

COUNCIL OF EUROPE

COMMITTEE OF MINISTERS

Resolution ResCMN(2006)8 on the implementation of the Framework Convention for the Protection of National Minorities by the Slovak Republic

*(Adopted by the Committee of Ministers on 21 June 2006
at the 969th meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Articles 24 to 26 of the Framework Convention for the Protection of National Minorities (hereinafter referred to as "the Framework Convention");

Having regard to Resolution (97) 10 of 17 September 1997 setting out rules adopted by the Committee of Ministers on the monitoring arrangements under Articles 24 to 26 of the Framework Convention;

Having regard to the voting rule adopted in the context of adopting Resolution (97) 10;¹

Having regard to the instrument of ratification submitted by the Slovak Republic on 14 September 1995;

Recalling that the government of the Slovak Republic transmitted its state report in respect of the second monitoring cycle under the Framework Convention on 3 January 2005;

Having examined the Advisory Committee's second opinion on the Slovak Republic, adopted on 26 May 2005, and the written comments of the government of the Slovak Republic, received on 4 November 2005;

Having also taken note of comments by other governments,

1. Adopts the following conclusions in respect of the Slovak Republic:

a) Positive developments

The Slovak Republic has taken a number of steps to improve the implementation of the Framework Convention following the adoption of the first opinion of the Advisory Committee in September 2000 and the Committee of Ministers' Resolution in November 2001. This process has included important legislative changes as well as changes in practice. Furthermore, important pieces of legislation on the financing of minority cultures and the protection of national minorities are currently under discussion within the government and should be transmitted to the parliament soon.

Since the adoption of the first opinion of the Advisory Committee, The Slovak Republic has improved markedly its anti-discrimination legal and institutional framework. The most significant step was the adoption, in May 2004, of Act No. 365/2004 Coll. on equal treatment in certain areas and protection against discrimination, the scope of which covers a number of societal settings. This anti-discrimination Act provides in particular for the reversal of the burden of proof in civil proceedings and tasks an independent authority to monitor its implementation, develop awareness-raising activities about the fight against discrimination and arrange legal aid to victims of discrimination. The setting up of an Ombudsman institution in 2002 represents a further contribution to an improved framework to combat discrimination.

The overall substantial increase in the allocation of financial support to minorities by the Ministry of Culture in recent years deserves to be welcomed.

¹ In the context of adopting Resolution (97) 10 on 17 September 1997, the Committee of Ministers also adopted the following rule: "Decisions pursuant to Articles 24.1 and 25.2 of the Framework Convention shall be considered to be adopted if two-thirds of the representatives of the Contracting Parties casting a vote, including a majority of the representatives of the Contracting Parties entitled to sit on the Committee of Ministers, vote in favour".

Serious efforts have been made to address ethnically motivated crimes more vigorously both in terms of strengthening relevant legal provisions and improving the institutional framework, notably through the creation of a Commission for racially motivated crime in 2001. Commendable measures have also been taken to train police officers to deal with such cases in full respect of human rights and raise their awareness about the importance of the problem.

In the field of education, the setting up of the Selye János University in Komárno, which started to operate in September 2004, is to be welcomed. This state-run university, which comprises three faculties, will significantly improve teacher training opportunities and expand the possibilities available for persons belonging to the Hungarian minority to receive higher education in their language, since it offers most of its courses in the Hungarian language.

b) Issues of concern

While the adoption of the Anti-discrimination Act in 2004 significantly strengthened the existing legal framework, an important provision allowing the introduction of positive measures to address disadvantages linked to racial or ethnic origin has not entered into force due to the fact that the Constitutional Court, in its decision of October 2005, found the said provision unconstitutional. It is of utmost importance to secure that this decision will not have a negative impact on special measures in favour of the Roma.

The legislative framework pertaining to the protection of national minorities still contains shortcomings, including as regards the financing of minority cultures and instruction in minority languages and as concerns the personal scope of application of certain linguistic rights. There is scope for improvement in the participation of persons belonging to national minorities in the decision-making processes.

The continuing occurrence in recent years of racially motivated crimes and incidents targeting Roma and other vulnerable groups poses particular challenges and affects the implementation of the Framework Convention. Allegations of police abuse against Roma in various contexts are still reported and need to be addressed.

The Roma continue to face particular difficulties and experience various forms of exclusion and even discrimination. Significant problems persist in different societal settings, such as employment, housing and health care, a domain in which recent legislative changes still need to be fully reflected in practice. Their participation in public affairs remains insufficient and their involvement in governmental programmes aimed at improving their position should be more consistent.

In the field of education, the persistence of various forms of exclusion and segregation which mainly affect Roma children is a source of concern. The potential impact on disadvantaged Roma pupils of recent measures promoting increased decentralisation, as well as the effects of the 2004 social reform, merit particular attention, including in terms of monitoring to ensure that equal opportunities for access to education are not negatively affected. The number of classes with instruction in the Roma language remains limited.

2. Adopts the following recommendations in respect of the Slovak Republic:

In addition to the measures to be taken to implement the detailed recommendations contained in chapters I and II of the Advisory Committee's opinion, the authorities are invited to take the following measures to improve further the implementation of the Framework Convention:

- ensure the full and effective implementation of Act No. 365/2004 Coll. on equal treatment in certain areas and protection against discrimination and take steps to ensure that existing or planned special measures in favour of disadvantaged groups like the Roma are further supported and encouraged;
- pursue the efforts to complete the legislative framework pertaining to national minorities, including in the fields of culture and education, and ensure that the content and interpretation of language-related laws are in line with these efforts;

- review the mechanisms aimed to ensure participation of persons belonging to national minorities in order to render it more effective; ensure that persons belonging to national minorities, especially the numerically smaller ones, are adequately represented in the civil service;
 - redouble efforts to fight more vigorously ethnically motivated crimes at all levels, including through the consistent application, by law enforcement officers and prosecution bodies, of reinforced criminal provisions;
 - address allegations of police abuse against Roma and consider in this context the introduction of an independent, effective and reliable complaint system;
 - take further steps to put an end to isolation practices affecting Roma pupils;
 - ensure that the rights of Roma women are respected in practice, particularly in the field of health care;
 - intensify already existing measures, including as regards teacher training, so as to create further opportunities to receive Roma language teaching.
3. Invites the government of the Slovak Republic, in accordance with Resolution (97)10:
- a.* to continue the dialogue in progress with the Advisory Committee;
 - b.* to keep the Advisory Committee regularly informed of the measures it has taken in response to the conclusions and recommendations set out in section 1 and 2 above.