

**Resolution CM/ResCMN(2011)15
on the implementation of the Framework Convention for the Protection of National Minorities
by the Slovak Republic**

*(Adopted by the Committee of Ministers on 6 July 2011
at the 1118th 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 Res(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 Res(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 third monitoring cycle under the Framework Convention on 22 July 2009;

Having examined the Advisory Committee's third opinion on the Slovak Republic, adopted on 28 May 2010, and the written comments of the Government of the Slovak Republic, received on 18 January 2011;

Having also taken note of comments by other governments,

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

a) Positive developments

Since the entry into force of the Framework Convention, the authorities of the Slovak Republic have pursued a constructive approach towards the monitoring process of the Convention and have taken steps to publicise, discuss and implement the results of the two first cycles of monitoring. Efforts have been made, on the legislative and policy levels, to develop further the system of protection of national minorities.

The anti-discrimination legislation has been amended and the competences of the national equality body extended. The amended Anti-Discrimination Law provides for the possibility of taking positive measures aimed at redressing social and economic inequalities and disadvantages faced by persons belonging to more vulnerable groups. Specific programmes have been elaborated and some financial resources allocated to improve the situation of the Roma in the fields of housing, employment, education and social care.

The legislative guarantees against sterilisation without prior free and informed consent have been strengthened through amendments to the Healthcare Law which, as a result, prohibits sterilisation performed in the absence of a written request and informed written consent of the individuals concerned or their legal representatives.

The authorities have continued to provide support for the preservation and development of the cultures of persons belonging to national minorities. Financial support for their museums, theatres and publications was allocated in the period under review. Mechanisms have been set up to deal with the distribution of funds. In addition, there is a lively minority print and broadcast media scene in the Slovak Republic.

The authorities have pursued their efforts to develop textbooks and provide teachers giving instruction in/of minority languages with training opportunities. It is commendable that schools with minority language instruction have received increased financial allocations.

¹ In the context of adopting Resolution Res(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".

Persons belonging to national minorities are generally well-represented in elected bodies at the local level and representatives of national minorities have continued to be consulted through the Consultative Council on issues pertaining to minority protection.

b) Issues of concern

The legislative framework pertaining to the protection of national minorities needs to be completed to provide increased clarity and legal certainty as to the minority rights guaranteed in the Slovak Republic. A more comprehensive legislation could be adopted to cover the use of minority languages, the financing of cultural activities of national minorities and, as a whole, the protection of persons belonging to national minorities.

Negative attitudes and prejudice against persons belonging to national minorities, in particular the Roma, persist. Hostile discourse by some politicians continues to be reported. Certain legislative initiatives, including the amendments to the 2009 State Language Law, taken in the absence of adequate awareness-raising measures and appropriate prior consultation with representatives of national minorities, have contributed to increased tensions within society.

The authorities have devoted efforts in recent years to strengthen the use of the Slovak language. As a result, amendments to the State Language Law were adopted in 2009 and subsequently complemented by the Government Principles aiming to provide guidance on the interpretation and practical implementation of this law. Nevertheless, there is still a need to clarify a number of provisions of this law and its interrelation with the 1999 Law on the Use of Minority Languages as well as the application of these two laws to specific situations.

The possibility of imposition of fines by the Ministry of Culture in case of a breach of certain provisions of the 2009 State Language Law, even if not applied in practice, also raises an issue of compatibility with the Framework Convention. Furthermore, there is a lack of clarity as to what extent the law applies to the private sphere.

The legal force and status of the Government Principles in the Slovak legal order are problematic with regard to the requirements of foreseeability, legal certainty and enforceability. While acknowledging the legitimate aim of protection and promotion of the state language, it is also important to stress that, in order to ensure full and effective implementation of minority rights in the Slovak Republic, an adequate balance should be maintained between the promotion of the state language and the right to use minority languages in private and in public life, as protected by the Framework Convention.

The overall situation of the Roma is problematic. Many continue to face discrimination in access to employment, housing, education and healthcare. Roma are also affected to a much greater extent than the rest of the population by poverty and social exclusion. Data on the situation of persons belonging to national minorities, including the Roma, in the different sectors remains limited.

The persisting segregation of Roma children in education is a matter of deep concern, considering that this practice is not compatible with the principles of the Framework Convention. A considerable number of Roma children continue to be placed in "special" schools for pupils with learning difficulties. In addition, instances of segregation of Roma children in mainstream education continue to be reported.

According to various sources, children belonging to the Hungarian minority do not have adequate opportunities to learn the Hungarian language in schools with instruction in the Slovak language located in ethnically-mixed areas. Moreover, a decreasing interest in learning minority languages has been reported amongst numerically-smaller national minorities and Roma language teaching has not been sufficiently developed.

The employment of persons belonging to national minorities, in particular the numerically-smaller ones and the Roma, in public administration and law-enforcement agencies appears to be limited and there is a lack of data available in this context. Moreover, the participation of the Roma in parliament remains unsatisfactory.

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 sections 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:

Issues for immediate action:²

- take adequate legislative steps to adopt more comprehensive legislation on minority languages in order to ensure an appropriate balance between the legitimate promotion of the state language and the right to use minority languages, as provided in the Framework Convention; favour a policy of incentives over a punitive approach in relation to the implementation of the 2009 State Language Law, both in the public and private sphere;
- take more resolute measures to combat intolerance based on ethnic origin and take further steps to promote mutual understanding and respect between persons belonging to various groups; increase efforts to fight against and effectively sanction discrimination and take resolute steps to design and implement positive measures, accompanied by adequate awareness-raising;
- take resolute measures to put an end, without further delay, to the continuing segregation of Roma children at school and their unjustified assignment to "special" schools. Pursue and strengthen efforts to ensure adequate inclusion of Roma children into mainstream education.

Further recommendations:²

- take more resolute measures to ensure that the implementation of various programmes and strategies for Roma results in substantial and lasting improvement of their situation in education, employment, healthcare and housing; improve the collection of data on the situation of persons belonging to national minorities in all sectors of society;
- pursue the policy of support for the preservation and development of the cultures of national minorities, through transparent procedures and in consultation with those concerned;
- consider the adoption of laws on the financing of minority cultural activities and, as a whole, the protection of persons belonging to national minorities; when adopting legislative and policy initiatives affecting national minorities, take a particularly careful and balanced approach, including appropriate prior consultation with representatives of national minorities and adequate awareness-raising measures;
- encourage the access to and participation in the media of persons belonging to national minorities, including the Roma; increase support to minority media as well as to the production of quality programmes designed for persons belonging to national minorities;
- favour a flexible approach to the numerical conditions required under the law in order to allow persons belonging to national minorities to use their language in the public sphere, as provided by the Framework Convention;
- provide greater support to minority language teaching in schools with instruction in the Slovak language located in ethnically mixed areas, including those inhabited by persons belonging to the Hungarian minority, in order to ensure that children belonging to national minorities have adequate opportunities to learn their minority language;
- ensure that textbooks pay adequate attention to the cultures and identity of national minorities, including the numerically-smaller ones;
- step up efforts to ensure the participation of persons belonging to national minorities, including numerically smaller minorities, in public administration and law-enforcement agencies, and promote increased participation of persons belonging to the Roma minority in elected bodies, in particular at the central level.

3. Invites the Government of the Slovak Republic, in accordance with Resolution Res(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.

² The recommendations below are listed in the order of the corresponding articles of the Framework Convention.