

Country Report on Minority Rights in Pre-EU Accession

Slovakia

A. Introduction

The Roma are a very specific minority, and the approach of governmental and non-governmental bodies to Roma people therefore, requires more complex analysis. The Roma community is strongly differentiated from within; it includes a number of culturally diversified and disassociated complex groups. This complicates the communication both within the community and also outside of it. In Slovakia, an important classification is the fixed system of sub-ethnic groups of the Roma - the most numerous are the Rumungers who were settled down before the process of industrialization started and Vlačiči Roma who were settled violently only during the period of real socialism after the World War II.¹ The Roma are also, distinguished by the language and dialects that they use. In addition to the Roma language, in the Slovak environment they use Slovak and its dialects, while in southern Slovakia they use Hungarian. Just as the majority population is differentiated by its rural and urban environments and by regional associations, so are the Roma similarly differentiated. The many differences within the Roma community reveal the complexities of finding solutions to the problems confronting the diverse nature of the Roma community in Slovakia². An additional factor besides group diversity and complexity is a residual caste system, which some experts' report still exists in the Roma community and predetermines the role of people in the social system³. Even the question as to whether the Roma are a nationality or an ethnic group reflects their specific character. Slovak legislation understands the Roma as a national minority, and Roma therefore have the same constitutional rights as other minorities.

From the perspective of law, the Roma in Slovakia are not a minority that is discriminated against; institutionally, opportunities for development of their own identity could be evaluated as satisfactory. However, in practice, Roma in Slovakia are very often treated differently from majority population and other minorities⁴. Also the explanatory report of the Strategy of the Government of the Slovak Republic for the Solution of the Problems of the Roma Minority from September 27th 1999 states for instance that "practical application of human rights protection and protection of persons belonging to national minorities in real life is not absolute, in particular with respect to the citizens from Roma national minority". Roma were disadvantaged and discriminated against for a very long time in Slovakia and "the materialization of the protection of rights of persons belonging to the Roma national minority and the guarantee of the state in

¹ Liégeois, J.-P.: *Rómovia, Cigáni a Kočovníci (Roma, Gypsies, and Nomads)*. Informačné a dokumentačné stredisko Rady Európy, Academia Istropolitana, Bratislava 1997.

² Vašečka, M.: Roma. In: Mesežnikov, G. - Ivantýšyn, M. (eds): *Slovakia 1998-1999. A Global Report on the State of Society*. Institute for Public Affairs, Bratislava 1999.

³ Mann, A.B.: *Problém identity Rómov (Problem of Roma identity)*, In.: *Identita etnických spoločenstiev (Identity of Ethnic Communities)*, Ústav etnológie SAV, Etnologické štúdie 5, Bratislava 1998.

⁴ *Racial Discrimination and Violence against Roma in Europe*. European Roma Rights Center. Statement submitted to the UN Committee of Racial Discrimination at its 57-th Session.

their social and ethnic emancipation are still insufficient"⁵. Various forms of discrimination against the Roma are manifested in a non-institutionalized form, especially at lower levels of state administration and self-governments. This discrimination originates from prejudices against the Roma and from their position as a marginalized minority that has various problems with integrating itself into the majority of society⁶.

In Slovakia, the problem of insufficient legislative provisions aimed at combating racism and discrimination is further compounded by the failure to ensure their effective implementation⁷. Different policies towards Roma, most notably of self-governments in the fields of housing and education, amount to racial discrimination into conditions of life to which no other segment of the population is subjected⁸. Roma are de-facto discriminated against in Slovakia with respect to broad range of rights, freedom of residence, employment, housing, health care, education, and access to public goods and services.

In this respect the situation of Roma is very similar in most of countries of the Central and Eastern Europe and even in the whole OSCE region. The OSCE states have acknowledged that the anti-Roma violence and discrimination has increased since 1990, and that the position of Roma was worsening within the OSCE region and needed to be addressed systematically⁹. UN and Council of Europe were also expressing concerns about Roma rights in Slovakia - both UN and Council of Europe issued during the year 2000 reports expressing concern about the situation of Roma in Slovakia¹⁰. The European Commission stated repeatedly that the integration of minorities has been satisfactory in the countries seeking EU membership, except for the situation of the Roma people. Therefore, the so-called political criteria for accession into the EU include an obligation to improve the status of the Roma people.

The Roma in Slovakia are over represented among the so-called losers of the transformation, their status could be characterized as very bad and since 1989 it is declining even further. Despite all problems of the Roma minority in Slovakia, Slovak politicians do not have Roma as a top priority, and advocacy of Roma might even be self-disqualifying in political discourse. The Roma issues has, however, increasingly been discussed in Slovakia in connection with the European integration process. For most Slovak policy makers the Roma issue is becoming an inevitable problem that should be solved on Slovakia's way into the EU. At the

⁵ Strategy of the Government of the Slovak Republic for the Solution of the Problems of the Roma Minority and the Set of Measures for its Implementation. Approved by the Government of the Slovak Republic on 27 September 1999.

⁶ Social and Economic Situation of the Potential Asylum Seekers from the Slovak Republic (Research report). International Organization for Migration, Bratislava 2000.

⁷ Interview with J. Hrubala, public interest law attorney (October 2000).

⁸ Racial Discrimination and Violence against Roma in Europe. European Roma Rights Center. Statement submitted to the UN Committee of Racial Discrimination at its 57-th Session.

⁹ Public Policies concerning Roma and Sinti in the OSCE region. Background Paper 4 of the OSCE Human Dimension Implementation Meeting, October 1998.

¹⁰ UN Committee on the Elimination of Racial Discrimination report from August 2000 and Second report on Slovakia of the Council of Europe's European Commission against Racism and Intolerance adopted on 10 December 1999 and made public on 27 June 2000.

same time, the European Union and its member states increasingly start to accept the problems of the Roma as a common European problem¹¹.

It is important to mention that every analysis of the so-called „Roma issue“ in Slovakia is subject to a certain degree of generalization. This is caused not only by inaccurate statistics on Roma and a chronic lack of applicable research but also by the significant cultural differentiation of the Roma community in Slovakia. Numerous quoted statistics regarding the Roma are based on data gathered by the last population census in 1991 and therefore are characteristic for only a minor part of Roma living in Slovakia. Therefore, many conclusions about Roma in Slovakia may only be interpreted through the prism of trends or may only be applied to a specific part of the Roma community.

B. Demography

According to expert estimations, more than 22% of people living in Slovakia belong to national minorities¹². From this perspective, Slovakia is the most ethnically heterogeneous country of the Central European region (more specifically V4 countries). The largest minority is Hungarian (567.300 people in the last census in 1991, or 10.76% of the total population of 5,4 million inhabitants), followed by a Roma minority (officially 1.7%, unofficially more than 9%). These major minority groups are joined by Czechs (1.1%), Ruthenians and Ukrainians (1,0%) and smaller minorities such as Germans, Jews, Poles, Bulgarians, and Russians.

The Roma are the second largest minority in Slovakia; however, in the 1991 census, when Roma had a chance to claim their ethnicity for the first time, only 75,802 citizens declared Roma nationality. The number of Roma is under-reported mostly because of the self-reporting method of the census¹³. According to a 1989 survey by city and local councils of the state administration,

¹¹ Vašečka, M.: Roma - the Greatest Challenge for Slovakia on its Way into the European Union. In: Slovak Foreign Policy Affairs, Bratislava, Slovak Foreign Policy Association 2000, volume 1.

¹² According to Ján Hrubala, public interest law attorney from Banská Bystrica, Slovakia faces linguistic problems in perception of words "nationality", "ethnicity" and "ethnic group". Their meaning is different in Slovak language from English. Roma might be considered as a national minority (with Roma nationality and Slovak citizenship), however, most of them declare their Slovak or Hungarian nationality. Thus, the assessment of Roma "ethnicity" (consideration as an ethnic group) is completely up to the "evaluator" and depends merely on exterior characteristics. Moreover, Slovak law sometimes uses the word ethnic group in connection with the discrimination, sometimes not, what causes different viewpoints of lawyers in explanation of relevant provisions. According to Hrubala, if the law doesn't mention the term ethnic group in anti-discriminatory provision, it is doubtful whether members of these groups are protected or not.

¹³ All citizens of Slovakia have the right to declare their ethnicity during the census. There are many theories why only a small percentage of Roma in Slovakia reported Roma ethnicity, none of them is considered to be satisfactory. Most of experts consider following factors as the most important: Firstly, Roma had the right to declare Roma ethnicity for the first time after the World War II only during the census of 1991. Secondly, experiences with different patterns of discrimination in the past influenced Roma not to report their ethnicity. Thirdly and most importantly, many Roma in Slovakia do consider themselves to be Slovaks or Hungarians and identification with majority is more significant than their "romipen" - Roma identity. In 1994, an official study done by the Statistics Office of the Slovakia Republic titled "Roma in 1994" systematically investigated the question of Romani ethnicity and self-perception; its main conclusion was that the Romani identity issue had become an internal matter for the Roma and externally the Roma had attempted to adjust to the majority population culture.

253,943 Roma (4.8%) lived in Slovakia¹⁴. These statistics, however, registered only socially handicapped citizens. Therefore all experts assume that the number of Roma living in Slovakia is higher; at present the official estimates range between 480,000 to 520,000 (more than 9% of the country's inhabitants). These numbers are recognized by the Government of the Slovak Republic as well as in official materials of the European Union, Council of Europe, UN, and OSCE. These estimates are inaccurate since there is no politically correct methodology to gather data on Roma without enforcing their identity. Most of data used also in this report are based on statistics gathered by different institutions evaluating anthropological features of Roma (data from the Ministry of Justice or Ministry of Labor, Social Affairs and Family). Data from census, however, offer statistics only about 15-20% of Roma from Slovakia, and consequently any generalizations based on these data are misleading. In relative terms, Slovakia has the largest Roma minority in the Central European region¹⁵.

From the viewpoint of age structure, the largest age categories within the Roma population are children under 14 (*see Chart below*) who make up as much as 43.4 percent of the total population (in the case of Slovakia's population combined, that share is 24.9 percent). Young people between 15 and 29 make up 29.8 percent of the Roma population (22.8 percent in the case of Slovakia's population combined). In the following age categories, the opposite trend begins to prevail very rapidly when comparing the Roma population to that of Slovakia's combined. People between 30 – 40 represent 17.0 percent (Slovakia combined – 22.0 percent), people between 41 – 59 make up 6.2 percent (Slovakia combined – 14.5 percent), and people

¹⁴ Jurová, A.: Vývoj rómskej problematiky na Slovensku po roku 1945 (Developments of Romany Problems in Slovakia after 1945), Goldpress Publishers, Bratislava - Košice 1993.

¹⁵ The oldest written reference to the number of "Gypsies" in Slovakia dates back to 1893 when, according to a census of the Gypsy population in the Hungarian Empire, a total of 36,261 Romany inhabitants lived on the territory of the present Slovakia (according to Czigányosszeírás *Czigányosszeírás eredményei 1893*, Az Országos Magyar Kir. Statistikai Hivatal, Budapest 1895). During the period between two World Wars, a population census conducted in 1921 recognized the existence of a Roma nationality and Roma were granted the right to declare their own ethnicity. However, the state perceived the Roma mainly as an asocial and criminal group of the population - it issued for them nomadic deeds and so-called Gypsy identification cards. According to available data, only 8,035 people declared their Romany identity on the entire territory of Slovakia. Perhaps the closest to the actual number got data gathered in 1927, when the Ministry of Interior carried out an operation in which it registered all Roma inhabitants according to their domicile; those data suggested that 60,315 permanently settled and 1,877 nomadic Roma lived on the territory of Slovakia at the time. Censuses of Gypsies were also taken during the World War II - in 1940, a total of 36,696 Roma were registered. The first census in the post-war Czechoslovakia was taken in 1947, according to it, 84,438 Roma lived in Slovakia. The following official Roma censuses were taken nearly twenty years after the first post-war census, in 1966, 1967, and 1968. During two consecutive population censuses conducted in Czechoslovakia in 1970 and 1980, census commissars were instructed to register citizens of "Gypsy origin" according to "objective" hallmarks, qualities, and lifestyle, since Romany nationality was not officially recognized at that time. Subsequently, census commissars filled in a "Gypsy origin" on census sheets based on their own consideration or according to several external hallmarks such as lifestyle or language, for instance. In 1970, the number of Roma identified in such an obscure way equalled 159,000; by 1980 that number climbed to 199,853. It should be remembered, though, that these statistics only included socially dependent and problem categories of the Roma ethnic minority, which the society was supposed to integrate. According to summarized registers of municipal administration offices from 1989, a total of 253,943 Roma lived in Slovakia, making up 4.8 percent of the entire population. Between 1924 and 1990, the Roma population recorded a growth of 406.8 percent, while in the same time span, the overall population recorded a growth of only 72.1 percent (Social and Economic Situation of the Potential Asylum Seekers from the Slovak Republic (Research report). International Organization for Migration, Bratislava 2000).

over 60 represent only 3.6 percent of the Roma population (Slovakia combined – 14.8 percent). As a result of an extremely high birth rate combined with a relatively high mortality rate, as many as four Roma out of five are under 34.

Age structure of Slovakia's population combined and age structure of selected nationalities and ethnic minorities based on data from the 1991 population census (in %):

<i>Age category</i>	<i>0 - 14</i>	<i>15 - 29</i>	<i>30 - 40</i>	<i>41 - 59</i>	<i>Over 60</i>
<i>Nationality</i>					
Slovaks	25,5	23,1	22,1	14,2	14,5
Hungarians	20,4	21,3	23,2	17,0	18,0
Roma	43,4	29,8	17,0	6,2	3,6
Slovakia combined	24,9	22,8	22,0	14,5	14,8

The principles of gathering data during the 2001 census will not change in comparison to the census of 1991 - the methodology for minorities will be based on the self-reporting method. All national minorities recognized by the Slovak Republic will be named in the questionnaires; members of other national minorities will have a chance to declare their ethnicity as "other". The Census committee has consulted representatives of all national minorities. Roma representatives to the Governmental Council for Minorities initiated meeting with the Central Census Committee and informed representatives of the Statistical Office of the Slovak Republic about complexity of data concerning Roma (e.g. problematic gatherings of data on Roma houses and apartments). Roma representatives also initiated discussion to include as many Roma to the Census Local Committees as possible. Since mayors nominate the Census Local Committees, it is only up to them whether they accept Roma to these commissions. However, vice-prime minister for human rights and minorities Pál Csáky decided to write letter to all mayors to include Roma into the Census Local Committees. Representatives of the Statistical Office of the Slovak Republic decided to organize a special training for Roma who will be members of the Census Local Committees. The aim of the Roma representatives' initiative is to increase the percentage of Roma declaring Roma ethnicity¹⁶.

C. Legal Framework

¹⁶ Interview with Klára Orgovánová, director of the InfoRoma Foundation and member of the Governmental Council for Minorities (October 2000).

From the historical point of view, the legal protection of national minorities is a relatively new problem on the international scene. The Roma community can be found here only in past two decades. International law recognizes the term "national" or "ethnic" minority usually from bilateral or multilateral agreements between states that are trying to solve questions of "their" common national minorities. This is another fact that shows that the international law is in the field of international protection of the Roma minority *sensu stricto* on the European scale, only in its beginning in comparison with matters of other minorities. Documents of the United Nations have recognized the notion of Roma only for a very short time¹⁷. However, most UN documents do reflect Roma issues indirectly, and the vast majority of them were accepted by the National Council of the Slovak Republic and have become part of the Slovak legal system. Most of documents of the Council of Europe are in fact only recommendations in nature. In 1993 the European Council codified its approach "the Roma as a European minority" that is attempting to recognize Europe as a "mother" territory of the Roma minority.

Documents accepted by the Parliamentary Assembly of the Council of Europe create the political framework for internal legal systems of the member states of the Council of Europe. *Recommendation No. 1201* defines national minority rights and brings the definition of a national minority that is key for definitions in all member states. *Recommendation No. 1203* aims directly on Roma and therefore is among the most important documents of the Council of Europe from the Roma perspective¹⁸. Besides that in 1994, the Secretary General of the Council of Europe appointed a Coordinator of Activities concerning Roma.

According to the Article 11 of the Constitution of the Slovak Republic human rights agreements ratified by the Slovak Republic have precedence over national law, if they secure broader range of basic rights and freedoms. However, the European Charter on Regional and Minority Languages is cultural, not a human rights document.

1. Addressing the rights of minorities

1.1. Ratification of relevant international documents

The Framework Convention for the Protection of National Minorities has been ratified by Slovakia on September 14, 1995. *The Convention for the Protection of Human Rights and Fundamental Freedoms* from 1950 has been used as a building stone for all European international and internal norms. *The Framework Convention for the Protection of National Minorities* (1995) is historically the first document that is primarily focused on the protection of ethnic and national minorities. Although it is the most advanced tool of international law, the convention does not address Roma issues directly. Due to the specificity of the Roma minority

¹⁷ The first UN document mentioning the Roma is only from 1992. The UN Commission for Human Rights issues documents potentially dealing with Roma. With the exception of the Resolution 1992/ 65 "The Protection of Roma" UN documents deal specifically with Roma only occasionally. The exception is the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) which has become most relevant as regards identification of discrimination against Roma. Under article 14 of the ICERD Roma have the right to submit complaints to the international monitoring body and according to the Slovak legislature they are entitled to invoke international instruments before domestic courts, and after exhaustion of domestic remedies they have the facility to address themselves to international judicial bodies.

¹⁸ Vašečka, M.: Roma - the Greatest Challenge for Slovakia on its Way into the European Union. In: Slovak Foreign Policy Affairs, Bratislava, Slovak Foreign Policy Association, 2000, volume 1.

this gap could bring many conflict situations in the future. One example can be the right to use ones mother tongue in the process of education, which is far from being welcomed by all Roma and may not be implemented by all of them.

The European Charter on Regional and Minority Languages has not yet been signed by Slovakia. However, the Slovak government promised to ratify the charter in its program declaration at the end of 1998. The ratification became a hot issue for the new government since members of the government have significantly different opinions on the issue. With a certain degree of simplification the current situation is a process of intra-governmental negotiations about which paragraphs is Slovakia ready to sign. The situation is, however, bizarre in the sense that Slovakia implemented 48 paragraphs out of 95 into its legal system already and therefore it should not be a problem to sign the Charter (the charter is considered to be ratified after accepting at least 35 out of 95 paragraphs). The real problem is the tensions between the Slovak and Hungarian parts of the governmental coalition. Roma representatives did not intervene into the debate about over the European Charter on Regional and Minority Languages¹⁹. According to the opinion of Jana Kviečinská from the Section of Human Rights, Minorities and Regional Development of the Governmental Office lack of ratification did not affect Roma in any way due to incorporation of the most important paragraphs of the Charter into the Slovak legal system (mostly due to the adoption of the Law on the Use of the Languages of Ethnic Minorities by the Parliament on July 10, 1999).

1.2. Existence of relevant national implementing laws guaranteeing the rights of minorities

The Constitution of the Slovak Republic adopted by the Slovak parliament on September 1, 1992, unconditionally stipulated the equality of all citizens regardless of their nationality, religion, worship, and social status (Article 12, Paragraph 2). At the same time, it was enacted that members of all ethnic minorities were to be granted the right to master the state language, the right to establish and maintain their own educational and cultural institutions, the right to receive information in their native language, the right to use that language in official contacts with state administration authorities, and the right to participate in administering issues concerning national and ethnic minorities (Articles 34 and 35). The Constitution of the Slovak Republic guarantees members of ethnic minorities an equal right to receive an education at elementary and secondary schools in Slovak language and in their native language for the purpose of fulfilling their national development (Law n.350/ 1994). Amendments to the educational law in 1999 prepared by the Slovak government stopped the erosion in minority right standards that were caused by the regressive policies of the previous Mečiar's government.

There is no law regulating the right to minority culture, however the state budget allocates financial resources for the culture activities of minorities through the Section of Minority Cultures of the Ministry of Culture. There are no restrictions in national laws on citizenship, property rights, language, education, housing, health care, and employment. Such a restrictions would be in severe contradiction with the Constitution of the Slovak Republic.

However, the preamble of the Constitution has become the focus of a political struggle since the Constitution has been adopted. The crux of the matter is an introductory phrase,

¹⁹ Interview with Miriam Slovákova, Department of Human Rights of the Ministry of Foreign Affairs (October 2000).

which reads “We, the Slovak nation...,” thus making the Slovak Republic a national state of the Slovaks as defined by ethnicity. This wording is advocated not only by the entire political opposition but also by a decisive majority of the recent ruling coalition, except the Hungarian Coalition Party (SMK). This party demands that the introductory phrase be replaced by another phrase that would express instead the civic principle of the state (for instance, “We, citizens of the Slovak Republic...”) or that the preamble be restructured in such a way that it would better accommodate that principle²⁰.

European institutions had closely watched the preparation of the Law on the Use of the Languages of Ethnic Minorities, which was adopted by the Parliament on July 10, 1999. Although the passage of such a law had been envisaged by the Slovak Constitution since its creation in 1992, Mečiar’s administration kept promising and postponing its adoption, arousing international criticism. The final version of this law was a compromise, although it was welcomed by foreign observers as a step forward; however, MPs for the SMK party voted against the government draft that was eventually approved, arguing that it did not take into account the fundamental requirements of Slovakia’s ethnic minorities. On 25 August 1999, the Slovak Government adopted Regulation No. 221 of 1999 that provides a list of 656 villages where minorities amount to at least 20 percent of local population. This list also contains 57 villages where the Roma minority meets the above-mentioned limit²¹. Another important law concerning the right to information, which is guaranteed in Article No. 26 of the Constitution, was the Law on Free Access to Information, passed by Parliament on May 17, 2000. It will take effect on January 1, 2001. In passing this law, Slovakia fulfilled its international obligations arising from a 1970 resolution passed by the Advisory Assembly of the Council of Europe, which laid down the right to receive information on the activities of public servants, as well as the duty of civil service organs to enable access to such information²².

2. Addressing racial and ethnic discrimination

2.1. Ratification of relevant international instruments

The most important documents addressing racial and ethnic discrimination, indirectly reflecting Roma issues and ratified by the Slovak Republic are following:

- **International Convention on the Elimination of All Forms of Racial Discrimination**, ratified by Czechoslovakia on December 29, 1966 and re-ratified by Slovakia on May 28, 1993 with reservation to articles 17 and 22²³.

²⁰ Kusý, M.: Ľudské práva (Human Rights). In: Mesežnikov, G. - Kollár, M.: Slovensko 2000. Súhrnná správa o stave spoločnosti. (Slovakia 2000. A Global Report on the State of Society). Institute for Public Affairs, Bratislava 2000.

²¹ Information Material on the Activities of the Government of the Slovak Republic in the Process of the Solution of Problems of the Roma National Minority in the Slovak Republic, June 2000.

²² Kusý, M.: Ľudské práva (Human Rights). In: Mesežnikov, G. - Kollár, M.: Slovensko 2000. Súhrnná správa o stave spoločnosti. (Slovakia 2000. A Global Report on the State of Society). Institute for Public Affairs, Bratislava 2000.

²³ Among UN international conventions it is the International Convention on the Elimination of All Forms of Racial Discrimination from 1965 that seems to be most important in connection to Slovak Roma. The first Article of the first Part contains definition of racial discrimination:

“The term ‘racial discrimination’ shall mean any distinction, exclusion, restriction or preference based on race, color, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition,

- First Optional Protocol to the **International Covenant on Civil and Political Rights**, ratified by Czechoslovakia on March 12, 1991 and re-ratified on May 28, 1993.
- **International Covenant on Economic, Social and Cultural Rights** ratified by Czechoslovakia on December 23, 1975 and re-ratified by Slovakia on May 28, 1993.
- **International Labor Organization Convention No. 111** ratified by Czechoslovakia on June 15, 1960 and re-ratified by Slovakia on January 1, 1993.
- **UNESCO Convention against Discrimination in Education.**

2.2. Existence of comprehensive domestic anti-discrimination and related legislation

COUNTRY: SLOVAKIA	Constitutional provisions	Specific legislation	Criminal law	Civil and administrative law
Norms concerning discrimination in general	Article 12 (1). Constitution	No.	No.	No.
Norms concerning racism	Article 12 (2). Constitution	No.	Articles 196-198a and 259-263a of the	Article III of the Labor Code. Preamble to the Employment

enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life."

The important fact is that even acts which has purpose or effect in restriction of rights is defined as discrimination in the Convention. On the other hand, the Convention doesn't consider as discrimination usage of special measures in order to ensure equal development, even if target group for those special measures is chosen according racial or ethnic principles. Last part of the First Article says:

"Special measures taken for the sole purpose of securing adequate advancement of certain racial or ethnic groups or individuals requiring such protection as may be necessary in order to ensure such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms shall not be deemed racial discrimination, provided, however, that such measures do not, as a consequence, lead to the maintenance of separate rights for different racial groups and that they shall not be continued after the objectives for which they were taken have been achieved."

In the second Article of the Convention the participating states undertake to engage in no act or practice of racial discrimination, not to sponsor, defend or support racial discrimination, and to prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization.

In the Third Article the States Parties particularly condemn racial segregation and apartheid and undertake to prevent, prohibit and eradicate all practices of this nature in territories under their jurisdiction.

In the Fourth Article states undertake to *"declare illegal and prohibit organizations, and also organized all other propaganda activities, which promote and incite racial discrimination, and shall recognize participation in such organizations or activities as an offence punishable by law."*

In the Article Five the states parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the rights of everyone, without distinction as to race, color, or national or ethnic origin, to equality based on the law.

In the Article Six the states parties undertake to assure to everyone within their jurisdiction effective protection and remedies, through the competent state institutions, against any acts of racial discrimination which violate his human rights and fundamental freedoms contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination.

			Criminal Code.	Act. Order n· 590/1990 of the Minister for Labor and Social Affairs, implementing the Social Security Act.
Relevant jurisprudence	No.	No.	No.	No.

On June 26, 2000 the Committee of Ministers of the Council of Europe adopted Protocol No.12 to the European Convention on Human Rights and at the end of October the Protocol was signed by the Vice Prime-minister for human rights, national minorities and regional development Pál Csáky. The protocol 12 is broadening the scope of Article 14 on non-discrimination and its implementation is precondition for adoption of the first non-discriminatory law in Slovakia²⁴. As for the moment, the Slovak legal system does not cover the discrimination in the sphere of the private law, only in the sphere of the public law.

3. Addressing racially motivated violence

The Slovak Penal Code recently implements satisfactory anti-discrimination legislation based on international standards, especially after recent amendment to the Penal Code explicitly recognized racially motivated bodily crime and raised the penalty for harm in such cases²⁵. For

²⁴ The non-discriminatory law is going to be prepared by the Section of Human Right, National Minorities, and Regional Development of the Governmental Office.

²⁵ Slovak Penal Code (with recent changes based on the amendment):

Article 222(1) states, „Whoever intentionally seriously harms another shall be punished by imprisonment of between three and eight years.” Article 222(2)(b) states, „Three to ten year imprisonment shall be imposed in cases where the aforementioned act was committed against another on account of his or her political conviction, nationality, race, **ethnic affiliation**, religious affiliation or for their lack of religious affiliation.” All translations of Slovak Penal Code articles are unofficial.

Article 219(1) states, „He who deliberately kills somebody shall be punished by imprisonment of ten to fifteen years.” Article 219(2) states, „Imprisonment from twelve to fifteen years, or an exceptional punishment shall be meted out to the perpetrator who commits the offence referred to in paragraph 1, a) against two or more persons; b) in a particularly brutal or tormenting manner; c) repeatedly; d) against a person under fifteen; e) against a public servant while performing his duty or because of it; f) **ethnic affiliation** g) with the intention of obtaining material benefit or h) with the intention of concealing or facilitating a criminal offence or by reason of any other despicable motive.”

Article 202(1) states, „He who commits a gross indecency publicly, or at a place accessible to the public and causes a disturbance, in particular by attacking someone else, defaming an historical or cultural monument, tomb or other memorial site, or he who in a gross manner disturbs the public meeting or ceremony of citizens, shall be punished by up to two years imprisonment, or by fine.” Article 202(2) states, „He who commits the offence referred to in paragraph 1 as a member of an organized group shall be punished by up to three years imprisonment.”

Article 10(1) states, „ A person is considered to be a participant in a completed crime or in an attempt of a crime if he/ she intentionally

a) organized or coordinated the commission of a crime (organizer),

b) incited someone to commit a crime (inciter),

c) provided someone else with help to commit a crime, especially by the provision of means, removal of obstacles, advice, encouragement in his/ her decision to commit a crime, promise to contribute after committing the crime.

example, in April 2000 a court in Banská Bystrica modified the legal qualification of a crime, perpetrated four years earlier, deeming it racially motivated, although the sentence was not changed. In that case and for the first time a court decision, based on the above provision, was publicized in Slovakia²⁶. According to opinion of Ján Hrubala, public interest law attorney, Slovak legal system prohibits racially motivated attacks, hate speech and it provides additional sentencing for crimes motivated by racial (political, religious, national) hatred. However, the Penal Code is an example of the provisions, that until recently did not include the word "ethnic group" in its relevant parts. Therefore, according to some lawyers, attacking (assaulting) members of the ethnic group just because of their ethnicity was considered only as a general aggravating circumstance, and it was not the reason for additional sentencing²⁷.

Laws expressly prohibiting racially motivated violence and hate speech, and laws providing additional sentencing for crimes motivated by racial hatred are part of the Penal Code. Disciplinary regulations concerning misconduct by law enforcement personnel in cases of racially motivated abuse are not addressed by the Slovak legislative system. However, although there is no direct punishment, those affected by racially motivated abuse might object to the mistreatment of their constitutional rights and bring the case to the court²⁸. This is not considered as a sufficient protection, but both Roma representatives and legal experts consider reluctance of the police to investigate and record racial motivation as a more pressing problem²⁹.

D. Institutions for Protection of the Rights of Roma

1. Government Bodies

1.1. Government Bodies responsible for the protection of the rights of minorities

There are different government bodies whose activities are devoted to the improvement of the socio-economic status of the Roma minority³⁰. However, there are no special government bodies in Slovakia that are responsible for the protection of the rights of minorities. Their

Article 235(1) of the Penal Code reads, „He who forcibly, under threat of violence or threat entailing any other grave harm, coerces somebody else to do, omit or ignore something, shall be punished by up to three years' imprisonment.” Paragraphs 2 and 3 of Article 235 provide conditions under which stiffer penalties may be handed down.

Article 196(1) states, „He who threatens a group of individuals with killing, bodily harm, or with inflicting large-scale damage, shall be punished by imprisonment of up to one year.” Article 196(2) states, „He who resorts to violence against a group of inhabitants or individuals or threatens them with killing, bodily harm or with inflicting large-scale damage on account of their political conviction, nationality, race, **ethnic affiliation**, religious affiliation or for their lack of religious affiliation, shall be punished by imprisonment for up to two years.” Article 196(3) states, „The same punishment as in paragraph 2 shall be applied to persons who commit this crime in a group.”

Article 44(2) states, „In the proceedings held in respect of crimes subject to the jurisdiction of regional courts, under Article 17, the court shall rule on the participation of the injured on the basis of the nature of the case being heard.”

²⁶ EC progress report issued on November 8, 2000.

²⁷ Interview with Ján Hrubala, public interest law attorney from Banská Bystrica (October 2000).

²⁸ Interview with Martin Giertl, legal adviser, Charter 77 Foundation (October 2000).

²⁹ Interviews with Ján Hrubala and Martin Giertl.

³⁰ Ministry of Education (Section for Education on the Nationally Mixed Territory; State Pedagogical Institute; Methodical Centers and Clubs of teachers of Roma children), Ministry of Culture (Section of Minority Cultures), Ministry of Labor, Social Affairs and Family (Section of Health Care; Section of Family Policy), and Ministry of Foreign Affairs (Department for Human Rights).

protection is provided by the institutions responsible for protection of citizen's rights in general³¹. Slovakia is the only Central European country that still hasn't created the institution of public defender of human rights - ombudsman with the responsibility to protect minority rights. Responding to joint political pressure mounted by the SMK, non-governmental organizations and a nationwide campaign by the Slovak Helsinki Committee, government planners included an ombudsman function in the proposed amendment of the Slovak Constitution, which should be discussed by Parliament during the fall of 2000. The cabinet has also prepared its own ombudsman bill that should be discussed by Parliament some time in spring 2001³². The establishment of this institution would fill one of the most troubling gaps in institutional protection of human rights in Slovakia.

During the term of the previous Slovak president, Michal Kováč, some of the responsibilities of the potential ombudsman office were unofficially covered by the president's office. In Slovakia there is no specialized body with the power to investigate and prosecute violations of anti-discrimination law and laws protecting the rights of minorities. Slovakia did not make an attempt to appoint prosecutors with the special responsibility for the enforcement of laws prohibiting racial discrimination, racially motivated violence, or laws protecting the rights of minorities. Under the current legal status the prosecutor can protest against decisions of for example self-governing bodies that are discriminating against minorities and can object to the violation of their constitutional rights³³.

Another serious gap is that until the present day, Slovakia lacks its own National Committee for Human Rights, the role of which must be played in piecemeal fashion by bodies like the Government's Committee for Minorities or the Women's Commission. As with the institution of an ombudsman, the establishment of this institution was among the fundamental recommendations made by the UN to its member states. It was also supposed to be established by law, but no such bill has been drawn up in Slovakia as yet. It had been envisaged that the National Committee would be an independent institute comprising authorities from the fields of science, university education, church, culture and art, which would be known and respected by the public. Thanks to those personalities, the institute would become the highest moral authority in the sphere of human rights in Slovakia. It would regularly evaluate the status of human rights implementation and protection in Slovakia; prepare recommendations for the President, Government and Parliament regarding human rights issues; and at the request of these institutions it would prepare official standpoints regarding topical human rights problems in Slovakia. By establishing a National Committee for Human Rights (together with introducing the institute of an ombudsman), the government would be filling holes in the network securing the implementation and protection of human rights in Slovakia, in accordance with UN recommendations and well-established and time-tested practices used by developed democracies around the world³⁴.

³¹ Interviews with Ján Hrubala, public interest law attorney and Martin Giertl, legal adviser, Charter 77 Foundation (October 2000).

³² Interview with Jana Kviečinská, Section on Human rights, Minorities and Regional development of the Governmental Office (October 2000).

³³ Interview with Šarlota Pufflerová, director of Foundation Citizen and Democracy (October 2000).

³⁴ Kusý, M.: Ľudské práva (Human Rights). In: Mesežnikov, G. - Kollár, M.: Slovensko 2000. Súhrnná správa o stave spoločnosti. (Slovakia 2000. A Global Report on the State of Society). Institute for Public Affairs, Bratislava 2000.

A free legal counsel is technically available for all citizens in Slovakia and therefore to Roma as well. However, at the moment the framework for providing free counsel is not clearly defined in Slovakia³⁵. Moreover, in every day reality a free legal counsel is available only for very few socially disadvantaged people who have to in quite complicated way prove their insufficient financial situation. According to public interest law attorney Ján Hrubala there are very few examples of such an aid in praxis, except of some projects conducted by NGO's. Therefore, legal experts do not consider Slovak "free legal aid system" as sufficient³⁶.

Except the free legal aid based up on the decision in the particular case, a free counsel for socially disadvantaged people have been created by the *Ministry of Justice* in 1999. Ministry of Justice offers a free counsel once a week for four hours consultations that are provided by private attorneys in 8 cities all around Slovakia. Ján Hrubala consider this project as a necessary first step that does not systematically solve the problem, since counsels can not write actions, petitions, there are no rules in access to such counseling, etc. Most of human rights activists appreciate these steps undertaken by the Ministry of Justice³⁷. The gaps in free legal aid system are subsidized and covered mostly by NGO's providing or mediating free legal help. The following non-governmental organizations provide specialized free legal counsel to Roma in Slovakia, although a quality varies from project to project: *Citizen and the Democracy - Minority Rights Group Slovakia* (advisory services including representation before the court, street law and clinical programs), *Center for Environmental and Public Advocacy* (strategical litigation), *Charter 77 Foundation* (legal advisory services), *InfoRoma Foundation* (legal advisory services), *Slovak Helsinki Committee*, and *Foundation of Good Fairy Kesaj*. There are also several projects that provide help for victims of crimes.

1.2. Government Strategies regarding the Roma

Since 1991, the Slovak Government initiated and approved five legal regulations of minor legal force regarding the Roma. The first strategy regarding the Roma following the political changes of 1989 was adopted by the Slovak Government in 1991 (**Principles of Government Policy Regarding Roma, Government Resolution No.153**). However, the strategy principles were not implemented until the 1992 parliamentary elections and in the following period, the new government of the newly independent Slovak Republic did not elaborate on the strategy at all³⁸. This first government strategy was a revolutionary document for the first time defining Roma as a national minority that has the same rights as all other national minorities (right for education in Roma language, etc.). Roma representatives evaluated the strategy as a satisfactory. However, the first government strategy was much more set of principles than the complex strategy and the most problematic issue was the lack of allocation of financial resources³⁹.

³⁵ Interview with Martin Giertl, legal adviser, Charter 77 Foundation (October 2000). According to Giertl it is very unclear under what conditions can attorneys provide free legal aid in Slovakia.

³⁶ Review of the CPS country report on minority rights - Slovakia by Ján Hrubala (October 2000).

³⁷ Some of Roma leaders and politicians do appreciate free legal aid provided by the Ministry of Justice, many of them are however not aware of it.

³⁸ Vašečka, M.: Roma. In: Mesežnikov, G. - Ivantyšin, M. (eds): Slovakia 1998-1999. A Global Report on the State of Society. Institute for Public Affairs, Bratislava 1999.

³⁹ Interview with Klára Orgovánová, director of the InfoRoma Foundation (October 2000).

A newer document called “Conception of an Approach to Citizens Requiring Special Care“ approved in 1996 (**Government Resolution No.310**) was largely based on the previous conception. The one tangible result of adopting the new conception was establishing the Office of the Slovak Government’s Plenipotentiary for Citizens Requiring Special Care⁴⁰. The following two years, office staff members spent elaborating the new conception of government’s approach to the Roma. In November 1997, the cabinet adopted a document headlined **Slovak Government’s Conceptional Plans Regarding Solving Problems of the Roma (Government Resolution No.796)**. The new governmental conception analyzed problems of the Roma in Slovakia and considered viable solutions to these problems; it also gave an overview of some other countries’ approach to tackling problems of the Roma and outlined the ways of financing the relevant activities from the state budget until 2002. Following issues can be considered as a problematic as far as ‘Conceptional Plans’ are concerned⁴¹:

1. Material did not allocate financial resources for the year 1998 (and consequently delivered problem to the new government).
2. Material did not describe personal coverage of the planned activities.
3. Material's target group were all Roma living in Slovakia, while solutions were aimed at people requiring special care.

The new strategy for solving the problems of the Romany ethnic minority was submitted to the cabinet by Pál Csáky, Deputy Prime Minister responsible for the issues of human rights, minorities, and regional development. The strategy comprised two stages. On September 27, 1999, the cabinet approved the **1st stage - Resolution No.821/1999 regarding the Strategy of the Slovak Government to Solve Problems of the Romany Ethnic Minority and the Set of Implementation Measures**⁴².

In general, the strategy (its 1st stage) contained concisely though generally formulated fundamental theses describing the current state of the Roma population in Slovakia and proposals of plausible solutions. The strategy is rather well elaborated especially in the field of culture and education as well as in defining measures that have to be undertaken to tackle problems of discrimination. The problematic issue, however, raised also by the European Roma Rights Center, is the lack of suggestions of legal reform, although Slovakia lacks basic anti-discrimination legislation and accessible procedures to handle discrimination claims⁴³.

On the other hand, the weak spot of the strategy seems to be the chapter on social security. It identifies all the main problems facing the Romany population, such as unemployment, the lack of job opportunities on the labor market and deficiencies in interconnecting the system of providing social security benefits and the system of providing

⁴⁰ Vašečka, M.: The Romanies in Slovakia. In: National Human Development Report Slovakia 1998, ed.: Vagač. L., Bratislava, United Nations Development Programme, 1999.

⁴¹ Interview with Zuzana Kumánová, co-author of the Conceptional Plans Regarding Solving Problems of the Roma (September 2000).

⁴² It is worth noticing that the cabinet approved the resolution at a special cabinet session.

⁴³ ERRC Snapshots from around Europe No.4, 1999 (Under pressure by western governments, Slovak government publishes package of Roma measures).

unemployment benefits. Unfortunately, proposals suggested by the strategy are rather vague regarding solutions to this most pressing problem of the Romany ethnic minority⁴⁴.

But perhaps the most negative conclusion drawn from the evaluation of the government's new strategy is the fact that due to the alarmingly unfavorable socio-economic condition of the Roma minority, it has been inevitable to begin implementing concrete projects as soon as possible. From this viewpoint, it does not appear sensible to elaborate a new strategy of government's approach to the Roma every time a new administration takes office. After making certain adjustments to the strategy adopted in 1997, it could have been applicable immediately after the 1998 elections, provided that the new administration had envisioned an approach to the Roma it had wanted to pursue⁴⁵.

On May 5, 2000, the cabinet embarked on the 2nd stage of the scheme, approving the **Elaborated Strategy of the Slovak Government to Solve Problems of the Romany Ethnic Minority**, which transformed the initial strategy into a set of concrete measures planned for 2000 (**Government Resolution No.870/2000**). The elaborated strategy goes into more detail than the initial strategy from September 1999, not only in elaborating more on particular spheres of activity⁴⁶ but also in giving an account of concrete Ministries which will be held responsible for strategy's implementation on the national, regional, district, and in some cases even on the local level. Based on the Government Resolution No.821/1999, the cabinet charged particular Ministers and heads of regional public administration offices with transforming the Strategy into concrete measures planned for 2000, including proposed schemes of funding the measures from their own categories of the state budget⁴⁷. By doing this, designers of the Strategy got public

⁴⁴ Social and Economic Situation of the Potential Asylum Seekers from the Slovak Republic (Research report). International Organization for Migration, Bratislava 2000); Interview with Klára Orgovánová, director of the InfoRoma Foundation (August 2000).

⁴⁵ This is opinion of most of Roma representatives, among them of Ladislav Fízík, Alexander Patkoló, and Ladislav Richter.

⁴⁶ The Elaborated Strategy assigns measures to various authorities under following categories: Human rights, rights of individuals belonging to national minorities and non-governmental organizations; Training and Education; Language and Culture; Unemployment; Housing; Social Affairs; and Health care.

⁴⁷ In the sphere of human rights and problem of discrimination against Roma the Strategy binds Ministry of Interior, Ministry of Foreign Affairs, Ministry of Defense, Ministry of Justice, and Regional Offices of the State Administration to tackle intolerance and discrimination against Roma:

The Ministry of Interior is obliged to cooperate with the Government Plenipotentiary for Addressing Problems of the Romani National Minority; to analyze racial discrimination; apply necessary changes to the legal system in cases of yet non-punishable racially motivated crimes; cooperate with IOM in repatriating those Roma who were refused asylum abroad; eliminate racial intolerance by observing the application of the civic principle in records of perpetrators of criminal acts and by providing information for the mass media; secure investigation of racially motivated crimes at regional and district offices; pay increased attention to localities where there is considerable tension among citizens, with emphasis on racist attacks by skinheads on the Romani minority; secure the completion of curricula for the selected courses at the Police Force's secondary schools on the issue of human rights with special regard to the Romani minority; secure the participation of the Police Force and employees coming into contact with the public at a course held by lecturers on the subject of communication.

Ministry of Foreign Affairs is obliged for carrying out human rights activities through international events focused on questions connected with the issue of the Romani national minority; support the idea of addressing the Romani issue as a common European question at international fore; secure continuous contact with international organizations and their experts in the process of reviewing human right issues and particularly the rights of individuals belonging to the Romani national minority through active participation in working groups, or UN, CE, OSCE, and CEI bodies; propose monitoring of the resolution of the Romani national minority's problems by V4

administration authorities at all levels involved in solving problems of the Roma ethnic minority. Moreover, they appropriately interconnected public administration's activities with activities of non-governmental organizations, again at all levels⁴⁸.

The Strategy is based on civic principles; however, it also emphasizes the necessity for Roma's positive stimulation as a scheme which in certain particular cases may lead to affirmative action. The proposed set of measures planned for 2000 is elaborated in a way that tackles particular problems in a succession of decreasing importance, so that problems viewed as the most critical by Strategy designers come first. However, in a number of Strategy's chapters the allocation of funds to concrete tasks is unclear. Also, certain tasks require a sort of funding that will be impossible to secure from budgetary funds, not only those provided by the 2000 budget but by all the budgets that the current administration will have at its disposal until the end of its term in office. Moreover, according to opinion of some experts the Strategy lacks the follow-up mechanisms⁴⁹. The latest EC progress report (issued on November 8, 2000) criticizes lacks in definition of objectives in both Strategies. Nevertheless, despite all criticism of domestic and international experts there is a consensus among Roma representatives and experts on minority issues that mostly thanks to Strategies' definition of tasks to be accomplished and thanks to its focusing on marginal regions and sub-regions as well as on areas hit the most severely by the hardship of economic transformation, the Elaborated Strategy to Solve Problems of the Roma Ethnic Minority can be evaluated as the most detailed and complex material adopted in this field by any Slovak administration after 1989.

1.3. Office of the Slovak Government's Plenipotentiary for Solving Problems of the Roma Minority

Throughout 1998, the Office of the Slovak Government's Plenipotentiary for Citizens Requiring Special Care worked within the framework of the Ministry of Labor, Social Affairs and Family and became the most important institution designed to solve problems of the Roma minority. Branislav Baláž, a non-Roma who during his term in office became a member of the

governments; help to secure participation of Romani cultural organizations at international cultural events and international festivals of Romani associations.

Ministry of Defense is obliged to organize regularly training led by commanders, lectures and debates with the military police, prosecutors and military court staff aimed at preventing the occurrence of all forms of discrimination in the Slovak army; regularly evaluate the standard of the observance of discipline and legality in units and staffs, with emphasis on preventing racial discrimination and intolerance in the Slovak Army; pay increased attention to the education of so-called less malleable soldiers in the army, whose approach, behavior and actions are socially less acceptable.

Ministry of Justice is obliged to include systematic education on the area of human rights in the further training of judges; apply multicultural training within the framework of the treatment of imprisoned offenders on the basis of a prescribed individually set program.

Regional offices are obliged to promote human rights and fundamental freedoms and the peaceful coexistence of minorities in the spirit of UN, CE, and OSCE documents in the education and extracurricular activities of children and youth regardless of their nationality; support the organization of events assisting the prevention of conflicts, improvement of majority-minority relations and adoption of the principles of assertive and empathetic behavior on cooperation with educational psychology advisors and non-governmental organizations; support activities aimed at creating a cross-society environment of tolerance of differences and protection of rights of the individual and minority groups guaranteed by internal and international legal norms.

⁴⁸ Both Governmental strategies call for very close cooperation with NGOs and in some cases (especially in arranging trainings) Ministries are advised to utilize experiences of particular NGOs.

⁴⁹ Interview with Daniela Šilanová, editor-in-chief of the *Romano Nevo Lil* (October 2000).

Roma Civic Initiative (ROI), headed the office. Following the change in government at the end of 1998, the new administration of Prime Minister Mikuláš Dzurinda abolished the office and established a new one, called the Office of the Slovak Government's Plenipotentiary for Solving Problems of the Roma Minority, which worked under the auspices of the Government's Office. Appointed to the post of Government's Plenipotentiary was Vincent Danihel, a Roma who began his term in office on March 1, 1999. Shortly upon its establishment, the office began to work on elaborating the Slovak Government's new strategy for solving the problems of the Roma ethnic minority. The Office of the Government's Plenipotentiary is subordinated to the Governmental Office and it is on the same position as the Section for Human Rights, Minorities and Regional Development of the Government's Office. According to several Roma representatives the cooperation of these two governmental structures is uneasy, although both are very active in the activities aimed on improvement of socio-economic status of Roma in Slovakia⁵⁰.

Office of the Slovak Government's Plenipotentiary for Solving Problems of the Roma Minority is responsible also for distribution of financial resources from the state budget reserve⁵¹. The Office is responsible not only for preparation of the governmental strategies, but also for mapping problems faced by Roma minority and for cooperation with regional and district authorities⁵². The Office also organizes meetings with professional working groups and with Roma representatives⁵³. The Office also collects information about conditions of applicants for asylum and assists in the repatriation of Roma to the Slovak Republic. Finally, the Office has a right in the framework of the public law to intervene into the decisions of the state institutions in case of violations of human rights and rights of minorities⁵⁴.

2. Civil Society

⁵⁰ Interview with Ladislav Richter, speaker of the joint election initiative of Roma political parties (October 2000).

⁵¹ For instance, in the 1999 state budget the Slovak Government allocated a special portion of 15 million Slovak crowns for the Roma project implementation, the 2000 State Budget allocated another 15 million Slovak crowns to support Roma social and cultural needs. (Information Material on the Activities of the Government of the Slovak Republic in the Process of the Solution of Problems of the Roma National Minority in the Slovak Republic, June 2000).

⁵² The Office of the Plenipotentiary is collecting mostly information on numbers of Roma settlements and living conditions of Roma in settlements in cooperation with regional and local branches of state administration. According to several experts and employees of the Governmental Office, the Office of the Plenipotentiary should define more precisely features of Roma settlements to avoid misunderstandings in reporting about them (Interviews with Prof. Iveta Radičová, SPACE Foundation and Jana Kviečinská, Section of Human Rights, Minorities and Regional Development of the Governmental Office).

⁵³ Roma leaders and politicians have different opinions on the efficiency of the Plenipotentiary Office and Vincent Danihel himself. Most of them agree that he wasted opportunity to unify Roma political parties and civic organizations around his office (Interviews with Ladislav Richter, speaker of the joint election initiative of Roma political parties and Miroslav Lacko from the Roma Initiative of Slovakia; October 2000).

⁵⁴ Good example of these measures was successful intervention into the common practice of the labor offices to mark a letter "R" in the files of the Roma applicants who are requesting employment assistance. Such procedures, however, are not supported by the legal system and they further inconvenience the Roma who are seeking employment (Vašečka, M.: Roma. In: Mesežnikov, G. - Ivantyšin, M. (eds): Slovakia 1998-1999. A Global Report on the State of Society. Institute for Public Affairs, Bratislava 1999). Since the summer of 1999 Labor offices do not collect information on Roma applicants anymore, in many of them situation changed only a little - they started to mark letter "B" (biely - white) into the files of majority population applicants (Interview with Ján Hrubala, public interest law attorney from Banská Bystrica in October 2000). /For further information see the part E2h of this report/

The Slovak civil society is very vibrant and its structures are considered by experts to be one of the most advanced among post-communist countries⁵⁵. After enormous growth of the number of NGO and the process of diversification of NGOs at the beginning of 90s Slovak civil society passed through the period of uneasy cooperation with government, especially after 1994 elections⁵⁶. Pre-election campaign OK '98 in 1998 was the first major success of Slovak civil society sector to influence the politics on national level. NGOs became serious partners for the democratic political parties and for other state institutions. After October 1998 NGO act in a friendly environment of liberal democracy regime. The relations with the government are very good⁵⁷.

Government authoritarian practices introduced during the period of 1994 - 1998 by Prime Minister Vladimír Mečiar made healthy cooperation between NGOs and the governmental sector practically impossible. Not only did governmental representatives refuse to cooperate with civic leaders but also they systematically attacked and openly defamed NGOs and their leaders. They accused them of being paid as foreign agents working against independent Slovakia and its government, of serving enemies of Slovakia, of not respecting laws and democratic principles. The new government lead by Mikuláš Dzurinda is seen as very open towards decentralization of power and supportive of civic initiatives, human and minority rights. The government includes several politicians who worked in NGOs or served on the boards of directors in several NGOs. Governmental program passed by Slovak Parliament declared necessity to create favorable conditions for NGOs and involving them in various activities. Several ministries started open communication with representatives of NGOs involving them in various expert committees. Minister of environment even signed the agreement of cooperation between his Ministry and environmental NGOs⁵⁸. The recent government also created a new position of Deputy-Prime Minister for human rights, minority rights and regional development, meets regularly with NGO leaders and initiated to prepare necessary organizational framework for this cooperation. In practice there are no restrictions limiting activities of the NGOs promoting the rights of Roma. The recent government has an unproblematic relationship with organizations promoting Roma rights, although it would be difficult to say that it directly promotes their activities.

Basic data about Slovak NGOs are recorded in several places, including the Statistical Office of the Slovak Republic, the Ministry of Interior, and the Ministry of Culture. The Service

⁵⁵ Two citations documenting the perception of the Slovak civil society organizations (from the research report "Civil Society and Governance in Slovakia", Institute for Public Affairs, Bratislava 1999:

"Today a civil society in Slovakia is one of the most dynamic in Europe. Some of the civil organizations become European leaders in areas where they function." (John Richardson, Director of European Foundation Center, Brussels - June 1998).

"Today I would like to recognize all the non-governmental organizations working throughout Slovakia to bring solutions to local problems, to express the voice of citizens to government at every level, and to find common ground with others working on the issues which confront Slovakia in this time of transition. It seems to us that the Third Sector in Slovakia is more healthy and vital than the Third Sector in neighboring countries." (Ralph Johnson, Ambassador of the USA in the Slovak Republic - May 1998).

⁵⁶ Nations in Transit (Slovakia report). Freedom House, 1999.

⁵⁷ Demeš, P.: Tretí sektor a dobrovoľníctvo (The Third Sector and Volunteerism). In.: Mesežnikov, G. - Kollár, M.: Slovensko 2000. Súhrnná správa o stave spoločnosti. (Slovakia 2000. A Global Report on the State of Society). Institute for Public Affairs, Bratislava 2000.

⁵⁸ Nations in Transit (Slovakia report). /in print/ Freedom House, 2000.

Center for the Third Sector, associated with the Slovak Academic Information Agency (SAIA-SCTS), also maintains records and publishes directories of NGOs. In April 2000, the Ministry of Interior listed 17,844 organizations, which could be considered as NGOs in a broad sense. Of these, 17,000 (95,3%) were civil associations, 472 (2,7%) were foundations, 269 (1,5%) non-investment funds, and 103 (0,5%) non-profitable organizations⁵⁹. The number of Roma organizations suggests that they are almost 20 times underrepresented in comparison to the majority population organizations. The official records of the Ministry of the Interior indicate that the Roma minority registered 114 civil associations, 4 foundations, 3 non-investment funds, and 1 non-profit organization in March 1, 2000⁶⁰.

Majority of NGOs in Slovakia operates under legal norms adopted after the changes in November 1989. The basic legislative framework for the work of NGOs is provided by the Constitution of the Slovak Republic that guarantees freedom of expression (Article 29), freedom of assembly (Article 28) and freedom of association (Article 29 and 37), as well as by some other laws. Civic associations, the most frequent legal form of assembling, are regulated by the Law on the Associating of Citizens, religious societies are subject to the Law on Freedom of Religious Belief and Status of Churches and Religious Societies and the Law on the Registration of Churches and Religious Societies⁶¹.

There are numerous civil society organizations active in the realm of so-called Roma issues, however only a few of them promote the human rights of Roma. Due to the fact that so-called Roma issue have become so important and visible in Slovakia these days, large numbers of NGOs are involved in projects dealing with Roma issues, yet only a very small percentage of them offer legal advise and counsel. Others are active mostly in education and training activities. Complex evaluation of all organizations and projects dealing with Roma issues since January 1993 has been recently prepared by the Donor's Forum and European Commission Mission in Bratislava, results are however not available yet.

The recent problems of NGOs involved in Roma issues are connected with their split into "Roma" NGOs promoting rights of Roma and "Non-Roma" NGOs promoting the rights of Roma. Relations of these two kinds of NGOs are increasingly tense and full of animosities. "Roma" NGOs are accusing non-Roma organizations of being active in this field only because of the potential profit from Roma misfortune⁶². During the year 2000 several Roma leaders started to create the Roma Gremium of the Third Sector. This umbrella organization has been created based on the model of the nation-wide Gremium of the Third Sector⁶³ but suffers from its ethnic

⁵⁹ Demeš, P.: Tretí sektor a dobrovoľníctvo (The Third Sector and Volunteerism). In.: Mesežnikov, G. - Kollár, M.: Slovensko 2000. Súhrnná správa o stave spoločnosti. (Slovakia 2000. A Global Report on the State of Society). Institute for Public Affairs, Bratislava 2000.

⁶⁰ Information Material on the Activities of the Government of the Slovak Republic in the Process of the Solution of Problems of the Roma National Minority in the Slovak Republic, June 2000.

⁶¹ Demeš, P.: Tretí sektor a dobrovoľníctvo (The Third Sector and Volunteerism). In.: Mesežnikov, G. - Kollár, M.: Slovensko 2000. Súhrnná správa o stave spoločnosti. (Slovakia 2000. A Global Report on the State of Society). Institute for Public Affairs, Bratislava 2000.

⁶² Červeňák, J.: Vznikne na Slovensku rómsky tretí mimovládny sektor? (Is the Roma Third Sector Non-governmental Sector going to be created?) Romano Nevo Lil, n.392-399, 1999.

⁶³ The Gremium of the Third Sector (G3S) is a voluntary advocacy group of elected NGO leaders. The election of the G3S has taken place since 1994. The basic mission of the G3S is to develop partner relations with representatives of state, local governments, the business sector, and international organizations. The task of the G3S is to defend and

exclusiveness - only "Roma" NGOs are welcomed to become members of the Roma Gremium. The creation of the Roma Third Non-governmental Sector is a legitimate and logic step towards increased participation of Roma organization in the decision making process. At the same time it brings danger of segregation of Roma organizations from organizations representing the majority population⁶⁴.

3. Media

Press freedom in Slovakia is legally protected in spite the fact that so-called Press Law dates to 1966, and several of its provisions are unsatisfactory. There is no censorship in Slovakia, private ownership of media is dominating the media sphere, and a dual system of electronic media is functioning. There are no legal penalties for libeling officials in Slovakia, nor for "irresponsible" journalism. The only exception is the Article 103 of the Penal Code penalizes defamation of the president. In the period of 1999-2000 there are no records of harassing journalists⁶⁵.

The law n. 268/1993 on the operating of radio and TV transmission offers the possibility "to produce and to allow the production of programs in order to maintain and develop the cultural identity ... of national minorities and ethnic groups of the Slovak republic...⁶⁶". There are numerous periodicals published by and for the Hungarian minority in Slovakia and also all other significant minorities have their own periodicals and programs on the public Slovak Television. Before 1999 the only significant Roma periodical has been *Romano Nevo Lil*⁶⁷ published by the civic association Jekhetane-Spolu, supported both by the Ministry of Culture and foreign donors. Since 1999 there are more journals published, mostly thanks to financial resources from the Ministry of Culture⁶⁸:

- *Sam Adaj* published by the Foundation of the Good Roma Fairy Kesaj;
- *Romane Vasta* published by NGO Roma Office under the auspices of the Vice-Prime Minister for Human Rights and National Minorities Pál Csáky;
- *Híd-Most-Phurt* published by Roma poet Jozef Ravasz;
- *Ternipen/ Mladost'* published by NGO Roma Gemer;

pursue the interests of NGOs, to develop cooperation and solidarity within the third sector and to publicize NGOs. Roma are practically not involved into the work of G3S, both because of their reluctance to be involved and because of lack of inclusive policies of some of representatives of the G3S (Interview with Jozef Červeňák, initiator of the idea of the Roma Third Sector; August 2000).

⁶⁴ Vašečka, M.: Rómovia (Roma). In.: Mesežnikov, G. - Kollár, M.: Slovensko 2000. Súhrnná správa o stave spoločnosti. (Slovakia 2000. A Global Report on the State of Society). Institute for Public Affairs, Bratislava 2000.

⁶⁵ Nations in Transit (Slovakia report). /in print/ Freedom House, 2000.

⁶⁶ Vašečka, M.: Rómovia (Roma). In.: Mesežnikov, G. - Kollár, M.: Slovensko 2000. Súhrnná správa o stave spoločnosti. (Slovakia 2000. A Global Report on the State of Society). Institute for Public Affairs, Bratislava 2000.

⁶⁷ Most of Roma leaders agree that *Romano Nevo Lil* is the most professional Roma magazine published in Slovakia. However, some of Roma activists criticize *Romano Nevo Lil* not to have a Roma editor-in-chief. *Romano Nevo Lil* web site: www.romanonevolil.vadium.sk.

⁶⁸ In 1999, the Ministry of Culture financially supported 6 Roma periodicals (4,449,000 Sk for Roma periodicals and 150,000 Sk for non-periodicals), in 2000 the Ministry of Culture supported 5 Roma periodicals via 4 publishing houses (2,843,000 Sk for Roma periodicals and 483.000 Sk for non-periodical press). (Information Material on the Activities of the Government of the Slovak Republic in the Process of the Solution of Problems of the Roma National Minority in the Slovak Republic, June 2000).

- *Roma* published by the Cultural Association of Roma in Slovakia; Public Slovak Television produces the Roma magazine *Romale* every month and the public Slovak Radio transmits programs for Roma from its Prešov studio⁶⁹.

In the few years following 1989, even though topics related to Roma were regularly featured in all Slovak media, they appeared less often than at present. Moreover, the coverage of Roma issues in general was less professional, biased and interested mostly in tidbits of information rather than a complete understanding of the situation. Slovakia's intensified efforts to become a member of the European Union brought about a dramatic increase in the number of news items, analyses, and expert opinions regarding Roma issues in Slovak media, as well as an improvement in terms of the professionalism of the coverage of Roma issues. The natural heterogeneity of Slovak media from the point of view of ideology, degree of professionalism, and target audience was very clearly demonstrated in the coverage of Roma issues. The mainstream press and media typically make an effort to maintain balance in their reporting about Roma⁷⁰.

Given the EU integration ambitions of the Slovak Republic and the gradual harmonization of visa policies of applicant and EU member countries, the re-imposition of visas for Slovak citizens (due to the migration of Slovak Roma into the EU countries) has resulted in an increased interest in the situation of Roma in Slovakia and, at the same time, in increased tensions between the majority population and Roma⁷¹. The majority population, in general, believes that Roma leave for EU countries with an intention to improve their financial situation. Roma, on the contrary, often point to latent and manifest discrimination in Slovakia, which is seen as a direct cause for migration⁷². According to the above-mentioned analysis conducted by the Slovak Helsinki Committee, migration of Roma into EU countries significantly influenced the frequency of news items about Roma in Slovak media.

⁶⁹ Prešov's studio transmits 20 minutes per week news and culture information within the program *O Roma vakaren* (Roma speak).

⁷⁰ The analysis of the Slovak Helsinki Committee /Benkovič, B. - Vakulová, L.: *Obraz Róma vo vybraných slovenských médiách (1. jún 1998 - 31. máj 1999)*. (*The Picture of Roma in Selected Media*) Slovenský helsinský výbor (Slovak Helsinki Committee), Bratislava 2000/ and the monitoring of three Slovak media conducted by the Institute of Public Affairs /Pinterová, B. - Vašečka, M.: *Coverage of Roma Migration to EU Countries in the main Slovak Daily Newspapers (January 1999 - April 2000)*. /Working paper/, Institute for Public Affairs, Bratislava 2000/ show that an effort of some Roma citizens from Slovakia to be granted asylum in the EU member states directly motivates the Slovak media to deal with the Roma issues and to analyze various aspects of present situation of the Roma community in Slovakia. Often, the topics are not connected to the migration but it is evident that the media's interest is influenced by the realization of importance of this issue for Slovakia's aim to integrate into Euro-Atlantic structures.

⁷¹ The biggest difference between periodicals can be found in the comparison of the rhetoric used to describe reasons for Roma migration. According to previously mentioned study of the Institute for Public Affairs the difference between individual papers is perhaps best demonstrated through an analysis of the expressions used when analyzing the migration of Roma. Neutral phrases include the departures of Roma, the migration of Roma, and the emigration of Roma (daily newspapers *Pravda* and *Sme*). More expressive phrases, which to a certain extent present an opinion about Roma emigration, include Roma exodus, organized departure of Roma, and asylum adventure, the tricks of Roma during the organized actions and the conspiracy of Roma, Roma ethno-tourism, Roma head towards a fjord, Roma on a research trip (daily newspaper *Slovenská republika*).

⁷² Pinterová, B. - Vašečka, M.: *Coverage of Roma Migration to EU Countries in the main Slovak Daily Newspapers (January 1999 - April 2000)*. /Working paper/, Institute for Public Affairs, Bratislava 2000.

EU countries have been continually interested in the quality of the coverage of Roma issues by the Slovak media. The Roma issues are becoming one of the most visible part of media discourse in Slovakia, as is shown by the to the monitoring of selected media, conducted by civic association MEMO98⁷³. In its monitoring, MEMO98 followed electronic media from 1 January 2000 to 31 March 2000 and resulting in the following surprising facts: the five most influential Slovak electronic media sources devoted altogether 3 hours, 19 minutes and 2 seconds to coverage about the Roma minority, while the Hungarian minority received only 7 minutes 46 seconds and Ruthenian minority 1 minute 33 seconds of air time. No coverage was given to the Czech, Polish or Ukrainian minority. While, among the five most influential electronic media sources, the airtime devoted to all statistically important minorities in Slovakia other than Roma amounted to only 4.68 percent of airtime, 95.32 percent was devoted to Roma minority.

The Roma have repeatedly stated in the past that the media have unfairly represented statistics as related to Roma criminality. After the parliamentary elections of 1998, Vincent Danihel, External Affairs Advisor at the Interior Ministry, directed that evidence of Roma criminality not be released to the press and that the information be used only for internal purposes of the Interior Ministry⁷⁴.

The hate speeches, especially those produced by politicians, are widely publicized and discussed by the Slovak media. For instance, after the famous speech of the former leader of the Slovak National Party Ján Slota in March 1999 (Ján Slota accused all Roma of being criminals who rob and steal) all media were discussing the case for a long time bringing opinions of different politicians, human rights activists, and media experts. Roma media covered these events with special attention⁷⁵. The interview with one of members of parliament representing the Slovak National Party Vít'azoslav Mórić from August 2000 was followed by a media campaign that resulted in charges of the incitement of racial hatred.

There are no reliable data on the prevalence of racist far right journals and Internet sites⁷⁶. Neither the Slovak Information Agency, nor any police institutions follow activities of neo-fascist groups in Slovakia. Most of the skinhead fanzines are published with the addresses of publishers and distributors and it is possible to subscribe them without serious limitations. Racist Internet sites are registered outside of Slovakia and they are not as numerous as in the case of neighboring

⁷³ Prvé tri mesiace vysielania televízie LUNA (The First Three Months of Broadcasts of Television LUNA). MEMO 98, Bratislava 2000.

⁷⁴ Vašečka, M.: Roma. In: Mesežnikov, G. - Ivantyšin, M. (eds): Slovakia 1998-1999. A Global Report on the State of Society. Institute for Public Affairs, Bratislava 1999.

⁷⁵ For instance, significant part of the Romano Nevo Eil n.371-377 was devoted to J. Slota speech and different reactions of Slovak intellectual and political elite.

⁷⁶ There are no restrictions on Internet access in Slovakia, nor legal or administrative obstacles. The biggest obstacle for using the Internet is not connection charges and increasingly not even prices of PCs, but expensive telephone impulses. According to representative survey of the Focus agency from September 1998 21% of adult population in Slovakia exploit personal computer daily or almost daily. According to Markant agency survey from April 2000 computer has been used already by 42,7% of adult population (Bobovský, J. - Durkovič, M.: Internet a nové informačné technológie (Internet and new information technologies). In: Mesežnikov, G. - Kollár, M.: Slovensko 2000. Súhrnná správa o stave spoločnosti. (Slovakia 2000. A Global Report on the State of Society). Institute for Public Affairs, Bratislava 2000.)

Czech republic⁷⁷. Contact addresses in Slovakia are, however, openly published on these web sites⁷⁸. The new phenomenon of hate speech is cellular telephone communication by using short text messages (SMS). During the summer of 2000 the SMS message under the name "Roming" circulated in Slovakia and many telephone users were pleased to forward it along. The "Roming" message (originally probably meant as a very bad joke) was offering an additional 50 free minutes of call time for every 10 Roma killed⁷⁹.

E. Practice

1. Law Enforcement

Since the ratification of the Framework Convention for the Protection of National Minorities the number of complaints of violations of the rights of minorities did not change, while incidents of racially motivated violence against Roma increased. Racial hatred has been statistically covered since 1996 and these data are based on information from regional and district courts. The Ministry of Justice, Ministry of Interior, and the Office of Prosecutor General have reviewed the complaints.

The List of Penal Offences of the Racially Motivated Criminal Cases in 1998 - 1999 (Source: Ministry of Interior):

Penal Offence	Paragraph	Racial intolerance		Anti-Semitism		Xenophobia	
		1998	1999	1998	1999	1998	1999
Disturbing the peace	202	14	1	-	-	2	-
Murder	219	2	-	-	-	-	-
Assault	221	1	2	-	-	-	-
Assault and battery	222	3	2	-	-	-	-
Depriving of personal freedom	232	-	-	-	-	-	-
Infringement of housing freedom	238	-	1	-	-	-	-
Damaging of private property	257	-	-	-	-	-	-
Violation against a group	196	1	1	-	-	-	-

⁷⁷ Interview with Ladislav Ďurkovič, coordinator of the campaign against racism, civic association People Against Racism (October 2000).

⁷⁸ The web site Whitefront (www.whitefront.sk) is considered to be the most dangerous neo-fascist web site in Slovakia, that openly propagate fascism, it is upgraded on regular basis and authors are intrigued by the Roma issues more than by anything else. Moreover, the web site Whitefront is registered in Slovakia. Activists of the nation-wide campaign People against Racism started to negotiate possibilities of limitation of neo-fascist activities on the Internet with the representatives of the Ministry of Interior in October 2000.

⁷⁹ Vašečka, M.: Rómovia (Roma). In.: Mesežnikov, G. - Kollár, M.: Slovensko 2000. Súhrnná správa o stave spoločnosti. (Slovakia 2000. A Global Report on the State of Society). Institute for Public Affairs, Bratislava 2000.

of citizens or an individual							
Defaming the nation, race and creed	198	-	-	-	-	-	-
Incitement to ethnic and racial hate	198a	-	-	-	-	-	-
Supporting	260	-	1	-	1	-	-

More than half of the data presented below do not concern physical violence but are rather mainly about the defamation of nationality, race, and/or creed (§ 198 of the penal code), incitement to ethnic and racial hate (§ 198a of the penal code), and the support and propagation of movements aimed at limiting personal freedoms (§§ 260 and 261 of the penal code). The Prosecutor General's Office between 1990 and 1998 recorded 45 criminal offences with a suspicion of the racial motivation. Most frequently cases involving racial motivation concern persons of Roma origins. Out of the 132 recorded cases of personal assaults 71.2 % involve Roma and only 17.4% Slovaks.

(Source: Office of the Prosecutor General):

Penal offences with a racial motive in the Slovak Republic	Year 1997	Year 1998	Year 1999 /11 months/
Reported penal offences	19	21	15
Proven penal offences	8	15	11
Proven penal offences in %	42,1	71,4	73,3
Prosecuted, investigated persons in penal offences with a racial motive	Year 1997	Year 1998	Year 1999 /11 months/
Recidivists	4	1	2
Children – under 15 years	0	3	2
Youth – under 18 years	15	12	6
Territorial distribution of ascertain penal offences with a racial motive	Year 1997	Year 1998	Year 1999 /11 months/
Bratislava district	5	3	3
Trnava district	0	1	1
Trenčín district	3	1	1
Nitra district	0	1	0
Zilina district	3	0	2
Banská Bystrica district	3	8	4
Prešov district	1	3	1
Košice district	4	4	3

According to the evidence provided by the Prosecutor General's Office there were 32 persons in 1998 prosecuted for racially motivated crimes, while in 1999 this figure grew to 43 persons. The statistical data from the Prosecutor General's Office and the Ministry of Interior do not agree because the Prosecutor General gathers data only on those crimes in which a conviction is achieved. In contrast, the Ministry of Interior bases its data on the total number of criminal acts.

As far as proactive measures are concerned, the most important step has been an action plan to help prevent all forms of racism, xenophobia, anti-Semitism, and all manifestations of intolerance in the period of 2000-2001, approved by the recent government in May 2000. Among others the approved material contains programs directly aimed at continuing education of different professional groups who within their job duties have influence on the prevention of different forms of discrimination, racism, xenophobia, anti-Semitism and all forms of intolerance: police, judges, prisoner guards, prosecutors, members of the Slovak Army, employees of health and social services and employees of the state administration.

2. Patterns of Discrimination/ Representation

Most of conclusions about Roma in Slovakia, as stated in the introduction, may only be interpreted through the prism of trends or may only be applied to a specific part of the Romany community. It is also necessary to point out that an overwhelming majority of Roma in Slovakia live integrated into the majority of society and, what is even more important, non-segregated from the majority population. Generally speaking, Slovak policy makers suffer by the absolute lack of reliable data concerning Roma - they rely always only on three sources. All experts on minority issues agree that all three of them are misleading:

1. Expert estimates always difficult to prove and justify,
2. Data from census (covering less than 20 percent of Roma),
3. Different data based on "enforced identity", usually data prepared by different institutions that are based on anthropological features.

(a) Education:

Roma have in principle the same access to elementary, secondary and university education. However, very few Roma children attend kindergarten (less than 1%) and Roma pupils in the elementary schools demonstrate much less progress than do the children in the majority population. Few Roma children attend secondary schools and the number of Roma university students is statistically negligible⁸⁰. Data on this issue, published annually by the Institute of Information and Prognosis in Education, are evaluated by experts as not very precise mostly due to methodology used⁸¹. According to information of the Institute of Information and

⁸⁰ There are no reliable data on Roma university students in Slovakia. In 1991 Czechoslovak Federal Statistical Office reported 56 Roma university students in all Czechoslovakia. This number is, obviously, very underestimated, Roma leaders (Gejza Adam from the Roma Civic Initiative and Jozef Červeňák from the Roma Gemer) estimate number of Roma university students at 1.000-1.500 all together.

⁸¹ Information on numbers of Hungarian or Ukrainian students at all levels of the education system is available and is precise because it is based on language of the education. However, in case of Roma there is no network of Roma elementary or secondary schools and information are based on self-identification of students (Interview with Klára Orgovánová, director of the InfoRoma Foundation, October 2000).

Prognosis in Education in the school year 1998-99 Roma pupils and students were underestimated at all levels of education⁸².

The constitutional right to be educated in languages of ethnic minorities is implemented in the Act No.350/1994 on System of Primary and Secondary Schools. This law enables members of all ethnic minorities to exercise their right to be educated at primary and secondary schools not only in the official state language (Slovak), but also in their native language, to the extent that they deem adequate to their own national development. However, in the case of the Roma ethnic minority this law continues to be disrespected; the fact that Roma children cannot exercise their right to be educated in their native language is caused, besides other things, by different factors⁸³.

A serious problem in education is the high percentage of children from Roma settlements that are placed in "special schools". The high incidence of Roma children in special schools does not relate to mental handicaps. There are other explanations for this, which include limited knowledge of the Slovak language, minimal preparation for adjusting to the conventions of the majority population and a low level of education among the Roma⁸⁴. This is caused by the underdeveloped environment in Roma settlements, and by insufficient education and lack of preparation for life within the family⁸⁵. More importantly, the fact that Roma children are over-represented among children in special schools for mentally disabled is the practice of psychological tests in the pre-school age, that screen abilities of all children to be enrolled in regular education system. The psychological tests do not take into the account different culture and language background of the Roma children⁸⁶. Aside from the obvious disadvantage the effect

⁸² 1.120 Roma children attended state kindergartens with the Roma language education (out of 166.852 children in kindergartens all together), 6.098 Roma pupils attended primary schools (out of 622.655 children at primary schools all together), 6 Roma students were attending secondary schools /high schools/ (out of 68.494 students at the secondary schools all together), 197 Roma students were attending secondary specialized schools (out of 96.126 students all together), and 169 Roma students were attending secondary technical schools (out of 114.947 students all together) /Institute of Information and Prognosis in Education, 1998-99/.

⁸³ 1. Until 1991, Slovakia's legislation viewed the Roma merely as a socially dependent group of citizens; 2. There is no network of educational institutions providing education in the Romany language; 3. There are lingering doubts regarding the codification of the Romany language; 4. There are doubts pertaining to the purposefulness of education in the Romany language; 5. Also, doubts linger on among Roma themselves about whether or not to prefer using the Romany language in the educational process.

⁸⁴ Social and Economic Situation of the Potential Asylum Seekers from the Slovak Republic (Research report). International Organization for Migration, Bratislava 2000.

⁸⁵ The main problems of pre-school and school education of Romany children are the following (according to *Conceptional Plans of the Government's Conceptional Plans Regarding Solving Problems of the Roma*, 1997):

- Unsatisfactory level of educating children in pre-school educational institutions;
- Irregular attendance of pre-school educational institutions on the part of these children;
- Children's unsatisfactory command of the teaching language, mostly due to a family environment that does not particularly encourage them to learn it;
- A high percentage of children failing in the initial grades of primary schools;
- Children's irregular attendance of primary schools;
- A low rate of Romany children's success in primary schools;
- Indifference of parents to the education of their children.

⁸⁶ Vašečka, M.: Roma. In: Mesežnikov, G. - Ivantyšyn, M. (eds): Slovakia 1998-1999. A Global Report on the State of Society. Institute for Public Affairs, Bratislava 1999.

is also automatically to disqualify Romani children from admission to certain secondary and tertiary educational and professional institutions⁸⁷.

The solution to the lack of readiness of Roma pupils for the educational system is not simple. There are, however, alternative methods being applied to reduce the disadvantages facing Roma pupils. The aim of the various methods is to improve the level of spoken Slovak language among Roma children, increase elementary skills, improve hygienic habits, and train the use of psycho-motor skills⁸⁸.

There are two textbooks, which are particularly helpful for teachers who educate Roma pupils in special and elementary schools. They are the Roma primer, *Romano hangoro* and a reading textbook, *Genibarica*, both published in 1993. The Ministry of Education of the previous Prime-minister Mečiar government ordered the writing of a *Roma history textbook* for the upper elementary grades. The author of the textbook, a scholar of the Ethnologic Institute at the Slovak Academy of Sciences, Arne B. Mann, submitted a manuscript to the publisher in 1995. The publisher accepted the textbook, but it was not published until 1999. In spite of that many Slovak elementary school teachers have been using the textbook (distributed among teachers in an electronic form) in an attempt to help the Roma children in any possible way⁸⁹. Because of the lack of methodical materials some teachers (especially from the Club of teachers of Roma children) work on their own dictionaries and teaching materials⁹⁰.

So far, Slovak school curricula have paid very limited attention to the issue of human rights, and continue to disregard the UN-championed principle - that while teachers may decide how best to address the issue of human rights in the classroom, they cannot elect not to teach human rights at all⁹¹. In May 2000 the recent Slovak government approved an action plan to help prevent all forms of racism, xenophobia, anti-Semitism, and all manifestations of intolerance in the period of 2000-2001. One of the approved programs is to place one hour of education on proceeding of all forms of racism, xenophobia, anti-Semitism, and all manifestations of intolerance into the primary and secondary schools curricula starting in the school year of 2000-2001⁹². The implementation of the approved program depends on the decision of the director of the school - usually is the "hour" covered by some of teachers of civic education⁹³, in some cases directors arrange external teachers, often from different Slovak NGOs.

(b) Health Care:

⁸⁷ Report on the situation of Roma and Sinti in the OSCE Area. OSCE 2000.

⁸⁸ Interview with Silvia Rigová, coordinator of the InfoRoma Foundation (October 2000).

⁸⁹ The *Roma history textbook* is the only textbook written on this issue after 1989 and experts on minority issues evaluate it positively, less so by Roma leaders and politicians (Interview with Daniela Šilanová, editor-in-chief of the *Romano Nevo Lil*).

⁹⁰ Interview with Klára Orgovánová, director of the InfoRoma Foundation (October 2000).

⁹¹ Kusý, M.: *Ľudské práva* (Human Rights). In: Mesežnikov, G. - Kollár, M.: *Slovensko 2000. Súhrnná správa o stave spoločnosti*. (Slovakia 2000. A Global Report on the State of Society). Institute for Public Affairs, Bratislava 2000.

⁹² Interview with Jana Kviečinská, Section of Human Rights, Minorities and Regional Development of the Governmental Office (October 2000).

⁹³ According to Ingrid Antalová, director of the Milan Šimečka Foundation, many of these teachers and lecturers were trained by different NGOs focused on human rights since 1990.

Statistical data on the overall health of the Slovak population do not usually differentiate between particular ethnic or national categories. Only some data produce marginal evidence on certain specific factors of the Roma population's health compared to the majority population's health. With a certain degree of generalization (since a number of identified specifics do not apply generally to the entire Roma population) it can be concluded that the health of most citizens of Roma nationality is worse than the health of non-Roma population living in Slovakia. Many experts point out that the dissemination rate of contagious diseases is higher among the Roma population than among the majority population. The sickness rate caused by inadequate hygiene, poverty, and other exogenous factors (e.g. hunger, inappropriate quality of housing, etc.) therefore becomes particularly serious⁹⁴.

The poverty of a certain part of Roma population becomes evident through various forms of multiple deprivations. From the viewpoint of health, this deprivation shows, for instance, through a high probability of shortened life expectancy, a high sickness rate, various chronic diseases, permanent physical or mental disability. The data on health care reveal insufficient communication between Roma and medical staff of health care institutions, as well as insufficient understanding of the importance of prophylaxis on the part of certain groups of the Roma ethnic minority. All available data indicate that health of many Roma is currently worsening again; this is especially true for those who live in increasingly big and isolated Roma settlements. Perhaps paradoxically, this means that Slovakia is witnessing a regression in this field compared to the Communist regime from before 1989 which, objectively speaking, was very successful in improving Roma population's health (e.g. reducing the mortality rate among infants, increasing the average life span, and eliminating certain kinds of diseases)⁹⁵.

The following determinants are currently believed to influence the lower quality of Roma population's health most decisively⁹⁶:

- Lower degree of finished education, which may possibly predetermine a low level of health and social awareness;
- Low standard of personal hygiene;
- Low standard of communal hygiene;
- Low standard of housing and ecologically hazardous environment together with related issues of environmental pollution and devastation; the situation is particularly alarming in isolated Roma settlements, where the housing standard often fails to fulfil basic hygienic criteria: supplies of drinkable water are virtually non-existent; there are no sewerage systems, rubbish pits or trash heaps, let alone refuse collection; sanitary installations are non-existent; Roma dwellings are increasingly overpopulated, with entire families squeezed into limited space, often in one room.
- Related to the bad economic situation of many Roma families are further problems, such as bad eating habits, wrong types of diet and insufficient nutrition, the impossibility of purchasing necessary medicines and the inability to afford adequate health care;
- Increasing consumption of alcoholic beverages and tobacco products.

⁹⁴ Social and Economic Situation of the Potential Asylum Seekers from the Slovak Republic (Research report). International Organization for Migration, Bratislava 2000.

⁹⁵ Interview with Dena Ringold, World Bank (October 2000).

⁹⁶ Based on *Conceptional Plans of the Government's Conceptional Plans Regarding Solving Problems of the Roma*, 1997; and the *Health Needs of Roma Population in the Czech and Slovak Republics* (Literature review), Final report, World Bank, January 2000.

Common discriminatory practice against Roma is the existence of separate rooms for Roma and non-Roma in hospitals in some Eastern Slovakia districts (e.g. maternity hospital in Krompachy). There have been different allegations reported during last three years that in some maternity hospitals (e.g. Prešov) sterilization of Roma mothers has been occurring without their knowledge and permission. However, it is not possible to prove these allegations at the moment⁹⁷.

(c) Housing:

The question of adequate housing is one of the most serious problems of the Roma in Slovakia. The majority of urban and rural Roma reside in inadequate and substandard housing. Inadequate housing conditions for the Roma in Slovakia are the result of the poor social situation and the insolvency of the Roma, as well as the indifference of some Roma families to solve their housing problems⁹⁸. Also contributing to the problem is an inconsistent administrative approach to the allotment of apartments and the destruction of apartments and delayed payments for rent and utilities by some Roma. The biggest problems are found in undeveloped Roma settlements with makeshift dwellings, which lack electricity and running water. All of these settlements are segregated from the majority population residences, although the scale of segregation differs.

The official statistical research conducted in 1997 found out that a total number of registered Roma settlements amounted to 516, up by 238 from 278 Roma settlements registered in 1988. The number of Roma settlements without a stable source of drinkable water equals 20 in 1997, up by 15 compared to 1988. Furthermore, most settlements encounter the problem of inadequate infrastructure - drinkable water of poor quality, poor roads, absence of public lighting, sewerage, gas mains, sanitary installations, inadequate housing conditions, absence of shops, a post office, a school, etc. The number of Roma settlements without developed public lighting grew from 15 in 1988 to 251 by 1997. The number of Roma settlements without a paved road grew from 7 to 34 over the same period⁹⁹.

The number of dwellings situated in Roma settlements increased by 12,361 between 1988 and 1997; while in 1988 there were 1,973 dwellings situated in Roma settlements, in 1997 the number of registered dwellings reached 14,334. The number of families inhabiting Roma settlements increased by 20,242 between 1988 and 1997; while in 1988 there were 2,543 families registered to live in Roma settlements, nine years later that number reached 22,785. Out of those families, the number of families living in shacks increased by 2,063, i.e. from 2,543 families registered in 1988 to 4,606 in 1997. Overall, the number of Roma settlements' inhabitants increased by 108,046; while in 1988, the number of inhabitants living in Roma settlements equaled 14,988, by 1997 it rose to 123,034 registered inhabitants¹⁰⁰. There are no data on proportion of Roma who live in "illegal" dwellings¹⁰¹.

⁹⁷ Many Roma activists mention this problem without any proofs, increasingly there are reports also from Eastern Slovak hospitals about these practices.

⁹⁸ Social and Economic Situation of the Potential Asylum Seekers from the Slovak Republic (Research report). International Organization for Migration, Bratislava 2000.

⁹⁹ *Conceptional Plans of the Government's Conceptional Plans Regarding Solving Problems of the Roma*, 1997.

¹⁰⁰ *Správa o sociálnej situácii obyvateľstva Slovenskej republiky v roku 1998 (A Report on a Social Situation of Slovakia's Population in 1998)*, MPSVR SR [Ministry of Labor, Social Affairs, and Family), Bratislava 1999.

¹⁰¹ Interview with Arne B. Mann, ethnologist from the Slovak Academy of Science (October 2000).

As a result of the transformation processes a considerable number of Roma are recently returning to their original regions, settlements, and dwellings. This regress in their standard of living has one positive feature - due to the strong traditional connections with the family the numbers of homeless Roma is very small. Although this statement is very problematic since it would be necessary to define the homelessness. Although not technically homeless, given the large number of people living in one dwelling, a large portion of the Roma population is "under-housed"¹⁰².

In this context, it is necessary to point out that housing development in Slovakia has been generally insufficient since 1989. Despite various forms of housing savings and limited state housing loans there is no solid system that would enable a citizen with an average income to obtain a flat within a reasonable period of time¹⁰³. The most pressing task is to support individual Roma' endeavor to solve their housing situation themselves through authorizing regulated construction of dwellings that would comply with at least basic building standards. However, this requires solving the issues of finding suitable building plots, providing engineering supervision and adopting related legislation. It is absolutely necessary, though, that Roma be not forcibly concentrated in isolated urban areas¹⁰⁴.

(d) Goods/ Services

In principle there are no restrictions in access of Roma to commercial enterprises, bars, restaurants, movie theaters, sports stadiums, discos, and other public accommodation. However, in reality Roma do face many restrictions in access both to public and private services, especially in Eastern Slovakia. For instance the hotel Slovan in Košice is for many years chronically known for not serving Roma. One of the problems is the gradual acceptance of this fact both by Roma and the majority population. The state authorities are not active either in prosecuting these trespassers or in attempting to change the current legislation to be able operate more effectively.

(e) Culture

Roma have satisfactory access to participation in cultural activities. In fact this is probably the least problematic realm of Roma participation with very limited number of cases displaying some features of discrimination¹⁰⁵. This is due to hundreds of small well-established Roma art groups and the interest of Roma to be involved in cultural activities. A very important factor contributing to satisfactory access to participation in cultural activities of Roma are the sympathies of the majority population toward Roma culture.

(f) Politics

¹⁰² Discussion with Alexander Mušinka, coordinator of the "Svinia project" during the seminar organized by the Milan Šimečka Foundation on October 24, 2000).

¹⁰³ Vagač, L.: Bývanie a bytová výstavba (Housing and the housing development). In.: Mesežnikov, G. - Ivantyšin, M. (eds): Slovensko 1998-1999. Súhrnná Správa o stave spoločnosti. (A Global Report on the State of Society). Institute for Public Affairs, Bratislava 1999.

¹⁰⁴ Social and Economic Situation of the Potential Asylum Seekers from the Slovak Republic (Research report). International Organization for Migration, Bratislava 2000.

¹⁰⁵ Interview with Daniela Šilanová, editor-in-chief of the Romano Nevo L'il (October 2000).

Due to the character of the communist regime, the Roma did not have a chance to establish their own political representation until 1989. November 1989 brought a truly radical change in this respect. The *Roma Civic Initiative* (ROI) remained the most important and influential Roma political entity in the country between 1990 and 1996 (until the creation of the Roma Intelligentsia for Coexistence - RIS)¹⁰⁶. Apart from the ROI and RIS, a number of other Roma political parties kept emerging, existing, and perishing, but their influence always was and still remains irrelevant, since most of them fail to go beyond a regional or even local importance. Furthermore, they did not coordinate their activities for a long time after 1989. Following Roma political parties and their chairmen were registered at the Ministry of Interior of the Slovak Republic at the beginning of the year 2000:

1. The Democratic Alliance of Roma in the Slovak Republic (Eva Horváthová)
2. The Democratic Movement of Roma in the Slovak Republic (Ladislav Šaňa)
3. The Party for Roma' Integration in Slovakia (Koloman Gunár)
4. The Party for Protection of Roma' Rights in Slovakia (Karol Čorba)
5. The Party of Labor and Security (Štefan Danko)
6. The Party of Roma' Democratic Unity (Ján Čonka)
7. The Party of Roma Democrats in the Slovak Republic (František Guláš)
8. The Party of Slovakia's Roma (Rudolf Čonka)
9. The Roma Christian Democratic Movement in the Slovak Republic (Viktor Nagy)
10. The Roma Civic Initiative (Gejza Adam)
11. The Roma Congress of the Slovak Republic (Zoltán Berko)
12. The Roma Ethnic Party (Emil Šarközi)
13. The Roma Intelligentsia for Coexistence in the Slovak Republic (Ladislav Fízik)
14. The Social Democratic Party of Roma in Slovakia (Dezider Oláh)
15. The Union of Roma Civic Initiative in the Slovak Republic (Mikuláš Horváth)
16. Roma Initiative of Slovakia (Alexander Patkoló)
17. Hungarian Democratic Movement of Roma in the Slovak Republic (Jozef Balog)
18. Movement of Vlachika Roma of Slovakia (Jozef Konti).

The Roma political scene experienced serious changes after the 1998 parliamentary elections. Shortly after the elections it seemed that the objective of merging Roma political parties into a single Roma coalition stood a better chance than ever before. However, further developments, and especially quarrels for positions within the RIS, made it clear that the Roma political scene was not quite ready for a "Roma coalition" yet. In October 2000 14 Roma political parties and 37 Roma NGOs signed a treaty about the pre-election cooperation that is based on the support for the oldest and most consolidated Roma political party in Slovakia - The Roma Civic Initiative¹⁰⁷.

There is no representation of Roma at a parliamentary level at the moment. Roma appeared among the candidates of several political parties in last parliamentary elections, however only the Mečiar's HZDS nominated two Roma with a relatively high ranking - Ján

¹⁰⁶ Vašečka, M.: Roma. In: Mesežnikov, G. - Ivantyšyn, M. (eds): Slovakia 1998-1999. A Global Report on the State of Society. Institute for Public Affairs, Bratislava 1999.

¹⁰⁷ Vašečka, M.: Rómovia (Roma). In.: Mesežnikov, G. - Kollár, M.: Slovensko 2000. Súhrnná správa o stave spoločnosti. (Slovakia 2000. A Global Report on the State of Society). Institute for Public Affairs, Bratislava 2000.

Kompuš who ranked 61 and Jozef Ravasz who ranked 88 on the HZDS candidates' list. However, Ján Kompuš died in an accident during the official election campaign and Jozef Ravasz did not become Member of Parliament as well¹⁰⁸. Among political parties that are most sensitive about the rights of Roma and who promote Roma interests belong left-wing oriented Party of Democratic Left (recently 5% of a popular support) and a liberal oriented Democratic Party (recently 2% of a popular support). More importantly, some of Slovak political parties build their popularity also on criticism of Roma style of life (e.g. Slovak National Party, recently with 10% of popularity) and on populist suggestions how to "solve" the Roma issues (e.g. SMER with 17% of popularity at the moment).

(g) Citizenship

Roma have the same access to citizenship and the attendant rights of citizens as other citizens not only in principle but also in reality. After the splitting of Czechoslovakia some of Roma who returned to their home villages and settlements from the Czech Republic found themselves in a stateless situation (after the splitting of Czechoslovakia they failed to obtain Slovak citizenship since they had no permanent residence in Slovakia)¹⁰⁹. Most of these cases have been satisfactory solved¹¹⁰. It is very likely that some of the Roma living in settlements still do not have permission to stay permanently in Slovakia, but there are no reports about such a cases at the moment.

(h) Private Employment

The rate of Roma unemployment is high; in a number of Roma settlements it reaches 100%¹¹¹. Exact statistics of Roma unemployment do not exist and one can only estimate it based on the situation in the most problematic regions of Slovakia, specifically the districts with high numbers of Roma population (for example Rimavská Sobota or Rožňava)¹¹². These districts have the highest rate of unemployment in the Slovak Republic. Unofficial numbers about unemployed Roma were available until the summer of 1999 and were based on notes of government employment offices that were marking a letter "R" in the files of the Roma applicants who were requesting employment assistance. Such procedures, however, were not supported by the legal system and they further hindered the effort of Roma seeking employment. The new Slovak government changed this policy and therefore since 1998 there are not even unofficial data on

¹⁰⁸ Vašečka, M.: Roma and the 1998 Parliamentary Elections. In: The 1998 Parliamentary Elections and Democratic Rebirth in Slovakia, eds: Bútorá, M. - Bútorová, Z. - Mesežnikov, G. - Fisher, S., Bratislava, Institute for Public Affairs, 1999.

¹⁰⁹ Under the Law on Acquisition and Loss of Citizenship (Law No. 40/1993), adopted in December 1992 in the Czech Republic, the citizenship of someone born before 1 January 1954 was determined by their place of birth, while citizenship of those born after that date was determined by reference to the nationality of their parents. The burden of this provision fell disproportionately and heavily upon Roma communities. Tens of thousands of Czech Roma were made stateless, either de jure or de facto, by virtue of this law (Šiklová, J. - Miklušáková, M.: Citizenship of Roma after the split of Czechoslovakia: a social problem to be faced by other multinational states, European Journal of Social Work, n. 1, 1998).

¹¹⁰ According to information from the UNHCR Office in Bratislava there are no cases of persons in stateless situation reported in Slovakia. Klára Orgovánová, director of the InfoRoma Foundation believes, that most of cases of stateless Roma persons occurred due to the administrative inability of some Roma (not valid identification card, etc.)

¹¹¹ Estimates of experts on minority issues and on mayors of following villages with significant Roma villages: Rudňany, Markušovce, Chminianske Jakubovany, and Svinia.

¹¹² Falt'an, L. - Gajdoš, P. - Pašiak, J.: Sociálna marginalita území Slovenska (Social Marginality of Slovakia's Territories), Bratislava, S.P.A.C.E. 1995.

Roma unemployment¹¹³. Although previously described procedures were not supported by the law, except of discrimination of Roma they brought the most comprehensive (although not entirely reliable) information on the real situation of Roma unemployment. According to these statistics from the National Labor Office, Roma constituted 30,4% of long-term unemployed over 12 months, 40,9% of long-term unemployed over 24 months, and 52,3% of long-term unemployed over 48 months. According to the education structure Roma constituted 83,1% of all unemployed without any education, 41,1% of unemployed with primary education, 6,6% of all unemployed with the secondary technical education, and only 0,7% of all unemployed with secondary ad university education.

The most serious problems underlying Roma unemployment include a low level of training, a lack of job opportunities (mainly in districts with high Roma populations), a lack of a good work ethic and a disinterest of employers to employ Roma workers. As far as young Roma are concerned, their unemployment has reached almost a cultural-ethnic dimension; Roma settlements with unemployment between 80 and 100 percent fell through the labor market, were caught in a social net and now cannot find their way out. The overall number of unemployed young Slovaks between 14 to 24 equals 62,532, making up almost 25 percent of the total number of registered job applicants; more than 60 percent of them have been looking for a job for more than three years¹¹⁴. Young people from this category of the Roma ethnic minority, who already have several children to provide for, are unable to change their social situation by themselves. From among strategies of improving their own financial situation, Roma families mostly applied the strategy of cutting down expenses, borrowing money, and relying on help from their relatives. Poorer and socially dependent families, mostly living in settlements, applied the most often a strategy that made them even more dependent on others, namely borrowing money from usurers¹¹⁵.

Roma themselves report that they suffer by wide-spread discrimination on the labor market, especially on the part of private employers who refuse to employ Roma without explanation, or stating the inadaptability of Roma to the usual working regime or their bad experience with Roma as the reason for not accepting Roma.

(i) Public Employment

There are no data on the representation of Roma at all levels of government and the civil service. As for the moment there is no governmental policy in place to promote increased access for Roma into all forms of public employment¹¹⁶.

(j) Criminal Justice

¹¹³ Slovak National Labor Office Director General Jaroslav Šumný told ČTK that the measures did not constitute discriminatory treatment but were implemented because of the "complicated social adaptability" of the group. This practice aids Slovakia, according to Šumný, in receiving EU funds aimed at helping Roma (ČTK, Radio Free Europe/ Radio Liberty; November 5, 2000)

¹¹⁴ Social and Economic Situation of the Potential Asylum Seekers from the Slovak Republic (Research report). International Organization for Migration, Bratislava 2000.

¹¹⁵ Lenczová, M.: *Proces transformácie odhalil zraniteľnosť rómskej rodiny [Transformation Process Revealing the Vulnerability of a Romany Family]*, In: *Práca a sociálna politika*, No.4, 1996.

¹¹⁶ Interview with Klára Orgovánová, director of the InfoRoma Foundation (October 2000).

The Slovak legal system does not allow any discriminatory treatment of members of national minorities in the criminal justice system. However, according to the European Roma Rights Center Roma in Slovakia receive differential treatment when entering the criminal justice system in the capacity of defendants¹¹⁷. There are no data available, no research or monitoring has been done by neither non-governmental nor governmental organization on the issue of discriminatory treatment of Roma in the Slovak criminal system.

According to a methodologically problematic survey ordered in July 2000 by the Ministry of Justice there are as many as 40% Roma prisoners in Slovak prisons. Prisons guards conducted the survey. Minister of Justice Ján Čarnogurský explained the reasons for this survey by the necessity to know numbers in order to be able to appeal to Roma in the process of re-socialization¹¹⁸. According to information from advocates and defenders Roma and non-Roma in practice enjoy the same likelihood of conviction for crimes¹¹⁹. It is not possible to judge whether Roma receive similar treatment by the police as non-Roma since there are no surveys or monitoring available on this issues. According to particular cases certain doubts might arise on the issue and it is very likely that investigative authorities and police do treat Roma differently. Roma leaders often complain that:

- Roma are likely to receive more severe sentences than non-Roma,
- Roma are kept in pre-trial detention for longer periods and more frequently than non-Roma,
- Roma receive higher sentences than non-Roma for the same crimes committed and are not given suspended sentences in situations in which non-Roma are granted such. Attorneys and human rights activists confirmed none of these allegations¹²⁰. However, Roma victims of crime usually complain that their crime cases were rejected by investigative bodies and prosecutors as not having a racist context.

3. Official Hate Speech

Some Slovak public officials do make public anti-Roma statements and there are tens of examples from all levels of the state administration and at the parliamentary level of such biased statements. During the term of previous Prime Minister Mečiar before 1998 these statements were not followed by strict reactions from members of the government (too often they were authors of them, mostly from the Slovak National Party). Usually only representatives of the then democratic opposition and civic associations strongly criticized these statements. To name just some of statements from the period 1994-1998:

¹¹⁷ Racial Discrimination and Violence against Roma in Europe. European Roma Rights Center. Statement submitted to the UN Committee of Racial Discrimination at its 57-th Session.

¹¹⁸ This survey in Slovak prisons was considered as a problematic by most of minority issues experts and Roma representatives because of lack of directives who should be evaluated as a member of a Roma minority. The Minister of Justice Ján Čarnogurský explained the "method" to media by stating that employees of the Ministry know how to recognize Roma people.

¹¹⁹ Interviews with Ján Hrubala, public interest law attorney and Martin Giertl, legal adviser of the Charter 77 Foundation.

¹²⁰ Both Ján Hrubala and Martin Giertl agreed that if some of these discriminatory treatments are happening, it is due to the fact that recidivists are over-represented among Roma committing crimes (more severe sentences), or due to the character of the crime committing often collectively by Roma (longer stay in the pre-trial detention).

On May, 1996 Bartolomej Kunc, a parliamentary deputy from the Slovak National Party, asserted that wartime deportations of Jews from Slovakia were a consequence of the inappropriate enrichment of the Jews, which "impoverished the Slovak people."¹²¹

On August 6, 1998 the then Slovak Premier Vladimír Mečiar suggested a way to solve unemployment in the region of Košice. He proposed to establish an operation that would furnish the unemployed "intellectually modest work." By this he made an insult to the high percent of unemployed Roma, and added, "Slovaks produce first-rate values, Roma only themselves..."¹²²

On March 5, 1998 in his sad celebration appearance at the meeting of HZDS and SNS in Kysucké Nové Mesto, Ján Slota, mayor of Žilina, president of SNS, member of Parliament and President of the Parliamentary Committee for Control of the Secret Service, and in addition in a tipsy condition, announced, "In no case shall we agree that there is here a Romany nationality. That is absolutely rubbish. They are Gypsies, who steal, plunder, and loot!" In reaction to his remarks, various social and political organizations passed on to Ján Slota an initiative for the General Public Prosecutor of the Slovak Republic for suspicion to commit criminal acts, defaming nationalities, races, and inciting toward nationalistic and racist hatred, violence, against groups of citizens, or individuals and spreading alarming messages. In a sober condition, Ján Slota reacted to his performance in Kysucké Nové Mesto with the words, "It is possible that they were somewhat hard words. It is my inner conviction."¹²³

After the Parliamentary elections of 1998 the situation and the atmosphere in the country changed - the recent governmental coalition took the issues of discrimination and racially motivated hate speech seriously. Slovakia joined the group of countries that do not hesitate to turn over for prosecution even top representatives of political parties. It was very visible from the case of a member of the far-right Slovak National Party, Vítázoslav Móric, who may be charged now for statements he made concerning Roma at a party conference in August. He called Roma "idiots" and "mental retards" and recommended some of them be put on reservations. "If we don't do it now they will do it to us in some 20 years," he added¹²⁴. The former leader of Móric's SNS party, Ján Slota, added that Slovaks were "stupid" if they failed to see that Móric made some valid points about the Roma problem. Roma representatives, as well as several human rights activists brought charges against Móric. Móric was stripped of the immunity from the prosecution he enjoyed as a member of parliament in September 2000 and the investigation has been in place since then. Independent lawyer Ján Hrubala said that as a public figure, Móric should be punished more severely than a normal citizen. The Parliamentary discussion about the Vítázoslav Móric statements showed very clearly the level of prejudices and hatred accumulated against Roma. Some of members of Parliament representing the current Slovak opposition political parties (the Slovak National Party and the Movement for Democratic Slovakia) surprised everyone by making far more racist statements than the ones they were discussing. A Member of Parliament from the Movement for Democratic Slovakia, Michal Drobný, stated that the Roma question was solved very well during the wartime fascist Slovak state. Drobný shocked other members of Parliament by his understanding of the situation - he believes that Roma are emotionally on the level of animals, they are immoral, they live like pagans, and they are not

¹²¹ Dostál, Ondrej: Národnostné menšiny (National Minorities). In: Bútor, M. – Ivantýšyn, M.: Slovensko 1997. Súhrnná správa o stave spoločnosti a trendoch na rok 1998 (Slovakia 1997. The Global Report on the State of Society.) Bratislava, Institute for Public Affairs 1998.

¹²² Vašečka, M.: Put Down in the Under-class The New Presence, October 1999.

¹²³ Romano Nevo Lil, n. 371 - 377, 1999.

¹²⁴ Romano Nevo Lil, n. 448 - 454, 2000.

contributing in any way to the wealth of society. According to him they should be isolated also because they are bearers of infection diseases. Since these words were said inside the Parliamentary Hall, according to Slovak law Drobný cannot be brought to justice¹²⁵.

4. Existence of Yardsticks

The recent government does monitor the frequency of discrimination and violence against Roma. Information on discrimination are monitored by the Ministry of Interior and Office of the Prosecutor General who are, however, reluctant to offer these figures to the public. Non-governmental organizations are not very much involved in the monitoring of the frequencies of discrimination and violence against Roma and their figures differ from the official ones of the state institutions. The only exceptions are Foundation of the Good Roma Fairy Kesaj from Košice and the Foundation Citizen and Democracy from Bratislava. The discrepancy between state institutions figures and figures of NGOs could be explained by referring to different realities - Ministry of Interior and Office of the Prosecutor General report only cases that have been reported, have been evaluated as having racist context, and offenders have been charged¹²⁶. However, NGOs often report cases of racist assault no matter whether victims contacted police or not.

There are no studies available on the prejudices among law enforcement personnel. As stated above, there are no accurate data regarding the actual state of members of the Roma minority. The recent government is trying to secure that no data on national minorities can be abused. However, the negative consequence of these efforts is a desperate lack of any relevant information about Roma minority in Slovakia. The discussion on the issue of gathering data is very vital in Slovakia; the issue is discussed regularly in Slovak daily newspapers. The main points of the discussion are the necessity to prevent abuse of the data on ethnicity on one side and the need of data to have an opportunity to improve the socio-economic status of Roma¹²⁷.

5. Public Education and Awareness

(a) The recent government did not make any impressive effort to publicize anti-discrimination norms and combat racist attitudes against Roma. Most of the relevant information are available on the Internet (www.gov.government.sk), but there was no additional effort made to introduce changes in the anti-discrimination policies to the public. In comparison to the previous government of the former Prime-minister Mečiar even these efforts were satisfactory, although the previous government cannot be taken as a frame of references.

(b) As mentioned above, in May 2000 the recent Slovak government approved an Action plan to help prevent all forms of racism, xenophobia, anti-Semitism, and all manifestations of intolerance in the period of 2000-2001. Among others the approved material contains programs directly aimed at continuing education of different professional groups who within their job duties have influence on the prevention of different forms of discrimination, racism, xenophobia, anti-Semitism and all forms of intolerance: police, judges, prisoner guards, prosecutors, members

¹²⁵ Vašečka, M.: Rómovia (Roma). In.: Mesežnikov, G. - Kollár, M.: Slovensko 2000. Súhrnná správa o stave spoločnosti. (Slovakia 2000. A Global Report on the State of Society). Institute for Public Affairs, Bratislava 2000.

¹²⁶ Interview with Ján Hrubala, public interest law attorney from Banská Bystrica (October 2000).

¹²⁷ The most sophisticated and comprehensive discussion on this topic of Slovak experts on minority issues can be found in Romano Lil Nevo, n. 448-454.

of the Slovak Army, employees of health and social services and employees of the state administration. All ministries mentioned in the material should provide all sorts of education to secure the task of the governmental action plan.

(c) Several members of the recent government and the governmental coalition openly spoke out against racism toward Roma, usually after brutal racist attacks and murders. Prime-Minister Mikuláš Dzurinda and other members of the Slovak government repeatedly spoke against racist violence¹²⁸. Most human rights activists believe that country leaders speak out against racism only after brutal racist attacks on purpose - even people with strong racist attitudes against Roma condemn violence and therefore political leaders do not suffer a loss of support from their constituency¹²⁹.

(d) Governmental officials usually do not try to link the protection of the rights of Roma to EU accession in the public understanding. It is connected mostly with the belief of most politicians that Roma issues and protection of their rights will not play a very important role in the EU accession process. The exception is Vice-prime Minister for Human Rights and National Minorities Pál Csáky, who has been repeatedly speaking out about protection of the rights of Roma as one of conditions for the EU membership.

F. EU Policy

Between 1992 and 1998, the political situation in Slovakia did not reflect the efforts that had been made to create an idea of a state that is based on more than one nationality. The European Union criticized Slovakia and its state bodies because of its approach toward national minorities. For the most part, after the parliamentary elections in 1994 the criticism was correct and fair¹³⁰. However, the situation of all other minorities (political and social) was getting worse - the general political situation was worsening, the political polarization of society increased and very serious deficits of democracy appeared. The situation of Roma has been very much affected by these developments; deficits in the process of solving the so-called Roma problem have resulted from the deficits in applying democratic principles.

The elections of 1998 resulted in changes in the situation of Roma in Slovakia. The new government was able to create a better social atmosphere in the country, and that resulted in visible changes in the approach of the state administration toward the Roma minority as well. A position of deputy prime minister for human rights, minorities, and regional development was created within the government, and new government also created the position of governmental plenipotentiary for resolving Roma issues. Most importantly, the new government has been determined to solve the Roma problem in coordination with representatives of the Roma community and with respect to the recommendations of international organizations and European

¹²⁸ For example, Prime-minister Mikuláš Dzurinda spoke openly against racism on August 25, 2000, 5 days after the brutal racist attack on Roma woman Anastázia Balážová in Žilina, who died on consequences of injuries.

¹²⁹ Interviews with Daniela Šilanová, editor-in-chief of the *Romano Nevo Ľil*; Alexander Patkoló, chairman of the Roma Initiative of Slovakia; Ladislav Ďurkovič, coordinator of the campaign People Against Racism.

¹³⁰ Vašečka, M.: *The Romanies in Slovakia* In: National Human Development Report Slovakia 1998, ed.: Vagač. L., Bratislava, United Nations Development Programme, 1999.

Union countries¹³¹. However, what have been not changing since the elections of 1998 are the relations between the majority population and the Roma. Due to the increased efforts of Roma to immigrate to EU countries, in some ways attitudes toward Roma in Slovakia have grown even worse since 1998¹³².

The EU positively evaluated the changes that occurred in Slovakia after the Parliamentary elections of 1998 in connections to minority rights in general. Recently the EU stated repeatedly that minority rights in Slovakia are protected on a satisfactory level. However, the EU consider living conditions of Roma to be unfavorable for the further development of the Roma minority,

¹³¹ Vašečka, M.: The Roma In: Slovakia 1998-1999. A Global Report on the State of Society, ed: Mesežnikov, G. - Ivantyšyn, M. - Nicholson, T., Bratislava, Institute for Public Affairs, 1999, p. 395 - 415.

¹³² The Roma exodus began in 1997 when Roma started trying to emigrate to the Great Britain. A spokesman for the Interior Ministry of the Slovak Republic stated in 1998 that the reasons for the Roma migration to the Great Britain were economic, not ethnic. According to the spokesman, the émigrés were wealthy money-usurers who have taken advantage of ordinary Roma and have connections with law offices in London. Roma in turn, claim to be fleeing the systematic persecution of Roma in Slovakia. However, the problem was from the beginning more complicated than that. With a certain level of simplification, the situation could be described as follows: Several Roma families with quite serious reasons for applying for asylum were followed by Roma looking for improvement in their standard of living. In April 1998 the British authorities issued asylum for six Roma from Slovakia. In response to the large Roma exodus from Slovakia on October 10 1998, the British government initiated the visa obligation for citizens of the Slovak Republic.

During June 1999 more than one thousand Slovak Roma requested asylum in Finland. From July to December 1999, Finland presided over the European Union, and Slovak diplomacy with Finland focused on the December 1999 summit to upgrade Slovakia into the "first group" of countries seeking entrance into the European Union. Therefore, speculations appeared that the political opposition (HZDS) organized Roma immigration to Finland. Besides the political opposition, travel agencies were also accused of being responsible for the Roma exodus to Finland. Vincent Danihel, the governmental plenipotentiary on the Roma issues, stated that the Roma exodus to Finland was connected to the financially lucrative asylum benefits offered by the Finnish government. The Finnish government denied the right of asylum to all of the Roma applicants and fearing another wave of Slovak Roma Finland on July 6, 1999 renewed its visa obligation for Slovak citizens.

The so-called Roma exodus opened new questions that were not previously discussed between EU representatives and Slovak authorities. Several top political representatives stated that a repeat of the mass exodus of Slovak Roma represents a serious threat to Slovak integration efforts into the European Union. Migrating Roma helped to raise awareness in the Slovak government of the need to take action to improve the conditions of life of the Roma. Meantime, the EU representatives understood to certain level, that it has to be recognized that the Roma will move westwards, and the EU needs to prepare for this both by educating western public opinion, and by improving the implementation of the EU's commitment to minority rights in all member-states. The Roma exodus showed also the level of ignorance about the Roma issues on the side of representatives of EU state-members, the need to change the asylum policies of particular member states, and the necessity to understand the Roma problem as a European issue. Most importantly, the crisis connected with the migration of Roma opened the question whether international documents and treaties reflect specific problems of the Roma minority in Central and Eastern Europe. The European Union found itself unprepared to face the Roma problem, and some EU officials blamed Slovak authorities for that.

The entry of new members from Central Europe will inevitably confront the richer existing member-states with substantial numbers of new "internal" migrants whose needs and rights may not be adequately met by existing EU legislation, and whose integration may require additional policy measures. There is a particularly compelling reason for the EU to concern itself directly when the rights of such migrants are, or should be, a matter of common concern to all member-state. This applies in particular in the case of Roma, who constitute the largest pan-European transnational minority, historically present in all existing member-states and now emerging throughout Central Europe as the most marginalized and disadvantaged minority. The Roma have received less attention from the European Union than autochthonous national minorities of Central Europe because they have lacked the resources of education, political organization, and powerful backing from outside. Roma needs have been ignored precisely because they have not threatened international order, and prejudice against them has been equally strong in both west and east.

and EU representatives have been concerned in several statements about the prevalence of racially-motivated violence against Roma. EU representatives do not link the protection of Roma rights to EU enlargement process publicly, but they do put pressure on the Slovak government to increase efforts to improve the Roma situation significantly as soon as possible¹³³.

Although the Slovak Republic is not a member of the European Union (EU), as an associated country aspiring to join the EU it has to monitor developments within the EU in the field of human rights very closely. Since early in its existence, the EU has accepted the lead in this field from the Council of Europe. Significant importance is in this respect attributed to the European Social Charter. The Amsterdam Agreement in its preamble gave priority to social rights, as it considered them to be fundamental human rights. Throughout the entire development of its notion of fundamental rights, the EU has traditionally emphasized the prohibition of discrimination and the consequent right to equal treatment, for instance in access to employment, professional advancement or social protection¹³⁴.

The EU is funding different projects concerning Roma in Slovakia run both by governmental and non-governmental organizations and the EU's budget for such project recently significantly increased¹³⁵. For the year 2000 three million EURO have been allocated by the EC for Roma projects. Governmental programs are focused mostly on human rights, media, and training against racism. Programs of the non-governmental organizations are focused primarily on educational and training programs.

Elaborated by Michal Vašečka for the Center for Policy Studies: EU Accession Monitoring Project on Minority Rights.

¹³³ Batt, Judy: *Memorandum of the Roma in Central and Eastern Europe: Implications for the EU*. University of Birmingham 1999.

¹³⁴ Kusý, M.: *Ľudské práva (Human Rights)*. In: Mesežnikov, G. - Kollár, M.: *Slovensko 2000. Súhrnná správa o stave spoločnosti*. (Slovakia 2000. A Global Report on the State of Society). Institute for Public Affairs, Bratislava 2000.

¹³⁵ Every year, each candidate country is given a "national allocation" under the Phare program. In Slovakia, the 1998 Phare program contributes 450,000 Euro to a joint project with the Dutch and Slovak governments totaling 2,4 million Euro, which aims at improving the housing standards, the level of education and culture, and the working opportunities of the Roma communities in the Spišská Nová Ves district. Phare 1999 allocated 1,8 million to a minority tolerance program co-financed with the Slovak Government and totaling 2,3 million Euro. All together, since 1993 Phare-funded programs equals to 5, 734,659 Euro (EU support for Roma communities in Central and Eastern Europe, Enlargement Briefings).