

INDEX

	<u>Article</u>	<u>Page</u>
Introduction.....	1 – 4	3
I. General discussion.....	5 – 24	4
II. Specific discussion.....	25 - 109	8
Article 2: Legal and administrative measures for the elimination of racial discrimination in all its forms.....	25 – 50	8
A. Legislative measures	25 – 30	8
B. Other measures to combat and eliminate racial discrimination.....	31 – 40	10
C. The implementation of international conventions in the field of human rights protection.....	40 – 43	12
D. The bodies authorised to act in cases of discrimination.....	44 – 50	13
Article 3: Prohibition of racial segregation and apartheid.....	51	14
Article 4: Legal, administrative, and other measures for the elimination of propaganda based on racial superiority, hatred, and discrimination	52 – 57	14
Article 5: Rights guaranteed by the Convention.....	58 – 96	17
A. The right for equal treatment before the courts and all bodies with judicial powers.....	58 – 59	17
B. The right for personal security and protection by the state against violence and bodily harm.....	60	17
C. Political rights, in particular the right to participate in elections...	61	17
D. Other civil rights.....	62 – 70	17
The right of free residence.....	62	17
The right to leave any country, including a person’s own country.....	63	17
Right to citizenship	64	18
Right to enter into marriage.....	65	18
Right to own property.....	66	18
Right to inherit.....	67	18
Right to freedom of belief and expression	68	18

Right to freedom of assembly and association.....	69	18
Right to freedom of thought, conscience, and religion	70	18
E. Economic, social and cultural rights.....	71 - 94	18
Right to work.....	75	19
Right to form trade unions.....	76	19
Right to housing	77 – 84	19
Right to health protection, medical care.....	85 – 90	21
Right to education and training	91 – 93	22
Right to equal participation in cultural life	94	23
F. Right of access to all places and use of all services dedicated to the general public.....	95	23
Article 6: Protection against all acts of racial discrimination	96	23
Article 7: Measures implemented in the areas of teaching, education, culture, and information to combat the prejudice leading to racial discrimination	97 – 105	24
A. Education	97 – 102	25
B. Culture	103 – 109	25
III. Information on the implementation of the recommendations of the Committee on the Elimination of Racial Discrimination to the ninth and tenth periodic reports of the SR	110 – 205	27

Eleventh and twelfth periodic reports of the Slovak Republic to the International Convention on the Elimination of All Forms of Racial Discrimination

Introduction

1. The Slovak Republic (hereinafter “SR”) is a party of the International Convention on the Elimination of All Forms of Racial Discrimination (hereinafter the “Convention”), which was signed on behalf of the Czechoslovak Socialist Republic on March 7, 1966. As a successor to the Czech and Slovak Federal Republic, the Slovak Republic became a party to the Convention on May 28, 1993 with retroactive effect as of January 1, 1993.
2. The Slovak Republic, as a party of the Convention, in accordance with Article 9 submits a report to the UN Committee on the Elimination of Racial Discrimination (the “Committee”) on the implementation of the Convention. Its ninth and tenth periodic reports were submitted in May 2012.
3. At present, the Slovak Republic submits the eleventh and twelfth periodic reports to the Convention (hereinafter the “Report”). The Report contains information on legislative, judicial, administrative, and other measures adopted for the implementation of the Convention provisions into practice, as well as on the progress achieved in this area for the period of 2012-2015.
4. The Report has been prepared by the Ministry of Foreign and European Affairs of the Slovak Republic (hereinafter the “MFAaEA of the SR”) in cooperation with the relevant ministries, based on the guidelines of the Committee, and containing the recommendations to be considered in the content and form of individual periodic reports to the Convention (CERD/C/2007/1) in accordance with the specific recommendations of the Final Opinion of the Committee, adopted on April 17, 2013, following the assessment of the ninth and tenth periodic reports of the Slovak Republic.

I. General discussion

Minorities

5. According to the current data as of December 31, 2014, the Slovak Republic has 5,421,349 inhabitants. Of these inhabitants, 81.15% citizens claimed Slovak nationality. Ethnic minorities accounted for 12.38% of the population, and 6.47% of the population chose not to declare their nationality.

6. Nearly 4.4 million citizens claimed Slovak nationality. Compared to 2011, when the latest nationwide census had been held, the population of Slovak nationality in the Slovak Republic has slightly increased (by approx. 42,000).

7. The largest minority is the population of Hungarian nationality. Almost 457,000 (456,991) citizens claimed Hungarian nationality in 2014, constituting 8.43% of the total population. The number and the proportion of the total population, compared to 2011, have slightly decreased (by approx. 0.3%).

8. The second largest minority is the Roma population. Nearly 109,000 (108,881) citizens have claimed Roma nationality in 2014, which makes up 2% of the total population. The number and proportion of citizens who have claimed Roma nationality have both increased (by about 2.15%), when compared to 2011. According to minimal estimates presented in the document “EU Framework for National Roma Integration Strategies by 2020”, the number of Slovak citizens of Roma nationality is in reality much higher. More information on these facts may be found in Articles 112 to 115 of this report.

9. Population of the Slovak Republic by nationality (Table):

Nationality	Year				
	2011	2012	2013	2014	
Slovak	4357322	4360313	4388234	4399406	
Hungarian	458370	458091	458038	456991	
Roma	106583	107958	107915	108881	
Ruthenian	33447	33439	32344	31939	
Ukrainian	7512	7626	8576	8854	
Czech	30681	31135	34490	34946	
German	4762	4870	6925	7013	
Polish	3211	3343	5644	5822	
Russian	2026	2079	2622	2723	
Jewish	631	631	617	614	
Moravian	3292	3300	3194	3163	
Bulgarian	1165	1322	2144	2208	
Silesian	16	16	18	17	
Greek	146	164	338	358	
Romanian	822	1082	3683	3965	
Austrian	361	426	1308	1363	
Vietnamese	1601	1712	2334	2455	
Other and	392374	393329	357525	350631	

unidentified					
Total	5404322	5410836	5415949	5421349	

Foreigners and asylum procedure

10. In the Slovak Republic, the field of asylum, subsidiary protection, and temporary shelter is regulated by Act No. 480/2002 Coll. on Asylum and on the amendment and supplementation of certain acts as amended (hereinafter the “Asylum Act”). The Asylum Act not only reflects provisions of the Convention on the Status of Refugees (Geneva, 1951) or the Protocol relating to the Status of Refugees (New York, 1967), but also the relevant EU law.

11. During the monitored period of 2012-2015 (as of September 30, 2015), the Asylum Act has been amended several times.

12. Through Act No. 75/2013 Coll., amending and supplementing Act No. 404/2011 Coll. on the Stay of Foreigners and on the amendment of certain acts, by which certain acts are amended (entered into force on May 1, 2013), the transposition of the Directive of the European Parliament and Council Directive 2011/51/EU of 11 May 2011 has been implemented, by which the Council Directive 2003/109/EC is amended for the purpose of the extension of its scope to the beneficiaries of international protection. In the Act on the Stay of Foreigners, the scope of third country nationalities, to whom long-term residence may be granted after the fulfilment of a set of conditions, has been extended to persons who have been granted asylum or subsidiary protection. The Asylum Act was also amended through Act No. 75/2013 Coll., which extends the deadline for the time needed for the submission of an application for the extension of subsidiary protection from 30 to 90 days, and the reasons for the cessation of asylum and expiration of subsidiary protection have been modified as well.

13. Act No. 495/2013 Coll., amending and supplementing the Act on Asylum and on the amendment and supplementation of certain acts as amended, and which further amends certain Acts, came into force on January 1, 2014. The primary aim of this law was to transpose the Directive of the European Parliament and Council 2011/95/EU of December 13, 2011 on standards for the qualification of third country nationals or stateless persons to whom the status of international protection may be granted, on the uniform status of refugees or persons eligible for subsidiary protection, and on the content of the protection granted (revised wording). The Asylum Act stipulated that subsidiary protection be extended from the original one year to two years. The possibility of using the institute of intranational protection (the so-called alternative of intranational resettlement) has been newly amended; the scope of persons to whom asylum or subsidiary protection is granted for the purpose of family reunification, and the cases where a connection between the reasons for persecution and acts of persecution is present, have been added. The procedure of transfer to another state has also been modified in accordance with the Regulation of the European Parliament and Council (EU) 604/2013 of June 26, 2013, laying down the criteria and mechanisms for determining the Member State responsible for the assessment of the application for international protection submitted by a third-country national or stateless person in one of the Member States (revised wording). The Act No. 495/2013 Coll. also amends the Act on the Stay of Foreigners, which stipulates a new regulation on the detention of asylum seekers (specific reasons for the detention of asylum seekers, the total length of the detention of these persons, etc.).

14. Act No. 131/2015 Coll., which amends the Asylum Act and which further amends certain Acts, came into force on July 20, 2015. The primary aim of this Act is the transposition of the Directive of the European Parliament and the Council 2013/32/EU of June 26, 2013 on common procedures for the granting and withdrawing of international protection (revised wording), and the Directive of the European Parliament and Council 2013/33/EU of June 26, 2013, which lays down standards for the reception of applicants for international protection (revised wording). The Act on Asylum, inter alia, stipulates that unaccompanied minors will remain during the asylum procedure in facilities for the social protection of children and social guardianship; thus, they will not be moved into the asylum facilities of the Ministry of the Interior of the Slovak Republic (hereinafter “MV SR”) due to the pending asylum procedure. The identification of the need for specific procedural safeguards for asylum seekers and specific procedures regarding such applicants has been introduced. The decision-making process concerning repetitive applications for asylum has been readjusted, along with which the identification and provision of the special needs of vulnerable persons has been introduced and the time period after which asylum seekers are allowed access to the labour market has been shortened from one year to nine months. Exceptions to the eligibility of asylum applicants to remain within the territory of the Slovak Republic have been determined. The criteria for determining the state as a safe country of origin and the entities to which the decision issued in the asylum procedure is announced have been supplemented. Act No. 131/2015 Coll. has also amended the Code of Civil Procedure, where it has been determined for which stage of the procedure is the court decision decisive regarding asylum or subsidiary protection proceedings. Contrary to the previous legal situation, in reviewing the legality of the decision in the matter of asylum or subsidiary protection, the actual conditions at the time of the declaration or issuance of the decision are determining for the court decision. Act No. 131/2015 Coll. also amended the Act No. 327/2005 Coll. on the Provision of Legal Aid for People in Material Need, as well as on the amending and supplementing of Act No. 586/2003 Coll. on Advocacy and on the amending and supplementing of Act No. 455/1991 Coll. on Trades (Trade Act), as amended, where the system of legal aid in procedures for the detention of a third country national and in procedures for the detention of an applicant for asylum have been modified. Act No. 131/2015 Coll. further amended the Act on the Stay of Foreigners, where it was determined that in case of imposing an alternative to the detention, the asylum seeker does not need to provide proof of accommodation and financial provisions, and that asylum applicants are not required to contribute to alimentation in their detention.

15. It is necessary to also mention Act No. 96/2013 Coll., amending and supplementing Act No. 5/2004 Coll. on Employment Services and on the amending and supplementing of certain acts as amended, under which, even in the case of foreigners who were granted subsidiary protection, a work permit is no longer required. Additionally, since May 1, 2013, foreigners, to whom a subsidiary protection has been granted, are considered as disadvantaged job seekers, and have the same status in access to the labour market as asylum seekers.

16. Further, Act No. 375/2013 Coll. has been adopted, amending and supplementing Act No. 293/2007 Coll. on the Recognition of Professional Qualifications, as amended, and which amends certain Acts which modify the process of the assessment and verification of the attained education of an applicant with international protection. An applicant with international protection, for the purposes of this Act, shall mean an applicant for the assessment and verification of educational attainment to whom asylum has been granted or subsidiary protection has been provided under the Asylum Act.

17. Regarding changes in the legal regulation of asylum, it is also necessary to mention Statutory Order No. 205/2013 Coll., amending and supplementing Statutory Order No. 716/2002 Coll., which establishes a list of safe third countries and safe countries of origin, as amended. From the list of safe countries of origin, the Republic of Croatia is omitted, on the grounds that it has become a member of the European Union, and the Republic of Montenegro has been added to the list of safe countries of origin.

18. During the period of 2013-2015 (as of September 30, 2015), the trend of a decreasing number of asylum applications in the Slovak Republic has continued. In 2012, 732 applications for the granting of asylum have been submitted, of which asylum has been granted in 32 cases and subsidiary protection has been granted in 104 cases. In 2013, 441 applications for asylum in the Slovak Republic were filed, and asylum was granted in 15 cases and subsidiary protection in 34 cases. In 2014, 331 applications for the granting of asylum have been submitted, of which asylum has been granted in 14 cases and subsidiary protection has been granted in 99 cases. As of September 30, 2015, 139 applications for the granting of asylum have been submitted. Asylum was granted in 7 cases and subsidiary protection in 40 cases.

19. In 2012, the asylum procedure has been ceased in 383 cases, in 352 cases in 2013, in 163 cases in 2014, and in 115 cases in 2015 (as of September 30). Asylum seekers have arrived mainly from the following countries of origin: in 2012 - Somalia, Afghanistan, Georgia, Congo, Armenia; in 2013 - Afghanistan, Somalia, Georgia, Eritrea, Armenia; in 2014 - Afghanistan, Syria, Vietnam, Ukraine, Somalia; in 2015 (as of September 30) - Afghanistan, Iraq, Ukraine, Georgia, and the Russian Federation.

20. During the monitored period, the implementation of the humanitarian transfer of refugees continued. The third agreement between the Government of the Slovak Republic, the Office of the High Commissioner of the United Nations for Refugees, and the International Organization for Migration concerning the humanitarian transfer of refugees in need of international protection through the territory of the Slovak Republic was already concluded on June 24, 2012. The fourth agreement was concluded on June 24, 2013, and the fifth on July 18, 2014. On October 7, 2015, the Government of the SR approved a proposal for the conclusion of an Agreement between the Government of the Slovak Republic, the Office of the High Commissioner of the United Nations for Refugees, and the International Organization for Migration on the humanitarian transfer of refugees in need of international protection through the territory of the Slovak Republic.

21. During the period of January 1, 2012 to September 30, 2015 under the said Agreement 669 refugees entered the territory of the SR, and in the reported period 17 children were born to these refugees in the SR. The refugees came mainly from Somalia, Afghanistan, Ethiopia, Eritrea, and Iraq, arriving from camps located in Eritrea, Yemen, and Iran. Resettled refugees are accommodated within the territory of the SR in the asylum facility of the Ministry of Interior in Humenné. As of October 15, 2015, 68 refugees, including 42 children, have been accommodated at this facility.

22. On July 21, 2015 in Vienna, the Deputy Prime Minister, the Minister of Interior, and the Federal Minister of the Interior of the Republic of Austria signed a Memorandum of Understanding between the Ministry of Interior of the Slovak Republic and the Federal Ministry of the Interior of the Republic of Austria on the temporary provision of

accommodation facilities to applicants for international protection whose applications are being processed by the Republic of Austria. On the basis of this Memorandum, the Slovak Republic has committed for a period of 2 years to accept applicants for international protection from Austria into its territory and to provide them with accommodation and boarding in the purpose-built facilities in Gabčíkovo. In terms of this Memorandum, the Gabčíkovo facility may accommodate up to 500 applicants all together. As of October 15, 2015, the Gabčíkovo facility has accommodated 437 applicants.

23. The European Asylum Support Office (EASO) currently plays an indispensable role within the framework of the training of personnel who perform interviews with asylum seekers, assess such applications, or otherwise participate in the assessments of applications (e.g. by obtaining information from the country of origin) or who decide on the use of the Regulation of the European Parliament and the Council (EU) 604/2013 of June 26, 2013 laying down the criteria and mechanisms for determining the Member State responsible for the assessment of the application for international protection submitted by a third country national or a stateless person in one of the Member States (revised wording).

24. As part of the EASO Training Curriculum, national trainers from the Migration Bureau of the Ministry of Interior have been trained. During the monitored period, the personnel of the Migration Bureau have completed the national training of the EASO Training Curriculum, e.g. in modules: Common European Asylum System, Inclusion, Information on countries of origin, Writing and preparation of decisions, Conducting interviews with vulnerable persons, and Interviewing techniques. The personnel of the Migration Bureau have participated in the development of some of the EASO Training Curriculum modules.

II. Specific discussion

Article 2: Legal, administrative, and other measures to eliminate racial discrimination in all its forms

A. Legislative measures

25. The most significant change in legislation in the monitored period was the re-codification of the Civil Procedural Code, adopted by the National Council on May 21, 2015. This is the most fundamental reform of the Civil Procedural Code since the establishment of the independent Slovak Republic, which historically also goes beyond the establishment of the independent state, as it replaces the original Procedural Code of 1963. The structural change rests in the separation of the three types of proceedings – contentious, non-contentious, and administrative – and in the development of separate codes. This legislative regulation is aimed at the creation of better opportunities for an effective judiciary, improvement in the enforcement of law, the elimination of judicial delays, and the creation of conditions for better judicial decisions.

26. Among the major changes that this re-codification brings are:

- 1) the consistent concentration of legal proceedings, and the associated higher procedural activities, of the parties involved in the proceedings;
- 2) the introduction of mandatory legal representation in the second instance of proceedings and, in some cases, in the first instance of proceedings;
- 3) changes in the area of delivery to natural persons;

- 4) the use of modern means of communication;
- 5) the revision of appeals proceedings.

27. In the context of legislative changes, Act No. 1/2014 Coll. on Organising Public Sporting Events and on the amendments to certain Acts, which further amends the Act on Offenses, came into force in 2014, to which Article 47a has been added establishing the offense of extremism. This legislative change allows for the prosecuting of perpetrators of offenses in the area of extremism, whose actions were not yet characterised as a crime.

28. On March 12, 2015, the National Council of the SR adopted Act No. 61/2015 Coll. on Vocational Education and Training and on the amendments to certain Acts, which came into force on April 1, 2015. In addition, Act No. Coll. 188/2015 has been adopted, amending and supplementing Act No. 245/2008 Coll. on Upbringing and Education (the School Act). This legislation has been adopted in order to achieve an application of the School Act which does not permit the replacement of special educational needs based on health disability with special educational needs arising solely from a socially-disadvantaged background.

29. The Anti-discrimination Act, adopted in wording in 2004, stipulated the transposition of the EU General Framework for the application of the principle of equal treatment and the means of legal protection in the case of the violation of this principle. It also defines exceptions to the principle of equal treatment and details on the possibility of recourse to the courts in the case of non-compliance with this principle. The amendment to this Act, which entered into force in April 2013, significantly extended the possibility of adopting the so-called temporary countervailing measures. This concerns measures pertaining to certain disadvantaged groups with a view of countervailing existing inequalities. Temporary countervailing measures can be adopted in the areas of employment, education, health care, and social security, as well as in the provision of goods and services, including commercial housing. They may be adopted if there is a demonstrable inequality. The measures are aimed at the decreasing or elimination of the stated inequality. Pursuant to the amended Article 8a of the Anti-discrimination Act, the public authorities or other legal persons may adopt temporary countervailing measures aimed at the elimination of disadvantages arising from racial or ethnic origin, association with a national minority or ethnic group, clan or sex, age, or health disability, which are aimed to ensure equal opportunities in practice.

30. However, the possibility of the reversal of the burden of proof to the defendant was still only regulated in the Anti-discrimination Act, which had the same legal force as the Civil Procedure Code. Therefore, the courts, on these grounds, adhered “only” to the procedural rules in some cases, thereby evading the application of the provisions of reversing the burden of proof. Only the Code of Civil Contention Procedure, adopted within the framework of the re-codification of the Code of Civil Procedure legislation in 2015, harmonised the obligation of the reversed burden of proof in proceedings by direct reference to the provisions of the Anti-Discrimination Act. Thus, the current form of the Anti-discrimination Act presents, through these amendments, modern European legislation whose effective enforcement may significantly facilitate compliance with the principle of equal treatment, as it is perceived and promoted by the European Union.

B. Other measures to combat and eliminate racial discrimination

Report on the implementation of the tasks arising from the concept of combating extremism for the period of 2011 - 2014

31. Through the Resolution of the Government of the SR No. 379 of June 8, 2011 the concept of combating extremism for the period 2011-2014 was adopted, which was subject to annual review. 2014 was the final year of its validity. After an evaluation and determination of the fulfilment of the tasks in line with this Resolution, the report on the fulfilment of tasks arising with regard to the concept of combating extremism for the period 2011-2014 (“the Report”) has been prepared for the year 2014 and submitted to the Government of the SR. The Government accepted that report at its meeting on October 7, 2015.

Strategy for the Protection and Promotion of Human Rights

32. The Government of the SR adopted, by means of Resolution No. 71/2015 on February 18, 2015, the National Strategy for the Protection and Promotion of Human Rights (the “Strategy”). The Strategy identified the need to adopt an Action Plan for the prevention of all forms of discrimination (hereinafter the “Action Plan”), which would follow the practices of previous years, with a focus on raising public awareness of anti-discrimination and seeking to streamline the implementation of anti-discrimination legislation.

Concept of combating extremism for the period 2015-2019.

33. On March 18, 2015 the Government of the SR adopted Resolution No. 129/2015, the Concept of Combat Against Extremism for 2015-2019 (hereinafter the “Concept”). The Concept represents the fundamental document defining the strategic priorities of the SR in the areas of the prevention and elimination of radicalisation, extremism, and associated anti-social activities threatening the fundamental rights and freedoms of persons and the foundations of the democratic foundations of the rule of law. The need for its adoption and the implementation of the proposed measures results from the protection of these values as enshrined in the Constitution of the SR, international conventions on human rights to which the Slovak Republic is bound to, as well as other documents of a strategic nature in this area. The concept is also a continuation of the tasks of the Internal Security Strategy of the European Union (“EU”) in the area of the prevention of violent extremism and radicalisation.

34. The Concept, through its content, is focused on current issues and problems, which in terms of the current security situation and conditions entails prevention, the raising of awareness within society at large, the effective training of members of security forces, and cooperation with neighbouring countries.

35. The intention of the concept is reflected in the four strategic objectives that represent efforts to effectively and actively participate in the prevention and combat of extremism, as well as to create an objective public opinion on this phenomenon and its manifestations.

1. Strengthening the resilience of communities and individuals against anti-democratic ideology and extremism.

The content of this objective is aimed at the regulation of the flow of information in order to get it to recipients and allow them to obtain confidence in the responsible

institutions. This objective is particularly pursued by different bodies involved in the process of increasing the resilience of communities. It is also necessary, through available instruments such as the collection of data on the victims of extremism crimes and increasing the confidence of victims in the Police Force (hereinafter the “PF”), to obtain information on this type of crime, and on this basis to provide a comprehensive view of the situation with regard to the crimes of extremism and racially-motivated crimes.

2. Raising awareness of the manifestations and social relevance of extremism and the consequences of radicalisation.

The providing of education in the field of radicalisation, extremism, and their manifestations, providing alerts about their danger through the media, and the education of selected target groups in order to create a systematic framework are the only ways to achieve the desired levels of education and public awareness of these cases.

3. Effective monitoring and detection of the crimes of extremism and the prosecution of their perpetrators.

The tasks related to fulfilling these objectives primarily follow the objectives of the efficient exchange of information, the analysis and consideration of the need to update certain provisions of the criminal codes, and monitoring the extent of radicalisation and extremist activities within society, through interested parties and within the scope of their capabilities.

4. The creation of institutional and personal capacities for State bodies performing tasks in the field of protecting the constitutional order, internal order, and security of the State.

The content of this objective is aimed at the creation of effective instruments, from an organisational point of view, the appointment of specialists, and the related training and subsequent establishment of mechanisms that together will ensure that tasks related to the protection of the constitutional order, internal order, and security will be fulfilled. Essentially this regards the analysis, improvement, and ensuring of the efficient functioning of the security forces.

36. The common aim of these strategic objectives is to prevent and avoid radicalisation leading to extremism by means of early intervention and the systematic education of individual target groups. In the area of repression, the strategic objective is increasing the capacities and capabilities for the efficient detection and prosecution of the crimes of extremism and the related organisational measures.

Other measures

37. By means of resolution No. 4 of the interdepartmental Expert Coordination Body for the combating of crime issued on March 21, 2012 the “Interdepartmental Working Group of Experts aimed at eliminating racially-motivated crime and extremism” has been established, which meets as necessary to address a common approach in combating extremism. The Interdepartmental Working Group is composed of representatives of the Ministries of Interior, Justice, Defence, Finance, General Prosecutor’s Office, and the Slovak Intelligence Service. At the meetings, topics such as those related to developing a new concept and practices for the

application of the new Act No. 1/2014 Coll. on Organising Public Sport Events and on amendments to certain Acts have been discussed.

38. Since 2014, the Ministry of Interior of the SR has implemented the project “Effective monitoring, detection and investigation of manifestations of violent extremism in cyberspace”, which is aimed at the more efficient monitoring, detection, and investigation of extremism within the Internet environment. This project involves the planned establishment of specialised IT instruments designed for members of the PF who specialise in the area of extremism, as well as a separate training course aimed at increasing abilities in the area of combating extremism on the Internet.

39. Since 2014, based on the ordinance of the Minister of Interior of the SR on the procedures in the area of combating extremism and fan violence, specially-designated members have been selected at the regional and district directorates of the PF whose priority is the fulfilment of tasks in the field of combating extremism.

C. Implementation of international conventions on human rights

40. On March 7, 2012 the Slovak Republic deposited the ratification deed to the Optional Protocol to the International Covenant on Economic, Social, and Cultural Rights of December 10, 2008 with its custodian, which is the UN SG. The Optional Protocol entered into force for the SR on May 5, 2013.

41. The Slovak Republic ratified the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure of December 19, 2011, and on December 3, 2013 deposited its ratification deed with the Custodian of the Convention, which is the UN Secretary General. The Optional Protocol entered into force for the SR on April 14, 2014.

42. The Slovak Republic ratified the International Convention on the Protection of All Persons from Enforced Disappearance of December 20, 2007. The ratification deed of the Slovak Republic has been deposited with the custodian of the Convention, which is the UN Secretary General, on December 15, 2014. The Convention entered into force for Slovakia on January 14, 2015.

43. The SR has not yet ratified the International Convention on the Protection of the Rights of All Migrant Workers and their Families. The ratification of this Convention has not yet been considered, as the key obstacle to its ratification is that it covers all migrant workers and their family members, regardless of the fact of whether these persons are staying legally or illegally within the territory of a given country. Moreover, the rules contained in this Convention are already extensively reflected in the migration policy within the EU. In this context it should be emphasised that the EU policy distinguishes between the status of third-country nationals residing legally and those who are staying within the territory of the EU Member States illegally.

D. The authorities eligible to act in the cases of discrimination

Ombudsman

44. The Ombudsman is, according to Article 151 a) of the Constitution of the SR, an independent body, who within the scope and in the manner prescribed by law (Act No. 564/2001 Coll., on Ombudsman, as amended) protects the fundamental rights and freedoms of natural persons and legal entities in their proceedings before the public administration authorities and other public authorities, if their actions, decisions, or inaction are in conflict with the law and order. The Ombudsman may submit to the Constitutional Court a motion for the instituting of proceedings, if the generally-binding regulation infringes on the fundamental rights or freedoms granted to a natural person or legal entity. It also conducts independent investigations and publishes reports. In addition to the actions based on the established initiatives, he/she also acts on its own initiative, primarily according to its current priorities.

Slovak National Centre for Human Rights

45. The Slovak National Centre for Human Rights plays a special role in the prevention and elimination of discrimination (hereinafter the “Centre”). The Centre was established by Act No. 308/1993 Coll. of the National Council of the Slovak Republic on the Establishment of the Centre, coming into effect as of January 1, 1994, following an international treaty between the Government of the SR and the United Nations on the establishment of the Centre. Its powers and competencies have been further expanded in the following years to its current level of the protection of human rights and fundamental freedoms.

46. The Centre performs tasks in various fields, in particular:

- a) it monitors and reviews compliance with human rights and compliance with the principle of equal treatment under the Anti-Discrimination Act;
- b) it collects and upon request provides information on racism, xenophobia, and anti-Semitism in the Slovak Republic;
- c) it conducts research and surveys for the provision of information about human rights, and collects and disseminates information in this regard;
- d) it develops educational activities and participates in information campaigns with the aim of increasing the tolerance of society;
- e) it ensures legal aid to victims of discrimination and intolerance;
- f) it provides, upon the request of natural persons or legal entities or upon its own initiative, expert opinions concerning compliance with the principle of equal treatment;
- g) it performs independent surveys concerning discrimination;
- h) it develops and publishes reports and recommendations on the issues related to discrimination.

47. The Centre annually prepares and publishes a report on human rights for the previous calendar year, including the principle of equal treatment in the SR. The Centre is a full member of the Equinet network and functions as the national anti-discrimination body, the “equality body”, in line with European anti-discrimination directives. In this context, it monitors and evaluates compliance with the principle of equal treatment, provides free legal assistance to the victims of discrimination, provides professional opinions, and conducts independent inquiries. It annually publishes a report on its findings and recommendations. It is also authorised, on the request of the party, to represent the party in proceedings in cases related to the violation of the principle of equal treatment, and the State authorities, courts,

prosecutors, and other authorities are obliged to provide to the Centre, upon request, information on compliance with human rights.

Government's Council for Human Rights

48. In 2011, space for the establishment of a new institutional mechanism was created in the form of the Government's Council for Human Rights, National Minorities, and Gender Equality (hereinafter the "Council"), through which the reform of the advisory bodies of the Government of the SR has been completed. According to the adopted Statute, the Council is also a permanent expert and advisory, consulting, coordinating, and consultative body of the Government of the SR in area of the promotion of the principles of equal treatment and the principle of equality, including gender equality. It monitors the national implementation of the international commitments of the Slovak Republic in the field of human rights and obligations stemming from international conventions, including the related Optional Protocols ratified by the Slovak Republic. The Council has established committees, which form its expert bodies.

49. In 2012, by means of an amendment to the Competence Act, the areas of gender equality and equality of opportunities have been vested within the responsibility of the Ministry of Labour, Social Affairs, and Family of the SR (hereinafter "MLSAF"), which it performs in close collaboration with the Ministry of Justice of the SR (hereinafter "MJ SR").

50. Non-governmental organizations and civil society play a crucial role in promoting the prohibition of discrimination and monitoring its compliance. Their role is distinctive not only in terms of education and awareness in this area, but also in the strategic concepts regarding the protection of individuals and groups who are at risk of discrimination.

Article 3: Prohibition of racial segregation and apartheid

51. The SR is party to the International Convention on the Suppression and Punishment of the Crime of Apartheid, which was signed in New York on November 30, 1973. The prohibition of apartheid is regulated in the Criminal Code as a crime of "inhumanity". The Criminal Code incorporates this penal offense from the previous regulation in literal terms, in regard to the description of the actions. This penal offense has a so-called blanket nature, i.e. directly refers to the Rome Statute of the International Criminal Court, which in Article 7 defines the crime of apartheid as a crime against humanity.

Article 4: Legal, administrative, and other measures to eliminate propaganda based on racial superiority, hatred, or discrimination

52. Included among the bodies of the crimes of the Criminal Code that are aimed against the manifestation of racism and racial intolerance are Genocide (Article 418), the supporting and promoting of groups aimed at the suppression of fundamental rights and freedoms (Article 421 and Article 422), the production of extremist materials (Article 422a), the dissemination of extremist materials (Article 422b), the possession of extremist materials (Article 422c), the denial and approval of the Holocaust and crimes of political regimes (Article 422d), the defamation of nation, race, and conviction (Article 423), the incitement to national, racial, and ethnic hatred (Article 424), and the incitement, defamation, and threatening of persons because of their race, nation, nationality, colour of their skin, ethnic group, or origin (Article 424a) and inhumanity (Article 425).

53. In Article 140, the Criminal Code regulates the so-called “specific motive”. A specific motive shall be understood as the committing of a crime, inter alia, with the intention to publicly incite violence or hatred directed against a group of persons or an individual because of their affiliation to a certain race, nation, nationality, colour of skin, ethnicity, origin, gender, or because of their religion, if it is a pretext for threats for the foregoing reasons, or for reasons of national, ethnic, or racial hatred, hatred based on the colour of skin, or hatred based on sexual orientation. The specific motive is identified in various crimes as a basis for the imposition of a higher penal sanction.

54. In 2009, the offenses of extremism have been incorporated in the Law by means of the transposition of the Framework Decision of the Council 2008/913/SVV on combating certain forms and manifestations of racism and xenophobia by means of the criminal law. Aside from this Framework, the penal sanctions in this area also reflect in particular the Convention on the Protection of Human Rights and Fundamental Freedoms and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

55. In 2014, 91 illegal activities related to extremism were registered in the SR. The total numbers also include, besides crimes of extremism, offenses related to extremism.

56. The following Table shows a more detailed overview of the number of persons convicted of extremist crimes according to the type of offense type. In several proceedings included in the first table, the so-called “specific motive” has also been taken into account, in accordance with Article 140 of the Criminal Code (see Art. 53). The number of cases where the “specific motive” has been taken into account is presented in Table 2

Table 1

Articles Specific motive	Number of convictions	Number of criminal acts	Penalties imposed			
			Unconditional custodial sentence	Suspended sentence	Financial penalty	Other penalty
Articles 421, 422 (NCC)	28	30	1	18	4	5
Articles 260, 261 (OCC)	1	1	1	0	0	0
Article 422a (NCC)	0	0	0	0	0	0
Article 422b (NCC)	9	12	1	7	0	1
Article 422c (NCC)	1	5	1	0	0	0
Article 423 (NCC)	1	4	0	1	0	0
Article 198 (OCC)	0	0	0	0	0	0

Article 424 (NCC)	2	3	0	2	0	0
Article 198a (OCC)	0	0	0	0	0	0
Article 424a (NCC)	0	0	0	0	0	0

Table No. 2

Special motive Article 140, letter d	2	2	1	1	0	0
Special motive Article 140, letter f	5	5	0	5	0	0

Explanations of the terms used in the tables:

NCC	Act No. 300/2005 Coll. (Recast Criminal Code)
OCC	Act No. 140/1961 Coll. (Original Criminal Code)
Articles 421, 422 NCC	Corresponds to Articles 260, 261 OCC - Support and Promotion of Groups Aimed at the Suppression of Fundamental Rights and Freedoms
Article 422a	- Production of Extremist Materials
Article 422b	- Dissemination of Extremist Materials
Article 422c	- Possession of Extremist Materials
Article 423 NCC	Corresponds to Article 198 OCC - Defamation of Nation, Race, and Conviction
Article 424 NCC	Corresponds to Article 198a OCC - Incitement to National, Racial and Ethnic Hatred
Article 424a	- Incitement, Defamation and Threats against Persons Because of their Belonging to a Race, Nation, Nationality, Colour, Ethnic Origin, or Gender

57. The Office of the Prosecutor General of the SR regularly submits to the National Council of the SR an annual report on the activities of the Prosecutor's Office. On the basis of evaluating the application of the institute of the expert consultant in criminal proceedings, the need for a more efficient utilisation of this institute has been established, especially in the area of economic crimes. In 2014, the priorities of the Prosecutor's Office activities also included the detection and effective prosecution of the perpetrators of offenses related to fan violence with elements of extremism, to which increased attention is paid in all levels of prosecution (The Instruction of the Prosecutor General No. 2/2014, which regulates the proceedings of prosecutors in charge of dealing with the agenda of racially motivated crimes, crimes of

extremism, and fan violence). The establishing of a prosecutorial specialisation for this type of crime also contributed significantly to the fulfilment of this task.

Article 5: Rights guaranteed by the Convention

A. The right to equal treatment before the courts and all other bodies administering justice

58. Besides the recast of the Civil Procedural Code (see Article 25), the electronisation and computerisation of the judiciary is an important supporting instrument in the addressing of its key issues. With regards to technical measures designed to make the judiciary in the Slovak Republic more efficient, the following projects are being implemented:

1. The electronic case file;
2. The register of bankruptcies;
3. The register of disqualified persons (e.g. prohibiting their activity);
4. The Electronic Collection of Acts;
5. The e-Learning education system (for the courts);
6. The Economic Information System (automation of support processes in the judiciary, in particular regarding budget, accounting, and human resources issues).

59. With regards to the electronisation and computerisation of the judiciary, it is necessary to mention that according to the comparative report, the Slovak Republic is among the countries possessing the best on-line access to court decisions. The Slovak Republic is also well placed in terms of the monitoring of its courts and the availability of evaluations of its courts.

B. Right to personal safety and protection by the State against violence or bodily harm

60. In this area, no significant changes regarding the protection against discrimination occurred during the reporting period.

C. Political rights, in particular the right to vote

61. In this area, no significant changes regarding the protection against discrimination occurred during the reporting period.

D. Other civil rights

Right of residence

62. In this area, no significant changes regarding the protection against discrimination occurred during the reporting period.

Right to leave any country, including a person's own country

63. In this area, no significant changes regarding the protection against discrimination occurred during the reporting period.

Right to citizenship

64. In this area, no significant changes regarding the protection against discrimination occurred during the reporting period.

Right to enter into marriage

65. In this area, no significant changes regarding the protection against discrimination occurred during the reporting period.

Right to own property

66. In this area, no significant changes regarding the protection against discrimination occurred during the reporting period.

Right to inherit

67. In this area, no significant changes regarding the protection against discrimination occurred during the reporting period.

Right to freedom of belief and expression

68. In this area, no significant changes regarding the protection against discrimination occurred during the reporting period.

Right to freedom of assembly and freedom of association

69. In this area, no significant changes regarding the protection against discrimination occurred during the reporting period.

Right to freedom of thought, conscience, and religion

70. In this area, no significant changes regarding the protection against discrimination occurred during the reporting period.

E. Economic, social, and cultural rights

71. In 2015, based on the recommendations of an external evaluation of the Strategy of the SR for the integration of Roma by the year 2020 and tasks arising from the Government Resolution No. 1 of January 11, 2012, the Office of the Plenipotentiary of the Government of the SR for Roma Communities (hereinafter “OPRC”) began to revise its strategy and development of its new action plans. As of December 18, 2014, based on the Provision of the Government Plenipotentiary of SR for Roma Communities No. 6 and subsequently supplemented by the Provision of the Government Plenipotentiary for Roma Communities No. 2 as of February 13, 2015, the Advisory Committee of the Plenipotentiary for Roma Communities has been established for the preparation of a review and updating of the Strategy of the Slovak Republic for Roma integration by 2020, and for the development and implementation of the action plans and their monitoring and evaluation; the Statute has been also issued.

72. In the development of the Action Plan for non-discrimination, the OPRC builds on the revised objectives of the Strategy, the Anti-Discrimination Act, and the Action Plan for the Prevention of Discrimination in All Forms for the period 2016-2018.

73. At the level of priority axis, “the Integration of Marginalised Roma Communities” (MRC) for the programming period 2014-2020 is formed in part by measures including interventions aimed at improving access to health care and public health, including preventive health care, health education, and the improvement of hygienic standards for housing.

74. In the “Call for support of the social and cultural needs and solutions of the extremely unfavourable situation of Roma communities in 2013”, within the activities of “Support for shaping of public opinion, reducing of stereotypes, and prejudices against Roma population”, the project with the title “Reducing stereotypes and prejudices against the Roma population” has been financially supported by an amount of EUR 35,000, which has been provided by the Open Society Foundation. The project is based on the National Strategy for Roma Inclusion in Slovakia by 2020 and focuses on communication and working with public opinion. The strategy outlines several possible approaches aimed at reducing the levels of prejudice in various target groups within Slovak society towards Roma. The main objective of the project is to establish a framework communication strategy for a long-term public educational campaign. The aim of this long-term public campaign is to promote the integration of Roma into society in conjunction with the implementation of the Strategy of the SR for the integration of Roma by 2020.

Right to work

75. The provisions concerning the Elimination of All Forms of Discrimination in the area of employment are also regulated in Act No. 311/2001 Coll. to the Labour Code, as amended, and comprehensively in the Anti-discrimination Act. During the reporting period, no changes concerning racial discrimination have been made to the Labour Code.

Right to form trade unions

76. In this area, no significant changes regarding the protection against discrimination occurred during the reporting period.

Right to housing

77. Housing is recognised as one of the basic human needs, which has to be met at a level adequate to the overall level of socio-economic development of a society. In a market economy, the primary responsibility for the acquisition of private housing is borne by the citizen. However, a prerequisite for the functioning of this principle is the fact that the state has to create suitable conditions for the provision of housing to citizens. Housing is one of the persistent problems for low-income households, as well as households entering the housing market for the first time. It is in the interest of the State to increase the availability of housing for its citizens through economic support instruments.

78. The increased availability and the quality of housing for the citizens of the Slovak Republic is consistently supported by State housing policy, in the form of direct and indirect

support. The main purpose of these instruments is to ensure that suitable conditions exist for all citizens to acquire adequate housing based to their means.

79. None of the current legal regulations in the SR allow for the permission of building construction whose primary purpose would be the segregation of a certain population group. In the event that once construction is completed, it is proven that the existence of this construction demonstrably prevents any group of citizens from exercising their legal rights and freedoms and causes the segregation of any population group, the Slovak legal system allows any harmed citizens to defend their rights by filing a petition to the Prosecutor’s Office or by legal action before the Court. In this manner, the aggrieved party of citizens may demand the elimination of this segregating structure.

80. As of January 7, 2015, the Government of the SR, by means of its Resolution No. 13, adopted the “Concept of the State Housing Policy by 2020” as the State framework document in the area of housing. The concept deals with inter alia, the issue of housing for disadvantaged groups in the housing market and with its solution. In terms of the aforementioned document, the aim of the State is primarily to maintain support for housing development through the provision of subsidies by the Ministry of Transport, Construction, and Regional Development (hereinafter referred to as “MTCRD of the SR”) and soft loans provided by the State Housing Development Fund for the most disadvantaged groups. The other supportive instruments should include a system of transient housing and the introduction of the separate housing allowance.

81. The MTCRD of the SR has provided subsidies for the procurement of rental housing and technical infrastructure in regard to Act No. 443/2010 Coll. on Subsidies for Housing Development and on Social Housing, as amended. The subsidies for the procurement of rental housing are primarily provided by municipalities and towns, where the rental housing may consist of two standards, common and basic, of which basic may also be referred to as “lower standard”. It should be noted that a lower standard does not mean a lower quality of housing; it entails a definition of some basic elements, so that this type of housing will be much more affordable for the intended population groups, compared to the housing of a more common standard. Therefore, for this type of construction, a subsidy of up to 75% of the acquisition costs is provided.

82. As part of the Housing Development Programme, the MTCRD of the SR has provided funding for the construction of rental housing and technical infrastructure for marginalised groups as follows:

Year	Number of rental flats of lower standard	Subsidy granted in EUR
2012	251	3,873,010.00
2013	202	2,836,740.00
2014	103	2,017,490.00

Year	Number of supported flats	The provided subsidy for the construction of technical infrastructure for increasing the social and cultural level
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		of the Roma settlement in EUR
2012	92	227,420.00
2013	0	0.00
2014	66	140,510.00

83. From the point of view of territorial distribution, it can be concluded that the construction of rental flats of a lower standard has been implemented mainly in the areas with the highest concentration of Marginalised Roma Communities, particularly in the regions of Košice, Prešov, and Banská Bystrica.

84. The MTCRD of the SR, within the scope of its responsibility and upon the requests of municipalities, provides subsidies for the development of the spatial planning documentation of the municipalities in accordance with Act No. 226/2011 Coll. on Providing Subsidies for the Development of the Planning Documentation of Municipalities. The applications for subsidies are rated with points according to the criteria set out in the Decree No. 59/2014 Coll. of the MTCRD of the SR, setting forth details for the evaluation criteria and methods for the assessment of applications for subsidies for the development of the planning documentation of municipalities. In the development of the planning documentation of the territorial units, the “Atlas of Roma Communities” is also utilised, which maps settlements in the Slovak Republic with a population belonging to the Marginalised Roma Communities or of Roma nationality. One of the evaluation criterion is the criterion C – Activities of the Municipality in the Area of Regional Development – within which the municipalities, in whose territory the Marginalised Roma Community is located, in accordance with the “Atlas of Roma Communities in Slovakia 2013”, in an urban concentration inside the municipality, or at the outskirts of the municipality or in a segregated concentration, will obtain an increased number of points. The aim of this procedure is to ensure the legalisation of Roma settlements, as the valid planning documentation contributes to the establishment of appropriate infrastructure in these settlements.

Right to health protection, medical care

85. According to Article 11, para.1 and 2 of Act No. 576/2004 Coll. on Health Care, Services Related to Health Care, and on the amending of certain Acts, as amended (hereinafter the “Act No. 576/2004 Coll.”) every person has the right to health care, and this right is guaranteed to every person in accordance with the principle of equal treatment in health care provided by means of a special legal regulation. In accordance with the principle of equal treatment, it is forbidden to discriminate on the grounds of sex, religion or beliefs, marital and family status, colour of the skin, language, political or other beliefs, trade union activity, national or social origin, disability, age, property, clan, or other status.

86. The provision of public health, arising from Act No. 355/2007 Coll. on the Protection, Support, and Development of Public Health and on the amendments to certain Acts, as amended, is aimed at the protection, promotion, and development of the health of all citizens of the SR. The measures and initiatives are aimed at all citizens of the SR without distinction, and the principles of equal treatment and gender equality are applied.

87. Pursuant to the Article 6 of the Act No. 576/2004 Coll., the attending medical professional is obliged to inform the patient of the purpose, nature, consequences, and risks of health care provision, of their choice in proposed procedures, and the risks of refusal of the provision of medical care. The advice should be provided in a comprehensible manner, with due considerateness, without pressure, and with the possibility and sufficient time for the patient's free choice. The provision of health care is made conditional by the informed consent of the patient. The obligation to inform applies, inter alia, to the person to whom the care is to be provided, or to the another person designated by that person or to the legal representative or guardian, if the person to whom the care is to be provided is a minor, a person deprived of legal capacity, or a person with a limited legal capacity. Any person who has the right to give informed consent has the right to freely withdraw their informed consent at any time.

88. In the area of health, the OPRC financially supported the project "Healthy Communities". This is a nationwide project focusing on prevention and education in area of health in Roma communities. The implementation of the project is of particular benefit towards improving the health status of the Roma communities, reducing the epidemiological risks for all population groups, and creating prerequisites for improving school attendance by improving the health conditions of school-age children.

89. The project involved 120 people, including 108 health education assistants in 108 locations, and 12 coordinators. Since January 1, 2014, the number of locations has been increased, with the number of health education assistants and the number of coordinators increasing in proportion to 144 and to 16, respectively. In 2014, for the six-month continuation of the project, a subsidy has been allocated in the full amount from the resources of the Ministry of Interior of the SR, based on an application from December 19, 2013. The total financial subsidy for the project, with a duration lasting until June 30, 2014, amounted to €1,086,909. Following the extension of the project until September 30, 2014, the budget has been increased by €399,804.

90. A part of the project is also monitoring the activities related to the public health conditions in the settlements of the Marginalised Roma Communities (hereinafter "MRC") in relation to the provision and supply of potable water intended for human use, as well as to health promotion activities, increasing of the level of hygiene in the settlements, and access to medical care.

Right to education and training

91. The Ministry of Education, Science, Research, and Sport (hereinafter "MESRaS of the SR") in line with the Programme Declaration of the Government of the SR 2012, the Plan of the Legislative Tasks of the Government of the SR for 2014, and the task B.22. of the Government Resolution No. 638 of November 21, 2012, dealt with the set of planned amendments in line with the new priorities of State education policy, including the innovation of State educational programmes.

92. On March 12, 2015, the National Council of the SR has adopted Act No.61/2015 Coll. on Vocational Education and Training and on the amendments to certain Acts, which entered into force on April 1, 2015. Other major legislative changes relating to racial discrimination in line with the Convention have been implemented through the amendment of 4 Acts, which represent the core of the school educational system in Slovakia in terms of regional education,

namely Act No. 188/2015 Coll., which amends Act No. 245/2008 Coll. on Upbringing and Education (the School Act). Besides the School Act, along with the aforementioned Act the following Acts have also been amended: Act No. 596/2003 Coll. on the State Administration Educational System and School Self-government and on the amendment and supplementing of certain Acts, as amended; Act No. 317/2009 Coll. on the Teaching Staff and Specialists and on amendments to certain Acts, as amended; Act No. 597/2003 Coll. on Financing of Primary Schools, Secondary Schools, and School Facilities, as amended.

93. An important incentive for encouraging the school attendance of children from socially disadvantaged environments is the child allowance, which is provided effective from January 1, 2014 in accordance with Act No. 417/2013 Coll. on Assistance in Material Need and on the amending and supplementing of certain Acts. Its purpose is to promote the education, training, and all-around development of the child, who properly fulfils their compulsory school attendance. The contribution is provided from the beginning of the school year during school hours as well as school holidays. Entitlement to the allowance is ceased if the parent does not care about the proper fulfilment of the compulsory school attendance of the child, or if the child or the parent has imposed educational measures that will not fulfil the necessary purpose.

Right to equal participation in cultural life

94. One of the most important instruments of direct support for the culture and language of national minorities is the Culture of National Minorities subsidy programme (hereinafter referred to as “KNM”) under the auspices of the Government Plenipotentiary for National Minorities. Within this programme, other objectives have also been fulfilled, such as education and training on the rights of national minorities and the promotion of the inter-ethnic and inter-cultural dialogue and understanding between the ethnic majority and ethnic minorities and ethnic groups. In 2013, €4,250,000 has been allocated for the support of the KNM. This amount of funding has been distributed to 1,258 evaluated, approved, and implemented projects. In 2014, the volume of available funds was €3,829,250, with 1,261 projects being supported and implemented. In 2015, the amount of the allocated funds has been increased by €50,000 to €3,879,250.

F. Right of access to all places and use of all services intended for the general public, such as transport, hotels, restaurants, cafés, theatres, and parks.

95. In this area, no significant changes regarding the protection against discrimination occurred during the reporting period.

Article 6: Protection against all acts of racial discrimination

96. In 2013, an amendment to the Anti-Discrimination Act was adopted, which broadened the definition of indirect discrimination to include the threat of discrimination. The definition of the temporary countervailing measures (affirmative action) has been amended to expressly include the removal of disadvantages resulting from discrimination based on the racial or ethnic origin or affiliation to a national minority or ethnic group. The possibility of adopting such measures has spread from State administration to all legal entities such as municipal authorities, schools, civic associations, and commercial enterprises.

Article 7: Measures implemented in the areas of teaching, education, culture, and information to combat prejudice leading to racial discrimination

A. Education

97. The State Education Programme (hereinafter the “SEP”) is a binding document that sets out the general objectives of education and the core competencies to which the education shall be directed. It defines the framework curriculum and is the basis for the development of the School Education Programme, in which the specific conditions and needs of the region are taken into account.

The mandatory part of the curriculum involves cross-subject topics. These can be implemented in various forms, as an integral part of the content within the educational fields and appropriate teaching subjects, or as separate teaching subjects in the context of extended school hours and also in the form of specific projects suitable for the form. The selection of the method and time for the implementation of a cross-subject topic is the responsibility of each school.

98. Multicultural education is also one of the compulsory cross-subject topics. Between 2011 and 2012, the objectives and content of multicultural education have been developed and approved by the SEN ISCED level 0 and ISCED level 1 for all levels of education.

99. The National Institute for Education has developed the topic of human rights in detail within the educational documentation of the SEP for elementary and secondary schools. Within the educational documentation of the SET, including in the subjects of Slovak Language and Literature, Hungarian Language and Literature, Ukrainian Language and Literature, Ruthenian Language and Literature, Roma Language and Literature, and the curriculum for the children of migrants, the idea of human rights is constantly present, primarily at the objective level, regardless of whether they are objectives of the teaching subject or the educational field. Within these objectives, the mentioned topic is usually formulated explicitly, taking into account the specific group of human rights which are directly related to the language or cultural identity, and to the acceptance of cultural and language diversity as well.

100. From 2005 to 2014, the MESRaS of the SR has implemented the “Plan for Human Rights Education in the education sector for 2005-2014, focusing on the regional education system”. This plan has been designed so that institutional-provided upbringing and human rights education, within the scope of regional education and in terms of the competencies of the MESRaS of the SR and its directly-managed organisations, has been ensured, with links to its monitoring – including feedback on its implementation. The tasks were focused on the legislation, the content of the upbringing-educational process, the continual education of teaching staff, the issuing of methodological materials and textbooks, and other related activities.

101. In September 2015, the MESRaS of the SR, in cooperation with the National Institute for Education, the Methodology and Educational Centre, the National Institute of Vocational Training, the Centre of Scientific and Technical Information, the Research Institute of Child Psychology and Pathopsychology, the State School Inspection, the IUVENTA, and with the involvement of independent experts, has prepared the “Analysis of the current conditions in the upbringing and education to human rights in the regional education system” after the

implementation of the PEHR programme from the period of 2005 - 2014. The basis of the analysis concerns the results of the monitoring and evaluation of human rights in formal education in the regional education system in the context of the performed works and provision of the system, but also the results from the non-formal education of children and youth outside of school and the family.

102. Due to the constant changes through which extremist organizations undergo, the Ministry of Interior of the SR in the past had started to implement a number of educational activities intended for the members of the Police Force, with the aim of providing them with updated information and knowledge on this subject. In 2013, for this purpose the specialised training course on the issue of extremism has been accredited, through which more than 50 members of the Police Force has completed so far. In order to provide up-to-date information on extremist groups for a broader scope of members of the PF, in 2013, the Ministry of Interior of the SR issued the publication “The symbolism of extremist groups”, containing information about the most common symbols that such groups use, as well as on the procedures that are essential for compliance with their criminal legal prosecution. Due to great interest in this publication outside of the Police Force of the SR, its reissue is currently being prepared in an updated and extended edition.

B. Culture

103. On September 1, 2015, Act No. 189/2015 Coll. on Cultural and Educational Activities came into force, in which Article 2 defines a cultural-edification activity as an activity that contributes to the respect of human rights and the diversity of cultural expressions, to the forming of a cultural way of life, and to an increase in the cultural and educational level of the citizens of the SR. This provision also includes the protection and promotion of cultural rights, as well as the diversity of cultural expressions and their values at the national, regional, and local levels, and especially the principle of equal respect for all cultures and the principle of fair access and ensuring the availability of cultural rights. A part of the cultural and educational activities, in accordance with Article 2, para. 2, letter f), is also the prevention of negative social phenomena, which includes the general primary prevention undertaken mainly through non-formal education also focused, inter alia, on the field of the prevention of all forms of intolerance and violence, including extremism. The new law on cultural and educational activity defines and strengthens the correlation between cultural and educational activities and universal human rights, which thus far had been missing in the legislation.

104. The subsidy programme of the Government Office of the SR, named the “Culture of National Minorities 2014”, financially supported the publication of a journal with the title “Romane nevipena”, the publisher of which is the OPRC, in the total amount of EUR 30,000. The aim of the journal is to raise awareness for the towns and municipalities, as well as for the assisting professions (e.g. assistants of teachers, field social workers, community workers, health education assistants, officer-specialists, etc.) who participate in projects aimed at improving the situation of the Roma communities in Slovakia. The publishing of this journal was further continued in 2015. The costs of publishing are paid from the budget of the OPRC. The magazine is published in printed form and distributed to the regions through the regional directorates of the PF to the District Police Directorates, and also to the urban and municipal authorities (mainly those included in the Atlas of Roma Communities, 2013), to the higher territorial units, and also to the community centres, all through the regional offices of the OPRC.

105. For 2015, the Ministry of Culture of the SR has issued a call for applications for subsidies from the grant programme “Culture of disadvantaged groups of population”, which serves as an instrument for the support of the equal treatment and equal opportunities in the field of culture and promotes cultural activities focused on the prevention and elimination of xenophobia, discrimination, and all forms of violence and intolerance, in order to strengthen respect for the various forms of otherness, social cohesion, and intercultural dialogue. Within the scope of this subsidy programme, there is room for the support of projects aimed at improving access to culture for people living in the MRC and for refugees. In this area, intercultural events are supported and primarily directed at the target group of children.

106. In 2013, through this programme, eight projects intended for the MRC have been supported in the amount of EUR 23,000. In 2014, 11 projects intended for the MRC have been supported in the amount of EUR 29,100, and 3 projects for the promotion of intercultural dialogue have been supported in the amount of EUR 12,000. In 2015, 14 projects intended for the MRC in the amount of EUR 28,800, and 4 projects in the amount of EUR 11,000 aimed at promoting intercultural dialogue and promoting the integration of migrants, have been supported.

107. Within the Slovak National Museum, specialised documentation departments exist to focus on the history and culture of the national minorities living in Slovakia: Museum of Czech Culture in Slovakia in Martin, Museum of Croatian Culture in Slovakia in Bratislava, Museum of Carpathian Germans in Bratislava, Museum of Hungarian Culture in Slovakia in Bratislava, Museum of Roma Culture in Slovakia in Martin, Museum of Ruthenian Culture in Prešov, Museum of Ukrainian Culture in Svidník, Museum of Jewish Culture in Bratislava.

108. The Museum of the Slovak National Uprising in Banská Bystrica, with regard to the continual education of teachers – particularly teachers of history, civics, social studies, and ethics – implements the accredited educational programme titled “the Ethnic cleansing, genocides, racial intolerance in history”, which not only offers new expertise in addressing the Jewish issue in Slovakia from 1939 - 1945, the solution of the Jewish issue in Europe during the Second World War, and the persecution of Roma in Slovakia, but also reflects on contemporary manifestations of racism, xenophobia, and neo-Nazism.

109. Within the Operational Programme of Society Information, the Documentary and Information Centre on Roma Culture has been established in the State Scientific Library in Prešov. Since 2015, the results of this project have been presented on the web portal <http://www.portalsvk.sk/rom/>. In the State Scientific Library in Košice, the specialised ROMANO database is housed, which is accessible on-line and is where contacts to other institutions dedicated to the Roma community can be found. The database captures information from all disciplines, legislative regulations and directives, and organisational, socio-political, and cultural activities of the community, including the prevention of discrimination and racism. The database is formed by records from the periodic press, including journal articles and newspaper prints, but also studies from anthologies. Currently, this database contains more than 6,500 records; annual growth is about 500 new records.

III. Information on the implementation of the recommendations of the Committee on the Elimination of Racial Discrimination to the ninth and tenth periodic reports of the SR

Recommendation No. 5: Referring to the revised guidelines for reporting (CERD/C/2007/1 of 13 June 2008) the Committee notes that data broken down by ethnicity or national origin within the socio-economic and cultural status of different groups are useful instruments of the Party for the improvement of the equal exercise of all rights enshrined in the Convention. The Committee requests that the Party include in its next periodic report the results of the aforementioned project, namely information on the living conditions of the Roma community, as well as the socio-economic status of other minorities. The Committee also recommends that the Party shall address the high proportion of unspecified individuals within its population and to revive the activities related to the collection of data with the aim of obtaining accurate information on all ethnic groups living in Slovakia.

110. The indication of nationality in the census shall be carried out on the basis of the individual convictions of census respondents. The data on the counts of various nationalities living in Slovakia are updated annually. In this context, it should be noted that the identification of nationality or ethnic group is categorised by class within the complete statistical survey of the population, and thus the survey may report on demographic statistics. In this case, only the classification of nationality is surveyed by gender and by age.

111. In the case of the survey on the socioeconomic status of the population, where data aggregation by nationality is also possible, this survey is carried out within the context of the periodical census, which is conducted regularly every 10 years. The most recent census, during which the socio-economic indicators of national minorities and ethnic groups were generated, was held in 2011, the results of which are shown in the tables annexed to this report.

112. The “Atlas of Roma Communities” project has been implemented in 2013 by the UN Development Programme (UNDP) in collaboration with the Institute of Roma Studies of the University of Prešov, the Office of the Government Plenipotentiary for the Roma Community (OPRC), and the Association of Slovakia’s Towns and Municipalities. The project was part of a joint UNDP and Ministry of Labour, Social Affairs, and Family programme designed to monitor the living conditions of the Roma population. It is a specific methodological contribution by the Slovak Republic to the European debate on obtaining sociological information and data about the lives of the socially excluded Roma population and the determinants of their marginalisation. It collects data through the application of the method of socio-graphic, territorial mapping of Roma settlements. In the “Atlas of Roma communities in Slovakia 2013”, 1,070 municipalities have been identified with Roma settlements where approximately 402,840 members of the Roma community live, which is 7.45% of the national population. Most Roma residents are scattered among the majority population – an estimated 187,305 inhabitants – which is 46.5% of the total estimated number of Roma in the municipalities that were included in the survey. The second largest group is the residents of the Roma settlement on the outskirts of the municipalities, which is estimated to be 95,020 individuals (23.6% of the total estimated number of Roma in the municipalities included in the Atlas). The number of residents in segregated settlements amounted to 73,920, which constitutes 18.4% of the total estimated Roma population. The fewest number live in Roma settlements within a municipality, which according to estimates is 46,496 Roma residents and

constitutes 11.5% of the total estimated Roma population in municipalities that were included in the Atlas.

113. Based on the Atlas of Roma Communities in Slovakia 2013, the list of cities and municipalities with settlements of MRC with the worst situational poverty and social exclusion has been created, to which resources will be directed from the Structural and Investment Funds of the programming period 2014-2020, aimed at improving the situation of these communities.

114. In 2015, the Government Plenipotentiary for Roma Communities published “The measure of the Plenipotentiary for Roma Communities”, which establishes the guidance document “Monitoring and evaluation of the strategy of the Slovak Republic for Roma integration by 2020”. It is based on a set of indicators processed by the EU Agency for Fundamental Rights (hereinafter “FRA”). The FRA, as a body authorised by the European Commission to develop a consistent set of indicators for the purposes of monitoring the progress of the implementation of national strategies, has developed a framework of indicators in cooperation with EU member states within the functioning of the working group on Roma integration indicators (Working Party on Roma Integration Indicators).

115. By regularly monitoring selected indicators of the results and impacts, it is ensured that the upcoming national project “Monitoring and evaluation of policies aimed at the social inclusion of marginalised Roma population - NP MaH NRIS” will provide a regular, standardised collection of data in the environment of the MRC utilising different methods and practices, including standardised statistical surveys. This ensures a connection to the monitoring framework at the level of European Union – Slovakia’s commitment in line with the Council Recommendation of December 9, 2013 on Effective Measures for the Integration of the Roma Population in Member States (OJ EU C 378, 24/12/2013 p. 1) – and Conclusions of the Council – the EU Framework for the National Strategies of Roma Integration) 2020, (OJ EU C 258, 02/09/2011, p.1). The FRA, within the functioning of the Working Party, has drawn up for this purpose a uniform set of indicators for monitoring the progress of the implementation of national strategies. This set of indicators will be supplemented with strategic indicators of the updated strategy.

116. The thematic quality reports will improve the process of surveying the quality of life of the Roma population in Slovakia; they will provide more thorough knowledge on the situation of the Roma population, creating the capacity to respond to the identified problems and deficiencies. The data system will be supplemented with data that cannot be covered by quantitative methods. Analytical reports, as well as specialised and thematic surveys/studies, are among the planned activities which are part of the forthcoming 7-year national project “Monitoring and evaluation of policies aimed at social inclusion of Marginalised Roma Population - NP MaH NRIS”, with a planned implementation start in November, 2015.

117. The external evaluation of the implementation of this national project, to be conducted by independent evaluators in conjunction with the balanced participation of Roma NGOs, will provide an element of objective comparison that is independent of the state administration.

Recommendation No. 6: The Committee recommends that the State Party shall adopt effective measures to prosecute hate crimes in an effective manner in order to discourage racist and extremist organisations. In accordance with its General Recommendation No. 15 (1993) on

organised violence based on ethnic origin, the Committee calls the State Party for Vigilance and Readiness to proceed as quickly as possible against such organisations, claiming their criminality and prosecuting the financing of and participating in their activities. The Committee urges the State Party to address the gap in legislation through amendments to prohibit and prevent the activities of extremist organisations by dissolving them and, if necessary, pronouncing them illegal. The Committee reiterates its request that the State Party shall provide current statistical data on the number, nature of hate crimes, prosecutions and penalties imposed on the offenders, broken down by the age, gender, and nationality or ethnicity of victims and their compensation.

118. With regard to the legislation on extremism, the Penal Code and the Code of Criminal Procedure have been amended by Act No. No. 204/2013 Coll. This amendment extends the possibility of using an agent, as well as the possibility for the interception and recording of telecommunications traffic, to the crime of extremism. It also regulates the investigation of an offense of extremism, stating that it may also be conducted through the hearing officer of the Police Force. Article 140 of the Penal Code has been amended to include an extra motive of national, ethnic, or racial hatred, hatred based on skin colour, hatred based on sexual orientation, or of a sexual motive.

119. Through Act No. 1/2014 Coll. on Organising Public Sport Events, an amendment to the Act No. 372/1990 Coll. on Misdemeanours has been adopted, which introduces the misdemeanours of extremism. The hearing of these misdemeanours has been vested within the authorities of the Police Force. The purpose of this amendment was to also allow the prosecution of less socially-severe forms of actions with a racist or extremist context, which were not previously possible to prosecute until this amendment, as they did not reach the level of severity required for a criminal offense.

120. Statistical data based on the “national or ethnic affiliation” indicator for suspects or accused persons cannot be provided due to national legislation on the protection of personal data, according to which the processing of personal data revealing racial or ethnic origin is prohibited.

121. In addition to the personal information and other data being recorded and processed in relation to the convicted offender in the system of criminality, additional data – particularly gender, nationality, ethnicity, age, etc. – are processed, but only in accordance with the Anti-Discrimination Act. More detailed data on the number of persons convicted for committing extremist crimes in 2014, together with the data required by the Committee, are provided in the following Table.

Y 2014 - Breakdown of the CONVICTED						Injured persons			
Article s	Citizenship	Nationality	Gender	Age					
421, 422 NTZ	24 SK	24 Slovak	26 men	1x	18				
	1 CZ	x	2 women	1x	20				
	1 HU	x		5x	21				
	1 HR	x		1x	22				
					3x	23			
					2x	24			
					3x	25			
					1x	27			
					2x	28			
					1x	29			
					1x	32			
					2x	35			
					2x	40			
					1x	41			
					1x	49			
				1x	55				
260, 261 STZ	1 SK	Slovak	man		35				
422b NTZ	9x SK	7x Slovak	9x man	1x	16				
		2x Hungarian		1x	19				
				1x	20				
				1x	24				
				1x	25				
				1x	28				
				1x	29				
				1x	36				
				1x	41				
422c NTZ	1 SK	Slovak	man		33				
423 NTZ	1 SK	Slovak	man		35				
424 NTZ	2 SK	2x Slovak	x man	1x	21	1x man	age 23	nationality Slovak	
				1x	26	1x boy	age 17	nationality Slovak	
specific motive 140, letter d	2 SK	2x Slovak	2x man	1x	19	1x man	age 21	nationality Slovak	
specific motive 140, letter f	5x SK	5x Slovak	5x man	2x	21	3x man	age 39	nationality Czech	
				1x	23	3x woman	age 36	nationality Slovak	
				1x	24				
				1x	27				

Explanation of terms used in the table below:

NCC Act No. 300/2005 Coll. (Re-codified Criminal Code)

OCC Act No. 140/1961 Coll. (Original Criminal Code)

Articles 421, 422 of the NCC

Corresponds to Articles 260, 261 of the OCC - Support and Promotion of Groups Aimed at the Suppression of Fundamental Rights and Freedoms

Article 422a - Production of Extremist Materials

Article 422b - Dissemination of Extremist Materials

Article 422c - Possession of Extremist Materials

Article 423 of the NCC Corresponds to the Article 198 of the OCC - Defamation of Nation, Race, and Beliefs

Article 424 of the NCC Corresponds to Article 198a of the OCC - Incitement to National, Racial, and Ethnic Hatred

Article 424a - Incitement, Defamation and Threatening to Persons Because of their Affiliation to Race, Nation, Nationality, Colour of Skin, Ethnic Origin, or Gender.

Recommendation. No. 7: In terms of its General Recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and operation of the criminal justice

system, the Committee recommends that the Party shall fully implement an anti-discrimination law and disseminate to the public, especially among minorities, information relating to all legal remedies in the cases of racial discrimination. The Committee encourages the Party to address the problem of lengthy court proceedings for victims of racial discrimination by ensuring, inter alia, that the said amendment to the law on legal aid would facilitate their access to justice and the courts would apply the principle of reversed burden of proof in civil proceedings in accordance with Article 11 of the Anti-discrimination Act. Finally, the Committee requests that the Party carry out a thorough analysis of the low number of complaints and take particular measures to address the problem, including the organisation of training on non-discrimination for police officers and judges, focusing on the implementation of the Convention and the Anti-Discrimination Law in the courts. It calls for the Party to include such information in its next periodic report.

122. The insufficient implementation of the principle of the reversal of the burden of proof in the past has been addressed by the express reference to the procedural provisions of the Anti-Discrimination Act. The new Civil Procedure Code has enshrined provisions of this Code so that in matters of anti-discrimination disputes, these provisions shall apply unless otherwise stipulated by the Anti-Discrimination Act.

123. One of the main reasons for the low number of proceedings related to infringements of the principle of equal treatment is the limited opportunity, or limited percentage of successful claims, for the compensation of non-pecuniary damage as the means of compensation for victims of discrimination, as well as the lack of effective and dissuasive sanctions. Therefore, the Ministry of Justice of the SR, together with MLSAF of the SR, submits a draft Action Plan for the prevention of all forms of discrimination, which foresees an amendment to the Anti-Discrimination Act aiming to streamline and support its implementation by 2017. At the same time, this document envisages the training of judges, court officials, and prosecutors, as well as identifying lecturers on topics of non-discrimination.

124. Lengthy court proceedings are not only creating problems in cases of racial discrimination. The SR constantly takes measures to streamline its legal proceedings. A monitoring system for the decisions of the Constitutional Court has been introduced, which was used to declare the excessive length of the proceedings and ordered the Court to act without further delay. In this project, the Constitutional Court and several other authorities committed to common action to eliminate these delays. The Constitutional Court maintains the register of cases in which proceedings are unduly long and are still pending before the courts of general jurisdiction. These cases are then monitored by the Ministry of Justice and by court presidents. Disciplinary proceedings may be initiated. The Constitutional Court is informed at regular intervals on the status of the proceedings in question.

125. Within the performance of tasks of the Concept on combating extremism for the period of 2011-2014, police officers were regularly retrained in human rights as well as in the implementation of the Anti-Discrimination Act. The concept is expanding training opportunities related to the issues of extremism and racial discrimination. All police officers, who during the course of their service come into contact with criminal acts of extremism, are continually trained in the identification of extremist groups and their impact on society as well as in the search for and investigation of these criminal activities.

Recommendation. No. 8: In accordance with its General Recommendations No. 7 (1985) on legislation for the elimination of racial discrimination, No. 15 (1993) on organised violence based on ethnicity, and No. 30 (2004) on discrimination against foreign nationals, the Committee recommends that the Party shall identify the individuals or groups inciting racial hatred against minorities and foreigners, and shall investigate and impose appropriate penalties for the hate speech of politicians, government officials, and employees of the media. The Committee urges the Party to take the necessary measures to promote tolerance, intercultural dialogue, and respect for diversity, especially targeted at journalists.

126. The Police Corps in the evaluated period has intensified its activities in the prevention of violence against Roma, Jews, and migrants coming from outside of the EU, which have been proven also by the close monitoring of public meetings that were convened by persons from the “nationalist” environment. At each public meeting, a police coordinating body has been convened, in which city representatives who have been informed also participated, to determine when and under what legal conditions would the public meeting in question will be dissolved.

127. For the elimination of extremism crimes, the Concept for combating extremism for the period of 2011-2014 has been developed, which effectively coordinated the flow of information from the various involved ministries towards the Police Corps, has created conditions for informing civil servants as well as the general public about the issues of the dangerous impact of extremism on society and facilitates the search and sanction of various racist and extremist statements in the mass media. The setup tasks also continue into the new Concept for combating extremism for the period of 2015-2019, which should be more effective in avoiding the effects of extremism and racism in society, while raising awareness for the manifestations and social importance of extremism and the consequences of radicalisation is one of its priorities. Within this priority, the Ministry of Interior of the SR is planning to implement a comprehensive public campaign aimed at explaining the positives and the values of democracy, in opposition to authoritarian and totalitarian ideologies. The campaign will be a strategic communication tool on the given topic, and it relies on the active participation of various target groups, including journalists.

128. In order to streamline the identification of individuals or groups inciting racial hatred against minorities and foreigners in the Slovak Republic, several campaigns and projects have been supported, within which the forms and the types of hateful speech were clearly specified. One example is the project “nehejtuj.sk”, which was also joined by the Ministry of Interior of the SR and aims at impacting learning through both fact-based and emotional learning. The output of this project has been 12 media films, each of which represents one of the themes of hatred. The benefit of this project is its active implementation, both by government and non-government subjects, as well as by media celebrities (actors and writers), who became the victim of hate expressions. In 2013 and 2014, the Ministry of Interior actively participated in the Europe-wide campaign “beznavisti.sk” aimed at raising public awareness on the issue of hate expression, especially on the Internet. Since the identified hate expressions should be further procedurally processed, the Slovak Republic fully supports the Europe-wide free telephone line 116 111, as well as the online chat available at the web page “pomoc.sk”, where such cases may be reported. Subsequently, such cases become relevant suggestions for review from a criminal justice point of view.

129. The Ministry of Education, Science, Research, and Sport of the Slovak Republic (hereinafter referred to as the “MESRaS”) dealt with several tasks mainly arising from the Concept for combating extremism for the period 2011-2014, and in 2014 provided e-learning training for employees of the Ministry and the organisations it oversees in the area of combating extremism and racial discrimination. The MESRaS of the SR in 2014 has continued to support the project of the Methodological and Pedagogical Centre – the regional office in Prešov for the prevention of risk behaviours and adverse socio-pathological phenomena and the promotion of safety in schools.

130. The Methodological and Pedagogical Centre (hereinafter referred to as the “MPC”) expands awareness for human rights issues and the prevention of extremist manifestations through a curriculum in accredited educational programmes (the “AVP”) focused on civics and ethical education. The MPC, through the AVP, focuses on educating through providing content on human rights, civil rights, and children’s rights, social and civic competencies, and creating a sense of anti-discrimination, diversity, and equal treatment. The MPC has 16 accredited training programmes on this subject. In 2014, the total number of participants in these programmes was 1305, with a total of 1239 graduates. In 2014, additional education programmes on this subject have been accredited, namely “Human rights and their implementation experience at grammar schools” and “Formation of the legal consciousness of educators.”

131. On May 17, 2013 the SR officially joined the campaign “No hate on the Internet”. At the initiative of the Council of Europe, the National Campaign Committee has been established. Committee members are representatives of governmental and non-governmental organisations.

Recommendation No. 9: The Committee reiterates its recommendation that the Party shall establish an independent monitoring mechanism for the investigation of crimes involving police officers. In terms of its General Recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, the Committee urges the Party to adopt immediate measures for the effective investigation of reported hate crimes and to ensure the investigation of all crimes committed on racial grounds in accordance with the national legislation and the Convention, taking into account the seriousness of such offenses. The Committee requests the Party provide information on the number of complaints of the ill-treatment of persons affiliated with minority groups filed against the police, and also information on the results of the investigation of those complaints and proceedings conducted at the criminal and disciplinary levels.

132. The Department of Control and Inspection Service of the Ministry of Interior of the Slovak Republic is a separate unit of the Ministry of Interior, independent of the management and police structure, which carries out its tasks in the field of Control and Inspection Service, which is a sponsor of internal control systems, as well as the handling and investigation of complaints and petitions in the competence of the Ministry of Interior and in the field of inspection services. It detects, documents, and investigates the crimes of the Police Corps members. In this context, within the meaning of Article 10 para. 3 of Act No. 9/2010 Coll. on Complaints as amended by Act No. 289/2012 Coll., the annual report on the handling of complaints and petitions within the powers of the Ministry of Interior must be submitted. However, the statistics referred to in this report, in accordance with Act No. 122/2013 Coll. on the Protection of Personal Data, which prohibits the processing of personal data revealing

racial or ethnic origin, political views, religious belief or world-view, membership in political parties or political movements, trade union membership, and data concerning health or sex life, do not provide information on the number of complaints of the ill-treatment of persons affiliated with minority groups brought against the police officers.

133. In the field of the Inspection Service, the investigator, as the body of preliminary proceedings, does not provide justice, but rather only detects and secures the evidence on which the independent court may make its decision. The procedures of the investigator are overseen by the prosecutor, who is provided, by means of Article 30 of the Criminal Procedure, with sufficient resources and instruments to ensure effective corrections in the procedures of the investigating officer, or to carry out the investigation. The fact that the Prosecutor's Office is a constitutional body provided with a high degree of autonomy and the effective tools for overseeing compliance with the law in the carrying out of an investigation is sufficient to guarantee the compliance of the preliminary proceedings with the law as the basis for the decision of an independent and impartial court.

Recommendation. 10: The Committee urges the Party to increase its efforts to combat discrimination against Roma. In terms of its General Recommendation No. 32 (2009) on the meaning and scope of special measures in the International Convention on the Elimination of Racial Discrimination and the General Recommendation No. 27 (2000) on discrimination against Roma, the Committee recommends that the Party should use the information on the living conditions of the Roma, which will soon be published, in order to ensure the development and implementation of urgent temporary countervailing measures to promote the economic, social, and cultural rights of Roma on the basis of need and in consultation with them. In this context, the Committee also recommends that the Party shall promptly implement the amendment to the Antidiscrimination Act in force as of April 1, 2013 and regulating special measures for the most discriminated-against and disadvantaged groups. The Committee further requests that the Party takes the necessary measures to achieve the objective of providing information on the number of Roma in the Police Corps and in local elected bodies in its next report.

134. In order to support the implementation of the amendments to the Anti-Discrimination Act, which deals inter alia with more opportunities for adopting temporary countervailing measures, the Ministry of Justice of the SR together with the NGO "Centre for Research of Ethnicity and Culture" published a manual entitled "Adoption of temporary countervailing measures based on ethnicity, nationality, gender, or family in Slovakia", which, in addition to its theoretical discussion, explains the nature of the measures and provides guidance for the adoption of such measures, as well as examples of good practices in the SR.

135. The current practice may serve, based on the legislative process taking place during 2013 and 2014 concerning of the amendment of Act No. 526/2010 Coll. on the Granting of Subsidies within the Powers of the Ministry of Interior, as an example of the effective implementation of the EU Anti-discrimination acts, not only in the area of EU anti-discrimination directives but also with regard to the implementation of the anti-discrimination provisions of other EU legislative acts, namely by means of the Act amending and supplementing Act No. 575/2001 Coll. on the Organisation of government Activities and the Organization of Central State Administration, as amended, which further amends and supplements certain acts. In cooperation with the Ministry of Interior, Act No. 287/2012 Coll. has been adopted through the legislative process of the National Council of the Slovak

Republic, through which the provisions of Act No. 526/2010 Coll. have been amended in 22 points by means of Article VI. The Act, which came into force on October 1, 2012, meets the objectives of anti-discrimination measures in the field of countervailing measures (undoubtedly subsidies), as defined in the National Strategy of the Slovak Republic as well as in other integration documents. In its text, the requirements arising from the Directive of the European Parliament and Council EC No. 2009/72/ of July 13, 2009 on Common Rules for the Internal Market with Electricity have also been incorporated, repealing Directive 2003/54/EC (OJ of The EU L 211, 14. 8. 2009) concerning the provision of the necessary supply of energy to vulnerable customers in the process.

136. In the process of preparing the new programming period of 2014-2020, the Office of the Plenipotentiary for Roma Communities as a strategic partner and the coordinator of policies for the integration of Roma asserted that one of the supported activities in the multi-fund Operational Human Resources Programme will be to cooperate with employers and implement temporary countervailing measures, such as Roma employment in the civil and public services at local and national levels. This intervention will be financed by the European Social Fund, from the priority axis of the Integration of Marginalised Roma Communities (MRC) for Administration, for which the Intermediate Body of the Ministry of Interior is responsible for the Operational Human Resources Programme.

137. An important tool to address the multidimensional disadvantaged position of the MRC is field social work in the municipalities and community centres. The aim of both instruments is to promote the integration of vulnerable groups, including the MRC, into the society; in particular, to ensure access to quality pre-school and school education, to employment, housing, and health care. Through the definition of community centres in Act No. 448/2008 Coll. on Social Services and on the amendment and supplementing of Act No. 455/1991 Coll. on Small Businesses, as amended, these centres serve as one of the social service facilities for crisis intervention, the legal framework for their operation has been established, the content of their activities has been unified, and the efficiency of work aimed at this target group has increased.

138. National field social work projects are currently implemented in more than 292 locations in various municipalities. The number of field social workers and their assistants is currently about 895, and the number of clients to whom the services of field social work are provided have exceeded 88,500.

139. Since January 2014, the operation of community centres is provided through the national “Community Centres” project. Its aim is to promote social inclusion and positive changes in communities, with a particular emphasis on the MRC, through the development of community works in the individual community centres. The Implementing Agency of the MLSAF of the SR, which implements the national Community Centres project, currently registers 229 applications for support of community centres; contracts for a total of 169 community centres have been concluded.

Recommendation No. 11: The Committee recommends the Party strengthen the provisions of the Strategy for the Integration of Roma until 2020 and a revised National Action Plan for the Decade of Roma Inclusion and to ensure their effective implementation. For this purpose it urges the Party to:

- a) in terms of the Committee General Recommendation No. 27 (2000) on discrimination against Roma to take all necessary measures to eliminate the practice of the segregation of Roma children in the school system and to ensure equal opportunities to access quality education;*
- b) provide ways and means for the elimination of the over-representation of Roma pupils in special needs classes and special needs schools by addressing the substance of this practice and integrate them into mainstream education; in addition to organising trainings for teachers and social workers on the rights of Roma, to increase human and financial resources for the education of the Roma people;*
- c) take measures for the implementation of the effective application of the Education and Anti-discrimination Acts, including their dissemination in schools and other preventive measures to end de facto segregation in education;*
- d) ensure that the compulsory pre-school education will be carried out in a way that removes inequalities between children from marginalised groups and the majority population in order to prevent future segregation in education.*

140. The system of state social support, which represents a set of single and multiple state social benefits by which the state financially contributes to parents for expenses related to child care, and also the system of assistance in material need, which serves as a safety net for people with low or absent income, form the basis of the civic principle. According to the legislation in force, individual state social benefits, as well as benefits for material need and allowances for benefits for material need, are provided to all citizens under the same conditions and to the same extent. In the provision of state social benefits and in providing assistance for material need, each individual is treated equally regardless of their race, colour, descent, and national or ethnic origin, as well as irrespective of their religion or beliefs, political affiliation, disability, age, etc.

141. The MSRDaS of the SR, among other amendments to the legislation, has prepared a draft amendment to the Education Act, which is published in the Collection of Acts under No. 188/2015 Coll. The aim of the amendment is, by further legislative measures with regard to segregation and discrimination, to achieve such an application of the Act that does not permit the replacement of special educational needs based on health disability with special educational needs arising solely from a socially disadvantaged background. This is because the development of children from socially disadvantaged (hereinafter “SDE”) backgrounds does not automatically mean a health disadvantage, which plays a decisive role in the placement of a child or pupil in a special needs school or a special needs class. This means an improvement in the educational situation of pupils from an SDE, a significant proportion of which is represented by children from the MRC.

142. The amendment to the Education Act stipulates that a child or pupil whose special educational needs are based solely from its development in an SDE, cannot be admitted to a special needs school or special needs kindergarten class, a special needs primary school class, or to special needs secondary school class. In practice, this means that the reason for the admission to a special needs school cannot solely consist of an origin from an SDE.

143. Similarly, the Act explicitly and directly stipulates the inclusion of children and pupils from an SDE into classes with other children and pupils. The amendment to the Education Act also regulates the operation of a specialised class, which is meant for pupils who could not manage their education in the relevant year, allowing them to be “taught up” and to “catch

up” their missing knowledge. Pupils are assigned to this class based on the proposal of the class teacher, after obtaining the opinion of educational counsellor and with the consent of the parents (guardian), maximally for a period of one year.

144. For a given school year, pedagogical and organisational instructions, first starting in the 2012/2013 school year, require the consistent application of the prohibition of all forms of discrimination and segregation and request the elimination of undesirable phenomena such as the spatial, organisational, physical, and symbolic exclusion or segregation of Roma children and pupils from other children and pupils due to their ethnicity.

145. Among other measures for the consistent application of the integration of pupils from an SDE into normal primary school classes, the MSRDaS of the SR in 2013 has issued the departmental regulation entitled “Procedures of the Centres for Pedagogical and Psychological Counselling and prevention in assessing of the educational abilities of children from the SDE and for their inclusion in elementary school”.

146. In 2013, the Office of the Plenipotentiary for Roma Communities has allocated, following the call for applications for the granting of subsidies and within the powers of the Ministry of Interior of the SR, funds in the total amount of EUR 1,200,005 to support the social and cultural needs and the solving of the extremely unfavourable situation of the Roma community. Under the section “Support for education and training”, support was primarily focused on projects intended to strengthen early childhood education and create the optimum conditions for the successful integration of children, especially from within the MRC into mainstream education. The call also includes support for after-school activities that develop the talent of Roma children and youth. The aim of this support was to improve the supporting educational programmes, educational programmes themselves, and institutes and processes positively influencing the improvement of the knowledge and education levels of Roma communities, ensuring equal opportunities for them, and leading to their access to further education and the labour market. 28 projects have been supported with a total allocation of EUR 645,735, under which EUR 399,000 has been allocated for the remodelling and construction of 7 new kindergartens, thus increasing the capacity of kindergartens for children from MRC and ensuring better teaching support for entering conventional primary schools.

147. In the previous period, several conceptual and legislative solutions aimed at helping to improve the situation of students from marginalised groups were elaborated, such as free pre-primary education from the age of five; a year zero for primary schools; specialised classes in primary schools – including a compensation and development programme; assistant teachers; an allowance for pupils from an SDE; subsidies for food and school supplies; benefits in material need to meet the necessary basic living conditions of a child, if such child fulfils their compulsory school attendance, etc.

148. In order to ensure the availability of pre-school education for all children, the MLSAF of the SR, through the subsidy programme, continues to support the children who attend kindergarten or elementary school and fulfil their compulsory school attendance requirements.

149. According to Act No. 544/2010 Coll. on Subsidies within the Powers of the MLSAF of the SR, as amended, a subsidy may be granted for the support of an education in eating habits of a child at risk of social exclusion, and a subsidy for the support of the school performance

of a child at risk of social exclusion. This subsidy may be provided for the provision of lunch and other meals in the kindergarten and in the elementary school. The subsidy is provided for each day in which the child attends the educational process in the kindergarten or primary school and collects their food. The subsidy is provided for a child in an amount up to EUR 1 per single eating day.

150. The subsidy supporting the education of a child at risk of social exclusion through school performance may be granted to cover the school supplies needed for the preparation for education and education in kindergarten, or the preparation for teaching and for teaching in a primary school. For the purposes of the subsidies for school supplies, the following shall be deemed as necessary individual aids: workbooks, pens, and textbooks. The subsidy is provided in a given financial year up to a maximum amount of €33.20 per child.

151. In addition, the MSRDaS of the SR provides school founders a contribution for the improvement of conditions for the education of pupils from an SDE in accordance with Article 4e para. 1 of Act No. 597/2003 Coll. on the Financing of Primary Schools, Secondary Schools, and School Facilities, as amended. The allowance for pupils from an SDE is provided according to the number of pupils who are receiving subsidies for supporting the school performance of a child at risk of social exclusion and subsidies to promote education on the eating habits of a child at risk of social exclusion, where the average monthly family income for the last six consecutive months did not exceed the subsistence minimum pursuant to special regulations.

2014 In 2014, the amount of contributions for one pupil from an SDE was €102.5.			
School	Number of schools with pupils from an SDE	Number of students from an SDE in these schools	Amount of contribution in EUR
Elementary School	1,691	59,284	6,077,038
Special Needs Elementary Schools	190	7,959	815,847
Total	1,881	67,243	6,892,885

2015 In 2015, the amount of contributions for one pupil from an SDE was €106.			
School	Number of schools with pupils from an SDE	Number of students from an SDE in these schools	Amount of contribution in EUR
Elementary School	1,680	55,778	5,912,468
Special Needs	188	7,491	794,046

Elementary Schools			
Total	1,868	63,269	6,706,514

152. Since 2012, the MSRDaS of the SR has issued a call for development projects – “Supporting the development of a positive social climate and motivation in multicultural classes in primary schools”, as well as “Supporting the education and training of pupils from an SDE in primary schools.” The priority support areas include activities contributing to the elevation of socially disadvantaged pupils and ensuring equal opportunities in practice that are in support of the interest of pupils from an SDE in education.

Year	Number of supported development projects in Primary schools	Amount
2012	23	€60,500
2013	16	€52,437
2014	21	€50,000
2015	20	€50,000

153. The MSRDaS of the SR also decided on the implementation of the national project “Education of teaching staffs leading to the inclusion of Marginalised Roma Communities” from the European Social Fund – Operational Programme Education, the implementation of which started on October 1, 2011. The project involves 200 primary schools where 400 positions for teaching assistants have been created. The project includes an inclusive pedagogical school model with a full-day education system, which involves the creation of a school educational programme oriented towards working with pupils from an SDE. The teaching staff at all participating schools have been trained in the specifics of working with pupils from an SDE.

154. Another national project – the “Inclusive model of education in the pre-primary level of education” – was implemented from February 2013 to November 2015. The project involves 110 kindergartens, where 163 positions for teaching assistants have been created. The overall support within this project is oriented towards kindergartens attended by children from the MRC. The individual project activities are intended for the teaching staff, professional staff, children, parents of these children, and the staff of the state and local administrations. 163 teaching assistants in 110 kindergartens are employed through this project.

155. After a positive experience in the implementation of the two above national projects, the “National project PRINED - PProject of INclusive Education” has been created for the promotion of inclusive education, which has been implemented in 50 kindergartens and 100 primary schools. The project includes support for an all-day educational system focused on reducing the number of children assigned to special needs schools and special needs classes, on improving the educational process, and improving the quality of teachers’ work by creating positions for professionals such as school special education teachers, social educators, school psychologists, therapeutic pedagogues, and teaching assistants. The aim of the project is to significantly support inclusive environments in kindergartens and primary schools in order to prevent the unjustified assignment of pupils to the system of special needs education. This project improves the quality of the diagnostic process in kindergartens through acceleration programmes. Inclusion teams are created in primary schools in order to

acquire professional competencies and the foster the development of the specific educational needs of pupils from the MRC. This project employs 200 teaching assistants in 100 primary schools and 50 teacher's assistants in 50 kindergartens.

156. In 2014, the Office of the Plenipotentiary for Roma Communities, based on the call for the submission of applications for the granting of subsidies, and within the powers of the Ministry of Interior of the SR, in order to support social and cultural needs and solving of particularly difficult situations of the Roma community in the area of maintenance, repair, remodelling, and project documentation of the kindergartens and primary schools, material equipment and furnishing of interiors for kindergartens and primary schools and support of missionary work in the MRC, has allocated funds in the amount of € 428,000 .

157. By means of the judgment of the District Court in Prešov, it was decided that the elementary school and kindergarten in Šarišské Michaľany committed an unlawful act of discrimination by creating Roma-only classes. The court ordered the school to remedy this situation and to create a mixed class. On the basis of that decision, the school started active steps for remedying the aforementioned unlawful situation. In addressing the issue, the school has intensively cooperated with the civic association EduRoma. The school gradually eliminated its segregation, which has also been confirmed as of August 30, 2015 by representatives from the aforementioned civic association.

158. Through the amendment to the Education Act, effective as of September 1, 2015, the state controls the mechanism over the activities of educational counselling and preventative school facilities, and allows the relevant bodies to revise the diagnostic procedures and proposals for assigning a child or pupil to a particular form of education and training. It allows the State Schools Inspectorate to regard a serious deficiency in the activities of a special needs educational facility or school educational counselling and preventative facility, as well as e.g. the provision of an incorrect diagnosis, which is essential for the proper placement of a child into an education level according to his/her special educational needs.

159. For 2015, the MSRDaS of the SR has allocated funds to subsidise the additional building, construction, and remodelling of premises for the needs of kindergartens and school dining facilities at these kindergartens. The aim is to contribute to the expansion of each kindergarten's capacities, and gradually by 2020 to reach 95% participation rates for children aged 4-5 years in pre-primary education in kindergartens.

160. In January 2015, the subsidy has been received by 113 applicants, among which an amount of €9.5 million is to be distributed. Of this amount, €9,000,000 is allocated for capital expenditures and €500,000 for current expenses. In July 2015, the subsidy has been received by 78 applicants, for whom the amount of €5,000,000 will be distributed. Of this amount, €4,750,000 is allocated for capital expenditures and €250, 000 for current expenses.

161. The Office of the Plenipotentiary for Roma Communities, in partnership with the Institute for Good Governance, the Roma Education Fund, and in collaboration with the Jameel Poverty Action Lab, has implemented the project "Investment in early childhood - support for the social innovation and integration of the Roma population" between December 2012 and the end of 2014, which is funded by the European grant programme "PROGRESS". The project verifies the work application procedures for Roma mothers, which led to increased positive interactions within families and between families and the kindergarten, i.e.

the focus of the project reflects a strategic measure in the area of education to support kindergartens in the implementation of programmes targeted at improving cooperation with the parents of Roma children and engaging teaching assistants in kindergartens. The implementation of the project was conducted in 21 locations within the territorial authority of the Bratislava, Banská Bystrica, Prešov, and Košice regions. The project involved 315 Roma mothers and 525 children ages 3 to 6 who had not attended pre-primary education facilities.

162. The specific measures and activities proposed by the Office of the Plenipotentiary for Roma Communities in the Operational Programme “Human Resources” for the period of 2014-2020 primarily focused at the level of priority axes on the integration of Roma communities and funded from the ESF and ERDF, represents a contribution to achieving the greatest involvement of children aged 3 to 6 from an SDE in pre-primary education in kindergartens. The target localities are municipalities with an MRC presence, as identified by the updated Atlas of Roma Communities (2013). The proposal for targeted measures with an emphasis on the support of pre-primary education has to be implemented through a national project, as well as through demand-oriented Calls.

Recommendation No. 12: In terms of its General Recommendation No. 27 (2000) on discrimination against Roma, the Committee recommends that the Party:

- a) shall effectively implement the revised National Action Plan and Strategy for Roma integration by ensuring the right to adequate housing for Roma without discrimination and segregation with regard to the importance of this right for exercising other rights enshrined in the Convention, in particular the right to health, education, and employment;*
- b) shall ensure the involvement of Roma and associations that represent them, along with the rest of the population, in the projects of construction, remodelling, and maintenance of the housing; shall promote intercultural dialogue aimed at tackling the deep-seated mistrust manifested in the construction of anti-Roma walls;*
- c) shall ensure that all efforts to promote access to adequate housing and the improvement of the living conditions of Roma will be carried out together with the Roma and their organisations, and that increased efforts are directed towards the elimination of housing segregation, taking into account the General Recommendation of the Committee No. 19 (1995) on racial segregation and apartheid;*
- d) shall cease the forced evictions and demolitions of Roma settlements without prior notice; if such demolitions are necessary, provide Roma residents with adequate alternative solutions for housing and, in its next periodic report, incorporate information on measures taken to address the situation of the Roma population in Plavecký Štvrtok.*

163. The Office of the Plenipotentiary for Roma Communities within its field of competence continues to work with the central government authorities on systemic legal regulations in this area. The aforementioned system of legal regulations is still in development, as demonstrated by the proposed new wording of the Building Act, the approval process of which, unfortunately, has been stopped in its final stage. However, a positive side to the development of this proposal and the entire legislative process has been the drawing of attention to the necessity of defining the concept of public interest in relation to addressing the housing of marginalised communities, according to which, in an extreme case, it will be possible to apply the instrument of expropriation for the purpose of legalising the urban settlements of the MRC, as well as starting a system for the preferential allocation of subsidies for the

development of land use plans for the municipalities with sites populated by the MRC. With regard to the legalisation of these settlements, which have been incorporated into the territorial structures of municipalities, it would be realistic, in terms of the current Building Act, to institute the subsequent legalisation of the buildings that meet (possibly after undergoing the necessary modifications) basic standards for housing, whereas the assessment regime according to the Building Act would not be subject to construction built before 1976, when the current Building Code first became effective.

164. In this system of legislation, Act no. 443/2010 Coll. on the Subsidy for Housing and the Development of Social Housing as amended by Act no. 134/2013 Coll. has an important role. The Code defines the scope, conditions, and modalities of funding in the form of subsidies for housing development (the “Subsidy”), both in the second part of the definition of social housing. The Act establishes as one of the purposes of these subsidies the acquisition of a rental flat for the purpose of social housing, and also regulates the provision of subsidies for the procurement of technical infrastructure and subsidies for the removal of systemic defects in an apartment building. Applicants for the subsidy may be: a) municipality – in the capital of Slovakia, Bratislava, and the city of Košice, they may also be a city district; b) higher territorial unit; c) housing co-operative; d) an administrator of a residential building; e) an association of owners of apartments and business premises; or f) non-profit organisation providing generally beneficial services to ensure the housing management, maintenance, and renewal of housing stock (hereinafter referred to as “non-profit organisation”), whose founder or one of the founders is a municipality or higher territorial unit, if their deposit accounts for at least 51% of the assets of the non-profit organisation and they are represented by more than half of the members in the governing board of the non-profit organisation.

165. The subsidy for the procurement of the rental flat for social housing or for the removal of the system deficiency may be granted to the municipality or non-profit organisation, if the programme for the development of municipality housing or the programme of economic and social development of the municipality has been approved, which also includes a part on housing development. According to Article 21 para. 1 of the aforementioned Act, social housing is housing procured with the use of public funds intended for the appropriate and humanly-decent housing of individuals who cannot obtain housing through their own efforts and meet the conditions of this Act. Social housing is also housing or accommodation funded with the use of public funds and provided in accordance with special regulations. This special regulation is Act No. 448/2008 Coll. on social Services and on the amending and supplementing of Act No. 455/1991 Coll. on Trades (Trade Act), as amended, which regulates e.g. emergency housing facilities, half-way houses, and similar options. According to Article 29 para. 2 of Act No. 448/2008 Coll., if it is necessary to protect the life and health of the individual in an unfavourable social situation because of the danger imposed by the behaviour of other individuals, or if he/she has become a victim of the behaviour of other individuals, the confidentiality of the emergency housing location of his/her accommodation and his/her anonymity are ensured.

166. The mentioned system of generally binding legal norms is also the instrument for the ensuring of alternative solutions, the consistent use of which eliminates the risk of starting the procedure of forced evictions in cases where the threat of a substitute enforcement order is imminent, either due to a building erected without a building permit where additional permission is not possible, or in cases where the party of a rental relationship is unable to fulfil the obligations resulting from the terms of the tenancy due to his/her status.

167. Based on previous experience with the construction of municipal rental housing of a lower standard, the Office of the Plenipotentiary for Roma Communities (OPRC) set the conditions for the implementation of the pilot programme “Self-help housing construction projects for rental houses”. The programme became part of the Call for Support for the social and cultural needs of Roma communities, which has been issued by the Office of the Plenipotentiary for Roma Communities in 2013. The results of this pilot programme will be used to set the methodology necessary for the construction of rental housing and for the assessment of the effectiveness of the project, and will be extended into problem localities by means of drawing financial support from the funds of the EU Programming period 2014 - 2020.

168. The aim of initiating self-help construction is to encourage the greater participation of Roma themselves in the remodelling of Roma settlements, which also has the effect of reducing the financial costs of project implementation. Another positive result is expected as the Roma themselves obtain working skills, increasing their potential success in the labour market. The Roma involved in this project will use these constructed homes for 10 years as tenants. This form of housing thus prevents any subsequent sales, and moreover, may not be subject to execution.

169. Within Priority Axis 5 of the Operational Human Resources Programme for the programming period 2014-2020, the specific objective 5.1.3 “To promote access to health care and public health, including preventive healthcare, health education, and the improvement of hygienic living standards”, the programme aims at achieving higher standards of hygiene for the marginalised Roma settlements, and a reduction in the number of illegal dwellings characteristic of extremely low levels of hygienic standards will be supported by also providing assistance to municipalities with an MRC presence aimed to foster measures of settling-up the lands.

170. The focus of the Working Group has been aimed at the issue of land settlement for a pilot project for settling-up the lands; the group itself is composed of representatives from the OPRC, the Ministry of Agriculture of the SR, State Forests of the SR, and the Slovak Land Fund. The Working Group has been established within the initiative supported by the grant scheme of the OPRC 2014, and its aim is to settle ownership to lands in the “Roma settlement” in the municipality of Krásnohorské Podhradie.

171. A difficult situation also persists in the municipality of Plavecký Štvrtok. In this case, in addition to the issue of unsettled ownership of lands and buildings constructed without a building permit, there is a collision of the protection zones where construction activity is limited. In the individual case of the homebuilder, the OPRC filed on June 1, 2015 a motion for review, outside the appeals proceedings, of the decision issued by the building authority – the municipality of Plavecký Štvrtok, No. A/2012/00609-A/2013/00138 issued on February 18, 2013 – and at the same time filed a suggestion to the competent department of the Prosecution Office according to Act No. 153/2001 Coll. So far, this procedure has not been successful. In this case, the OPRC cooperates with relevant law firm representing the builder and also with the NGO „Člověk v tísní Slovensko“ (“People in Need Slovakia”).

172. In 2015 the OPRC also filed the motion at the District Office in Bratislava for a review of the performance of the delegated State administration by the municipality of Plavecký Štvrtok as the Building Authority in all procedures aimed at eliminating the MRC buildings in

Plavecký Štvrtok. It also contacted via a similar request for cooperation the Ministry of Transport, Construction, and Regional Development of the Slovak Republic.

173. The OPRC also continued in negotiations in 2015 with the municipality in order to ensure a substitute solution for ensuring the right to housing for members of the MRC living in the municipality Plavecký Štvrtok, where it asserts the condition that an alternative solution may not have separate consequences. Within the entire system of the protection of the housing rights of Roma living in Plavecký Štvrtok, the OPRC also operated with the extensive instruments of the international conventions and rulings of the European Court of Human Rights. The OPRC always provided the municipality with comprehensive assistance in a constitutionally-conforming solution for the collision of fundamental rights in the process of ensuring the right to housing for Roma living in the municipality. However, the aforementioned procedures of the OPRC have not yet yielded the expected response from the municipality.

Recommendation. No. 13: The Committee recommends that the Party shall fully implement the recent decision of the European Court of Human Rights and ensure the full redress and indemnification of victims of this practice. The Committee urges the Party to thoroughly investigate all cases of the forced sterilisation of Roma women and prosecute those responsible. Taking into account the General Recommendation No. 25 (2000) on racial discrimination and the gender dimension, the Committee encourages the Party to take appropriate measures, including the implementation of the resolution of 2012 applied to cases of the illegal sterilisation of women and the organisation of special training for healthcare professionals on obtaining informed consent before performing sterilisation and on the sensitisation of the medical staff about the diversity of the Roma community.

174. The Slovak Republic fully implements the decisions of the European Court of Human Rights relating to cases of the forced sterilisation of Roma women, with the enforcement of judgments in these cases monitored by the Committee of Ministers of the Council of Europe. In this context, it is necessary to point out the report of the Commissioner for Human Rights of the Council of Europe of March 2006, and the judgment of the European Court of Human Rights in the case of V.C. versus the Slovak Republic, in which the court concluded a violation of the Convention on the grounds that the applicant's consent to the surgery could not be deemed to be informed according to European standards, and at that relevant time there were serious deficiencies in the legal regulations, as well as during the performance of sterilisations under that legislation, that have a particular impact on the female members of the Roma ethnic group. He stressed that there is no evidence that the doctors acted in bad faith in the performance of the applicant's sterilisation or that their behaviour was intentionally racially motivated or that the sterilisation was in fact part of a widely-organised policy.

175. Similarly, in the case of I. G., M. K., and R. H. versus the SR, infringement of Article 3 of the European Convention on Human Rights has been found, where it was not proven that this was an organised policy or that the behaviour of the medical personnel was racially motivated.

176. Specifically with reference to the judgments of the European Court of Human Rights, it is necessary to state the reminder that cases of the sterilisation of Roma women without their full and informed consent were not part of a broader, racially-motivated practice. In this respect, it is also necessary to mention the relevant part of the report of the Commissioner for

Human Rights of the Council of Europe on the Slovak Republic from March 29, 2006 (CommDH (2006) 5), according to which the allegations of the forced and coerced sterilisation of women of Roma origin in Slovakia were assessed as a potentially serious violation of human rights, and therefore the Slovak government has taken them very seriously. Considerable effort has been made to ensure their thorough investigation.

177. Beyond the criminal investigation, professional medical inspection from institutions providing medical care was established and the expert opinion of the Medical Faculty of Comenius University in Bratislava has been requested. It has not been confirmed that the government of the SR has supported an organised, discriminatory sterilisation policy. The government adopted legislative and practical measures to remove administrative deficiencies identified during the investigation and in order to prevent the occurrence of similar situations in the future.

178. Following the report of the Commissioner for Human Rights of the Council of Europe, published on December 20, 2011 for the purpose of meeting the basic human rights documents and consistent practices by healthcare institutions in performing sterilisations, the Ministry of Health has prepared a draft of a proposed law amending Act No. 576/2004 Coll. on Healthcare, Services Related to Healthcare, and on the amending and supplementing of certain acts as amended. The amendment was published in the Collection of Laws under number 41/2013 Coll., and came into force on April 1, 2013. The amendment regulated the enabling provision for the issuance of generally binding regulations stipulating the details of the procedures for creating conditions guaranteeing the provision of informed consent to perform sterilisations, in compliance with the guidelines adopted by the International Obstetric and Gynaecological Federation and with models of informed consent in the state language and languages of the national minorities.

179. The Ministry of Health of the Slovak Republic has developed a generally binding regulation “Decree No. 56” of the Ministry of Health, issued on October 23, 2013, that entered into force on April 1, 2014. The Decree stipulates details on advice, which precedes the informed consent taken before performing the sterilisation of a person, and the models of informed consent before performing the sterilisation of persons in the state language and the languages of the national minorities.

180. The interdisciplinary aspects of the issues of the negative consequences of forced sterilisation are reflected in the curriculum of the medical education of all students in full-time and external forms of study, by which they acquire the professional ability to perform professional work activities in the individual medical professions in line with Government Regulation No. 296/2012 Coll. on Professional Competence for the Performance of the Medical Profession, the Method of the Further Education of Health Professionals, the System of Specialisation Fields, and the System of Certified Professional Activities.

181. Since 2013, the European Court of Human Rights has been presented with only one case on this subject, namely the case of Z.K. versus the Slovak Republic. The ECHR rejected the complaint as manifestly unfounded, finding that the complainant did not substantiate her claims of treatment incompatible with Article 3 of the Convention from the side of the hospital staff of the defendant (the State) by means of reasonable evidence, and that there was no indication of the disregard of any procedural obligation that may arise to the national

authorities in relation to the circumstances of such a case. It also rejected the claims of discrimination as manifestly unfounded.

182. State authorities do not have available information on new motions in relation to the problem of the sterilisation of Roma women without their free and informed consent. It can be concluded that the issue of the sterilisation of Roma women, as follows from the information on the evaluation of Slovakia in the 2nd round of the Universal Periodic Review of the UN Human Rights Council, has been also closed at the level of international forums.

Recommendation. No. 14: The Committee recommends that the Party shall continue to organise training in human rights, with the aim to promote the awareness of tolerance, interethnic dialogue, and harmony focused mainly to law enforcement authorities, judges, teachers, medical personnel, and social workers.

183. In the context of the further training of the Police Corps members, the issue of the Convention is also taught within the accredited training courses for police officers. In this context, the advanced course for members of the Police Corps may be mentioned, focusing on the performance of service in the Roma community, that is aimed to inform participants of the characteristics of the Roma community, the specifics of offenses perpetrated by the Roma community and against the Roma community, about the tactics of the police actions in the Roma community, and the specifics of service performance in the Roma community, with an emphasis on the respect for fundamental human rights and freedoms. The lecturers of this training course are selected members of Police Corps, selected personnel from the Department of Crime Prevention of the Office of the Minister of Interior, OPRC staff, and selected personnel from the State administration and local government. All members of the Police Corps who are appointed to the positions of senior officers for work in the Roma communities, shall complete this course. Currently, a total of 267 members of the Police Corps have been appointed to such positions. As other examples of training courses, the education of members of the Police Corps may be mentioned in the fields of extremism, racism, intolerance, xenophobia, anti-Semitism, and aggressive nationalism, for members of the criminal police service, or the advanced course for members of the Police Corps who will be appointed to the anti-conflict team of the Police Corps.

184. Eliminating the symptoms of discrimination, violence, racism, and intolerance is one of the general objectives of all of the educational curricula of the secondary professional schools of the Police Corps, including basic and specialised police training as well. The topic of racial discrimination is incorporated in the school education programmes of post-secondary qualification and advanced studies and is taught at the secondary professional schools of the Police Corps.

185. During the accredited special project called the “Training of trainers”, police officers from various operational units are also trained in raising awareness for human rights by personnel from the Slovak National Centre for Human Rights. The role of the trainees in this training is to further train the subordinated units in the field of extremism, as well as in the field of respect for human rights.

186. In the context of university studies, the Academy of the Police Force in Bratislava, as part of its teaching and research activities, pays attention to the issue of racial discrimination, racially motivated crime, and the manifestation of extremism, with an emphasis on the

acceptance of anti-discrimination approaches. Examples of subjects that devote their attention to racial discrimination may include: Constitutional Law of the Slovak Republic, Human Rights, Protection of Human rights, Police Force and Human rights, Criminology, and others.

187. The Police Academy in Bratislava, within the implementation of the Concept of combating extremism, participates in the training of members of the Police Corps in terms of the accredited educational programme the “Training of members of Police Corps on the issue of extremism, racism, intolerance, xenophobia, anti-Semitism, and aggressive nationalism,” which is implemented by the Department of Extremism and Fan Violence of the Criminal Police Bureau of the Presidium of the Police Corps. Focus is placed on the legal aspects of right-wing extremism and the criminality of symbols and manifestations of right-wing extremism. In the context of its scientific and research activities, the personnel of the Department of Criminal Police are currently processing a scientific and research project on this subject entitled the “Role of the Police in the system of protection of victims of criminal activities in the communities”. In order to increase the level of professional expertise of the personnel in the detection and investigation of hate crimes committed, employees of the Department of Criminal Police of the Academy of the Police Force in Bratislava successfully completed the course for the trainers of trainers “Training of Trainers, Training Against Hate Crimes for Law Enforcement (TAHCLE)” held on July 22-24, 2015 in Warsaw under the umbrella of the OSCE, and the knowledge gained will be further applied to the educational process.

188. The education of judges, court officials, and prosecutors is provided by an independent institution established by law: the Judicial Academy. The Judicial Academy, within the framework of its activities, permanently addresses the issue of respect for fundamental human rights and freedoms, whether in the framework of activities falling within the area of the cultivation of judge’s and prosecutor’s personality, as well as within the framework of professional seminars whose topics in most cases also relate to the issue of respect for fundamental human rights and freedoms, or lawful interference with these rights and freedoms, in respect to the proceedings of public or judiciary authorities, as well as tasks stemming from the National Action Plans.

189. The largest portion of the training events organised in collaboration with the Ministry of Justice, specifically within the Office of the Deputy of the Slovak Republic before the European Court of Human Rights, is dedicated to the case laws of the European Court of Human Rights for both the civil and the criminal sections of the judiciary. Since 2013, the special seminar has been organised with the topic of “Victims of crimes, violence against women, children, and other objects of offenses”. Educational events on the topic of human rights and non-discrimination are also organised abroad in cooperation with foreign Judicial Academies.

190. Trainings and workshops on topics aimed at sensitising and promoting the reduction of discrimination, as part of the National Project “Social work in the municipalities”, have been held for the coordinators of field social work, for the field social workers, and for their assistants; e.g. “Hate crimes in vulnerable communities”, “Temporary countervailing measures and non-discrimination”, “Support for the elimination and prevention of violence against women”, “Introduction to the subject - other minorities – LGBT”, “Prevention of human trafficking”, and “Prevention of human trafficking with a focus on youth”. In 2014 and

2015, a total of 454 coordinators of field social work, field social workers, and their assistants took part in the mentioned educational activities within the framework of the national project.

191. In 2015, the OPRC in cooperation with the Council of Europe held two national workshops on the topic of non-discrimination towards Roma. On September 22-23, 2015 the National Seminar for lawyers on non-discrimination towards Roma was held, focusing on the housing rights of the Roma communities, which took place in Piešťany. On September 22-23, 2015 the National Seminar for police officers on anti-discrimination towards Roma was held, focusing on the ethical dimension and the particularities of police interventions in Roma communities, which took place in Bratislava.

192. Raising awareness for human rights and the Convention is, pursuant to Government Regulation No. 296/2012 Coll. on Professional Competence for the Performance of the Medical Profession and the Methods of the Further Training of Medical Professionals, is reflected in the curriculum of the medical education of all students in full-time and external forms of studies, through which they acquire the professional competence to perform their professional work activities. Systematic attention is also paid to the topic in question within studies for a qualification specialty, as well as within studies aimed at the management and organisation of medical services – titled Master of Public Health.

Recommendation No. 15: The Committee recommends, referring to its general recommendation No. 17 (1993) on the establishment of national institutions in order to facilitate the implementation of the Convention, that the Party strengthens the independence and mandate of the SNCHR and provides it with financial and personnel resources necessary to combat discrimination. The Committee encourages the Party to ensure that the SNCHR will be able to operate in accordance with the Paris Principles, and will be successful in its application for accreditation.

193. The Slovak National Centre for Human Rights has applied for accreditation in March 2014 and received a B status – partially compliant with the Paris Principles (UN GA Resolution 48/134). The Accreditation Commission raised a number of deficiencies, on which on-going professional discussions are held with representatives of the Centre and civil society. The Ministry of Justice has been assigned the task by the government to prepare an amendment to the Act on the Centre by June 2016 that will take into account several objections of the Accreditation Commission. A lasting obstacle to this reform process is the lack of funds, which are currently provided through subsidies from the state budget by the Ministry of Finance of the SR.

Recommendation. 16: The Committee recommends that the Party shall take effective measures to implement the Convention and shall ensure that the principle of autonomy of local and regional authorities should not impede international human rights commitments in support of the economic, social, and cultural rights of disadvantaged or discriminated groups, as set out in the Convention. The Committee reiterates its recommendation that the Party shall implement the recommendations on the notifications pursuant to the Article 14 of the Convention, in particular regarding the situation in Dobšiná and provide updated information in its next periodic report.

194. In terms of relations between the State administration and local self-government, the so-called separated model of public administration has existed in Slovakia since 1990. The

principle of the autonomy of municipalities and higher territorial units in areas defined by law is enshrined in the Constitution of the SR, in Article 67, according to which the State may intervene in the activities of municipalities and higher territorial units only in the manner prescribed by the law, where the obligations and restrictions in the exercise of self-government may be imposed on the municipality and the higher territorial unit only by law and under an international treaty pursuant to the Article 7 para. 5 of the Constitution of the SR. The State authorities are not entitled to determine the methods of application of legislation in the performance of self-governing competencies and competencies of the higher territorial units. The legal regulation which establishes the autonomy of municipalities and the higher territorial units to the extent provided by law is consistent, inter alia, with the European Charter of local self-government.

195. The towns and municipalities regulate procedures and legal relations in the provision of social housing in the form of generally binding legal regulations issued pursuant to Article 6, para. 1 of Act No. 369/1990 Coll. on Municipalities, as amended. These generally binding regulations must not be in conflict with the Constitution, constitutional laws, acts, and international treaties approved by the National Council of the Slovak Republic and which were ratified and promulgated in the manner prescribed by law. In these generally binding regulations on the provision of municipal/city housing, especially flats and social housing, the municipalities transpose, in the case of housing built on the basis of a subsidy provided according to Act No. 443/2010 Coll., provisions of Article 22, under which the eligible person for the provision of social housing in the apartment is a person living in the household, with a monthly household income maximally of three times the minimum subsistence level, or a person living in a household with a monthly household income not exceeding the amount of four times the subsistence minimum, if a member of the household is a person with a severe disability or it is a household of a single parent with a dependent child, or at least one member of the household is providing health care, social, and generally beneficial community services in education, culture, and the protection of municipality residents.

196. In the field of socially excluded groups, at the regional directorates of the Police Corps the position of senior officer for work in the communities is established. The largest numbers of these members of the Police Corps work at the Regional Police Directorates in Košice, Prešov, and Banská Bystrica. Based on regular analyses of the security situation in socially excluded groups, the number of these officers is gradually increasing. Currently, 267 tabular positions of senior officers for work in communities in the territory of the Slovak Republic are systemised. They individually manage and organise activities relating to the guidance of interactions between the Police Corps and the Roma minority community; perform patrol service in the territorial part of the district with a higher concentration of citizens from the Roma minority communities; carry out patrol service; carry out activities in the field of legal education and crime prevention with a focus on the intended target population; cooperate with field social workers and community centres, NGOs and interest groups, legal and natural persons dealing with the problems of the Roma minority communities, as well as with representatives of the Roma minority communities. The real work of these officers is so diverse and demanding that it covers the full range of police and non-police activities. The activities of senior officers for community work are focused mainly on preventive actions in their assigned communities, and their primary role is to develop relations with the Roma people, as well as with all relevant institutions. The activity of senior officers for community work lies also in solving various problems in their assigned communities and helping to improve the security situation.

197. The OPRC has established five regional offices (Banská Bystrica, Rimavská Sobota, Prešov, Spišská Nová Ves, and Košice). The staff of the regional offices, inter alia, meets with representatives of local self-government and non-governmental organisations and consults regarding their planned intentions and projects aimed at improving the situation for Roma in Slovakia.

Recommendation. No. 17: Taking into account the indivisibility of human rights, the Committee urges the Party to consider the ratification of the international human rights treaties that have not been ratified yet, in particular the treaties containing provisions directly relevant to the communities that may be exposed to racial discrimination, e.g. the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their families.

198. See Articles 40-43.

Recommendation. No. 18: In terms of the General Recommendation No. 33 (2009) on the follow-up measures of the Durban Review Conference, the Committee recommends that the Party shall, at the implementation of the Convention into the national legislation, adopt the Durban Declaration and Programme of Action adopted in September 2001 at the World Conference against Racism, Racial Discrimination, Xenophobia, and Related Intolerance, taking into account the Outcome document of the Durban Review Conference, held in Geneva in April 2009. The Committee requests that the Party includes in its next periodic report information on action plans and other measures taken to implement the Durban Declaration and the Action plan.

199. The Ministry of Interior of the SR shall, by the end of 2015, prepare a draft of the Action Plan for the prevention and elimination of racism, xenophobia, and other forms of intolerance. This action plan will also be the fulfilment of Slovakia's commitments arising from the Durban Declaration and the Action Plan adopted in September 2001 at the World Conference against Racism, Racial Discrimination, and Xenophobia. The Draft Action plan will be based on the annex to the National Strategy for the protection and promotion of human rights, entitled the "Prevention and elimination of racism, xenophobia, and other forms of intolerance" as prepared and approved by the Committee for the prevention of racism, xenophobia, anti-Semitism, and other forms of intolerance.

Recommendation. No. 19: The Committee recommends that the Party shall continue in its consultations and extend its dialogue with civil society organisations working in the field of human rights protection, in particular in combating racial discrimination, when preparing its next periodic report and adopting follow-up measures to the final recommendations.

200. At the implementation of these Recommendations, the Slovak Republic considers cooperation within the framework of the Government Council for Human Rights, National Minorities, and Gender Equality as a suitable platform. The Government Council is the main advisory body to the Government of the Slovak Republic for the human rights agenda, comprised of representatives from the government and non-government sectors. The coordination of national human rights policies belongs to the Minister of Justice as the Chairman of the Government Council, while the area of implementation of these policies are responsibilities of individual government departments.

Recommendation. No. 20: The Committee recommends that the Party make available to the public reports at the time of their submission, and makes public the Opinion of the Committee in the state or other commonly used languages.

201. The periodic reports of the SR to the Convention on Human Rights are published on the website of the MFEA of the SR in Slovak and English languages. The periodic reports are also published on the website of the Office of the Government of the SR in the section dealing with the government sessions immediately as they are approved by the Government of the SR.

Recommendation. No. 21: Noting that the Party submitted the Core Document in 2002 (HRI/CORE/1/Add.120), the Committee encourages the Party to submit the updated Core Document in accordance with the harmonised guidelines on reporting to the international human rights treaties, in particular those relating to the common Core Document adopted at the fifth meeting of the bodies established by the Treaties on Human Rights, held in June 2006 (HRI/GEN.2/Rev.6, chap. I).

202. The Core Document has been updated on behalf of the SR and submitted to the HRC in 2014. It was published on March 12, 2014 as document number HRI/CORE/SVK/2014.

Recommendation. No. 22: According to the Article 9 para. 1 of the Convention and Rule 65 of the revised Committee Rules, the Committee requests that the Party within a period of one year from the date of adopting the current conclusions shall provide information on the follow-up measures to the recommendations contained in paragraphs 6, 8, 11, and 16.

203. The information has been provided to the Committee within the required deadline.

Recommendation. No. 23: The Committee draws the attention of the Party to the particular importance of the recommendations in paragraphs 5, 12, 13, and 15 and requests it to provide in its next periodic report a detailed report on the particular measures for their implementation.

204. Implemented in the 11th and 12th periodic report.

Recommendation. No. 24: The Committee recommends the Party submit its 11th and 12th periodic report as a single document on 28 May 2016, taking into account the guidance for the document intended for the CERD adopted by the Committee during the seventy-first session (CERD/C/2007/1) and to express its views with regard to all points stated in this final position. The Committee also urges the Party to respect the upper limit of 40 pages for the scope of the report to the Conventions and the upper limit of 60-80 pages for the Common Core Document (thereto harmonised guidelines for reporting contained in the document HRI/GEN.2/Rev.6, chap. I, paragraph 19).

205. Implemented in the 11th and 12th periodic report.