
Slovakia

New Criminal Code (L. 300/2005),

Section 193, par {1}: Any person, who by violence, threat of violence or threat of serious harm a/ forces other person to take parting religious act, b/ unlawfully prevent others in taking part in religious act, or c/ unlawfully prevent others to enjoy the freedom of religion, shall be liable for a term of imprisonment of up to two years.

Section 198 Defamation of a nation, race or conviction: (1) Every person, who publicly defames a) nation, its language or a race, or b) group of inhabitants of the Republic on the grounds of their political opinion religion or because they do not belong to a religion, shall be punished by a term of imprisonment of up to one year, or by pecuniary penalty. (2) The offender will receive an imprisonment sentence of up to three years if he commits the offence referred to in paragraph 1 with at least two more persons."

Section 198a Incitement to ethnic or racial hatred: (1) Every person who publicly incites to hatred against a nation or a race or who incites to the restriction of rights and freedoms of persons belonging to a nation or a race shall be punished by a sentence of imprisonment of up to one year or by pecuniary penalty." (2) The same

punishment shall be imposed on every person who associates or assembles with others with the intent to commit the offence referred to in paragraph 1." Supporting and promoting of groups leading to the suppression of fundamental rights and freedoms

Section 421: (1) *Any person who supports or makes propaganda for a group of people which by violence, threat of violence or threat of other serious harm aims at suppressing fundamental rights and freedoms, shall be liable to a term of imprisonment of one to five years.*

Section 422: (1) *Any person who publicly demonstrates, in particular, by using flags, badges, uniforms, slogans, his sympathies for movements leading to the suppression of fundamental rights and freedoms shall be liable to a term of imprisonment of six month to three years.*

Section 422a Production of extremist materials: (1) *Any person who produces extremist's materials is liable to a term of imprisonment from three to six years.*

Section 422b Dissemination of extremist materials: (1) *Any persons who copies, transports, contrives, makes accessible, circulates, imports, exports, offers, sells, consigns or disseminates the extremist materials, is liable to a term of imprisonment from one to five years.*

Section 422c Harboring of extremist materials: (1) *Any person who harbours the extremist's materials is liable to a term of imprisonment up to two years.*

Section 423 Defamation of a nation, race and conviction: (1) *Any person who publicly defames a) a nation, its language, a race or an ethnic group, or b) a group of people because of their religion or because they have no religion shall be liable to a term of imprisonment not exceeding one year.*

New Criminal Code (L. 300/2005), Section 424 Incitement to national, racial and ethnic hatred (≠ religious ?)

1) Any person who publicly

- a. threatens an individual or a group of individuals, because of their nation, nationality, race or ethnic group or for colour of their skin of restricting their rights and freedoms, or any person who makes such a restriction, or
- b. incites hatred against a nation or a race, or to the restriction of rights and freedoms of the members of a nation or race

shall be liable to a term of imprisonment not exceeding three years.

2) The same sentence as referred to in paragraph 1. shall be imposed on any person who associates or assembles with others with a view to committing the offence referred to in paragraph 1.

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- 3) The offender shall be liable to a term of imprisonment if one year to three years if he/She commits the offence referred to in paragraph 1 or 2
- a) in association with a foreign power or foreign official/agent;
 - b) in the capacity as a public official, or
 - c) during a crisis situation.

Section 424a Incitement, defamation and threatening of person for reason of race, nation, nationality, colour of skin, ethnic group or gender: (1) Any person who publicly a) incites to violence or hatred against a group of people or individual for the reason of race, nation, nationality, colour of skin, ethnic group, gender or for religion, if it is pretext for incitement from given reasons, or b) defames such a group or individual or threatens them by publicly excusing act considered by articles 6,7 and 8 of the Rome Statute of International Criminal Court to be genocide, crime against humanity or war crime or crime considered by article 6 of the Rome Statute of International Criminal Court annexed to the Agreement for the Prosecution and Punishment of the Major War Criminals of the European Axis dated 8 August 1945 to be a crime against peace, war crime or crime against humanity, if the act is committed against such a group of people or individual, or if the perpetrator or co-perpetrator of this act was condemned by irrevocable sentence of the international court, if it was not abolished in legal proceeding, publicly denies or seriously detracts such an act, if it is committed against such person or individual, is liable to a term of imprisonment from one to three years.

Case Law

Slovakia

Constitutional Court: <http://www.concourt.sk/sk.do>

Hlavná 110, Košice 042 65

Aktuality
Najnovšie udalosti a informácie

Datum vydania	Správa / Informácia	pozn
5. 1. 2011	20. januára 2011 o 16:00h. Vyhlásenie rozhodnutia senátu Ústavného súdu Slovenskej republiky	Verzijné pojednávania
5. 1. 2011	Tlačová informácia č. 1/2011 Ústavný súd Slovenskej republiky pod vedením predsedníčky Ivetky Macojkovej na neverejnom zasadnutí pléna d. januára 2011 rozhodol o volebných sčítaniach	Tlačové správy
4. 1. 2011	25. januára 2011 o 15:00h. Verzijné listinné pojednávania senátu Ústavného súdu Slovenskej republiky	Verzijné pojednávania
4. 1. 2011	20. januára 2011 o 10:30h. Verzijné listinné pojednávania senátu Ústavného súdu Slovenskej republiky	Verzijné pojednávania
3. 1. 2011	3. februára 2011 o 10:00h. Verzijné listinné pojednávania senátu Ústavného súdu Slovenskej republiky	Verzijné pojednávania

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Supreme Court: <http://nssr.blox.sk/blox/cms/portal/sk/1>

NAJVYŠŠÍ SÚD SLOVENSKEJ REPUBLIKY

Dôležitý oznama - zmena tel. čísel!

Od 1. januára 2011 začal Najvyšší súd SR používať novú telefónnu ústredňu. Týmto došlo k zmene predvolky na +421 / 2 / 323 04 ... a aj k zmene kľapiek. Nové čísla sú uvedené v záložke kontakty.

Úvod

Oznamy a spisy Najvyššieho súdu SR

- Nové oznamy NS SR
- Vyhlasenie Fina Najvyššieho súdu SR
- Súhlas doručenia ceľky k Eadosti o zameriavane
- Passerovanie na stránku Súdnej rady SR
- Spisovne portálu Najvyššieho súdu SR (30.5.2007)

Písomne

- Písomne dňa 10. januára 2011
- Písomne dňa 04. septembra 2010

NAJVYŠŠÍ SÚD SLOVENSKEJ REPUBLIKY

4 Oct 11/02/09
2 Oct 24/12/09
Rozhodnutia

Filtre

Kategória: Bez podmienky

Spisová značka obsahuje

Merito veci obsahuje

Číslo rozhodnutia obsahuje

Dátum od

Dátum do

Text rozhodnutia obsahuje

vyhľadať zrušiť podmienky

Dátum	Kategória	Číslo rozhodnutia	Merito veci	Spisová značka	
27.11.2010	Správne kolégium	78Sor12/2010	o preskúmanie zákonnosti rozhodnutia	78Sor12/2010	Zobraziť
25.11.2010	Správne kolégium	78or11/2010	o invalidný dôchodok	78or11/2010	Zobraziť
25.11.2010	Správne kolégium	78or163/2009	o starobný dôchodok	78or163/2009	Zobraziť
25.11.2010	Správne kolégium	78or161/2009	o sirotsky dôchodok	78or161/2009	Zobraziť
25.11.2010	Správne kolégium	78or151/2009	o starobný dôchodok	78or151/2009	Zobraziť
25.11.2010	Správne kolégium	78Sor063/2009	o preskúmanie zákonnosti rozhodnutia	78Sor063/2009	Zobraziť
25.11.2010	Správne kolégium	88Sor134/2010	priestupok proti občianskemu spoluzáväzku pod...	88Sor134/2010	Zobraziť
25.11.2010	Správne kolégium	78or133/2009	o úrazová renta	78or133/2009	Zobraziť
25.11.2010	Správne kolégium	78or9/2010	pripätok k dôchodku politikým vzťahom	78or9/2010	Zobraziť
25.11.2010	Správne kolégium	78or58/2010	o invalidný dôchodok	78or58/2010	Zobraziť

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Public Policies

SUMMARY

Since the publication of ECRI's third report on Slovakia on 27 January 2004, progress has been made in a number of fields covered by that report.

One area of progress as far as ECRI's mandate is concerned, is the adoption of a new Criminal Code in January 2006 which contains several provisions on racially-motivated crimes, including incitement to racial hatred. The Code also provides that the racist motivation of a crime is considered to be an aggravating circumstance. Another noteworthy step is the passing on 1 July 2004, of the Anti-Discrimination Act. This Act prohibits discrimination based on, among others, race, religion or belief, national or ethnic origin, colour and language and covers the areas of employment, social security, healthcare, the provision of goods and services as well as education. The Act also provides for positive measures to be adopted for, among others, persons who are socially disadvantaged. ECRI thus notes that this Act is broadly in keeping with international and European standards concerning the protection against racial discrimination. The Slovak National Centre for Human Rights is the body entrusted with monitoring the implementation of this Act.

The Slovak authorities adopted, in May 2008, a new School Act which prohibits discrimination and segregation in education. They have also adopted a Concept of Education and Training of Roma Children and Pupils, including the Development of High School and University Education. One of the objectives of this concept is to decrease the number of Roma children attending Special Elementary Schools for disabled children and to integrate them into mainstream education. In the area of housing, the Slovak authorities have built social housing to improve the conditions in which Roma live. They have also adopted detailed guidelines for the police on the manner in which forced evictions ought to be carried out in order to reduce the possibility of past human rights violations being repeated in this regard.

As concerns the situation of Roma in various fields, the Slovak authorities have adopted the Basic Theses of the Government's Policy Concept for the Integration of Roma Communities for 2003. This concept contains a number of tasks in areas such as human rights, education, employment, housing and health for resolving problems faced by Roma in these areas. In March 2008, the Slovak authorities adopted a Medium-term Concept of the Development of the Roma National Minority in the Slovak Republic for the Period 2008-2013 which incorporates the current defined issues and proposes solutions in the fields of, inter alia, education, health, healthcare and the media. The Employment Services Act also contains measures designed to assist members of this group in integrating into the labour market. Thus, it provides that private entities or public companies should have a workforce comprising 30% long-term unemployed. The majority of long-term unemployed are Roma.

A number of Roma community officers have been recruited in the police since ECRI's third report and Roma health workers are currently working in Roma communities to improve the health situation of the persons who live therein. These measures are a positive step in better involving Roma in implementing measures taken to address issues of concern to their communities. Following allegations of sterilisations of Roma women without their full and informed consent, the Slovak authorities have made some legislative changes concerning sterilisations, by including the crime of "illegal sterilisation" in the Criminal Code. Several safeguards concerning sterilisations were also added in the Law on Healthcare including the provision that this procedure may only be carried out following a written request and informed consent. There has been an increased Roma presence on the Slovak political scene, with 19 mayors having been elected in the 2006 municipal elections.

In July 2007, the Slovak legislation was amended to provide subsidiary protection for asylum seekers and conditions are reported to have improved in detention centres for non-citizens.

ECRI welcomes these positive developments in Slovakia. However, despite the progress achieved, some issues continue to give rise to concern.

In 2000, Slovakia signed Protocol No. 12 to the European Convention on Human Rights which provides for a general prohibition to discrimination, but it has not yet ratified this instrument which came into force on 1 April 2005. The provisions of the Criminal Code regarding racially-motivated crimes are seldom implemented and few cases have been tried although an increase in racially-motivated violence against ethnic minorities including Roma, Hungarians, Jews as well as non-nationals from Africa, Asia and Latin America has been observed in the last few years. The Anti-Discrimination Act is also not implemented as vigorously as it could be, partly because judges have not yet received the type of training in this Act and in discrimination issues in general including on the principle of shifting the burden of proof in discrimination cases, which they require. As the body empowered to monitor the implementation of the Anti-Discrimination Act, the Slovak National Centre for Human Rights is not at present sufficiently equipped to fully fulfil its role because it does not, for instance have the power to represent victims in court. Furthermore, doubts have been raised as to whether this body is sufficiently independent in practice.

The Office of the Plenipotentiary for Roma which has, among others, been entrusted with managing funds allocated to programmes and projects dealing with Roma issues, does not currently have the necessary tools, including human and financial resources, to carry out this task. The various programmes adopted by the authorities to improve the situation of Roma in various areas such as education, housing, employment and health are not implemented as vigorously as they should be. For the moment, most of the initiatives taken in those areas are in the context of NGO, Council of Europe or European Union projects. Roma civil society actors and NGOs are further not sufficiently consulted and involved in the planning, execution and monitoring process where these programmes are concerned. Moreover, some of the programmes were only adopted by the authorities relatively recently. For example, the Concept of Education and Training of Roma Children and Pupils, including the Development of High School and University Education has among its objectives, reducing the number of Roma children placed in Special Elementary Schools for disabled children and integrating them in mainstream schools, but it was only adopted in April 2008.

In the area of education, Roma children remain disproportionately represented in Special Elementary Schools for disabled children and the problem of many of them facing de facto segregation in this field remains. As concerns housing, although as mentioned above, new social housing has been built to improve the living conditions of many Roma who continue to live in isolated settlements with no water, electricity and no or little access to public transport, this type of housing continues to be largely built in the same segregated areas where Roma previously lived. Roma continue to suffer from a higher unemployment rate than the national average.

As allegations of sterilisations of Roma woman without their full and informed consent were investigated under the crime of genocide, which requires a high standard of proof, most cases have been closed and few victims have been able to obtain redress through the courts.

A rise in racist political discourse by some politicians targeting primarily Hungarians as well as Roma and Jewish people has been noted since the coalition government comprising the Slovak National Party took power in 2006. Few measures have been taken to address this problem by, among others, implementing relevant provisions of the Criminal Code. An Action Plan for the Prevention of All Forms of Discrimination,

Racism, Xenophobia, Anti-Semitism and Other Expressions of Intolerance which has been periodically renewed since its adoption in 2000 exists in Slovakia. However, little appears to have been done in the framework of this plan to combat incitement to racial hatred, including by political figures, as a complementary measure to the implementation of the relevant provisions of the Criminal Code. Cases of antisemitic attacks against Jewish persons or memorials and synagogues have been brought to court. However, although the above-mentioned Action Plan for the Prevention of All Forms of Discrimination, Racism, Xenophobia, Anti-Semitism and Other Expressions of Intolerance contains a goal on monitoring antisemitism as well as education and awareness-raising of this problem, no specific measures in that regard appear to have been taken.

Other problems highlighted in this report include the lack of an integration strategy for refugees, although it appears that one may be ready by the end of 2008. An independent body to investigate allegations of police misconduct against minority groups in general, and Roma in particular has not yet been established, despite reports of the existence of this type of problem. A system for collecting ethnic data in various areas in order to assess the situation of minority groups in general and Roma in particular does not exist yet, although Section 9 of the Act on Personal Data allows the collection of this type of data with the written consent of the person in question. ECRI is of the view that ethnic data collection can assist the authorities in monitoring the impact of the various programmes they have adopted for this group and adjusting them where necessary.

In this report, ECRI requests that the Slovak authorities take further action in a number of areas; in this context, it makes a series of recommendations including the following.

As Slovakia signed Protocol No. 12 to the European Convention in 2000, ECRI urges it to ratify this instrument which it considers important to the fight against racism and racial discrimination. In view of the above-mentioned rise in racially-motivated crimes, ECRI recommends that the Slovak authorities implement more actively the relevant provisions of the Criminal Code in order to punish those who commit these types of crimes. It also recommends that they raise awareness of the seriousness of these crimes and the fact that they will be punished.

ECRI also recommends that judges be provided with initial and on-going training in the Anti-Discrimination Act in order to improve their understanding of discrimination issues and to ensure a more vigorous implementation of this piece of legislation. ECRI recommends that the same type of training be offered to lawyers.

ECRI recommends that the Slovak authorities take steps to strengthen the role of the Slovak National Centre for Human Rights as an anti-discrimination body by ensuring that it is perceived as being fully independent in practice, that it has the power to represent victims of racial discrimination in court and that it receives sufficient human and financial resources. In line with its General Policy Recommendation No. 2 on specialised bodies to combat racism, xenophobia, antisemitism and intolerance at national level, ECRI further recommends that the strengthening of the Slovak National Centre for Human Rights include more active research on its part on issues pertaining to racism and racial discrimination as well as on the situation of minority groups, and widespread awareness-raising campaigns on these questions.*

ECRI commends the Slovak authorities for making issues pertaining to Roma a horizontal priority and urges them to increase the capacity of the Office of the Plenipotentiary for Roma to manage funds allocated to that end by increasing the

* The recommendation in this paragraph will be subject to a process of interim follow-up by ECRI no later than two years after the publication of this report.

human and financial resources available to this Office. ECRI further recommends wide-ranging consultations and involvement of Roma communities leaders in decisions on the manner in which these funds are spent as well as the regular monitoring and assessment of the impact of measures taken.*

ECRI recommends that measures be taken to remove from Special Elementary Schools Roma children who should not have been placed therein and to integrate them into mainstream education as they are still disproportionately represented in these types of schools.

ECRI recommends that in order to combat the de facto segregation of Roma children Slovak authorities provide incentives, including financial ones, to local authorities to draw up and implement action plans to desegregate schools in their areas.*

Tackling the problem of the rise in racist political discourse targeting primarily Hungarians as well as Roma and Jews is one of the issues that ECRI considers to be of prime importance in Slovakia. That is why it urges the Slovak authorities to ensure that the provisions of the Criminal Code against incitement to racial hatred are implemented as concerns politicians who make racist statements or speeches.

ECRI also recommends that the Slovak authorities take steps to combat all forms of antisemitism, as outlined in its General Policy Recommendation No.9 on the fight against antisemitism.

In view of the allegations of sterilisations of Roma women without their full and informed consent, ECRI recommends that the Slovak authorities monitor all facilities which perform sterilisations to ensure that the above-mentioned legislative safeguards concerning this procedure are respected. It also recommends that the authorities take steps to ensure that complaints filed by Roma women alleging sterilisations without their full and informed consent are duly investigated and that the victims receive proper redress.

ECRI also makes a number of recommendations concerning the police which are drawn from its General Policy Recommendation No. 11 on combating racism and racial discrimination in policing, particularly the setting up of an independent complaints mechanism and investigating and punishing police misconduct against, inter alia, members of minority groups. ECRI also highlights in this report, the importance of collecting ethnic data and provides guidelines to that end.

* The recommendation in this paragraph will be subject to a process of interim follow-up by ECRI no later than two years after the publication of this report.

FINDINGS AND RECOMMENDATIONS

I. Existence and Implementation of Legal Provisions

International legal instruments

1. In its third report, ECRI urged Slovakia to ratify Protocol No. 12 to the European Convention on Human Rights.
2. Slovakia signed Protocol No. 12 to the European Convention on Human Rights on 4 November 2000. However, Slovakia has not yet ratified this Protocol. ECRI is not aware of any particular objections Slovakia may have to the ratification of this Protocol. It thus wishes to draw Slovakia's attention to the importance of this instrument, which entered into force on 1 April 2005, in the fight against racism and racial discrimination. ECRI considers that this Protocol will enable Slovakia to combat these phenomena more effectively at national level.
3. ECRI again urges Slovakia to ratify Protocol No. 12 to the European Convention on Human Rights.
4. In its third report, ECRI recommended that Slovakia ratify without delay the Revised Social Charter and the Convention on the Participation of Foreigners in Public Life at Local Level. ECRI also recommended that Slovakia ratify the Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist or xenophobic nature committed through computer systems.
5. The Revised Social Charter, the Convention on the Participation of Foreigners in Public Life at Local Level and the Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist or xenophobic nature committed through computer systems have not yet been ratified by Slovakia. Slovakia has indicated that it is preparing to sign the Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist or xenophobic nature committed through computer systems.
6. Slovakia has not yet ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
7. ECRI reiterates its recommendation that Slovakia ratify, as soon as possible, the Revised Social Charter, the Convention on the Participation of Foreigners in Public Life at Local Level and the Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist or xenophobic nature committed through computer systems.
8. ECRI also recommends that Slovakia ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Law on the Use of National Minority Languages

9. In its third report, ECRI recommended that further steps be taken to ensure that the Law on the Use of Minority Languages was implemented for all minority groups wishing to use their mother tongue in their contacts with the authorities. It urged the authorities to take the necessary legislative and other steps to allow for the full implementation of the European Charter for Regional or Minority Languages.

10. Since the publication of ECRI's third report, the Office of the Plenipotentiary of the Government of the Slovak Republic for Roma Communities (Office of the Plenipotentiary)¹ has played a key role in the standardisation of the Romani language. The authorities have informed ECRI that this body has contributed to the preparation of the Declaration on the Standardisation of the Romani Language. According to the Office of the Plenipotentiary, the standardisation of the Romani language will be an important step in ensuring that Roma are able to better benefit from the Law on the Use of Minority Languages.
11. ECRI notes that on 21 February 2007, the Committee of Ministers of the Council of Europe adopted a recommendation on the implementation of the European Charter for Regional or Minority Languages by Slovakia². The Committee recommended that Slovakia take account of all the observations of the Committee of Experts on the Charter for Regional or Minority Languages and as a matter of priority, *inter alia*, review the requirement that regional or minority language speakers should represent at least 20% of the municipal population for the undertakings in the field of administration to be operational and remove the restrictions on the use of regional or minority languages in court.³ On the latter point, the authorities have informed ECRI that everyone has a right to interpretation in civil and criminal proceedings. However, reports indicate that Roma languages are rarely used in official communication as there are very few civil servants who speak them.⁴ ECRI also notes information provided by the authorities that the Ombudsman encountered cases when the complainant raised objections about the use of their mother-tongue in criminal proceedings.
12. ECRI encourages the Slovak authorities in their standardisation of the Romani language and recommends that they ensure the popularisation thereof.
13. ECRI recommends again that the Slovak authorities ensure that members of minority groups who so wish are able to use their mother tongue in their contacts with the authorities. ECRI also recommends that the Slovak authorities amend the Law on the Use of National Minority Languages by taking into consideration the recommendations made by the Committee of Experts on the European Charter for Regional or Minority Languages.

Criminal law provisions against racism

14. In its third report, ECRI was of the opinion that further steps were needed in order to increase the effectiveness of criminal law protection against racist crimes.
15. On 1 January 2006, a new Criminal Code entered into force in Slovakia. The authorities have informed ECRI that this Code forbids the menacing of an individual or a group of persons with restricting their rights and freedoms for reasons of their belonging to a national minority, a race, or an ethnic group, or because of their skin colour; the Criminal Code also prohibits inciting restriction on the rights and freedoms of a nation, a national minority, a race or an ethnic group (Sections 421-423). Section 140(d) of the Code provides that the fact that certain crimes are committed because of national, ethnic or racial hatred or hatred based on skin colour is considered to be an aggravating circumstance.

¹ For a more in-depth discussion of the work of this body, see "Anti-discrimination bodies and other institutions" below.

² Recommendation RecChL(2007)1 of the Committee of Ministers on the application of the European Charter for Regional or Minority Languages by Slovakia, 21 February 2007.

³ *Ibid.*

⁴ See: Working Paper 23, Language policy and language rights in Slovakia, Gizella Szabó Mihály Gramma, Gramma Language Office, Dunajská Streda/Dunaszerdahely, 2006, p. 29.

this includes racism, xenophobia and intolerance. The order also defines police duties and procedures to be followed when combating these phenomena. The authorities have informed ECRI that a handbook has been published to enable the police to identify insignia and symbols used by racist groups. It appears, however, that although some NGOs have been formally included in some of the steps taken by the police to combat racist crimes, they are not apprised of these new developments and do not have clear information on responsibilities and measures taken.

92. ECRI is concerned by the rise, noted in the last few years, in racially-motivated physical and verbal attacks against members of ethnic minorities such as Roma, Hungarian and Jewish minorities, as well as against foreigners such as Africans, Asians and persons from Latin America. The perpetrators of these acts are usually members of skinhead or neo-Nazi groups and reports indicate that the authorities' reaction to these crimes vary. It has been reported that it is not uncommon for prosecutors to charge the offenders under the more easy to prove simple assault charge to increase the likelihood of conviction. This results in the perpetrators avoiding the heavier sentence which they would incur under the relevant provisions of the Criminal Code. On this point, the authorities have indicated to ECRI that proving the racist motivation of a crime is difficult. As Slovakia has amended the Criminal Code to include racially motivated crimes, ECRI considers that the relevant provisions of this Code should be applied to all such crimes and that other provisions should not be relied upon to prosecute these types of crimes. The authorities have indicated in this regard that the Criminal Code will be amended to cover a broader range of crimes. ECRI thus hopes that this amendment will fill any remaining lacunae in the Criminal Code which are impeding the prosecution of racially-motivated crimes. As concerns evidence gathering, the Slovak authorities have also indicated that they wish to amend the Police Act to enable the police to use video recordings as evidence in cases of racially-motivated crimes.
93. ECRI notes that intensifying the fight against extremism by drafting and applying legislation, improving the efficiency of detecting, investigating, proving and punishing racially-motivated crimes is one the objectives of the 2006-2008 Action Plan for the Prevention of All Forms of Discrimination, Racism, Xenophobia, Anti-Semitism and Other Expressions of Intolerance. However, it is not aware of any specific measures taken to implement this goal.³⁶
94. ECRI strongly recommends that the Slovak authorities ensure that the police and prosecutors carry out investigations and prosecutions of racially-motivated crimes and that the perpetrators of this type of crimes are punished in accordance with the relevant provisions of the Criminal Code.
95. ECRI recommends that the authorities ensure that more efforts are made to involve NGOs as concerns steps taken by the police to combat racist crimes and to ensure that they are regularly informed about new policy measures. ECRI also recommends that awareness-raising campaigns be conducted regarding the seriousness of racist crimes and to inform members of the public that the perpetrators of such crimes will be punished.

IV. Racism in Public Discourse

96. ECRI notes a worrying increase, since the coalition government comprising the Slovak National Party took power in 2006, in racist political discourse chiefly against the Hungarian minority as well as against, inter alia, Roma and Jewish

³⁶ For more information on this action plan, see "Racism in Public Discourse" and "Antisemitism" below.

people³⁷. As discussed in other parts of this report³⁸, this discourse has resulted in, among others, an increase in negative attitudes by youngsters, as well as the public in general, against minority groups and, in particular against Hungarians. However, no measures appear to have been taken to sanction this type of discourse or to apply the relevant provisions of the Criminal Code to politicians who engage in it.

97. The authorities have informed ECRI that the above-mentioned³⁹ Action Plan for the Prevention of All Forms of Discrimination, Racism, Xenophobia, Anti-Semitism and Other Expressions of Intolerance endeavours, among others, to increase tolerance among all inhabitants of Slovakia, and that the priorities for the 2006-2008 Action Plan include education and training of professional groups who, while discharging their duties, have an impact on the prevention of, among others, discrimination, racism, antisemitism⁴⁰ and xenophobia. The authorities have indicated that the implementation of the Action Plan, which is created and implemented under the auspices of the Office of the Deputy Prime Minister for a Knowledge-Based Society, European Affairs, Human Rights and Minorities, is regularly evaluated. They have also indicated that interim reports are discussed by the Slovak government and that the non-governmental sector plays an important role in implementing its goals. However, ECRI has not received more detailed and specific information on the manner in which the Action Plan in general and this objective in particular have been implemented. In the light of the current political discourse against ethnic minorities, ECRI considers that the implementation of this Action Plan should place a special emphasis on fighting incitement to racial hatred.
98. ECRI wishes to highlight the principles set out in the Charter of European Parties for a Non-Racist Society and in its Declaration on the use of racist, antisemitic and xenophobic elements in political discourse. In this Declaration, ECRI deplores the fact that as the result of the use of racist, antisemitic and xenophobic political discourse: 1) ill-considered measures which impact disproportionately on particular groups or affect the latter's effective enjoyment of human rights are being adopted; 2) the long-term cohesion of society is damaged; 3) racial discrimination gains ground, and 4) racist violence is encouraged. These points as well as all the other principles laid out in the Charter and the Declaration can serve as references for a responsible attitude to political discourse on the part of political parties and the authorities.
99. ECRI urges the Slovak authorities to ensure that the provisions of the Criminal Code against incitement to racial hatred are implemented as concerns all politicians who make racist statements or speeches.
100. ECRI also calls on the Slovak authorities to take into account the principles and recommendations contained in the Charter of European Parties for a Non-Racist Society and its Declaration on the use of racist, antisemitic and xenophobic elements in political discourse.

³⁷ For more information on the situation of these groups, see "Vulnerable/Target Groups" below.

³⁸ See "Education" and "Vulnerable/Target Groups".

³⁹ See "Racist Violence".

⁴⁰ For more information on this problem, see "Antisemitism" below.

V. Vulnerable/Target Groups

Roma

- *Empowerment*

101. In its third report, ECRI recommended that further emphasis be placed on ensuring that the Roma community was involved at all stages of the planning and implementation of measures which concern them, at as local a level as possible. In particular, the preparation and appointment of persons who can act as mediators between Roma communities and the authorities could be most opportune. ECRI stressed the importance of encouraging projects and initiatives which emanate from the Roma community itself, through the on-going provision of funding and the widening of successful projects to other areas.

102. ECRI notes with interest that in the 2006 municipal elections, more Roma mayors were elected in municipalities and as town mayors than in previous elections. ECRI was informed that there are currently 19 Roma mayors in Slovakia. In the village of Žehra, ECRI was able to note in situ the positive effect that a Roma mayor can have on, among others, community relations between non-Roma and Roma and on the latter's situation.

103. ECRI encourages the Slovak authorities to continue ensuring better Roma participation in the political process by encouraging civic education schemes and endeavouring to strengthen the capacity of civil society organisations working on the ground in this field.

- *Implementation of programmes designed to assist Roma*

104. In its third report, while welcoming the new approach contained in the "Basic Positions of the Slovak Government's Roma Communities Integration Policy" as a positive step forward, ECRI urged the authorities to ensure that the detailed proposals contained therein were implemented rapidly, with sufficient and on-going allocation of human and financial resources. ECRI considered that it should be ensured that all parts of the administration – at national, regional and local level - responsible for the different sectors covered, were fully-committed to implementing the proposals. In this respect, the co-ordinating role played by the Plenipotentiary of the Government of the Slovak Republic for Roma Communities should be further developed and strengthened to give the Plenipotentiary real powers to guide and influence action in the different ministries.

105. In its third report, ECRI stressed the importance of raising awareness among persons responsible for implementing policies, and among society at large of the philosophy behind the measures taken and of the need to include Slovakia's Roma minority as an equal and integrated part of society. ECRI also stressed the need to evaluate the actual results of the new approach on a regular basis, and to closely-involve the Roma communities themselves in its further development, fine-tuning and implementation. ECRI considered that the "implementation of new approaches to furthering an integrated society" was a specific issue, because of the serious disadvantages and in most key areas of life leading to the social exclusion faced by many members of the Roma community.

106. The Slovak authorities have informed ECRI that the "Basic Theses of the Government's Policy Concept for the Integration of Roma Communities for 2003", which contains a number of defined tasks until 2010 in areas such as human rights, education, employment and social issues, housing, culture, media and health is the starting point for resolving Roma issues. The authorities have also informed ECRI that the Medium-term Concept of the Development of the Roma National Minority in the Slovak Republic for the Period 2008-2013 (Mid-Term

NGOs who are in regular contact with them. ECRI has also been informed that these centres are indeed in better condition. It has, however, also received information of problems in the Sečovce centre concerning the confiscation of non-nationals' property during detention. It appears that promises were made to change the situation. ECRI thus considers that the fact that no complaints have been received from foreign nationals detained in these centres should not necessarily be considered to be an indication that there are no problems.

124. The authorities have informed ECRI that the Border and Alien Police Department of the Ministry of Interior, in cooperation with UNHCR and human rights NGOs, organises regular training seminars for border and alien police officers. It has been confirmed to ECRI that the Alien and Border Police receive training on international norms and obligations concerning asylum seekers and refugees, from the United Nations High Commissioner for Refugees (UNHCR). ECRI has however been informed that more measures should be taken by the authorities to train them on issues pertaining to racism and racial discrimination as not many steps are taken in that direction at the moment.
125. No long-term strategy for integrating refugees has been established. ECRI has been informed that one should be drafted by the end of 2008. It thus hopes that the strategy will be adopted and implemented as soon as possible in consultation with and with the participation of UNHCR and relevant NGOs.
126. ECRI strongly recommends that the Slovak authorities ensure that asylum seekers receive legal aid throughout the asylum application procedure and that measures are taken to ensure that an effective appeal mechanism exists within this procedure.
127. ECRI further recommends that measures be taken to provide asylum seekers with the possibility of working in Slovakia earlier than the current one year after the beginning of the asylum procedure. It also recommends that measures be taken to provide activities in asylum centres such as Slovak language lessons.
128. ECRI encourages the Slovak authorities to continue improving the conditions in detention facilities. It also recommends that measures be taken to ensure that foreign nationals detained therein have access to complaints mechanisms should they need them and that they have confidence in them.
129. ECRI recommends that the Slovak authorities take more measures to raise Alien and Border police officers' awareness of issues pertaining to racism and racial discrimination and that they provide initial and on-going training to them on these questions.
130. ECRI encourages the Slovak authorities in their drafting of an integration strategy for refugees and recommends that they ensure that it will include, among others, language lessons and assistance in finding housing and employment.

VI. Antisemitism

131. ECRI notes with interest that since 2001, the 9th of September has been designated as a "Memorial Day for Victims of the Holocaust and Racial Violence" in Slovakia. On this day, which is commemorated under the auspices of the President of Slovakia, wreaths are laid at the memorial of victims of the Holocaust in Bratislava. Representatives of the Jewish community have informed ECRI that the Ministry of Education has stated that all pupils and students should pay a visit to the Auschwitz concentration camp. ECRI considers that these are important steps in ensuring that the Holocaust is duly recognised. However, it notes with concern information provided by Jewish community representatives according to which there are instances of antisemitic physical attacks, mostly

against Jews who wear traditional attire. Antisemitism on the Internet has also been noted. A number of cases have been brought to court for antisemitic acts, including attacks against buildings such as memorials, synagogues and schools. As previously mentioned⁴⁸, the authorities have adopted the Action Plan for the Prevention of All Forms of Discrimination, Racism, Xenophobia, Anti-Semitism and Other Expressions of Intolerance. They have informed ECRI that the priorities set out in the 2006-2008 Action Plan include intensifying the monitoring of antisemitism as well as education and awareness-raising on this problem. However, ECRI has no information on the specific measures taken in this regard and on the human and financial resources allocated.

132. ECRI notes with concern a regrettable incident which occurred in the Slovak Parliament on 4 September 2008 whereby the Minister of Justice made several antisemitic statements to a fellow politician of Jewish origin. Although the Slovak Prime Minister distanced himself from the statements and ECRI has been informed that this is the first such occurrence in many years, it considers that a strong message should be sent that these types of statements are unacceptable so as to avoid this incident setting a dangerous precedent. This is all the more important in the light of the position held by the person who made the statements.
133. ECRI strongly recommends that the Slovak authorities take steps to combat all forms of antisemitism, as outlined in its General Policy Recommendation No.9 on the fight against antisemitism. ECRI also recommends that the Slovak authorities send a strong message that antisemitic statements by anyone will not be tolerated, among others, by applying the relevant provisions of the Criminal Code.
134. ECRI recommends that the measures included in the Action Plan for the Prevention of All Forms of Discrimination, Racism, Xenophobia, Anti-Semitism and Other Expressions of Intolerance to combat antisemitism be implemented and that the necessary human and financial resources be allocated.
135. ECRI further wishes to again bring to the Slovak authorities' attention the commitments enshrined in the Charter of European Parties for a non-racist Society in Europe, including that political parties deal firmly with any racist statements and behaviour within their own ranks.

Education/Awareness-raising

136. In its third report, ECRI recommended that human rights teaching in school education, and especially the way in which issues relating to racism and discrimination were taught, be evaluated on an on-going basis in order to ensure that the best possible methodology was in place, and that all schools were providing a satisfactory standard of teaching in this area. It also stressed the importance of relating teaching on racism and intolerance to the situation of minority groups living in Slovakia.
137. In its third report, ECRI furthermore felt that care should be taken in order to review all books and other material available in schools, particularly history teaching manuals, to ensure that they were in conformity with current best practice as regards the avoidance of stereotypes and prejudices.
138. The authorities have informed ECRI that the Ministry of Education has developed a National Action Plan on Human Rights Education for the period 2005-2014. They have indicated that human rights education in primary and secondary education is provided through general subjects such as civic education, ethics or social studies. The authorities have also indicated that since 1997, secondary

⁴⁸ See "Racism in Public Discourse" above.