The Government had investigated the charges and found no truth in them. It had, indeed, recently initiated a legal procedure to determine if a particular NGO had been spreading false rumours on the subject - an action that would be deemed a danger to society under the Criminal Code - but its investigation, which had in no way been intended to intimidate the authors of the report in question, had not led to the bringing of any charges.

78. Mr. BELANSKÝ (Slovakia) said that the "Body and soul" report on sterilizations had had a stormy reception in the country, and also in the Roma community. The team of investigators assigned to the case by the Prosecutor General's Office had declared that no action should be taken against the authors because they had not committed any offence but had only exercised their right of free expression. That was the position the Government had taken as well. Special teams established by the Ministry of the Interior had also investigated the alleged forced sterilizations. The rapporteur of the Parliamentary Assembly of the Council of Europe had visited Slovakia to look into the matter, and had determined that there was no evidence that force had been used and that the Government's policy did not in any way support forced sterilization, although some shortcomings were found in legislation and its application. Although there were strict legal rules for the medical community on sterilization, including the requirement that a board of six must rule on each medical authorization, a team from the Ministry of Health had also become involved in tackling the allegations. Ensuing debates had led to the drafting of amendments to the relevant legislation. There was a proposal to move towards a unified system of advised and well-informed consent, which had perhaps been the crux of the problem from the start. Patient forms would now be provided in all languages. Owing to lack of time, he would provide the Committee with fuller information in writing later in the day.

79. The CHAIRPERSON said that the Committee appreciated the dialogue with the delegation and the close collaboration with the State party in the common endeavour to implement the Covenant. Slovakia was known to be in a situation of legislative ferment, in its effort to move towards greater compliance with all international instruments. The delegation's replies had been sharp and clear; and the Committee's comments had been intended to draw attention to possible human rights breaches and to encourage further efforts.

80. Mr. GREXA (Slovakia) considered that the exchange of views had been very useful. The delegation, which comprised representatives of all the government agencies responsible for implementing civil and political rights, had taken note of the Committee's comments and would use them as a tool in continuing to improve the situation in his country.

The meeting rose at 1.05 p.m.