



european network against racism

ENAR Shadow Report 2010-2011

ENAR SHADOW REPORT

Racism and related discriminatory practices in Slovakia

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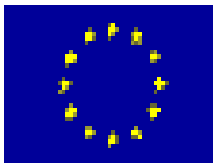
Racism is a reality in the lives of many ethnic and religious minorities in the EU. However, the extent and manifestations of this reality are often unknown and undocumented, especially in official data sources, meaning that it can be difficult to analyse the situation and to establish solutions to it.

The ENAR Shadow Reports are produced to fill the gaps in the official and academic data, to offer an alternative to that data and to offer an NGO perspective on the realities of racism with the EU and its Member States. NGO reports are, by their nature, based on many sources of data, official, unofficial, academic and experiential. This allows access to information which, while sometimes not backed up by the rigours of academic standards, provides the vital perspective of those that either are or work directly with those affected by the racism that is the subject of the research. It is this that gives NGO reports their added value, complementing academic and official reporting.

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I. Executive summary

Slovakia remains a country that is built on the principle of ethnocentrism and does not show an overly friendly face to minorities. Hostile attitudes in public and political discourse are aimed particularly at members of the Romani minority; however, the xenophobic hate speech that may be found, especially in the virtual world of Internet discussions, also targets Muslims and migrants.

Politicians that would dare oppose ubiquitous anti-Gypsyism are almost impossible to find in Slovakia these days. For politicians, defending the Roma amounts to committing a political suicide; the media tend to view the Roma primarily as the source of sensational news which helps to increase sales; generally speaking, the majority of society views the Roma as hoards of parasites with a degenerated culture.

These attitudes are inevitably reflected in specific areas of everyday life. In the field of **employment**, the Roma always tend to come last in the invisible line of preferred job candidates. Those Roma who have not yet been subjected to complete social exclusion face discrimination; those Roma who live in segregated rural settlements or urban ghettos lack adequate qualifications and, increasingly often, basic work habits. The employment of foreigners is complicated by the currently valid legislation that automatically revokes their temporary residence permit the moment they lose their jobs.

Recommendations:

- Adopt positive action measures that would be clearly designed to help members of the Romani minority and particularly residents of segregated Romani settlements;
- Give preferential treatment to employers who employ Roma, for instance through reducing their tax and contribution burden, providing advertising time in public broadcast media at discounted rates, etc.;
- Introduce a transition period for foreigners to look for a new job after they lose their previous job.

In the field of **education**, the phenomenon of segregating Romani pupils lingers on, as does their excessive placing in schools for mentally retarded children. An equally undesirable phenomenon is the completely inadequate proportion of Romani students at Slovakia's secondary schools.

Recommendations:

- Redefine the criteria according to which children from socially disadvantaged environments are currently automatically placed into special schools;
- Support the installation of teaching assistants in classes attended by Romani pupils; they help these students overcome the language barrier

- and simultaneously act as liaison officers between their parents and the school;
- Provide scholarships and other types of financial support (e.g. subsidised prices of student hostels) to Romani secondary school students from socially challenged families.

The **health conditions** of the Roma are directly proportional to their catastrophic housing conditions and their general social deprivation. Another problem in this area is related to foreigners with subsidiary protection or supplementary protection status'.¹ Sometimes, medical staff tend to refuse service to this category of foreigners because they have insufficient information on the scope of medical care covered by the Ministry of Interior for foreigners with this status.

Recommendations:

- Intensify community fieldwork by medical professionals in Romani settlements through increasing their financial motivation;
- Organise educational seminars for health care providers in order to inform them about foreigners' health insurance policies.

Shortcomings may also be identified in the field of **judiciary and police investigation of racially motivated crimes or those with an extremist element**. On the one hand, law enforcement organs tend to trivialise crimes against the Roma; on the other hand, they go out of their way to seek logically and legally absurd arguments to justify the actions of far right groups. Besides Roma, local extremist gangs frequently attack people whose appearance reveals their different ethnic origin, particularly people of African descent (although their overall number in Slovakia is minuscule and most of them are tourists) and conspicuous Muslims.

Recommendations:

- Introduce systematic education of law enforcement professionals (i.e. judges, prosecutors and police officers) in order to increase their sensitivity to hate speech and racially motivated crime;
- Improve education of young people about the far right and on minorities living in Slovakia in order to discourage their responsiveness to extremist groups' propaganda and eliminate illegal hate speech from public discourse.

¹ Article 13a of Asylum Law 480/2002 Coll. : *"Subsidiary protection could be granted by the Ministry of Interior to asylum seekers whose asylum pledge was refused, but who, if returned to his or her country of origin, would face a real risk of suffering serious harm"*

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III. Introduction

In June 2010, Slovakia held parliamentary elections that brought a new ruling coalition to power, comprising of four centre-right parties: Slovak Democratic and Christian Union-Democratic Party (SDKÚ-DS), conservative right-wing Christian Democratic Movement (KDH), liberal right-wing Freedom and Solidarity (SaS) and Most-Híd [Bridge], a centre-right party representing ethnic Hungarians. Their victory was in opposition to Smer-SD, the dominant party of the previous ruling coalition, along with the radically nationalistic Slovak National Party (SNS). Almost all running parties' election programs addressed the Roma issue, sometimes in a way that bordered on violating the Penal Code.²

The Roma issue also resonated in political discourse before municipal elections that took place on November 27, 2010. According to estimates, voters elected more than 330 candidates of Romani origin who had run for posts in municipal and local councils.

Compared to its predecessor, the incumbent administration addresses the issue of social exclusion of the Roma more often, although not all its initiatives and proposals may be described as positive. Although most of the policy documents were not completed before the second half of 2011, the present report briefly describes some of them due to their potential relevance. Most importantly, it is the Legislative Intent of The Bill on Socially Excluded Communities³, the Revised action plan related to the decade of Romani population's inclusion⁴ and the updated Strategy of Migration in Slovakia⁵. The issue of racism is directly addressed by the Strategy of Combating Extremism for 2011-2014⁶.

The present report highlights certain problems related to discrimination in the field of employment, housing, education, health care and access to goods and

² The election campaign was mentioned in more detail in *ENAR Shadows report 2009/2011 - Racism and Discriminatory Practices in Slovakia*; available at <http://cms.horus.be/files/99935/MediaArchive/publications/Slovakia.pdf>, accessed 21 August 2011

³ Ministerstvo práce, sociálnych vecí a rodiny, *Legislatívny zámer návrhu zákona o sociálne vylúčených spoločenských skupinách [Legislative Intent of the Bill on Socially Excluded Communities]*; available at: <https://lt.justice.gov.sk/Document/DocumentDetails.aspx?instEID=-1&matEID=4253&docEID=195125&docFormEID=-1&docTypeEID=1&langEID=1>, accessed 21 August 2011

⁴ Government Decree No. 522/2011 *Revidovaný národný akčný plán Dekády začleňovania rómskej populácie 2005 - 2015 na roky 2011 – 2015 [National Action Plan of the Decade of Romani Population's Inclusion 2005-2015 for the Period of 2011-2015]* (10 August 2011), available at: <http://www.rokovanie.sk/Rokovanie.aspx/BodRokovaniaDetail?idMaterial=19992>, accessed 21 August 2011

⁵ *Government Decree No. 67/2011: Aktualizácia Koncepce migračnej politiky Slovenskej republiky [Update of Strategy of Migration Policy of the Slovak Republic]* (2 February 2011), available at: <http://www.rokovanie.sk/Rokovanie.aspx/BodRokovaniaDetail?idMaterial=19140>, accessed 21 August 2011

⁶ Government Decree No. 379/2011 *"Konceptia boja proti extrémizmu na roku 2011-2014" [Strategy of Combating Extremism for 2011-2014]* (8 June 2011), available at: <http://www.rokovania.sk/Rokovanie.aspx/BodRokovaniaDetail?idMaterial=19762>, accessed 21 August 2011

services while citing examples of good practices by Slovak non-governmental organisations. It also accentuates the issue of negative stereotypes reproduced by the media and their role in strengthening anti-Roma and anti-Islamic sentiments. The chapter headlined Criminal Justice focuses on the issue of ethnic profiling and crimes with racial or extremist motives. It also describes certain difficulties related to law application and enforcement. The report maps out key policy documents and legislative initiatives adopted in the field of social integration and migration. Last but not least, it formulates several recommendations in the areas most plagued by discriminatory practices with respect to minority members in Slovakia.

IV. Communities vulnerable to racism and discrimination

The report focuses primarily on describing of the **situation of the Roma**, with a special emphasis on socially excluded Roma who represent the most vulnerable and most marginalised minority group in Slovakia. They are the principal target of society's aversion and even hatred and the most frequent victims of discriminatory practices. The so-called 'Roma issue' is frequently abused for scoring populist points virtually across the political spectrum and is a bottomless source of sensational news for the media. Last but not least, this population group is most plagued by alarming socio-economic stagnation.

There is no reliable data on the exact number of Roma in Slovakia. The official figure produced by the 2001 population census put the number of Slovak citizens declaring Romani nationality at approximately 90,000; however, various estimates of their actual number fluctuate between 380,000 and 520,000 (approximately 8-10% of the country's population).⁷

As far as **foreigners and migrants** are concerned, Slovakia as of December 31, 2010, registered 62,584 foreign nationals with the status of 'legal residents' (1.15% of Slovakia's total population), including 39,652 citizens from other countries of the European Economic Area (EEA) and 22,932 third country nationals.⁸ Most legal aliens on Slovakia's territory hail from other EU Member States, particularly the Czech Republic. A total of 547 foreigners sought asylum in Slovakia in 2010, which was the fewest annual figure over the past decade. The Migration Authority granted asylum to 15 asylum seekers and provided additional protection to 55 applicants.

The legal status of foreigners in Slovakia has not been examined in great detail so far. They do not tend to form close communities with a strong political voice that would formulate specific collective rights. Their most frequently mentioned problems include the language barrier, overly bureaucratic procedures of applying for legal residence permits (especially the relatively excessive discretion of applicable authorities) and the permanent uncertainty faced by asylum seekers.

Muslim communities are not too large in Slovakia. According to data supplied by the NGO sector, there are approx. 5,000 Muslims living in Slovakia nowadays.⁹ Although the Muslims and migrants represent a rather minuscule

⁷ Úrad splnomocnenca vlády pre rómske komunity, *Atlas rómskych komunit – List faktov [Atlas of Roma communities - List of facts]*, <http://romovia.vlada.gov.sk/3554/list-faktov.php>, accessed 14 August 2011
It is assumed that Slovakia's population has the largest proportion of Roma of all countries in the region of Central Europe.

⁸ Ministerstvo vnútra, Úrad hraničnej a cudzineckej polície, *Štatistický prehľad legálnej a nelegálnej migrácie v Slovenskej republike 2010 [Statistical Overview of Legal and Illegal Migration in the Slovak Republic in 2010]*, available at: http://www.minv.sk/swift_data/source/policia/uhcp/rocnky/rok_2010/2010-rocnka-UHCP-SK.pdf, accessed 14 August 2011

⁹ multikulti.sk, *Made in Syria*, http://www.multikulti.sk/ine/mohamad_safwan_hasna:_made_in_syria.html, accessed 14 August 2011 (Essay of Mohamed Sawfan Hasna, director of Islamic Foundation in Bratislava)

minority in Slovakia, they may be described as vulnerable groups. While they are not a frequent target of direct victimisation by the majority, their public image is rather distorted. Sociological surveys indicate that the majority is very xenophobic in perceiving these groups, showing high reluctance and anxiety that they may become the source of culturally or religiously disturbing elements in Slovakia.¹⁰ Muslims are often associated with the threat of religious wars or acts of terrorism; unfortunately, this public image is promoted by the media as well as some conservative think-tanks and intellectuals. The attacks on these minority groups usually take on the form of hate speech.

The minorities whose members are conspicuous in appearance – for instance **people with African descent** – are not too large in Slovakia either. They do not represent a homogeneous community and there are virtually no official or unofficial analyses that would examine their living conditions in Slovakia.¹¹ The majority is relatively accepting toward them (there are no recorded incidents of discriminatory practices on the part of the majority) but due to their obvious dissimilarity in appearance they often become targeted by extremist groups. The assaults take on various forms and differ in terms of intensity, ranging from verbal insults to scornful gestures in football stadiums to violent beatings on the streets.

While strong **anti-Hungarian sentiments** could always be detected in Slovakia, they ought to be perceived in a political rather than interethnic context. They are most frequently stirred up by radical nationalist leaders on both sides of the border. It is beyond any doubt that these politically motivated statements needlessly catalyse xenophobic feelings and attitudes with respect to ethnic Hungarians.¹²

The **Jewish minority** remains the subject of conspiracy theories promulgated by far-right groups on their websites or during public rallies. A disturbing phenomenon is that some towns and villages in Slovakia unveiled plaques, busts and other memorials in public places dedicated to war criminals from the period of the fascist wartime Slovak State (1939-1945).

The public debate on **lesbian, gay, bisexual and transgender communities (LGBT)** received fresh impetus in 2010, partly thanks to the historical first of a Rainbow Pride parade in Slovakia, which was organised in May 2010, and which was thwarted by violent attacks from extremist groups.

¹⁰ Vašečka, Michal, *Postoje verejnosti k cudzincom a zahraničnej migrácii v Slovenskej republike [Public's Attitudes to Foreigners and Migration in the Slovak Republic]* (Bratislava: Medzinárodná organizácia pre migráciu, 2009).

¹¹ Only partial data are available. In 2010, for instance, Somalian citizens were the fourth largest category of people to dwell illegally on Slovakia's territory, making up 10.22% of all illegal immigrants in Slovakia; also, they ranked first on the list of people without a valid residence permit detained by police patrols operating inland after illegal crossing of Slovakia's state border. For further details, see: footnote no.3

¹² Ethnic Hungarians remain the largest national minority living on Slovakia's territory. In the 2001 population census, a total of 704,315 Slovak citizens declared Hungarian nationality, which is 13.1% of Slovakia's total population

V. Racism and related discrimination in employment

The Slovak Republic does not keep any statistics on (un)employment that would provide relevant information on the representation of racial, national and ethnic minorities on the labour market and/or their unemployment rate. It only keeps official data pertaining to employment of **foreign nationals** which are based on the criterion of citizenship. According to this data, the number of foreign nationals employed in Slovakia as of November 2010 totalled 18,285; most of them hailed from other EU member states.¹³

A certain limitation may ensue from the fact that third country nationals automatically lose the status of “temporary resident for the purpose of employment” at the moment of losing their job (there is no protective time limit to find a new job either), which may be interpreted as “*institutionalised discrimination that restricts immigrants’ labour rights through legislative means. The threat of losing the status of legal resident and consequent deportation may be a strong tool in the hands of employer.*”(Hlinčíková, Lamačková, Sekulová 2011, p.21)¹⁴

In the most recent MIPEX index, the Slovak Republic scored 21 points out of 100 in the category of employment of foreigners and migrants.¹⁵

As far as **people with African descent** are concerned, it is impossible to quantify their presence in the labour market. The statistics on employment of foreign nationals¹⁶ may serve as a rough estimate, by simply adding up employed people who are citizens of African countries. According to this methodology, the country employed 82 people with African descent as of November 2010.¹⁷

The greatest victims of unemployment in Slovakia are the **Roma**. According to some estimates, they make up approximately one half of all unemployed in

¹³ Ústredie práce, sociálnych vecí a rodiny, *Zamestnávanie cudzincov na území Slovenskej republiky za rok 2010 [Employment of foreigners in Slovakia 2010]*, available at: http://www.upsvar.sk/statistiky/zamestnavanie-cudzincov-statistiky/zamestnavanie-cudzincov-na-uzemi-slovenskej-republiky-za-rok-2010.html?page_id=13297 , accessed 07 August 2011

¹⁴ Hlinčíková, Miroslava, Lamačková, Daniela, Sekulová, Martina, *Migranti a migrantky na trhu práce - prekonávanie bariér [Migrants on the Labour Market: Overcoming the Barriers]* (Bratislava: Institute for Public Affairs, 2011, p. 21); available at: http://www.ivo.sk/buxus/docs/publikacie/subory/Migranti_a_migrantky_na_trhu_prace.pdf , accessed 07 August 2011

¹⁵ mipex.eu, *Slovakia*, available at : <http://www.mipex.eu/slovakia> , accessed 07 August 2011

¹⁶ Ústredie práce, sociálnych vecí a rodiny, *Zamestnávanie cudzincov na území Slovenskej republiky za rok 2010 [Employment of foreigners in Slovakia 2010]*, available at: http://www.upsvar.sk/statistiky/zamestnavanie-cudzincov-statistiky/zamestnavanie-cudzincov-na-uzemi-slovenskej-republiky-za-rok-2010.html?page_id=13297 , accessed 07 August 2011

¹⁷ The said figure is the sum of employed nationals from African countries (except the Arabian north of the continent); however, not even this figure may be accurate as the term of “people with African descent” may also include nationals of other than African countries. The exact figure is impossible to establish because the Slovak Republic does not keep official statistics based on people’s racial or ethnic origin.

Slovakia. In some rural settlements and urban ghettos populated exclusively by the Roma, the unemployment rate reaches 100 percent.¹⁸ A particularly serious problem is long-term unemployment that catalyzes the loss of working habits among the Roma.

The said phenomenon is the result of a number of factors, none of which has been eliminated or substantially curbed during the examined period:

- The highest concentrations of socially excluded Roma may be found in less developed regions of Slovakia that suffer the most from the scarcity of available jobs, for instance in the district of Rimavská Sobota where unemployment rate is at the national high of 35%;¹⁹
- Obstacles ensuing from social exclusion of the Roma that make their access to the labour market virtually impossible; most importantly, it is inadequate education and qualification in general, the loss of working habits, poor health conditions and housing standards, isolation of segregated Romani settlements from centres of economic activity, etc.;
- Employers' discriminatory practices; according to sociological surveys, the Roma always come last in the invisible line of preferred job candidates. Slovak employers who tend to hire them, do so almost exclusively for seasonal labour or jobs with poor viability prospects and uncertain remuneration.²⁰

The case in point of ethnic origin being an impediment to individual's employment is one Roma from Stará Ľubovňa who turned for help to People against Racism, a civic association that specialises in combating racism and helping victims of racism. The complainant, who works at a local bakery, recently learned from his employer that his services were no longer wanted because the clients objected to their goods being handled by a Roma and threatened to stop shopping at the bakery should he refuse to lay him off.

Example of NGO Good Practice

Equality of Opportunity – a project run by U.S. Steel Košice²¹

The steel mill based in the Eastern Slovak town of Košice furthers employment of the Roma in the city. District council chairmen in cooperation with community workers scout the local Romani population to find suitable job seekers who want to work and change their way of life, support their

¹⁸ Marcinčin, Anton, and Marcinčinová, Ľubica, *Straty z vylúčenia Rómov [The Losses of Romani Exclusion]* (Bratislava : Open Society Foundation, 2009), available at: <http://www.iz.sk/download-files/sk/osf-straty-z-vylucenia-romov.pdf> , accessed 07 August 2011

¹⁹ In 2010, Slovakia officially registered 389,000 job seekers who competed for 9,000 to 14,000 vacant jobs, most of them in regions with the lowest unemployment rate. See : Štatistický úrad SR, *Trh práce*, available at : <http://portal.statistics.sk/showdoc.do?docid=29443> , accessed 08 August 2011

²⁰ Jurásková, Martina, *Diskriminácia Rómov na trhu práce [Discrimination against the Roma on the Labour Market]* (Bratislava: Institute for Public Affairs, 2004); available at: http://www.euractiv.sk/rovnost-sanci/analyza/diskriminacia-romov-na-trhu-prace_ek5ho , accessed 07 August 2011

²¹ webpage of U.S. Steel, s.r.o., <http://www.usske.sk/citizenship/rom-e.htm>, 07 August 2011

children's education and increase their qualification. The project was launched in 2002 and has employed about 150 Roma to date.

The political and legal context:

During the examined period, the incumbent administration focused more on seeking ways to curb welfare benefits rather than on increasing employment of marginalised population groups. Shortly after its inauguration in June 2010 it launched preparatory work on ***E-pay cards***,²² a project whose pilot version should be tested in select municipalities with significant populations of Romani residents who depend on social security benefits; its fully-fledged implementation is envisaged in 2012. The project's principal ambition was to make sure benefit recipients would not receive the entire amount in cash but spend it gradually via electronic cash cards. The daily withdrawal limit would amount to 1/20 of the disbursed benefit and in certain cases would be as low as €3 per day. Representatives of the non-governmental sector harshly criticised the scheme, arguing that benefit recipients would be unable to buy goods and services whose price exceeded the daily limit and would be totally cut off local shops that are not equipped with payment terminals. While the Ministry of Labour, Social Affairs and Family hoped that the project would help eliminate usury in segregated Romani settlements, NGOs expressed concerns that it might in fact have the opposite effect. The ministry recently agreed to modify the original scheme, which is why the final version's overall financial costs and potential effects remain unclear.

²² aktualne.sk, *Namiesto hotovosti karty*, <http://aktualne.centrum.sk/domov/zdravie-skolstvo-spolocnost/clanek.phtml?id=1224796> , accessed 07 August 2011

VI. Racism and related discrimination in housing

The problem of inadequate housing conditions particularly haunts residents of socially excluded Romani communities. It is estimated that approximately 200,000 Roma (of which 40% are children) live in segregated or separated urban ghettos or rural settlements under **completely undignified conditions**.²³ According to the report titled “**FRA: RAXEN – Housing Conditions of Roma and Travellers in Slovakia**”,²⁴ Slovakia has 787 such communities, including 168 urban ghettos, 338 settlements spread on the edge of municipalities and 281 settlements that are either remote from municipalities or are separated by barriers.

Qualitative characteristics of these residential areas are particularly the following:²⁵

- Spatial separation or complete segregation;
- Most of the dwellings were built on a self-help basis with the use of inadequate materials and often without basic respect for technological standards, which increases health and life risks. The case in point is a tragic accident in the village of Lomnička in March 2011 where poor installation of a small stove caused a fire in a Romani shack, claiming the lives of a mother and four children²⁶
- The dwellings are built without necessary building permits, often on someone else's property, which hinders the legal installation of engineering networks;
- The settlements often lack even the basic utilities and infrastructure: only 39% and 15% of the dwellings are connected to water and gas mains, respectively; 19% of the settlements have a sewage system and 20% of them are connected to the outside world by a hard surface access road.

The issue of Romani housing is further complicated by a number of other problems, one of the most serious being **forced evictions and relocations**. Most eviction orders are issued because tenants are in arrears with rent payments, property owners want to claim their land under illegally-built shacks or local authorities fear outbreaks of fire and epidemic in settlements. The most

²³ Ministerstvo práce, sociálnych vecí a rodiny, *Legislatívny zámer návrhu zákona o sociálne vylúčených spoločenských [Legislative Intent of the Bill on Socially Excluded Communities]*, section Housing; available at: <https://lt.justice.gov.sk/Document/DocumentDetails.aspx?instEID=-1&matEID=4253&docEID=195125&docFormEID=-1&docTypeEID=1&langEID=1> , accessed 21 August 2011

²⁴ Fundamental Rights Agency, *RAXEN Thematic Study – Housing Conditions of Roma and Travellers – Slovakia*, 2009; available at: http://fra.europa.eu/fraWebsite/attachments/RAXEN-Roma%20Housing-Slovakia_en.pdf , accessed 11 August 2011

²⁵ Úrad splnomocnenca vlády pre rómske, *Atlas rómskych komunít – List faktov [Atlas of Roma communities - List of facts]*, <http://romovia.vlada.gov.sk/3554/list-faktov.php> , accessed 14 August 2011

²⁶ topky.sk, *V Lomničke uhorela matka a 4 detí*, <http://www.topky.sk/cl/10/1244810/V-Lomnicke-uhorela-matka-a-4-deti--otec-bojuje-o-zivot-> , accessed 11 August 2011

recent example was forced relocation of several Romani families from Košice in spring 2010 because the municipality decided to raze their settlement to the ground. The relocated families were given a choice between living in tents (!) and moving to substitute flats in the infamous Romani ghetto called Luník IX housing estate.²⁷

The recent trend to resolve the issue of coexistence between the Roma and non-Roma in particular municipalities by **building walls** continued also in 2010.²⁸

The examined period marked emergence of certain new phenomena related to the issue of Romani housing, most notably attempts at **administrative and territorial division of municipalities with high concentrations of Roma into “Romani and non-Romani municipalities”** that would lead to creating two separate municipalities with autonomous administration.

The first such initiative was announced in February 2011 by the mayor of Spišský Štiavnik who argued that *“the Roma should prove they can take care of themselves”*.²⁹ The example was soon followed by Žehra, a village where non-Romani residents are outnumbered by the Roma whose representatives clinched majority in the local council including the chairman’s post in the most recent municipal elections.

In May 2010 the media publicised the **peculiar case of the Olšovany village** where local residents took a joint action aimed at preventing a Romani family from buying a house in the village, this despite the fact that the family was not local and therefore could hardly be labelled as “problematic”. The locals whipped up a public collection and purchased the house, preventing the Romani family from buying it.³⁰

Example of NGO Good Practice

Civic association ETP Slovakia launched in July 2010 a project called Support of Housing through Micro-Loans for Home Renovation and

²⁷ Sambor, M. 2011, 'Košickú osadu Demeter mesto zrovnalo so zemou', *Korzár SME*, 16. May, available at : <http://korzar.sme.sk/c/5895723/kosicku-osadu-demeter-mesto-zrovnalo-so-zemou.html> , accessed 11 August 2011

²⁸ Slovenské národné stredisko pre ľudské práva, *Správa o dodržiavaní ľudských práv na Slovensku za rok 2010, [Report on Human Rights in Slovakia in 2010]* (Bratislava: Slovenské národné stredisko pre ľudské práva, 2011); available at: http://www.snspl.sk/CCMS/files/SPR%C3%81VA_za_rok_2010.pdf, accessed 11 August 2011. During the examined period, six new municipalities announced plans to build these division walls; not all of them have begun construction works as of the deadline for putting the present report together

²⁹ Zacher, R. 2011, 'Nápad zriadiť čisto rómsku obec sa nestretol s pochopením' , *Korzár SME*, 24. February, available at: <http://korzar.sme.sk/c/5779502/napad-zriadiť-cisto-romsku-obec-sa-zatial-nestretol-s-pochopenim.html> , accessed 12 August 2011

³⁰ Karasová, E. 2010, 'Ošalvčania sa vyzbierali na dom. nechcú v dedine Rómov', *Korzár SME*, 17 May, available at: <http://korzar.sme.sk/c/5377745/olsavciani-sa-vyzbierali-na-dom-nehcu-v-dedine-romov.html#ixzz10a1Jrcdt>, accessed 11 August 2011

Improvement.³¹ The maximum amount of extended micro-loans is €1,160 for the maximum period of 48 months; the average monthly instalment is €26. Simultaneously, the project assists borrowers' families in putting together household budgets, and teaching them to spread available funds in order to improve the quality of their housing. In 2010, the project supported 17 Romani families from the village of Ostrovany. The project caught attention of the incumbent administration, which is currently considering introduction of a similar pilot project on a national basis.

The political and legal context:

As far as government measures are concerned, the Ministry of Labour, Social Affairs and Family submitted to legislative procedure a **Legislative intent of the bill on socially excluded communities** in August 2011.³² The bill seeks to introduce a system of so-called **permeable housing** that should have five stages, ranging from a bed in a doss-house to a room in an asylum home to a low-standard rented flat to a high-standard rented flat to an own home. The system is based on progressing gradually between individual stages based on the merit principle and should be permeable in both ways with the possibility to skip one stage. The system should be financed jointly from the state budget and EU structural funds.

In July 2011, the Office of Government Plenipotentiary for Romani Communities published a strategy titled "**Revised National Action Plan of the Decade of Romani Population's Inclusion 2005-2015**".³³ The document identified several goals and measures in the field of housing, for instance furthering construction of municipal rented flats in Romani communities. For the time being, relevant NGOs have not presented any objections to the document in general or its section that deals with Romani housing.

In reaction to the mentioned Žehra case, the Ministry of Interior proposed an amendment to the Law on Municipal Form of Government³⁴ that is supposed to

³¹ etp.sk, Mikropôžičkový program, see: <http://www.etp.sk/mikrop%C3%B4%C5%BEi%C4%8Dkov%C3%BD-program/>, accessed 11 August 2011

³² Ministerstvo práce, sociálnych vecí a rodiny, *Legislatívny zámer návrhu zákona o sociálne vylúčených spoločenských [Legislative Intent of the Bill on Socially Excluded Communities]*, section Education; available at: <https://lt.justice.gov.sk/Document/DocumentDetails.aspx?instEID=-1&matEID=4253&docEID=195125&docFormEID=-1&docTypeEID=1&langEID=1>, accessed 21 August 2011

³³ Government Decree No. 522/2011 *Revidovaný národný akčný plán Dekády začleňovania rómskej populácie 2005 - 2015 na roky 2011 – 2015 [National Action Plan of the Decade of Romani Population's Inclusion 2005-2015 for the Period of 2011-2015]* (10 August 2011), available at: <http://www.rokovanie.sk/Rokovanie.aspx/BodRokovaniaDetail?idMaterial=19992>, accessed 21 August 2011

³⁴ *Návrh zákona, ktorým sa mení a dopĺňa zákon Slovenskej národnej rady č. 369/1990 Zb. o obecnom zriadení [Draft legislation on municipalities]*, reg.no. KM-OPVA1-2011/003053; available at: <https://lt.justice.gov.sk/Material/MaterialHome.aspx?instEID=-1&matEID=4039&langEID=1>; accessed on 20 August 2011

accommodate non-Romani inhabitants of municipalities who demand administrative separation from the local Roma.³⁵ The NGO sector harshly criticised the initiative, especially because of its potentially segregationist effects and generally ill-conceived impact on Romani settlements.

³⁵ Kováč, P. 2011, 'Lipšic vidí riešenie v segregácii', *Pravda Daily*, 8 April, available at: http://spravy.pravda.sk/lipšic-vidi-riesenie-v-segregacii-dqy-/sk_domace.asp?c=A110408_101030_sk_domace_p58 , accessed 07 August 2011

VII. Racism and related discrimination in education

In the long term, Slovakia's education system struggles with a phenomenon that may be called **segregation of Romani children**. The phenomenon manifests in at least two ways:

- Creation of purely Romani classes or schools, which ensues from the fact that many non-Romani parents refuse to leave their children in mixed classes and prefer enrolling them in another school, even though it is a more remote one. This situation is further catalyzed by primary schools' tendency to create "elite classes", which leads to concentrating children from marginalised Romani communities in weaker classes. Some school officials argue it is inevitable: "*It is my duty to prevent parents taking away clever children and enrol them into some selective schools*", said principal of one of Slovak primary schools.³⁶
- Emergence of ethnically homogeneous schools for mentally challenged children that usually become the last resort for children from poor Romani families. The curricula in these schools are substantially reduced, which prevents their graduates from continuing on to secondary schools and later completely disqualifies them from the country's labour market.

This undesirable phenomenon has been repeatedly criticised by Amnesty International Slovakia. In its annual report released in April 2010, the organisation observed that Romani children made up as much as 60% of all children attending special classes in Slovakia. "In regions with high Romani populations this number is even higher and can reach up to 75 per cent," the report adds.³⁷

In recent years, the Slovak Academy of Sciences took part in a comparative research project titled EDUMIGROM (2008-2011) whose findings established the following: "*Romani children do not keep excessive ambitions for long-term studies because they need to pick up some trade in order to provide for their families and also because they do not have the funds to afford to continue in*

³⁶ Krčmárik, R. 2011, 'Rómske deti vyháďňa zo škôl bieda', *Pravda daily*, 23. February, available at: http://spravy.pravda.sk/romske-deti-vyhana-zo-skol-bieda-daf-sk_domace.asp?c=A110223_104615_sk_domace_p23#ixzz1VOI9myiY, accessed 07 August 2011

³⁷ Amnesty International Slovakia: *Rómske deti stále znevýhodňované [Romani Children Continue to be Disadvantaged]*; (London : Amnesty International Publications, 2009), available at: <http://www.amnesty.org/en/library/asset/EUR72/004/2009/en/679d2aca-674b-4c73-bd21-fa9fbc14f47/eur720042009sk.pdf>, accessed 07 August 2011

higher education”.³⁸ In the city of Prešov, for instance, Romani students make up only 3% of all secondary school students.³⁹

According to Zuzana Kusá, a researcher with the Slovak Academy of Sciences, the Edumigrom survey also confirmed that while majority children get along well with their Romani peers, they tend to take over their parents’ views. “[The parents] demand teachers, for instance, to make sure that their children do not make friends with Romani ones, they do not share desks with them and so on. The majority population shows a clear tendency to keep distance from the Roma.”⁴⁰

The Fundamental Right Agency (FRA) recently pointed out another problem related to education of Romani children in Slovakia, which is premature dropping out from the education process. In its study titled “**Fundamental Rights: Challenges and Achievements in 2010**”⁴¹ the FRA compared statistical findings for Romani and non-Romani children in Slovakia gathered by EU MIDIS and European Social Survey. The overall share of Romani children who drop out of school within five years is 7% while among majority children it is only 1%. This gap widens further as 55% of Romani children drop out of school after six to nine years compared to only 9% of non-Romani children.

As far as **education of foreigners** goes, a total of 902 children of foreigners and migrants attended Slovak primary schools in 2010.⁴² The Slovak legislation guarantees equal conditions for education of foreigners’ children and children of Slovak citizens.⁴³ The information on practical implementation of this principle as well as on problems faced by foreigners’ children in the education process is rather scarce. The issue was first examined in greater detail by a study “**Education of Foreigners in Slovakia – Needs and Solutions**” which was released in 2011 by the Milan Šimečka Foundation.⁴⁴ According to the study, the greatest problem for foreigners’ children is insufficient command of Slovak, which is why many of them are placed in inadequately low grades or repeat the same

³⁸ edumigrom.eu, *Edumigrom in Slovakia, EDUMIGROM conference materials in Slovak, Bratislava*, available at : http://www.edumigrom.eu/sites/default/files/field_attachment/news/node-20729/EDUMIGROMconference_Bratislava_materials_Slovak.pdf , accessed 07 August 2011

³⁹ Koshutová, A. 2011, 'Na Stredných školách študujú len 3% Rómov', *Korzar SME*, 10. March, available at: <http://korzar.sme.sk/c/5799641/na-strednych-skolach-studuju-len-tri-percenta-romov.html> , accessed 07 August 2011

⁴⁰ Krčmárik, R. 2011, 'Rómske deti vyhádza zo škôl bieda', *Pravda daily*, 23. February, available at: http://spravy.pravda.sk/romske-deti-vyhana-zo-skol-bieda-daf-isk_domace.asp?c=A110223_104615_sk_domace_p23#ixzz1VOI9myiY , accessed 07 August 2011

⁴¹ Fundamental Rights Agency, *Fundamental Rights: Challenges and Achievements in 2010* (Vienna : FRA - European Union Agency for Fundamental Rights, 2010), p. 21; available at: http://fra.europa.eu/fraWebsite/attachments/annual-report-2011_EN.pdf , accessed 07 August 2011

⁴² Inštitút informácií a prognóz školstva, *Štatistická ročenka - základné školy*, available at: <http://www.uips.sk/prehlady-skol/statisticka-rocenka---zakladne-skoly> , accessed 07 August 2011

⁴³ Law No. 245/2008 on Education (Schooling Act).

⁴⁴ Gažovičová, Edita (ed), *Vzdelávanie detí cudzincov na Slovensku – potreby a riešenia [Education of foreigners’ children in Slovakia - Needs and Solutions]* (Bratislava: Milan Šimečka Foundation – Centre for the Research of Ethnicity and Culture, 2011); available at: <http://multikulti.sk/dok/subkultury/Vzdelavanie-deti-cudzincov.pdf> , accessed 06 August 2011

grade over and over. The study concluded that Slovak schools insufficiently use the possibility of providing remedial Slovak classes for their “foreign pupils”. Although schools may ask regional schooling authorities to provide remedial Slovak classes for their pupils, the study observed that only two out of eight regional authorities received similar requests.

Example of NGO Good Practice

Big Brother, Big Sister – a scholarship program implemented by the Slovak Youth Institute IUVENTA⁴⁵

The program supports individual development of gifted Romani children through tutoring by volunteers. The volunteers – usually university students – take care of Romani children on an individual basis, motivating them to study, helping them with homework and fulfilling the role of their “older brother/sister”. The program also features specific elements of intercultural dialogue, largely thanks to involvement of volunteers from among university students.

The political and legal context:

In its program manifesto,⁴⁶ the incumbent administration pledged to adopt measures aimed at desegregation and simultaneously promote education of children from marginalised population groups. As of the deadline for putting this report together, it has not made any practical achievements in this area, except perhaps the already mentioned **legislative intent of the bill on socially excluded communities** submitted to legislative procedure in August 2011 by the Ministry of Labour, Social Affairs and Family that has the problems of marginalised Romani communities in its portfolio. In the chapter on education, the document proposed to enact pre-school education from the age of four as well as zero grades⁴⁷ in primary schools, further support the institution of “teacher assistants” and revise the process of children’s evaluation prior to placing them into special schools.⁴⁸

⁴⁵ iuventa.sk, *BIG B/S*, see : <http://www.iuventa.sk/sk/Projekty/Dobrovolnictvo/BIG-B-S.alej> , accessed 07 August 2011

⁴⁶ Vláda SR, *Programové vyhlásenie vlády SR na obdobie rokov 2010-2014 [Program manifesto of the Government of the Slovak Republic 2010-2014]* (Bratislava: Úrad vlády SR, 2010); available at: <http://www.vlada.gov.sk/programove-vyhlasenie-vlady-sr-na-obdobie-rokov-2010-2014/> , accessed 21 August 2011

⁴⁷ This is an obligatory preparatory grade (class) before the start of primary school education

⁴⁸ Ministerstvo práce, sociálnych vecí a rodiny, *Legislatívny zámer návrhu zákona o sociálne vylúčených spoločenských [Legislative Intent of the Bill on Socially Excluded Communities]*, section Education; available at: <https://lt.justice.gov.sk/Document/DocumentDetails.aspx?instEID=-1&matEID=4253&docEID=195125&docFormEID=-1&docTypeEID=1&langEID=1> , accessed 21 August 2011

The legal status of foreigners was regulated by the **Strategy of Foreigners' Integration** (2009).⁴⁹ In 2010, the Slovak government adopted **Summary report on the implementation of measures resulting from the Concept of Integration of Foreigners 2010**.⁵⁰ Some Slovak NGOs, for instance the Centre for the Research of Ethnicity and Culture (CVEK), reproached the document for virtually ignoring the issue of education of migrants and foreigners' children. They also criticised it for failing to set clear indicators to evaluate the rate of foreigners' children's equality and integration within the education process.⁵¹

⁴⁹ Government Decree No. 338/2009 *Koncepcia integrácie cudzincov [Strategy of Foreigners' Integration]* (6 May 2009), available at: <http://www.rokovania.sk/Rokovanie.aspx/BodRokovaniaDetail?idMaterial=4311>, accessed 21.08.2010

⁵⁰ Government Decree No. 172/2011 (9 March 2011), *Súhrnná správa o plnení opatrení vyplývajúcich z Koncepcie integrácie cudzincov v SR za rok 2010 [Summary report on the implementation of measures resulting from the Concept of Integration of Foreigners 2010]*, available at : <http://www.rokovanie.sk/Rokovanie.aspx/BodRokovaniaDetail?idMaterial=19247> , accessed 21 August 2011

⁵¹ Centre for the Research of Ethnicity and Culture, *Pripomienky k Súhrnnej správe o plnení opatrení vyplývajúcich z Koncepcie integrácie cudzincov v SR za rok 2010 [Commentary to Summary report on the implementation of measures resulting from the Concept of Integration of Foreigners 2010]*, available at : <http://www.cvek.sk/uploaded/files/Pripomienky%20k%20naplnaniu%20Koncepcie%20integracie%20cudzincov.pdf> , accessed 07 August 2011

VIII. Racism and related discrimination in health

In 2009, the Slovak Government adopted the **Program to Support Health of Disadvantaged Groups in Slovakia for 2009-2015 – Second Stage**⁵² that was based on findings of a survey carried out in select residential areas. The survey established that residents of Romani settlements live in the worst health and hygiene conditions of all Slovaks, mostly because of the following findings:

- Catastrophic hygienic and housing conditions, devastated environment (e.g. insufficient supplies of drinking water, insufficient wastewater drainage, problems with liquidation of communal waste);
- Excessive multiplication of insects (e.g. cockroaches and lice), rodents and stray dogs;
- Excessive occurrence of infectious diseases, particularly dysentery, intestinal infections, viral hepatitis, scabies and infectious respiratory diseases;
- Administrative problems with health insurance holders' registration;
- More than one in two Roma (58%) smokes; men smoke more than women;
- Early beginning of sexual activity and low age of first-time mothers; 49% of Romani mothers gave their first childbirth before they reached the age of 18; 6% of them did so before the age of 15;
- The average life expectancy of Romani men from segregated settlements was 41; the share of children under 14 on overall mortality reached 30%; the overall proportion of people over 65 in the Romani population was generally low.

The **deteriorating health conditions and eating habits** were further corroborated by news reports from Slovakia's regions informing that socially excluded Roma from some settlements had become dependent on eating stray dogs. In the village of Družstevná nad Hornádom, the mayor even became one of the chief suppliers of stray dogs to local Roma. *"Catching of stray dogs is expensive and the Roma eat them anyway,"* he explained.⁵³

The attitude of the Roma to health care is also determined by **discrimination and "peculiar practices" on the part of medical staff** that may be illustrated

⁵² Úrad verejného zdravotníctva SR, *Program podpory zdravia znevýhodnených skupín na Slovensku 2009-2015 – Druhá etapa* [Health support program for disadvantaged groups of population in Slovakia 2009-2015 - Second phase] (Bratislava: Úrad verejného zdravotníctva SR, 2009); available at:

http://www.uvzsr.sk/docs/info/podpora/romovia/romovia_2_etapa.pdf , accessed 11 August 2011

⁵³ vas.cas.sk, *Starosta ponúka psy Rómom na maso*, <http://vas.cas.sk/clanok/3605/starosta-ponuka-psy-romom-na-maso-co-na-to-vravia-slovaci.html> , accessed 11.08.2010

by an incident that happened in Košice.⁵⁴ A Romani woman called an ambulance to her 56 year-old husband who subsequently died during the transport to the hospital. Instead of taking the dead body to the morgue, the ambulance turned around and brought it back to the point of departure where the medics unloaded the body onto the sidewalk, covered it with a plastic canvas and left. The family was not informed and the woman found her dead husband only after the neighbours had told her about the corpse on the sidewalk. To make the absurdity complete, the police refused to qualify the incident as a criminal offence.

In June 2010 the media highlighted that the Košice city hall and the municipal transportation authority had installed germ detectors to bus lines that passed through the Luník IX housing estate.⁵⁵ The detector sounds loud alarm if a person carrying hepatitis gets on the bus. The bus driver is subsequently entitled to throw the infected person from the bus. On the one hand, it is perhaps understandable that municipal authorities strive to protect public transport passengers from potential infection; on the other hand, the chosen form of protection is highly questionable as the device informs other passengers about one passenger's health condition without his or her explicit consent and its "diagnosis" even serves as the reason for refusing the service.

The access of **other minorities and foreigners** to health care in Slovakia has not been examined in detail as yet. Nevertheless, CVEK has recommended that health care providers be better informed on the scope of health insurance of foreigners **who have acquired so-called subsidiary protection status⁵⁶ in Slovakia**. CVEK experts argued that health care providers often tend to refuse service to this category of policy holders because their employees have insufficient information on the scope of medical care this insurance covers and on the form of reimbursement of treatment costs.⁵⁷

Example of NGO Good Practice

Young Mother – a program that forms part of Bridging Communities in

⁵⁴ Sambor, M. 2011, 'Mŕtvym mužom na chodníku sa nik nezaoberá', *Korzar SME*, 23 March, available at: <http://korzar.sme.sk/c/5819015/mrtvym-muzom-na-chodniku-sa-nik-nezaobera.html> , accessed 11 August 2011

⁵⁵ Bejda, R. 2010, 'Pri Luníku IX inštalovali detektor bacilov', *Korzar SME*, 19 June, available at <http://korzar.sme.sk/c/5429271/pri-luniku-ix-instalovali-detektor-bacilov.html> , accessed 11 August 2011

⁵⁶ *Article 13a of Asylum Law 480/2002 Coll.* : Subsidiary protection could be granted by the Ministry of Interior to asylum seekers whose asylum pledge was refused, but who, if returned to his or her country of origin, would face a real risk of suffering serious harm.

⁵⁷ Centre for the Research of Ethnicity and Culture, *Pripomienky k Súhrnnej správe o plnení opatrení vyplývajúcich z Konceptie integrácie cudzincov v SR za rok 2010 [Commentary to Summary report on the implementation of measures resulting from the Concept of Integration of Foreigners 2010]*, available at : <http://www.cvek.sk/uploaded/files/Pripomienky%20k%20naplnaniu%20Konceptie%20integracie%20cudzincov.pdf> , accessed 07 August 2011

If a foreigner with subsidiary protection status is unemployed, health care costs are covered by the Ministry of Interior. The Ministry shall issue him a "receipt (certificate) of authorization for provision of health care". However, medical staff is unfamiliar with this type of health care certificate. Furthermore, it is not clear to foreigners themselves what types of medical procedures are free of charge on the basis of this certificate .

Central and Eastern Slovakia, a project implemented by the ETP Slovakia civic association.⁵⁸

It is an educational program jointly implemented by 12 community centres that serve as platforms for meetings of girls, young women, pregnant women and even elderly women from marginalised Romani communities. Here they receive advice on contraception possibilities or on how to improve prenatal and postnatal care for newborns. The seminars are divided into theoretical and practical tutorials on pregnancy, first days of the infant as well as on general health care.

The political and legal context:

Government policies in the field of health care were not updated during the examined period. As we have mentioned earlier, the cabinet in 2009 approved a follow-up **Program to Support Health of Disadvantaged Groups in Slovakia for 2009-2015**, which was during the examined period implemented by approximately 30 community workers who offered health education in 122 Romani settlements. Although they have made partial achievements, they are seriously undersized and therefore unable to solve the described problems.

In summer 2011, the Ministry of Labour, Social Affairs and Family drafted the **legislative intent of the bill on socially excluded communities**.⁵⁹ In the section devoted to health, the document proposed a rather controversial measure to introduce free sterilisation for women from socially excluded communities, which seems to target especially Romani women from socially excluded communities. Although the proposed measure requires women's informed consent, it is highly questionable whether such consent may be viewed as informed since awareness of health care issues in general and reproduction rights in particular is generally low within this population group. The proposed measure was criticised by some non-governmental organisations and civil rights activists. *"It is a populist measure. It will not tackle the essence of poverty. One of the hallmarks of poverty and deprivation is a large family, which has nothing to do with the family's ethnic origin,"* explained Peter Pollák, Romani activist and university pedagogue in media.⁶⁰

⁵⁸ etp.sk, 'Správa z činnosti projektu „Prestavovanie komunit na strednom a východnom Slovensku“ – Ostrovany', see : <http://www.etp.sk/spr%C3%A1va-z-%C4%8Dinnosti-projektu-%E2%80%9Epremos%C5%A5ovanie-komun%C3%ADt-na-strednom-a-v%C3%BDchodnom-slovensku%E2%80%9C-ostrovany/> , accessed 11 August 2011

⁵⁹ Ministerstvo práce, sociálnych vecí a rodiny, *Legislatívny zámer návrhu zákona o sociálne vylúčených spoločenských [Legislative Intent of the Bill on Socially Excluded Communities]*, section Health; available at: <https://lt.justice.gov.sk/Document/DocumentDetails.aspx?instEID=-1&matEID=4253&docEID=195125&docFormEID=-1&docTypeEID=1&langEID=1> , accessed 21 August 2011

⁶⁰ Melniková, M. 2011, 'Chudobným ženám chce štát zaplatiť sterilizácie', *Korzar SME*, 11 August, available at: <http://korzar.sme.sk/c/6014048/chudobnym-zenam-chce-stat-zaplatit-sterilizacie.html#ixzz1VgtmnlO> , accessed 11 August 2011

IX. Racism and related discrimination in criminal justice

IX.I Policing and ethnic profiling

During the examined period, the Ministry of Interior seemed to focus more on combating Romani criminality rather than extremist movements. Interior Minister Daniel Lipšic even created a post of “Romani criminality advisor,” which was a true novelty in the official structure of Slovak executive. Shortly afterwards, the ministry issued the so-called “map of Romani criminality” identifying territories and locations most plagued by Romani criminality and rating them by the problem’s magnitude. Effective January 1, 2011, the Ministry enforced police patrols in these localities.⁶¹

Slovak NGOs subjected the measure to harsh criticism. *“Increasing the number of policemen in Romani settlements will not help eradicate these problems in the long term,”* the CVEK commented in its regular quarterly focusing on minority issues.⁶² *“It is highly disturbing that modern and democratic Slovakia that views human rights as the moral foundation of a political community shamelessly accepts policies built around the concept of Romani criminality ... In using the very notion of Romani criminality, the government actually stigmatises the entire minority as criminal ... Unjust treatment of the Roma and reproduction of the stereotype of Romani criminality based on personal characteristics that have nothing to do with individuals’ abilities and actions coarsely infringes on human dignity...”* (CVEK 2011, p.1)⁶³

IX.II Racist violence and crime

According to official crime statistics kept by the Ministry of Interior,⁶⁴ a total of 156 racially motivated crimes were perpetrated in Slovakia in 2010, a substantial decline compared to 132 such crimes officially registered in 2009. From the viewpoint of racially motivated crimes’ perpetrators, this type of criminality may be categorised as follows:

Crimes perpetrated by extremist groups with a political background

⁶¹ Pravda Daily 4 Jan. 2011, available at: http://spravy.pravda.sk/lipic-prisiel-do-jarovnic-predstavit-plan-ako-znizit-kriminalitu-v-osadach-1vx-/sk_domace.asp?c=A110104_151451_sk_domace_p12, accessed 11 August 2011

⁶² Centre for the Research of Ethnicity and Culture, 'Kriminalizácia Rómov je nebezpečná' ['Criminalization of the Roma a Dangerous Step to the Past'] in : *Menšinová politika na Slovensku* No. 1/2011; available at: http://www.cvek.sk/uploaded/files/2011_01_mensinova_politika.pdf, accessed 11 August 2011

⁶³ Ibid.

⁶⁴ Ministerstvo vnútra SR, *Štatistika kriminality v Slovenskej republike [Statistics of Criminality in the Slovak Republic]* (Bratislava: Ministerstvo vnútra SR, 2011); available at: <http://www.minv.sk/?statistika-kriminality>, accessed 11 August 2011

The most infamous of these organisations is Our Slovakia – People’s Party (Naše Slovensko – Ľudová strana, NSĽS)⁶⁵, a political party whose leaders repeatedly breach the Penal Code with public statements aimed at instigating hatred particularly against the Roma and people with non-heterosexual orientation as well as by using rhetoric, symbolism and salutes originating in the period of wartime in the Slovak State. Not only do law enforcement agencies seem completely toothless in the face of this organisation; what is particularly alarming is that their attitude seems to legitimise its actions and agenda.

- A scandalous example was a public statement presented by one party leader who said: *“We are being pushed out of our own country by the brutally breeding antisocial Gypsy parasites.”*⁶⁶ Although the statement was a case example of the criminal offence of defamation of nation, race, political and religious opinions,⁶⁷ the police evaluated it as legally proper and refused to prosecute its author, justifying its decision as follows: *“In the dictionary of Slovak language, the word ‘cigán’ [Gipsy] refers not only to a member of a Romani minority but also to a mendacious person. Therefore it is unclear what meaning the perpetrator referred to.”*⁶⁸

Crimes perpetrated by extremist groups outside of mainstream politics

While the NSĽS strives to make at least an impression that it does not approve of obvious violence, local extremist groups operating outside the NSĽS – particularly gangs of football hooligans or remnants of leaderless resistance groups – do not refrain from violent actions. These groups do not target only the Roma but also other distinctly different population groups (i.e. members of other races, subcultures, etc.).

- A perfect example is a case that was reported to the People against Racism. A group of four men who identified themselves as members of Ultras Slovan Pressburg, a club of neo-Nazi football hooligans, assaulted a man of African descent on a tram in Bratislava. They started out by shouting racial slurs and spitting at him and subsequently got off the tram with him. At the tram stop, they tried to attack him physically but the tram driver managed to call the police, who intervened in time.
- During football matches, gangs of neo-Nazi hooligans regularly demonstrate their hateful attitude towards players of African descent, mostly by imitating monkey screams en masse.⁶⁹

⁶⁵ in 2010 parliamentary elections, NSĽS ran for the first time and received 1.33% of the popular vote

⁶⁶ The statement was featured on a flyer inviting people to a NSĽS election rally in the town of Martin in April 2011. The very context of anti-Romani statements that are regularly presented at this party’s public rallies made it clear who the statement referred to.

⁶⁷ Article 423 of the Penal Code (Law No. 300/2005).

⁶⁸ Petková, Z. 2010, 'Polícia za označenie cigánsky parazit stíhanie nezačala', *SME daily*, 14 August, available at: <http://www.sme.sk/c/5505990/policia-za-oznacenie-cigansky-parazit-stihanie-nezacala.html>, accessed 11 August 2011

⁶⁹ The People against Racism civic association regularly monitors and analyzes these incidents in its annual reports. See, for instance, *“Správa o prejavoch rasizmu, nacionalizmu, neonacizmu, antisemitizmu, ďalších typoch intolerancie a pozitívnych iniciatívach v roku 2010”* [‘Report on Displays of Racism, Nationalism, Neo-Nazism, Anti-Semitism and Other Types of Intolerance and Positive Initiatives in 2010’]; available at: <http://futbal.rasizmus.sk/wp->

- The violent extremist groups target members of LGBT communities as well. In May 2010, the historical first of a Rainbow Pride march in Slovakia was organised in Bratislava. The peaceful march was disrupted by a group of about 80 extremists who threw tear gas bombs and cobblestones into the gathered crowd. Eventually, the organisers decided to dissolve the gathering at the request of the police.

Crimes perpetrated by majority individuals outside extremist groups (hate speech and cyberhate)

The most demonstrative displays of hatred against the Roma (but also against ethnic Hungarians, homo-sexuals and Muslims) are often presented by people outside the far-right spectrum. While their views are rarely accompanied by violence, it is quite disturbing that the anti-Romani public discourse that is particularly vivid on Internet discussion forums is almost completely homogeneous, i.e. without any opposition whatsoever, and often goes as far as invoking pogroms on the Roma.⁷⁰ Although they may be easily qualified as verbal criminal offences, these displays of hate speech are tolerated by the public as well as by law enforcement organs. It is particularly alarming that this type of hateful rhetoric is gradually being adopted by mainstream politicians. Anti-Romani hate speech often sounded during the election campaign before the most recent municipal elections. Here are but some examples:

- One of the candidates to run for the post of Košice mayor tried to appeal to potential voters by making a pledge on his official website to raze the Luník IX Romani housing estate to the ground.⁷¹
- One of the candidates to run for the post of local council chairman in the village of Horovce handed out flyers carrying a slogan: *“Gypsies are scum, vote for me and I will rid you of them.”*⁷²

Examples of NGO Good Practice

The People against Racism⁷³ civic association has a decade-long record of combating hate crime, especially through monitoring, evaluating and analysing the development of extremist groups and racially motivated crime. It has established a hotline that provides free legal assistance to racism victims. It publishes teaching materials on the subject and organises lectures, seminars and training courses for students, experts and state administration employees. Its

content/uploads/2011/03/sprava_o_prejavoch_rasizmu_dalsich_tyloch_intolerancie_a_pozitivnych_iniciativ_ach_2010.pdf , accessed 11 August 2011

⁷⁰ The People against Racism civic association carried out monitoring of anti-Romani hate speech on the Facebook social network. The survey findings along with the analysis of this phenomenon are summed up in Bihariová, Irena, *“Facebook 1939”* (Bratislava: Ľudia proti rasizmu, 2010); available at: <http://www.rasizmus.sk/facebook1939.pdf> , accessed 14 August 2011)

⁷¹ cyrilbetus.sk, *Koniec Luníka IX je nový začiatok Košíc*; accessed 13 August 2011

⁷² Vereščáková, L. 2010, 'Slogan o Cigánoch v Horovciach pobúril Rómov', *Korzár SME*, 13 December, available at : <http://korzar.sme.sk/c/5680683/slogan-o-ciganoch-v-horovciach-poburil-romov.html> , accessed 13 August 2011

⁷³ www.rasizmus.sk, accessed 20 November 2011

experts participate in shaping relevant government policies aimed at combating racially motivated crime and extremism. The civic association pays special attention to the phenomenon of football as a tool of minority integration and a vehicle for displays of racial and ethnic hatred in football stadiums.⁷⁴

IX.III Counterterrorism

Counterterrorism is not too relevant an issue in Slovakia. It is directly addressed by the Penal Code which introduced terrorism as a criminal offence; however, the legal definition has no implications with respect to religious or ethnic groups.⁷⁵

In May 2011, the cabinet approved the “**National Action Plan of Combating Terrorism for 2011-2014**”.⁷⁶ While it uses the term of “Islamic terrorism” rather frequently, it is a highly theoretical document that fails to outline concrete operating strategies as it is completely free of specific counterterrorism measures that would make it possible to evaluate its potential impact on minorities.

IX.IV Political and legal context

In summer 2011, the cabinet adopted the “**Strategy of Combating Extremism for 2011-2014**”,⁷⁷ which was drafted by the Interior Ministry’s advisory body; the gist of the strategy had been prepared before the incumbent administration took office. The document envisages passing an amendment to the Penal Code that would introduce stricter punishments for perpetrators of extremist crimes and enact definitions of new criminal offences such as hatecrimes based on different sex or affiliation to a different cultural or social group.⁷⁸ Another priority of the document is to elaborate an operative database of symbols for judges, prosecutors and police. It also envisages creating a permanent task force that would comprise of representatives of institutions that specialise in combating extremism.

Penal Code⁷⁹ provisions that are related to racially motivated and extremist crimes⁸⁰ were last amended in November 2009 when Parliament transposed the EU Framework Decision on Racism and Xenophobia into the country’s legal

⁷⁴ www.futbal.rasizmus.sk, accessed 20 November 2011

⁷⁵ Article 419 of the Penal Code (Law No. 300/2005).

⁷⁶ Government Decree Nov 316/2011 “*Národný akčný plán boja proti terorizmu na roky 2011 - 2014* [‘*National Action Plan of Combating Terrorism for 2011-2014*’] (18 May 2011), available at : <http://www.rokovania.sk/Rokovanie.aspx/BodRokovaniaDetail?idMaterial=19705>, accessed 21 August 2011

⁷⁷ Government Decree No. 379/2011 “*Koncepcia boja proti extrémizmu na roku 2011-2014*” [‘*Strategy of Combating Extremism for 2011-2014*’] (8 June 2011), available at : <http://www.rokovania.sk/Rokovanie.aspx/BodRokovaniaDetail?idMaterial=19762> , accessed 21 August 2011

⁷⁸ The legislation should be enacted in 2012.

⁷⁹ Law No. 300/2005 (Penal Code)

⁸⁰ Slovakia’s Penal Code does not recognize the term “hate crime”.

order. These provisions were described in detail in the **ENAR Shadow Report 2009/2010: Racism and Discriminatory Practices in Slovakia**⁸¹ and have not changed since.

The practical experience of criminal justice in Slovakia shows that the most serious shortcomings can be detected in the **process of law application and law enforcement**. A perfectly relevant case usually gets “stuck” at the stage of police investigation and often does not even make it to the prosecutor’s desk. Most important reasons for this are:

- Absence of a separate forensic discipline that would specialise in neo-Nazi symbolism as well as slogans, signs, salutes and historic figures from the wartime period in the Slovak State; the currently valid Penal Code views their promotion as illegal;⁸²
- Low sensitivity on the part of general public and law enforcement organs to public statements that slur members of minorities, which is a phenomenon highlighted by People against Racism in the long term.⁸³ This sensitivity may be encouraged by the introduction of a separate forensic discipline as well as special training programs designed for law enforcement organs and the judicial community.

⁸¹ European Network Against Racism, *ENAR Shadow Report 2009/2010 : Racism and Discriminatory Practices in Slovakia*, <http://cms.horus.be/files/99935/MediaArchive/publications/Slovakia.pdf> , accessed 21 August 2011

⁸² On March 14, 2009, the police dispersed a political rally to commemorate the anniversary of emergence of a wartime Slovak State after NSLŠ leader Marián Kotleba greeted the crowd by saying “Na stráž” [En Guard], a salute that was used by elite police forces of the fascist Slovak State. The district attorney refused to prosecute Kotleba based on an absurd argument that “the perpetrator had not raised his right arm to the shoulder level and had not raised two fingers to the level of his right eye”. For further details, please see web portal aktualne.sk: “*Polícia a súdy nevedia dokazovať propagáciu fašizmu*” [“Police, Courts Unable to Prove Promotion of Fascism”]; available at: <http://aktualne.centrum.sk/domov/kauzy/clanek.phtml?id=1232968> , accessed 11 August 2011

⁸³ A perfect example was the incident that happened in September 2010 during a football match in Bratislava when a crowd of football hooligans chanted anti-Semitic slogans right in front of TV cameras and a police cordon. The police shelved the case. For further details, please see: People against racism, <http://futbal.rasizmus.sk/2011/02/19/monitoring-vysetrovanie-protizidovskych-nadavok-nikam-neviedlo/> , accessed 11 August 2011

X. Racism and related discrimination in access to goods and services

The experience of some Slovak NGOs⁸⁴ shows that **members of the Romani minority** are the most frequent victims of discrimination in access to goods and services. Since Slovakia does not keep ethnically sensitive statistical data, it is again impossible to quantify the exact rate or frequency of such discrimination. The quantification is further complicated by the fact that the most frequent victims of this type of discrimination (i.e. the Roma from socially excluded communities) rarely report it to applicable law enforcement organs or to demand legal remedy for their negative experience.

However, this type of discrimination does not befall only the socially challenged Roma as members of the Romani middle or higher class encounter it very often as well. *“We tackle primarily incidents of Roma being denied entry to restaurants or similar establishments; many of our Romani complainants had even completed university education and the owner of the establishment had not had any previous negative experience with them”*, People against Racism declared in media.⁸⁵ This practice is based on some sort of **“sweeping presumption of guilt”** that compels certain establishment owners to take an “a priori hostile attitude” to Romani customers that is based solely on their ethnic origin.

Another institution to tackle cases of discrimination in access to goods and services is the **Slovak National Human Rights Centre (SNSĽP)**. *“Violation of the principle of equal treatment in access to goods and services ranks second on the list of discrimination complaints. In this respect, the Centre accepted several motions from citizens who objected to violation of the principle of equal treatment in access to goods and services. Most of the complainants had been discriminated against on grounds of their racial or ethnic origin,”* (SNSĽP 2010, p.132.⁸⁶

In 2010, the civic association called **Centre for Human and Civil Rights** dealt with 92 Anti-discrimination Act⁸⁷ violations; one third of these cases had to do with discrimination in access to goods and services.

⁸⁴ Non-governmental organisations in Slovakia that deal with discrimination include primarily People against Racism (Ľudia proti rasizmu), Centre for Human and Civil Rights (Poradňa pre občianske a ľudské práva) and Citizen, Democracy and Responsibility (Občan, demokracia a zodpovednosť).

⁸⁵ webnoviny.sk, *LPR : Rómom zakazujú najmä vstup do reštaurácií*, <http://www.webnoviny.sk/slovensko/lpr-romom-zakazuju-najma-vstup-do-r/180598-clanok.html>, accessed 11 August 2011

⁸⁶ Slovenské národné stredisko pre ľudské práva, *Správa o dodržiavaní ľudských práv na Slovensku za rok 2010, [Report on Human Rights in Slovakia in 2010]*, p.132 (Bratislava: Slovenské národné stredisko pre ľudské práva, 2011); available at: http://www.snspl.sk/CCMS/files/SPR%C3%81VA_za_rok_2010.pdf, accessed 11 August 2011

⁸⁷ Law No. 365/2004 on Equal Treatment in Certain Areas and Protection against Discrimination that alters and amends certain laws (also known as Antidiscrimination Act).

The experience is seconded by **People against Racism**, which tackled seven anti-discrimination complaints during the examined period; five of them had to do with provision of goods and services and all complainants were members of the Romani minority.

A Romani woman turned to People against Racism with the question of whether her case could be construed as a violation of the principle of equal treatment: She had been denied service at a hairdresser's salon with an explanation that if other customers saw a Romani woman being served there, they would stop frequenting the salon out of fear that its employees might use the same comb they had used on the Romani woman. Upon her request, People against Racism elaborated a legal analysis of the case and a list of steps to be taken in order to protect her rights. In March 2011, People against Racism accepted legal representation of a Romani man who had been denied entry to a disco in Nové Mesto nad Váhom. It has brought tort action in which the complainant demands a public apology from the establishment's works manager. The applicable court has not issued a verdict as yet.

Example of NGO Good Practice

This type of discrimination is effectively combated by NGOs that provide legal assistance to discrimination victims and even use agent provocateurs to detect and unmask such practices. In Slovakia, the two leading NGOs in this area are **People against Racism** based in Bratislava and **Advice Bureau for Civil and Human Rights** based in Košice. Besides monitoring similar cases, both organisations also pursue educational and publishing activities. The former organised testing activities and media campaigns in the past; the latter continued in testing also in 2010, performing 18 tests to detect and unmask violations of the principle of equal treatment.

The Anti-discrimination Act⁸⁸ is more or less exhaustive in stipulating the unlawful nature of discrimination in access to goods and services. The right to equal access to goods and services is also anchored in the **Consumer Protection Act**.⁸⁹ While violations of the Anti-discrimination Act are for courts of justice to decide, establishing breaches of the Consumer Protection Act rests with the Slovak Trade Inspection, a governmental supervisory agency. Neither of the mentioned legal rules has been altered or amended from the viewpoint of discrimination during the examined period. At the same time, the incumbent administration has failed to adopt or implement any new policies aimed directly at tackling discrimination in access to goods and services.

⁸⁸ Law No. 365/2004 on Equal Treatment in Certain Areas and Protection against Discrimination

⁸⁹ Law No. 250/2007 on Consumer Protection.

XI. Racism and related discrimination in the media

The generally negative image of minorities in Slovak media dramatically affects their perception by the majority. The Roma are the greatest victims of this negative profiling. The failure of Slovak media to portray minorities truthfully may be perceived on a number of levels.

The first level is related to attention devoted to (or rather ignorance of) a positive image of the Romani minority by the media. Even the reporters who set out to provide positive news about the Roma rarely go beyond the stereotypical cliché on their talent for music and/or dancing. The **absence of positive news on minorities** in general and on examples of integrated Roma in particular makes the public believe that such Roma do not exist at all.

The second level has to do with the informational and educational role the media fulfil with respect to the life and customs of minorities. The public discourse, steered by the media and a number of mainstream politicians, is dominated by stereotypical myths on enormous consumption of public funds by members of the Romani minority, confused information on the potential 'threat' of the increase of the Muslim population in Europe and misleading views of migration. Relevant media rarely make an honest probe into the actual background of national, ethnic or religious minorities. On the other hand, they regularly bring news on Romani women bearing lots of children in order to boost their welfare income. "*Bearing children remains a gainful occupation in Romani settlements,*" concluded a story for tvnoviny.sk aired on April 24, 2011.⁹⁰ In fact, government's social policy with respect to families with children is set in way that residents of segregated Romani settlements rarely become eligible for extra benefits.

Another level on which the media directly harm the public image of minorities is communicating **negative news content** that directly, indirectly or subliminally connects particular minorities with social anomalies or maladies. The cases in point are news reports on crimes, scuffles between neighbours, pilferage or truancy and so on, the authors of which insinuate or directly state that the person in question is of Romani origin, for instance "Roma Threatened Teacher from Sabinov" (TV Joj, June 30, 2010);⁹¹ "Roma Attacked Crew of TV Markíza" (TV Markíza, August 23, 2010);⁹² "Theft and Affrays of Romani Youngsters the Order

⁹⁰ weboportal of TV Markíza : tvnoviny.sk, *V osadách stále rodia príliš mladé ženy*; available at: <http://tvnoviny.sk/sekcia/spravy/domace/v-osadach-stale-rodia-deti-prilis-mlade-zeny.html> , accessed 10 August 2011

⁹¹ weboportal of TV JOJ : udalosti.noviny.sk, *Róm sa vyhrážal učiteľke zo Sabinova*; available at: <http://udalosti.noviny.sk/z-domova/30-06-2010/rom-sa-vyhrazel-ucitelke-zo-sabinova.html>, accessed 10 August 2011

⁹² weboportal of TV Markíza : tvnoviny.sk, *Geto na západe Slovenska – Róm napadol štáb TV Markíza*; available at: <http://tvnoviny.sk/spravy/regiony/geto-na-zapade-slovenska-rom-napadol-stab-tv-markiza.html>, accessed 10 August 2011

of the Day” (tvnoviny.sk, January 26, 2011).⁹³ This selective approach to news distorts the public image of the entire population group.

The most deplorable media faux pas was the coverage of the massacre in Bratislava’s district of Devínska Nová Ves in September 2010 when a certain Ľubomír Harman killed the entire neighbouring family with a machine gun, then took it to the streets and continued to shoot at random victims, killing eight in total.⁹⁴ The media first brought a bunch of confused information that the victims were members of a drug-dealing Romani family; later they changed the tune and called it a misfit Romani family whose loud ways had catalyzed the perpetrator’s fallacy. TV Markíza even aired archive footage of presumed victims as proof that the family’s neighbours had complained about its problematic behaviour in the past. Later it turned out that TV Markíza had confused two families from the same housing estate.

The media coverage had an immediate impact on the public opinion as almost all contributions to Internet discussion forums tried to seek excuses for the murderer of eight people. After some time, police investigation revealed that the family was not Romani at all and that the sole Roma among the victims was probably visiting. Unfortunately, it was too little to reverse the public opinion that had already been sent in a different direction; the information arrived after the media madness had subsided and apparently was not sensational enough. Even today the massacre is widely interpreted as a murder of a Romani family whose behaviour drove the perpetrator to a radical action. It continues to be construed as the symbol of revolt against the Roma and even of non-Romani population’s helplessness in the face of Romani oppression. This may be illustrated by the graffiti “Thank you, Harman!” which can still be found on the crime scene.⁹⁵ In a sick aftermath to the tragedy, several Facebook groups proposed to decorate the deranged murderer with state honours.⁹⁶

A special aspect of this issue is the Internet, particularly Facebook and blog portals. The quantity and almost flawless homogeneity of presented opinions speaks volumes of the Slovak public’s true perception of minorities. Most presented hate speech is aimed against the Roma, which is not to say that migrants or Muslims are spared; on the contrary, most presented opinions describe foreigners in Slovakia as persona non grata. Considered acceptable are

⁹³ weboportal of TV JOJ : udalosti.noviny.sk, *Krádeže a výtržnosti rómskej mládeže sú v obci na dennom poriadku*; available at: <http://tvnoviny.sk/sekcia/spravy/regiony/kradeze-a-vytrznosti-romskej-mladeze-su-v-obci-na-dennom-poriadku.html>, accessed 10 August 2011

⁹⁴ dnes.atlas.sk, *Masaker v Devínskej Novej Vsi: 8 mŕtvych*; available at: <http://dnes.atlas.sk/slovensko/cierna-kronika/694215/masaker-v-devinskej-novej-vsi-6-mrtvych-19-zranenych>, accessed 10 August 2011

⁹⁵ pravda.sk, *V Devínskej sa objavili nápisy, ktoré vedia vraha Harmana*, available at: http://spravy.pravda.sk/v-devinskej-sa-objavili-napisy-ktore-vedia-vraha-harmana-pno-sk_domace.asp?c=A100920_190852_sk_domace_p29, accessed 10 August 2011

⁹⁶ facebook.com, *Som za to, aby bol Ľubomír Harman vyhlásený za štátneho hrdinu*, see : <http://sk-sk.facebook.com/pages/Som-za-to-aby-bol-Lubomir-Harman-vyhlasesny-za-statneho-hrdinu/142175565824657>, accessed 10 August 2011

only those immigrants who do not need anything, are easily adaptable and even offer benefits to the native population. *“The greatest danger of the leftist multi-culti doctrine is that it defies natural organisation of society. That it requires us to adapt to the culture of foreigners in our own country ... The multi-culti perception of the world demands us to submit. And that is the problem ... What we can do is to change our approach to immigration and support only those immigrants who will benefit our society and will be willing to adapt themselves.”* (Pospíšil 2010, pospisil.blog.sme.sk)⁹⁷

Example of NGO Good Practice

At the time of Devínska Nová Ves massacre, the People against Racism civic association launched a **campaign against the incident’s sensational coverage**. In an open letter addressed to all relevant dailies, TV stations and web portals it called on all journalists to refrain from publishing unverified information and participating in the public discourse that legitimises the perpetrator’s actions.⁹⁸

The way the media portray particular minorities is exclusively the matter of journalists’ professional ethics, which is not regulated by any official policy. The currently valid Press Act⁹⁹ offers rather limited possibilities to aggrieved parties to defend themselves against flat-out untruthful information in the form of correction or reaction.

⁹⁷ pospisil.blog.sme.sk, *Multikulti je mrtvé. Oficiálne*, <http://pospisil.blog.sme.sk/c/244541/Multikulti-je-mrtve-Oficialne.html#ixzz1VvdNlh3D>, accessed 10 August 2011

⁹⁸ [changenet.sk](http://www.changenet.sk), *Výzva zástupcom televíznych, printových, rozhlasových a elektronických médií a reprezentantom novinárskej obce [Appeal to Representatives of Print, Television, Radio and Other Broadcast Media and of the Journalistic Community]*; available at: <http://www.changenet.sk/?section=kampane&x=495938#ixzz1Vw4U5PuM>, accessed 10 August 2011

⁹⁹ Law No 167/2008 Coll. (Press Act)

XII. Political and legal developments in anti-racism and anti-discrimination

The four parties that formed the new government after parliamentary elections in June 2010 agreed on the **Slovak Government's Program Manifesto for the Period of 2011-2014**,¹⁰⁰ which in several chapters touched upon the social status and problems of minorities. In the document, the incumbent administration pledged to maintain good neighbourly relations with Hungary and support marginalised Romani communities. At the same time, it declared its determination to combat displays of extremism, racism, xenophobia and anti-Semitism.

Generally speaking, the political discourse with respect to minorities – especially ethnic Hungarians – has somewhat relaxed since elections. It was particularly tense in May 2010 when it was aggravated by the passing of Hungary's Double Citizenship Act.¹⁰¹

Unfortunately, the same cannot be said of the Romani minority. Some representatives of the incumbent administration (both in the executive and the legislative) have proposed strongly populist measures that sought to restrict social security benefits, selectively aimed against members of marginalised Romani communities or repressive measures based on Roma criminalisation; some of them are described in relevant chapters of the present report. (Example of this is the draft legislation on parental benefits).¹⁰²

When discussing the incumbent administration's program manifesto, the conservative Christian Democratic Movement (KDH) wrought concessions from the liberal Freedom and Solidarity (SaS) whose election program sought to enact registered partnerships of homosexual couples.

¹⁰⁰ Vláda SR, *Programové vyhlásenie vlády SR na obdobie rokov 2010-2014 [Program manifesto of the Government of the Slovak Republic 2010-2014]* (Bratislava: Úrad vlády SR, 2010); available at: <http://www.vlada.gov.sk/programove-vyhlasenie-vlady-sr-na-obdobie-rokov-2010-2014/>, accessed 21 August 2011

¹⁰¹ After Hungarian parliament passed an amendment to its Citizenship Act that allowed ethnic Hungarians from surrounding countries including Slovakia apply for Hungarian citizenship, the previous Slovak administration passed an amendment to Slovakia's Citizenship Act, which automatically revoked Slovak citizenship from those people who had acquired citizenship of another state. The incumbent administration amended this retaliatory amendment, partly mitigating its effects.

¹⁰² UV-13321/2011, *Návrh zákona, ktorým sa mení zákon o rodičovskom príspevku 579/2009 Z.z. [Draft legislation on parental subsidy]*; available at <http://www.rokovania.sk/Rokovanie.aspx/BodRokovaniaDetail?idMaterial=19668>, accessed 20 November 2011

Parental benefit is an obligatory subsidy - parents are entitled to it in order to cover costs incurred in relation to raising a child. The above mentioned legislative draft requires parent to document that he/she had worked or studied at school for at least 270 calendar days during the period of three years preceding the application for the parental benefit in order to be eligible for this subsidy. In reality this requirement would negatively affect long-term unemployed people outside of educational system - with disproportionate effect on marginalised Roma

Most policy documents and proposed bills that concern minorities were drafted in the second half of 2011. None of them directly addressed discrimination or racism and had a rather social and integrationist tone with respect to minorities.¹⁰³ The only exception is the “**Strategy of Combating Extremism for 2011-2014**” adopted in June 2011 (for further details, see chapter IX.Criminal Justice).

The issue of discrimination is regulated by **Anti-discrimination Act**,¹⁰⁴ which transposed the Racial Equality Directive (2000/43/EC) as well as other EU equality directives.¹⁰⁵ The crimes related to racism or ethnic or religious intolerance is governed by the **Penal Code**.¹⁰⁶ The said legal regulations and their provisions that are relevant for the present report were not altered or amended in any way during the examined period. These provisions were described in detail in the ENAR Shadow Report 2009/2010: Racism and Discriminatory Practices in Slovakia¹⁰⁷ and have not changed since.

The main problem is application and enforcement of the said legal rules. Penal responsibility for discriminatory actions must be determined in tort proceedings before courts of law. The problem is that only a tiny percentage of discrimination cases make it to a court of law in Slovakia. It is mostly because the most frequent victims of discrimination are members of marginalised Romani communities who lack not only elementary legal consciousness but especially financial resources that are necessary to effectively defend one’s rights. The NGOs in Slovakia lack the personnel and financial capacity to be able to guarantee basic availability of justice to discrimination victims.

The issue of discrimination is also in the portfolio of the **Slovak National Human Rights Centre (SNSĽP)**. With respect to United Nations it is a national human rights institution (NHRI) of the B status in compliance with Paris Principles; with respect to the European Union it acts as the so-called National Equality Body, a specialised institution in the field of anti-discrimination. In 2010, the SNSĽP worked with a budget of **€643,081** which it received in the form of a state budget subsidy for running expenses.¹⁰⁸ In 2011, the Slovak Government’s Office began

¹⁰³ Here, we refer particularly to the legislative intent of the bill on socially excluded communities and the National Action Plan of the Decade of Romani Population’s Inclusion 2005-2015 for the period of 2011-2015. Although both documents’ final drafts were completed in summer months of 2011, their potential relevance justifies their brief description in the present report (please see chapter Migration and Integration and other relevant chapters).

¹⁰⁴ Law No. 365/2004 on Equal Treatment in Certain Areas and Protection against Discrimination.

¹⁰⁵ Directive establishing a general framework for equal treatment in employment and occupation (2000/78/EC), Directive on the implementation of the principle of equal treatment for men and women in occupational social security schemes (86/378/EEC), Directive on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions (76/207/EEC) and Directive implementing the principle of equal treatment between men and women in the access to and supply of goods and services (2004/113/EC).

¹⁰⁶ The law implemented EU Framework Decision on Racism and Xenophobia.

¹⁰⁷ European Network Against Racism, *ENAR Shadow Report 2009/2010 : Racism and Discriminatory Practices in Slovakia*, <http://cms.horus.be/files/99935/MediaArchive/publications/Slovakia.pdf> , accessed 21 August 2011

¹⁰⁸ Slovenské národné stredisko pre ľudské práva, *Správa o dodržiavaní ľudských práv na Slovensku za rok 2010, [Report on Human Rights in Slovakia in 2010]* (Bratislava: Slovenské národné stredisko pre ľudské

to re-evaluate performance of the SNSLP as the cabinet viewed it as ineffective. The annual human rights reports published by the SNSLP have been criticised for poor analytical value and a virtual lack of recommendations as they were limited to rather vague descriptions and advice. The cabinet also reproached the SNSLP for poor advocacy performance as it often refused to take on legal representation of discrimination victims. The cabinet is currently discussing changes to the Centre's mission and powers.

As it was mentioned previously, Slovakia **does not collect statistical data based on nationality or ethnicity**, which further complicates initiatives aimed at combating discrimination as there are not even basic data and indicators. In its program manifesto, the incumbent administration pledged to elaborate analyses in the field of health care, education, etc. that would be based on ethnically-sensitive data. While qualification of citizens as members of a particular minority in Slovakia always depends on their individual and voluntary self-identification, the document indicates that subjective qualification by the majority will be decisive in the process of gathering statistical data on members of "socially excluded communities."¹⁰⁹

práva, 2011); available at: http://www.snslp.sk/CCMS/files/SPR%C3%81VA_za_rok_2010.pdf, accessed 11 August 2011

¹⁰⁹ Vláda SR, *Programové vyhlásenie vlády SR na obdobie rokov 2010-2014 [Program manifesto of the Government of the Slovak Republic 2010-2014]* (Bratislava: Úrad vlády SR, 2010); available at: <http://www.vlada.gov.sk/programove-vyhlasenie-vlady-sr-na-obdobie-rokov-2010-2014/>, accessed 21 August 2011

XIII. Migration and integration

Integration of the Roma and gradual elimination of their social exclusion has been the most vividly discussed issue in Slovakia for the past several years. In the National Strategic Reference Framework 2007-2013, government identified integration of the Roma as a horizontal priority in which partial goals should be achieved in compliance with principles of the so-called **horizontal strategy for marginalised Romani communities**. It should be implemented through so-called local strategies of a complex approach that would be financed from EU structural funds. In April 2010, the cabinet approved local strategies for 152 municipalities.

Shortly after the incumbent administration's inauguration, the Ministry of Labour, Social Affairs and Family carried out an inspection of all projects furthered by the previous administration. The findings identified several projects that had spent tens or hundreds of thousands of euro to help a minimum number of Romani minority members; a large proportion was squandered on the elaboration of various nonsensical and overpriced studies. The scandalous handling of financial aid from EU structural funds under the pretext of integrating Slovak Roma reached as far as the *New York Times*.¹¹⁰

Integration of the Roma through the horizontal strategy was also criticised by non-governmental organisations that reproached the government for throwing away a good opportunity and accused it of complete failure.¹¹¹ Besides supporting projects of inferior quality, they criticised local complex strategies especially for the following:

- Obscurities regarding the actual volume of financial aid allocated to the horizontal priority;
- Frequent changes of rules in the course of project implementation, including suspension or cancellation of calls to submit projects;
- Unclear methodology of evaluating the supported projects' effects on marginalised Romani communities.

In the second half of 2011, the Office of Government Plenipotentiary for Romani Communities revised the "**National Action Plan of the Decade of Romani Population's Inclusion 2005-2015 for the Period of 2011-2015**", specifying more concrete goals to be achieved as well as ways to achieve them.¹¹² The

¹¹⁰ Castle, S. 2010, 'EU Cash Tunnel Ends in Slovakia', *The New York Times*, 9 November; available at: <http://www.nytimes.com/2010/11/10/world/europe/10slovakia.html>, accessed 14 August 2011

¹¹¹ Nadácia Milana Šimečku, *Rómska verejná politika – Spravodaj máj 2011*; http://www.nadaciamilanashimecku.sk/fileadmin/user_upload/dokumenty/RVP/spravodaj_RVP_maj_2011_fin_al.pdf, accessed 13 August 2011

¹¹² *Government Decree No. 522/2011: Revidovaný národný akčný plán Dekády začleňovania rómskej populácie 2005 - 2015 na roky 2011 – 2015 [National Action Plan of the Decade of Romani Population's*

revised document focuses on the areas of housing, employment, health care and education of the Roma, with a special emphasis on socially excluded communities. Since the document was approved in summer 2011, it will be analysed in greater in next year's report.

The government hopes that the **bill on socially excluded communities**¹¹³ submitted by the Ministry of Labour, Social Affairs and Family could become the breakthrough document. If parliament passed the proposed bill, it would become the first policy document to govern the issue in the form of a law. The bill defined social exclusion through social parameters, making it virtually impossible for people other than residents of Romani settlements to fit the description.¹¹⁴ The bill proposed several positive action measures in the field of housing, employment and social security, education, health care and environment. The most controversial is the proposal to introduce free sterilisation of women from socially excluded communities. Some of the proposed measures are mentioned in relevant chapters of the present report.

The issue of foreigners' integration and migration remains on the periphery of political discourse. Migrants traditionally view Slovakia as a transit country, which is why the share of legal immigrants was only 1.15% of the country's total population in 2010. A general rule is that economically motivated migration prevails.

The greatest problem of third country nationals in Slovakia is usually preserving the status of legal alien, which was one of principal objections presented by the **Migrant Integration Policy Index (MIPEX) III** comparative survey.¹¹⁵ Slovak NGOs agreed with the finding, pointing out that Slovak legislation grants applicable authorities excessive discretion in deciding on foreigners' legal status, which partly undermines the principle of peace. The Human Rights League also added that MIPEX III assessed only formal legal aspects of foreigners' migration and integration while the actual life of migrants and foreigners in Slovakia may differ significantly from formal legal guarantees and therefore be substantially worse.¹¹⁶

In early 2011, the cabinet issued the **“Summary report on the implementation of measures resulting from the Concept of Integration of Foreigners**

Inclusion 2005-2015 for the Period of 2011-2015] (10 August 2011), available at : <http://www.rokovanie.sk/Rokovanie.aspx/BodRokovaniaDetail?idMaterial=19992> , accessed 21 August 2011

¹¹³ Currently it is in stage of legislative intent. The Ministry of work, social affairs and family submitted the document into interdepartmental commentary procedure.

¹¹⁴ In Slovakia it is unacceptable for legislative acts to define subjects of rights and obligations on an ethnic basis.

¹¹⁵ [mipex.eu](http://www.mipex.eu), *Slovakia*, available at : <http://www.mipex.eu/slovakia> , accessed 07 August 2011

¹¹⁶ [multikulti.sk](http://www.multikulti.sk), *Vidíme pozitívna migrácie*, an interview with employees of NGO Human Rights League; available at: http://www.multikulti.sk/ine/vidime_pozitiva_migracie.html , accessed 15 August 2011

2010”.¹¹⁷ CVEK formulated several critical observations regarding the report,¹¹⁸ criticising it especially for the following:

- Tackling the issue of migrant’s integration is not sufficiently coordinated;
- Foreigners are formally entitled to receive services in a number of areas (e.g. employment, health care, social services) but many of them cannot practically receive them due to a language barrier;
- Areas such as language education of foreigners, social fieldwork, social and legal counselling and legal representation are not adequately planned and incorporated into the system of public policies;
- There is no methodology that would assess particular integration indicators at least in the scope defined by the Strategy.

In February 2011, the cabinet approved an updated version of the “**Strategy of Migration Policy of the Slovak Republic**” that had been drafted in cooperation with subjects from the NGO sector.¹¹⁹ According to the document, the national immigration policy should be defined with a special emphasis on accepting and employing foreigners in compliance with the needs of the country’s labour market. The document also recommended considering the regulation of labour immigration, for instance through setting quotas for particular categories of legal immigrants.

¹¹⁷ Government Decree No. 172/2011 (9 March 2011), *Súhrnná správa o plnení opatrení vyplývajúcich z Koncepcie integrácie cudzincov v SR za rok 2010 [Summary report on the implementation of measures resulting from the Concept of Integration of Foreigners 2010]*, available at : <http://www.rokovanie.sk/Rokovanie.aspx/BodRokovaniaDetail?idMaterial=19247> , accessed 21 August 2011

¹¹⁸ Centre for the Research of Ethnicity and Culture, *Pripomienky k Súhrnnej správe o plnení opatrení vyplývajúcich z Koncepcie integrácie cudzincov v SR za rok 2010 [Commentary to Summary report on the implementation of measures resulting from the Concept of Integration of Foreigners 2010]*, available at : <http://www.cvek.sk/uploaded/files/Pripomienky%20k%20naplnaniu%20Koncepcie%20integracie%20cudzincov.pdf> , accessed 07 August 2011

¹¹⁹ Government Decree No. 67/2011: *Aktualizácia Koncepcie migračnej politiky Slovenskej republiky [Update of Strategy of Migration Policy of the Slovak Republic]* (2 February 2011), available at : <http://www.rokovanie.sk/Rokovanie.aspx/BodRokovaniaDetail?idMaterial=19140>, accessed 21 August 2011

XIV. National recommendations

Employment

- Give preferential treatment to employers who demonstrably employ Roma, for instance through altering their tax and contribution burden;
- Give preferential treatment to subjects participating in public tenders and vying for state orders that plan to involve Roma in labour market projects;
- Introduce a transition period to allow time for seeking new jobs for foreigners who, according to currently valid legislation, automatically lose temporary residence permit at the moment of losing their job.

Education

- Practically implement the concept of inclusive education;
- Redefine the category of children from socially disadvantaged environments so that they are not automatically placed into the system of special education;
- Provide scholarships and other types of financial support to Romani secondary school students who hail from socially challenged families and thus increase their chances to continue in their studies.

Health

- Intensify community fieldwork in Romani settlements performed by medical professionals through increasing their financial motivation;
- Organise educational seminars for health care providers in order to inform them about foreigners' health insurance policies.

Criminal justice

- Organise trainings and seminars aimed at law enforcement professionals in order to increase their sensitivity to hate speech and racially motivated crime;
- Intensify participation of the Slovak Intelligence Service in monitoring of extremist groups and its cooperation with the Slovak Police Force;
- Improve the education of young people about the far right and on minorities living in Slovakia in order to discourage their responsiveness to extremist groups' propaganda;
- Reinforce the police force (especially on the national and regional levels) and simultaneously organise training in order to increase their ability to identify extremist groups;
- Elaborate a strategy of combating violence in football stadiums that would clearly set the mechanism of eliminating such incidents (e.g. follow the British example and make extremist leaders report to the police on critical days);

- Enhance awareness of general conditions and causes for criminality in order to prevent the negative connotation of Romani criminality and the phenomenon of ethnic profiling.

Media

- Improve mutual cooperation between the NGO sector and the media; representatives of the NGO sector may supply tips to journalists on positive examples or successful integration activities that deserve promotion;
- Support campaigns that shape public opinion on minorities, particularly campaigns aimed at eliminating the myths on Muslims, Roma and migrants;
- Encourage responsibility and ethical self-regulation of Internet network operators.

General

Anti-racism and anti-discrimination

- Create an ethnic database in the field of employment, education and health care that would allow government organs to learn about minority members' access to services in these areas and identify their problems;
- Increase effectiveness of the SNSLP in order to turn it into a true centre of legal assistance with high credibility among discrimination victims;
- Support NGOs that currently expose discrimination in various areas at their own costs, for instance through a call for proposals;
- abolish legal charges in judicial proceedings linked to discrimination cases
Enhance public awareness on true origins and effects of discrimination and thus prevent stereotypical attitudes of the majority, which tends to perceive, say, supporting education of Romani children as unlawful discrimination against non-Romani population.

Migration and integration

- Increase the overall number of community centres as well as remuneration of people who work in settlements as health assistants, family assistants, teacher assistants, etc.;
- Increase municipalities' awareness as well as their expert and technical capacity to design and implement local policies aimed at Roma inclusion;
- Elaborate a methodology to collect ethnically sensitive data for the purpose of shaping social policies in order to create indicators of Roma integration;
- Revise existing methodologies of collecting data on foreigners in order to unify them and create a single integral methodology; currently, different government institutions apply different methodologies of data collection that are not mutually compatible;
- Introduce softer conditions for acquiring Slovak citizenship through naturalisation.

XV. Conclusion

In the long term, domestic and foreign reports examining the human rights situation in Slovakia have pointed out several problems with respect to national minorities. While mutual Slovak-Hungarian tensions have relaxed significantly during the examined period, largely thanks to the incumbent administration, the social status of the Roma remains the cardinal issue for Slovakia.

Shortly after its inauguration in summer 2010, the incumbent administration formed several task forces under relevant ministries' auspices with strong participation of non-governmental organisations. Their activity has led to drafting of several fundamental policy documents and legislative initiatives, including a **legislative intent of the bill on socially excluded communities**¹²⁰. If parliament passes the proposed bill, it will become the first policy document to help socially excluded Roma in a legally binding form. The bill represents a significant qualitative improvement as it refrains from usual empty phrases and declaratory goals but focuses on concrete measures aimed at enhancing inclusion of the Roma.

Non-governmental organisations also participated in drafting the **“Strategy of Combating Extremism for 2011-2014”**¹²¹ that outlined basic goals and measures; while the NGO sector welcomed the document, its practical implementation is what will matter most.

Unfortunately, some political leaders still have not parted with the ambition to achieve inclusion of marginalised Roma through repressive and restrictive measures. This may be illustrated by the interior minister's **decision to legitimise the institution of Romani criminality** by creating the post of 'special advisor for Romani criminality'; the Roma thus became the only minority in Slovakia to have a government advisor specialising in their potential delinquency. An example of economically restrictive measures is the prepared **pilot project of e-pay cards**. Both measures were repeatedly criticised by representatives of non-governmental organisations'.

In Slovakia, the issue of discrimination is strongly interwoven with the issue of social exclusion of the Roma. Perhaps that is the reason why discrimination as such does not attract attention it would normally deserve. This negatively affects

¹²⁰ Ministerstvo práce, sociálnych vecí a rodiny, *Legislatívny zámer návrhu zákona o sociálne vylúčených spoločenských [Legislative Intent of the Bill on Socially Excluded Communities]* ; available at: <https://lt.justice.gov.sk/Document/DocumentDetails.aspx?instEID=-1&matEID=4253&docEID=195125&docFormEID=-1&docTypeEID=1&langEID=1> , accessed 21 August 2011

¹²¹ Government Decree No. 379/2011 *"Konceptcia boja proti extrémizmu na roku 2011-2014" [Strategy of Combating Extremism for 2011-2014]* (8 June 2011), available at : <http://www.rokovania.sk/Rokovanie.aspx/BodRokovaniaDetail?idMaterial=19762> , accessed 21 August 2011

those Roma who are not socially excluded but their ethnicity still remains an obstacle in various areas of social life.

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Government Decree Nov 316/2011, *Národný akčný plán boja proti terorizmu na roky 2011 - 2014*

Government Decree No. 67/2011: Aktualizácia Konceptie migračnej politiky Slovenskej republiky

Government Decree No. 379/2011, *Konceptia boja proti extrémizmu na roku 2011-2014*

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Law	No.	245/2008	on Education	(Schooling Act).
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Law No. 480 / 2002 Asylum Act

Law	No.	167/2008	Press	Act
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Annex 1: List of abbreviations and terminology

EEA - European Economic Area
ENAR - European Network Against Racism
EU - European Union
FRA - Fundamental Rights Agency of the European Union
CVEK - Centrum pre výskum etnicity a kultúry
LGBT - Lesbian, gay, bisexual and transgender
NGO - non-governmental organisation
NSĽS - Naše Slovensko - Ľudová strana
SNSĽP - Slovenské národné stredisko pre ľudské práva
SR - Slovak Republic

Other abbreviations are explained in the text.

