



European network against racism

**ENAR**

**Shadow Report 2009-2010**

**ENAR SHADOW REPORT  
2009/2010**

**Racism and 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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The seven-year Programme targets all stakeholders who can help shape the development of appropriate and effective employment and social legislation and policies, across the EU-27, EFTA-EEA and EU candidate and pre-candidate countries.

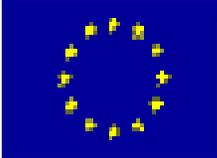
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1. providing analysis and policy advice on PROGRESS policy areas;
2. monitoring and reporting on the implementation of EU legislation and policies in PROGRESS policy areas;
3. promoting policy transfer, learning and support among Member States on EU objectives and priorities; and
4. relaying the views of the stakeholders and society at large

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## I. Executive summary

Problems of racism, discrimination and especially anti-gypsism are on the rise in Slovakia. These issues are frequently in the public discourse. However, public opinion usually downplays, justifies or even approves discriminatory practices and violence if they are oriented against Roma. The majority are not open toward migration either. In addition there are negative stereotypes of most Muslims and Third Country Nationals (TCNs).

We can summarise that the phenomenon of discrimination is substantially more frequent than racial violence in Slovakia. Discrimination is most prevalent in the field of **employment**, where, in some regions, the Roma population are de facto excluded from the labour market. It is a paradox, that even if the discrimination in the field of employment is the most visible, it is the most difficult to prove the discriminatory practices.

Recommendations:

- to stimulate and motivate possible employers to employ Roma,
- to introduce affirmative action in employment policy (especially in cases of selected professions where socially excluded Roma can find jobs),
- to introduce principles of sustainable public procurement in cases of public tenders (to consider respective bids' effect on employment and social inclusion of marginalised Roma).

The area of **education** is another field of massive and systematic of discrimination against Roma that leads to their social exclusion. In Slovakia, Romani children represent more than half of the pupils in special education for mentally handicapped children. At the same time, Romani children are intentionally placed in ethnically segregated schools with low quality education.

Recommendations:

- to extend and strengthen assistance tools (teacher assistants, tutoring, involvement of parents into education) that can help Romani children to overcome their disadvantage,
- to increase accessibility of the secondary education for Romani children (scholarships, motivation within the social welfare system, physical accessibility),
- to introduce and implement principles of inclusive education,
- to increase the representation of Roma among teachers and the schools staff.

**Hate speech** on the Internet became a publicly tolerated phenomenon. Racist comments are widespread in discussions in mainstream Internet media (Internet versions of newspapers and TV channels), especially against Roma and there is a number of openly racist or even hate and racist violence promoting websites in Slovakia. They are usually hosted on American servers and thus it is not possible

for Slovak authorities to sanction them. There are also negative stereotypes of the Roma in the mainstream Slovak media.

Recommendations:

- to increase systematic education of children, youth and the public in general about the real situation and problems of Roma and other vulnerable minorities necessary for the elimination of racist attitudes,
- to promote positive models and examples of Roma and other vulnerable minorities in the mainstream media,
- to promote further education of journalists and the introduction and implementation of ethical codes by the media that will lead to a correct presentation of minorities.

There is an obvious development of **extremist movements**, whose activities shift from open illegal violence against minorities to actions which are perceived to be within the law such as the promotion of intolerant and radical attitudes. They misuse constitutional rights and liberties such as free speech, the right of assembly and participation in the public decision-making. They gain support by the use of populist hate rhetoric oriented mostly against Roma.

Recommendations:

- to actively increase informal education of the youth with participation of Roma youth and to promote multicultural tolerant citizenship as an attractive youth lifestyle,
- to promote cooperation of the police with relevant NGOs active in anti-racist and anti-discrimination issues,
- to elaborate and implement an effective and coherent plan to fight extremism.

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### III. Introduction

During the reported period (from 1 January 2009 to 31 March 2010) the Slovak government was composed of three parties: the populist SMER-Social Democracy [SMER-Sociálna demokracia, SMER-SD], the radically nationalist Slovak National Party [Slovenská národná strana, SNS] and the authoritative People's Party – Movement for a Democratic Slovakia [Ľudová strana-Hnutie za demokratické Slovensko, ĽS-HZDS].

The government systematically supported anti-Hungarian sentiments and promoted nationalist and Slovak national myths (including the reconstruction of an ancient history of “Old Slovaks”). This dominant ideological discourse excluded members of both autochthon and new minorities in Slovakia, but also Slovaks who were not willing to participate in the idea of nation building based on ethnicity and mythology, who preferred a modernist citizen-based nation approach<sup>1</sup>. The governmental nationalist ideology was also reflected in the approach toward Roma. The government’s focus moved away from the social exclusion and discrimination and concentrated on strengthening the Roma’s ethnical identity. This was motivated by an opinion presented by Deputy Prime Minister Dušan Čaplovič that by promoting Roma national identity the number of Hungarian minority in Slovakia should decrease (because a high number of Roma declare themselves as Hungarians within the National Census, according to Čaplovič)<sup>2</sup>.

The present report reflects the issues of racism and discrimination in Slovakia in 2009 and first quarter of 2010 that are mostly oriented against the Roma minority. It documents discrimination and racism in the fields of employment, housing, health, education, access to goods and services and in the media. It presents the problems of racially motivated criminal offences and ethnic profiling. In the next part, the report analyses the legal environment and public policies in the field of anti-discrimination, migration and integration of minorities. It concludes by putting forward several recommendations for the Slovak Republic.

In the field of law making an important amendment to the Penal Code was adopted in 2009 introducing provisions aimed at fighting extremism. There was also an important court decision providing for the first time the definition of segregation as a serious expression of discrimination.

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<sup>1</sup> Vašečka, Michal, *O vzťahoch k iným a k sebe: diverzita v krajine pod Tatrami*, in Bútora, Martin - Kollár, Miroslav - Mesežnikov, Grigorij - Bútorová, Zora (eds): *Kde sme. Mentálne mapy Slovenska* (Bratislava, Inštitút pre verejné otázky & Kalligram, 2010).

<sup>2</sup> See: Hojsík, Marek, *Roma*, in: Bútora M., Kollár M., Mesežnikov G. (eds.): *Slovensko 2009. Súhrnná správa o stave spoločnosti a trendoch na rok 2010* (Bratislava, Inštitút pre verejné otázky, 2010).

## IV. Communities vulnerable to racism and discrimination

**The Roma minority** continues to be the main target group of racially motivated violence and discrimination in Slovakia. The real estimated number of Roma in Slovakia substantially differs from the official statistics. The official statistics on ethnicity in Slovakia are based on self-declared ethnicity in the national census conducted every 10 years by the Statistical Office of the Slovak Republic. In 2005, the total population of Slovakia was 5,389,180 and the Roma population was 98,170. But the actual number of Roma in Slovakia is estimated by experts to be between 320,000 and 380,000. Thus, according to this more realistic data, Roma represent 6–6.5% of Slovakia's population<sup>3</sup>.

Roma not only face aggressions of extremist movements, but also hate, disrespect and harassment by the mainstream population. Such attitudes and behaviours are legitimised and encouraged by public statements of some social and political personalities and media. The position of Roma victims of discrimination or criminal acts is usually downplayed, morally justified and at times the victim is even blamed. Such attitudes are present also in many public policies, including social inclusion and social welfare policies, where Roma are considered as primarily responsible for their social position and thus the repressive approach prevails<sup>4</sup>. Terms "Rom" and "Gypsy" are commonly accepted as synonyms for social inadaptability and social exclusion.

Hate manifestations and discrimination against **Hungarian minorities** are less frequent and radical than against Roma, but are used by part of the political elites, including members of the Prime Minister Robert Fico's administration.

Slovakia does not have a long history with immigration and Third Country Nationals (TCN). With the exception of the capital, generally the population does not have direct interaction with **foreigners from Middle Eastern or Muslim countries**. Despite this (or due to this fact), manifestations of islamophobic attitudes and sentiments are quite common (especially on the Internet). They are usually linked to stereotypes of "Islamist terrorists" and fears of a "clash of cultures". The arguments provided in favour of these stereotypes refer to experiences from France or the United Kingdom. The concept of multiculturalism is rejected by most Slovaks and is usually seen as the main source of the social and cultural tensions in those countries.

People of visually different physical appearances, especially **people of African or Asian origin** are targets of extremist movements. Cases of attacks against

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<sup>3</sup> Roma Initiatives, *No Data - No Progress. Country Findings. Data Collection in Countries Participating in the Decade of Roma Inclusion 2005–2015*, (New York, Open Society Foundations, 2010), available at: [http://www.soros.org/initiatives/roma/articles\\_publications/publications/no-data-no-progress-20100628/no-data-no-progress-country-reports-20100628.pdf](http://www.soros.org/initiatives/roma/articles_publications/publications/no-data-no-progress-20100628/no-data-no-progress-country-reports-20100628.pdf), accessed on 26 September 2010.

<sup>4</sup> Hojsík, Marek, *Rómovia a my: Kam priaznivé zmeny nedorazili*, in: Bútorá, Martin - Kollár, Miroslav - Mesežnikov, Grigorij - Bútorová, Zora (eds): *Kde sme. Mentálne mapy Slovenska* (Bratislava, Inštitút pre verejnú otázku & Kalligram, 2010).

such persons are not as frequent as in the past, but they are still present, mostly in the environment of football hooligans and neo-Nazis. Young members of these radical violent groups occasionally harass and attack **members of alternative subcultures**.

Another traditional target group of extremists are the **Jews**. As this is a small and usually invisible community, the anti-Semitic manifestations focus on conspiracy theories diffused through the Internet. Websites of extreme right movements claim to provide “alternative resources of information” on the development of interior and international politics (especially in the Middle East), but in fact promote and reproduce negative stereotypes and myths against Jews.

## V. Manifestations of racism and religious discrimination

During 2009 a research document was published on the human rights of Roma women<sup>5</sup>. The survey showed that women from a Romani minority are particularly vulnerable to racism and racial discrimination in most of the below mentioned areas and due to their multiple disadvantage (ethnicity, gender, age) face more barriers to social integration. They have lower access to education and frequently have negative experiences in schools, lower access to labour market (often limited to non-standard work) and experience immense difficulties in accessing basic resources.

### V.i Employment

Official statistics on the employment of ethnical or religious minorities do not exist in Slovakia, but most experts agree that the situation of employment for Roma is critical<sup>6</sup>. In many marginalised Roma communities there is no family member who has a regular job which generates an income. A study on the cost of social exclusion experienced by Roma published in 2009 estimates that at least two thirds of the Roma population in Slovakia gave up job seeking and the employment rate among Roma was 10% (among non-Roma about 60%), while the unemployment rate was 46% (10% among non-Roma) between 2006 and 2010<sup>7</sup>.

The low level of employment experienced by Roma is also connected to problems of regional development. One quarter of regions in Slovakia with the highest concentration of Roma population has a substantially higher unemployment rate than the rest of the territory and also the non-Roma population have serious problems finding a job. Also those that are unemployed have little or no prospect of long term employment: half of the unemployed have no education or only an elementary education, in addition 60% of those unemployed are jobless for longer than one year and 44% longer than two years<sup>8</sup>.

In addition, members of the Roma middle class who are not disadvantaged by low education or long-term unemployment, face serious problems in accessing the labour market due to prevailing racial discrimination. Most of the cases of discrimination are not reported or proved. In 2009 the case of the two Samková Romani sisters appeared in media. The two sisters, after completing university with degrees in history and pedagogy respectively and a certified knowledge of the English language were not able to find work even after four years of

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<sup>5</sup> Kultúrne Združenie Rómov Slovenska, *Data on Human Rights of Roma Women* (Banská Bystrica, 2009).

<sup>6</sup> For example: UNDP, *Štúdiá situácie Rómov na trhu práce* (Bratislava, UNDO Regional Center, 2007).

<sup>7</sup> Marcinčin, Anton and Marcinčinová, Ľubica, *Straty z vylúčenia Rómov* (Bratislava, OSF, 2009), available at: <http://www.iz.sk/download-files/sk/osf-straty-z-vylucenia-romov.pdf>, accessed 20 September 2010.

<sup>8</sup> Ibid.

searching. They applied to all elementary schools in the region but were rejected in all of them; they were told that there were no vacancies. However, in at least two of the schools a non-Roma applicant was employed a short time after the Samok sisters were rejected. In one case the non-Roma applicant had a lower education than the Romani candidate. The sisters filed a complaint to the Slovak National Centre for Human Rights [Slovenské národné stredisko pre ľudské práva]. In 2010 the centre stated that the decision of one of the schools discriminated against Ms. Samková, but refused to represent her in court because they believed the case will not be successful. Now the sisters are legally represented by Poradňa pre občianske a ľudské práva<sup>9</sup>.

### **Examples of Good Practice**

The Slovak branch of the Czech NGO Člověk v tísni is active in the field of employment of Roma. It has established centres of local job counselling [Centrá lokálneho pracovného poradenstva] in several segregated Romani settlements on Eastern Slovakia. They provide information on job opportunities in Slovakia and abroad, facilitate communication of Romani jobseekers with possible employers and provide Romani workers with diverse support, including social work and assist in maintaining contact with their families when working abroad. They have established cooperation with more than 90 employers and assisted the personal development and Romani clients as well as assisting more than 320 Romani in getting a job<sup>10</sup>.

## **V.ii Housing**

In 2004 data from a large-scale socio-graphic mapping of Roma communities in Slovakia was published<sup>11</sup>. The mapping identified 168 ethnically homogenous settlements within municipalities, 338 settlements on the outskirts of municipalities and 281 settlements remote from municipalities or separated by a natural or artificial barrier. However those settlements included communities of various levels of social integration or marginalisation; the data was not analysed from the point of view of social exclusion. From the point of view of access to infrastructure, 149 settlements were defined as segregated<sup>12</sup>. Forty-six settlements were found to have practically no infrastructure (no water, sewage or gas system and no road access). Of these 46 settlement units, 12 do not even have electricity. Most of these settlements are located in the region of Košice and Prešov (eastern Slovakia), which are the poorest regions of Slovakia with the highest percentage of Roma population. These settlements have 4,460 permanent residents.

<sup>9</sup> SME, *Rasizmus nevedia dokázať*, <http://www.sme.sk/c/5525819/rasizmus-nevedia-dokazat.html>, accessed 23 September 2010.

<sup>10</sup> Člověk v tísni Slovensko, *CLPP: Centrá lokálneho pracovného poradenstva - nová služba pre marginalizované skupiny*, <http://www.clovekvitisi.sk/index.php?clanok=121>, accessed 23 September 2010.

<sup>11</sup> Jurásková, Martina, Kriglerová, Elena, Rybová, Jana, *Atlas rómskych komunit na Slovensku 2004* (Bratislava, Úrad vlády SR, 2004).

<sup>12</sup> Úrad splnomocnenkyne vlády SR pre rómske komunity, *Atlas rómskych komunit – List faktov*, <http://romovia.vlada.gov.sk/3554/list-faktov.php>, accessed 23 September 2010.

The most serious problems of the Roma in the area of housing include: the spatial segregation of Romani settlements, illegally constructed settlements and houses, no access to infrastructure and services, dilapidated housing and forced evictions. Human activists have stated that the Slovak authorities are failing to protect Roma rights in the field of housing<sup>13</sup>.

In 2009 there were threats of mass forced evictions in Plavecký Štvrtok. The Romani settlement in Plavecky Stvrtok existed, according to oral tradition, for 200 years. In the second half of 20th century, a gas line was built through the territory of the municipality (under Slovak law, no buildings can be situated on the gas line or any area that is declared to be protected) A protected natural reserve was declared on part of the municipality's territory. Lands on which the settlement is located are of disputed ownership. It was built on parcels that the communist regime had confiscated from private owners, who now claim restitution of their lands. The settlement is situated in the protected area of the gas line. These facts, together with the illegal status of buildings, are the main reasons stated by the municipality as to why evictions are necessary. However, in the protected area of the gas line, several non-Roma houses are built. No action has been taken to remove these houses. Today, the Romany settlement includes 105 houses, inhabited by 536 persons, including more than 200 children less than 15 years old. All those persons are under imminent risk of being forcibly evicted and their housing being demolished. All houses were built without planning permission. In the past, the municipality of Plavecky Stvrtok issued numbers for the Roma houses in the settlement. Owners and inhabitants of the houses paid local taxes to the municipality for many years; the taxes were levied by the municipality. In the beginning of 2010, the municipality required the owners of the houses in the Romany settlement to prove and document their ownership of the houses. If they were unable to do so, they were requested to apply for ex post legalisation of their homes. In order to legalise a house they need to prove that they have the right to use the land and that the building is not in conflict with the public interest which includes observing the protection area of the gas line. The municipality was aware that the Roma are not able to prove this. In the beginning of 2010 the municipality sent to the home owners in the Romany settlements notifications that the numbers issued by the Municipality had been issued illegally and that they are to be removed by way of an administrative decision. The municipality also sent decisions ordering to voluntarily remove the buildings at their own expense within a three month period from the moment of the effectuality of the decision, in line with the Act on urban planning and construction code.

The municipality does not intend to provide to the families substitute housing nor does it foresee the construction of municipal rental housing for Roma from the settlement either. The lands under the Romany settlement in Plavecky Stvrtok

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<sup>13</sup> See for example: Centre on Housing Rights and Evictions, *2007 Housing Rights Awards Media Kit*, <http://www.cohre.org/2007Awards>, accessed 20 September 2010.

with unknown/unsettled ownership are in administration of a state agency Slovak Land Fund [Slovenský pozemkový fond]. The fund's Board has adopted a resolution excluding possible legalisation of Romany houses in the Plavecky Stvrtok settlement. The resolution was proposed by a member of the Board Martin Píry, a representative of the far-right Slovak National Party [Slovenská národná strana], the then member of the Slovak Government. Mr. Píry has appeared in the media saying, that the planned demolition of the Romany settlement in Plavecky Stvrtok is an "ideal precedent" and should be used as a guide to resolve problems of "illegal gypsy settlements, which represent 80% [of the Romany settlements]" in Eastern Slovakia. Mr. Píry declared that bulldozers must eradicate the settlement.<sup>14</sup>

The main government initiative to improve housing for lower-income families is the Housing Development Program [Program rozvoja bývania], first adopted in 2001 and administered by the Ministry of Construction and Regional Development of the Slovak Republic [Ministerstvo výstavby a regionálneho rozvoja SR]. It includes several grants, including a scheme for the procurement of municipal rental housing and another for the construction of infrastructure. Only municipalities (or non-for-profit organisations established by municipalities) can receive these grants and their involvement is optional. The Housing Development Program is an example of affirmative action, as part of its annual budget is allocated to improve the housing of marginalised Roma communities. Eligible costs for the construction of infrastructure in Roma settlements are higher than for other projects (due to their remote location). In 2009 the ministry provided grants for construction of 314 flats for Roma in 23 municipalities which amounted to more than five millions EUR.

However, the new flats for Roma built with financial support of the government promote the segregation of Roma. According to research carried out by Bratislava-base Milan Šimečka Foundation<sup>15</sup>, over 90% of the houses built for Roma maintained or even aggravated the segregation they faced. The research concluded that while the Housing Development Program in general improves the life conditions of Roma, it does not foster the integration of Roma and non-Roma because it retains or even deepens spatial segregation. It also showed problems with the quality of the new housing. For example, in many cases the new dwellings were defective or did not contain the required equipment, for example missing boilers, shower-baths, heating system, washbowls, and even toilets. Construction of housing for Roma is a very sensitive issue in the Slovak society that shares a stereotype that Roma usually do not take care of their housing or even destroy it. The survey showed, however, that bad technical conditions of much social housing for Roma are rather due to a poor quality of construction and used materials.

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<sup>14</sup> [www.martinpiry.sk](http://www.martinpiry.sk), accessed 20 September 2010.

<sup>15</sup> Hojsík, Marek, *Evaluácia obecných nájomných bytov v rómskych osídleniach* (Bratislava, Nadácia Milana Šimečku, 2008) available at: [http://www.nadaciamilanashimecku.sk/fileadmin/user\\_upload/dokumenty/Ine/Evaluacia\\_FIN\\_AL.pdf](http://www.nadaciamilanashimecku.sk/fileadmin/user_upload/dokumenty/Ine/Evaluacia_FIN_AL.pdf), accessed 20 September 2010.

In June 2009, a district court in Prešov issued the first judgement in matter of discrimination of Roma in field of housing since adoption of an Anti-discrimination Act in 2004<sup>16</sup>. The District Court in Prešov defined for the first time in the Slovak legal system the residential segregation of Roma as a form of discrimination and ordered the defendants – the Municipality of Sabinov and the Ministry of Construction and Regional Development to compensate eight Roma for non-material damages. The Court ruled that the municipality discriminated against the Roma when moving them from the town centre to a remote area Telek (2 km from the town), and the Ministry for providing a grant for the construction of the new segregated dwellings. Both the Municipality and the Ministry submitted an appeal against the District Court decision.

In 2009 and in early 2010 several municipalities constructed walls separating the inhabitants of Romani settlements from the remaining population of the villages or towns. The first wall was constructed in village of Ostrovany<sup>17</sup>, later in towns of Michalovce<sup>18</sup>, Sečovce, Trebišov and finally in the village of Lomnička. Although the Slovak National Centre for Human Rights, a specialist equality body stated that the construction of walls separating Roma from the rest of population is an expression of segregation and discrimination<sup>19</sup>, no action was taken by Slovak authorities to remove the walls.

### Examples of Good Practice

An NGO ETP Slovakia successfully operates micro-saving and micro-credit schemes for inhabitants of several Romani settlements which allow them to improve their housing<sup>20</sup>.

The municipality of the town of Dolný Kubín designed and implemented a system of vertical multi-level social housing, which includes several types of accommodation for diverse target groups and several levels (standards) for them (from a very modest accommodation with assistance of social workers to an independent standard housing), that allows social growth<sup>21</sup>.

### V.iii Education

<sup>16</sup> Zákon 365/2004 Z.z. o rovnakom zaobchádzaní v niektorých oblastiach a o ochrane pred diskrimináciou a o zmene a doplnení niektorých zákonov (tzv. Antidiskriminačný zákon).

<sup>17</sup> Aktualne.sk, *V Ostrovanoch sa izolujú od Rómov. Postavili tam betónový múr*, <http://aktualne.centrum.sk/domov/regiony/foto.phtml?gid=100841>, accessed 20 September 2010.

<sup>18</sup> Sme, *Rómov oddeľuje ďalší múr, ľudia si ho platia sami*, <http://www.sme.sk/c/5519624/romov-oddeluje-dalsi-mur-ludia-si-ho-platia-sami.html>, accessed 20 September 2010.

<sup>19</sup> Slovenské národné stredisko pre ľudské práva, *Odborné vyjadrenie k múru v Ostrovanoch*, <http://www.snsjp.sk/index.php/lang-en/odborne-stanoviska/155-odborne-stanovisko-k-vystavbe-muru-v-ostrovanoch-22-1-2010.html>, accessed 20 September 2010.

<sup>20</sup> ETP Slovakia, *Mikropôžičkový program*, <http://www.etp.sk>, accessed 20 September 2010.

<sup>21</sup> Mayors for Roma Inclusion Forum, *Local approaches to Roma housing issues*, [http://www.visegradinclusion.org/media/var/files/Housing/1\\_Housing\\_ENG.pdf](http://www.visegradinclusion.org/media/var/files/Housing/1_Housing_ENG.pdf), accessed 20 September 2010.

Long-term and systematic discrimination and segregation of Romani children in education has been repeatedly stated and documented by several activists and research NGOs<sup>22</sup>. The segregation in the Slovak educational system takes two main forms. First, a large majority of Romani children are incorrectly placed in special education for children with special educational needs. This places them at a disadvantage when they continue into secondary education and when trying to successfully integrate into the labour market. Second, a high number of Romani children are being intentionally placed in ethnically homogenous elementary schools or classes with a lower quality of education.

A study published by the international organisation Roma Education Fund, summarising research on the segregation of Romani children in education stated that in the school year 2008/2009 Roma represented approximately 60% of all children in the system of special education in Slovakia<sup>23</sup>. According to Amnesty International “in regions with high Romani populations this number is even higher and can reach up to 75%”<sup>24</sup>.

Although the Act on Education 2008<sup>25</sup> formally prohibits the segregation, in practice it promotes this practice. It enables the enrolment of children with “special educational needs”, including “children from a socially disadvantaged background”, into special schools. However the term “children from a socially disadvantaged background” is empirically being used as a neutral euphemism for Romani children. The Act does not provide a definition for the term “socially disadvantaged background”. However, several documents of the Ministry of Education [Ministerstvo školstva SR] defines children from socially disadvantaged background as “children and youth of *Romani origin* [author’s emphasis], who are perceived as children and youth with learning problems and attitudes emerging from dysfunctional social conditions caused by social exclusion (for example poverty, insufficient education of parents, non-standard housing and hygienic conditions and others)”<sup>26</sup>.

The misplacement of Romani children into special schools or classes is often justified by the test results of intellectual and cognitive capacities. However these are not appropriate as they are culturally and linguistically dependant (they do

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<sup>22</sup> Amnesty International Slovakia, Roma Education Fund, CVEK - Centre for the Research of Ethnicity and Culture [Centrum pre výskum etnicity a kultúry] and others.

<sup>23</sup> Roma Education Fund, School as Ghetto. Systemic Overrepresentation of Roma in Special Education in Slovakia, (2009), [http://www.romaeducationfund.hu/documents/special\\_education\\_slovakia.pdf](http://www.romaeducationfund.hu/documents/special_education_slovakia.pdf), accessed 20 September 2010.

<sup>24</sup> Amnesty International, *Slovakia: Still separate, still unequal. Violations of the right to education of Romani children in Slovakia* (London, Amnesty International Publications, 2007), <http://www.amnesty.org/en/library/asset/EUR72/001/2007/en/2bf73037-d374-11dd-a329-2f46302a8cc6/eur720012007en.pdf>, accessed 20 September 2010.

<sup>25</sup> Zákon č. 245/2008 Z. z. o výchove a vzdelávaní (školský zákon) a o zmene a doplnení niektorých zákonov.

<sup>26</sup> Cited in: Amnesty International, *Slovakia: Still separate, still unequal. Violations of the right to education of Romani children in Slovakia* (London, Amnesty International Publications, 2007), <http://www.amnesty.org/en/library/asset/EUR72/001/2007/en/2bf73037-d374-11dd-a329-2f46302a8cc6/eur720012007en.pdf>, accessed 20 September 2010.

not exist in Romanes but only in Slovak or Hungarian) and thus tested Romani children do not have the necessary cultural context or linguistic skills to pass the tests. The results are then interpreted as a mental disability. One school inspector outlined to Amnesty International the cultural, linguistic and socio-economic biases of the assessments: “In our inspections in eastern Slovakia, we have seen that most Roma do not have learning difficulties, although they have been diagnosed as such. Our studies have shown that children from a socially disadvantaged environment have developed other skills, more practical, than those they are asked about during the test... In the first years or the first meeting with the school, there is a language barrier, and then the child does not understand many of the things the teacher is talking about. Many pictures in books are a problem for the child, such as a picture of a tram, since many means of transport are unfamiliar to him”<sup>27</sup>.

Attitudes of teachers toward Romani children are also a problem. Many teachers do not understand the cultural, social and economic background of the pupils from marginalised Romani communities that determine their performance and needs in schools. Additionally, Romani children from vulnerable groups need greater assistance from teachers. If they have both non-Roma and Roma pupils in class, they often prefer to give their attention to non-Roma children rather than to the more demanding Romani children. In some cases open animosity of teachers toward Romani children was registered. For example the Amnesty International study quotes several disrespectful statements of teachers about Romani children: “The Roma population has different values and that is the reason why they do not want to study. Their priority is love.” “I do not think you would let your child go to a Romani class if you lived here as your child would have everything stolen.” “Roma do not consider education as a value”<sup>28</sup>.

Despite the fact that a child cannot be legally enrolled in special education without a diagnosis stated by a psychologist and the parent’s informed consent, this does not occur. A child should normally be enrolled into the first (or preparatory) grade of standard school and only if diagnosed as being unable to follow the classes (usually because of insufficient performance) transferred into special education. However in certain regions of Slovakia, children are diagnosed upon explicit request of the parents before the enrolment into standard school and enrolled directly into special education with the authorisation of parents. Such practices are a consequence of the manipulation parents face or due to social pressure aimed at conserving the institutional segregation of Roma.

What concerns the second pattern of segregation, is the establishment of classes, school pavilions or entire schools with only Roma pupils. This is often justified by the fact that non-Roma parents do not wish to see their children in the same class or school with Roma children. As a school director stated for the Amnesty International report: “If I open a Roma class, I will lose all the white

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<sup>27</sup> Ibid.

<sup>28</sup> Ibid.

children. They are not clean enough, nor do I have space for them”<sup>29</sup>. Non-Roma parents prefer to drive their children to other schools, often in other municipalities, where classes or schools with non-Roma children exist. This is facilitated by law that enables parents to enrol their children to any elementary school they wish (regardless their place of residence). The different demographical dynamics of Roma and non-Roma population in some regions (the decrease of number of non-Roma children and increase of Romani children), the higher financial capacities of the non-Roma population (they have resources to drive their children to remote schools, while most Roma families do not have this possibility and remain dependent on local schools that often only provide lower quality education) and local cultural patterns and traditions contribute to this (many Roma do not even claim that their children attend the same school or class with non-Roma children, because this is seen as unchangeable status quo). The public authorities have few possibilities to change this situation without real political will.

### Examples of Good Practice

Several grassroots NGOs implement projects aimed at the inclusion of Romani children in education. Among others the Foundation School Wide-Open [Nadácia škola dokorán] promotes inclusive education and uses a step-by-step methodology which provides long-term assistance to Romani pupils alongside their schooling which lessens the drop-out risk. It also involves Romani parents and communities into the children’s education. Since 2004 the foundation assisted 834 kindergartens and 826 elementary schools and trained 2,870 teachers and 516 teacher assistants in inclusive education<sup>30</sup>.

Several other NGOs, such as Človek v tísní – pobočka Slovensko<sup>31</sup> and KARI – Krajská asociácia rómskych iniciatív<sup>32</sup> and Rómsky inštitút – Roma Institute<sup>33</sup>, provide Romani children with tutoring.

### V.iv Health

Despite of a lack of complete data on the health situation of the Roma population in Slovakia, authoritative resources<sup>34</sup> agree that the health of the Roma and access to health care is substantially worse than that of the overall population. Partial information is available from research and monitoring projects conducted within a programme focused on disadvantaged groups of the population for

<sup>29</sup> Ibid.

<sup>30</sup> Nadácia Škola dokorán, foundation’s webpage: [http://www.skoladokoran.sk/projekty\\_aktualne.htm](http://www.skoladokoran.sk/projekty_aktualne.htm), accessed 20 September 2010.

<sup>31</sup> Človek v tísní Slovensko, DoT = Doučovanie + tutoring, <http://www.clovekvtisni.sk/index.php?clanok=132>, accessed 20 September 2010.

<sup>32</sup> KARI – Krajská asociácia rómskych iniciatív, association’s webpage: <http://www.karibb.eu/>, accessed 20 September 2010.

<sup>33</sup> Rómsky inštitút, *Big B/S*, <http://www.bigbs.sk/>, accessed 20 September 2010.

<sup>34</sup> See for example: Straková, Monika (ed.), *Health care in socially excluded Roma communities* (Bratislava, PDCS, 2008).

2007-2008<sup>35</sup> which was adopted by the Slovak Government as part of the Decade of Roma Inclusion 2005-2015 programme. Besides the research, 30 field health assistants (specialised community workers) were employed by 10 Regional Public Health Offices [Regionálny úrad verejného zdravotníctva] as part of this programme as well as having general awareness-raising activities. On 10 September 2008 the Slovak Government adopted a resolution for the continuation of the programme, however its results have not been evaluated, the evaluation is scheduled for 2011<sup>36</sup>.

As one of the outputs of the programme, the Ministry of Health of Slovak Republic [Ministerstvo zdravotníctva SR] published a report<sup>37</sup> stating the main problems of the health situation of socially excluded Roma. They included low levels housing hygiene, lack of access to drinkable water (only 51% of interviewees had access to water from pipelines), lack of access to sewage systems, irregular removal of garbage from segregated Romani settlements, missing health insurance cards, presence of parasites and rodents in settlements, low level of health awareness, high birth rate, low level of health care for children, low attendance at regular preventive and gynaecological examinations covered by the public health system and low attendance at obligatory vaccination programmes for children. Regarding reproductive health, the report found there was a high birth rate and a low age of primiparae: approximately 49% of Romani mothers covered by the monitoring gave birth before the age of 18 and six% before 15. At the same time, there is a high infant mortality rate among Roma.

According to an expert in public health in socially excluded populations, Doctor Kvetoslava Rimárová stated that there is an extremely low, if any, consumption of fresh fruits and vegetables, milk and milk-based products in marginalised Roma communities. On the other hand, there is a high consumption of sweet and high-fat foods. In addition, they have few meals per day, have a high rate of smoking, and have low level of physical activity among children<sup>38</sup>. In addition, the Roma suffer from a high rate in diabetes mellitus and hypertension<sup>39</sup>.

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<sup>35</sup> Vláda SR, *Program podpory zdravia znevýhodnených komunit na Slovensku 1. etapa - Program podpory zdravia znevýhodnenej rómskej komunity na roky 2007 - 2008* (adopted by resolution no. 680 from 15 August 2007), <http://www.rokovania.sk/Rokovanie.aspx/BodRokovaniaDetail?idMaterial=4095>, accessed 25 September 2010.

<sup>36</sup> Vláda SR, *Návrh 2. etapy Programu podpory zdravia znevýhodnených komunit na Slovensku na roky 2009-2015* (adopted by resolution no. 609 from 10 September 2008), <http://www.rokovania.sk/Rokovanie.aspx/BodRokovaniaDetail?idMaterial=6836>, accessed 25 September 2010.

<sup>37</sup> Ministerstvo zdravotníctva SR, *Hodnotiaci správa o výsledkoch 1. etapy Programu podpory zdravia znevýhodnenej rómskej komunity za roky 2007 - 2008*, <http://www2.health.gov.sk/redsys/rsi.nsf/0/62EBE34323BA109BC1257539004938FC?OpenDocument>, accessed 25 September 2010.

<sup>38</sup> Romano nevo ľil, *Výsledky posledných štúdií zameraných na zdravie Rómov bijú na poplach*, <http://2010.nrlweb.org/modules.php?name=News&file=article&sid=17066>, accessed 25 Septmeber 2010.

<sup>39</sup> Sinaiová A. and Ondriová I., *História a zdravie rómskej populácie* (Prešov, Perinatologické centrum, FNŠP J.A. Reimana, Prešov and Katedra ošetrovateľstva FZ PU, n. d.) [http://www.unipo.sk/public/media/10304/Sinaiova,%20Ondriova\\_Historia%20a%20zdravie%20romskej%20opulacie.pdf](http://www.unipo.sk/public/media/10304/Sinaiova,%20Ondriova_Historia%20a%20zdravie%20romskej%20opulacie.pdf), accessed 25 Septmeber 2010.

The bad health of Roma is caused by low access to health services (due to the geographical distance of segregated Romani settlements from the mainstream population where the health facilities are located and the lack of financial resources necessary when travelling to remote health facilities) but also by the insensitive or even discriminatory behaviour of health personnel. Two doctors from the University in Prešov stated: “a stay in hospital — if not connected to a birth of a child — means for some Roma, death. This belief can lead to a refusal of some methods of health care. If health personnel are not aware of this can interpret such behaviour as irresponsibility”<sup>40</sup>. Also, Romani patients often report disrespectful behaviour towards by hospital personnel. According to a Romani woman’s testimony from the village of Kecerovce, “when a Romani woman gives birth, no one helps her, they only tell her: ‘if you knew how to make a child, you should know how to take care of you, too’”<sup>41</sup>. Another woman said: “When my daughter gave birth the first time, she was terrified and was crying. She was on the table and a nurse was pushing a pillow against her face to make her quiet, no doctor was present”<sup>42</sup>. NGOs registered a number of complaints that in hospitals Romani patients have segregated rooms, bathrooms and toilets from non-Roma patients<sup>43</sup>.

In 2009 the European Court of Human Rights issued a judgement in the case of *K.H. and Others v. Slovakia* stating the Slovak Republic had violated the eight Romani women’s right to privacy and family life (Article 8, they also said that the Slovak Republic violated Article 6) who were denied access to their medical records<sup>44</sup>. The eight women had been treated at gynaecological and obstetrics departments in two hospitals in eastern Slovakia during their pregnancies and deliveries. Despite continued efforts to conceive, none of them have become pregnant since their last stay in hospital, when they delivered via caesarean section. The applicants suspected that the reason for their infertility might be that a sterilisation procedure was performed on them during their caesarean by medical personnel in the hospitals concerned. Several applicants were asked to sign documents prior to their delivery or on discharge from the hospital but they were not sure of the content of these documents. The women’s lawyers tried to review and photocopy their medical records in order to obtain a medical analysis of the reasons for their infertility and possible treatment and as potential evidence in future civil proceedings for damages. They also wanted to ensure that the

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<sup>40</sup> Ibid.

<sup>41</sup> Kmeťo, Jozef, *Nerovnosť v zdravotnej starostlivosti o Rómov*, <http://kmeto.blog.idnes.cz/c/107996/nerovnost-v-zdravotnej-starostlivosti-o-Romov.html>, accessed 25 September 2010.

<sup>42</sup> Ibid.

<sup>43</sup> Poradňa pre občianske a ľudské práva and Člověk v ohrození, *Written Comments concerning the third periodic report of the Slovak republic under the International Covenant on Civil and Political Rights For the consideration by the Human Rights Committee*, [http://www2.ohchr.org/english/bodies/hrc/docs/ngos/CCHR2\\_Slovakia99.pdf](http://www2.ohchr.org/english/bodies/hrc/docs/ngos/CCHR2_Slovakia99.pdf), accessed 25 September 2010.

<sup>44</sup> Application no. 32881/04, Council of Europe: European Court of Human Rights, 28 April 2009, <http://cmiskp.echr.coe.int/tkp197/view.asp?item=42&portal=hbkm&action=html&highlight=slovakia&sessionid=59687341&skin=hudoc-en>, accessed 25 September 2010.

documents and evidence was not destroyed or lost. However the management of the hospitals did not allow the women or their lawyers to access the records and make photocopies.

The Slovak Republic argued that the refusal to allow the women or their lawyers to photocopy their medical records was justified by the State's obligation to protect the relevant information from possible abuse of personal data contained in the records. However the European Court of Human Rights stated that the Slovak Republic violated human rights of the eight Romani women granted by Article 8 (right to respect for his private and family life) and Article 6 § 1 (right to a hearing by tribunal) of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

### **Examples of Good Practice**

Since 2008, the Association of Community Centres [Asociácia komunitných centier] has implemented a Roma Health Program with the support of the pharmaceutical corporation Pfizer<sup>45</sup>. The programme, which covers eight Romani settlements, consists of assisting field health workers to provide informal education about health, childcare, as well as help in instances of drug, tobacco or alcohol dependencies, assistance in accessing health insurance, vaccinations and other health care issues.

Another project, Healthy Communities implemented by the Association for Culture, Education and Communication [Asociácia pre kultúru, vzdelanie a komunikáciu] since 2003 has reached approximately 45,000 Roma living in 67 settlements<sup>46</sup>. It includes vaccinations against hepatitis A and B.

### **V.v Policing and ethnic profiling**

Not only do the Roma face racially motivated attacks from extremist groups and discrimination from the mainstream population, but they are often harassed by the police.

In 2009 the Supreme Court confirmed a decision of the lower instance Court. It concluded a criminal process against four policemen who had in 2001, in a police station in Revúca tortured to death a Roma man Karol Sendrei (see previous ENAR Shadow Reports). The policemen were sentenced to between four and eight and a half years in prison<sup>47</sup>.

<sup>45</sup> Pfizer, *Program zdravie rómov pokračuje*, <http://www.pfizer.sk/svk/o-spolocnosti/filantropia/program-zdravie-romov-pokracuje/>, accessed 25 September 2010.

<sup>46</sup> Asociácia pre kultúru, vzdelávanie a komunikáciu, *Zdravé komunity (2003-súčasnosť)*, [http://www.acec.sk/index.php?option=com\\_content&task=view&id=233&Itemid=132&mid=129](http://www.acec.sk/index.php?option=com_content&task=view&id=233&Itemid=132&mid=129), accessed 25 September 2010.

<sup>47</sup> Aktualne.sk, *Odsúdili expolicajtov, ktorí zabili Karola Sendreia*, <http://aktualne.centrum.sk/domov/kauzy/clanek.phtml?id=1153370>, accessed 25 September 2010.

In March 2010 Slovakia experienced at least one similar case of cruel, inhuman and degrading treatment against six Romani boys by policemen in a police station in Košice. The six boys aged between 10 and 16 were arrested on 21 March 2010 for robbery and were brought into custody in the police station for interrogation. During the interrogation they were forced, under the threat of physical violence, to strip naked, to slap and kiss each other<sup>48</sup>. The police also set their dogs loose on the boys. Several other officers from the station were observing the “interrogation”, laughing and were shouting racist insults against the boys. The incident was filmed on a mobile phone and the footage was later published by the SME newspaper<sup>49</sup>. The day after the video footage was released, 14 police officers were reportedly placed under inspection by the Ministry of Interior, and as of 15 April 2010 seven officers have been accused of abuse of power of the public authority and of blackmail. However, the charges against the police do not contain any possible racial motivation<sup>50</sup>. The case has not yet been concluded. Meanwhile the boys had been sentenced for robbery (one of them received 2.5 years imprisonment).

### Examples of Good Practice

The People against Racism discovered that the municipal police in Nové Zámky collects ethnical statistics of crimes in the town and regularly publish numbers of criminal offences committed by Roma in local newspaper *Castrum Novum*.<sup>51</sup> The case was reported to the Personal Data Protection Office [Úrad na ochranu osobných údajov] by the People against Racism NGO.

### V.vi Racist violence and crime

According to the statistics of the Ministry of Interior [Ministerstvo vnútra SR], there were 132 racially motivated criminal offences committed in Slovakia in 2009. Compared to the previous year the number decreased by 81, however the rate of crimes solved by police decreased by 10%<sup>52</sup>. Most racially motivated crimes, 112 in total, were classified as crimes supporting and propagating movements aiming to suppress the rights and freedoms of citizens. (See Chapter VI.iii.)

<sup>48</sup> Slovenské národné stredisko pre ľudské práva, *Správa o dodržiavaní ľudských práv na Slovensku 2009*, <http://www.snsip.sk/images/stories/file/spravy/report-observance-hr-2009-en.pdf>, accessed 25 September 2010.

<sup>49</sup> Sme, *Polícia mučila rómskych chlapcov*, <http://www.sme.sk/c/4383566/policia-mucila-romskych-chlapcov.html>, accessed 25 September 2010.

<sup>50</sup> Sme, *V policajnom týraní chlapcov rasizmus nenasli*, <http://korzar.sme.sk/c/5347646/v-policajnom-tyrani-chlapcov-rasizmus-nenasli.html>, accessed 25 September 2010.

<sup>51</sup> *Castrum Novum, Mestská polícia: Najzaujímavejšie prípady za mesiac marec*, [http://www.novezamky.sk/Cn/2010/CN/SK/043\\_23.%20apr%C3%ADl%202010.pdf](http://www.novezamky.sk/Cn/2010/CN/SK/043_23.%20apr%C3%ADl%202010.pdf), accessed 25 September 2010.

<sup>52</sup> Ministerstvo vnútra SR, *Štatistika kriminality v Slovenskej republike*, <http://www.minv.sk/?statistika-kriminality>, accessed 25 September 2010.

However, it should be stressed that these statistics do not actually reflect the real number of racially motivated crimes in Slovakia. This is due to the fact that it only includes crimes of extremism according to Title XII of the Penal Code and not other possibly racially motivated crimes mentioned in other titles of the Penal Code. In addition latent crimes where the victims refuse's to report the incident to the police are not included in the statistics.

Most of the victims are Roma or black persons. Some are also from alternative subcultures. Jewish persons and members of sexual and religious minorities also experience verbal attacks.

Most of the racially motivated crimes and violence used to be committed by right wing extremist and their organisations. Since 2009 however most of them merged with the civic association Our Slovakia – People's Party, and on 22 February 2010 it was registered as a political party<sup>53</sup>. This is the most active and best-known movement in Slovakia, whose members are connected with extremist crimes. Leaders of the movement have been pursued several times for crimes of extremism, but in none of the cases went to court<sup>54</sup>. Since the second half of 2009 the movement has started to present its political ambitions and organised a series of public meetings focused on anti-Roma propaganda; in regions of Eastern Slovakia with high concentrations of Roma, these meetings were attended by hundreds of people<sup>55</sup>. For this reason the movement reduced its openly criminal and violent activities. They remain in the realm of other extremist groups independent from the movement Our Slovakia – People's Party and operate rather on "leader resistance" basis, such as National Resistance [Národný odpor] or Orava Guard [Oravská Stráž].

The People against Racism association that provides legal aid to victims of hate crimes reported several cases of racially motivated crime against Roma and Black people in 2009. Many racially motivated crimes occur during football matches. Several fan clubs have clear extremist or Nazi affiliations, and their member yielded racist slogans at the stadiums or wear flags with fascist symbols<sup>56</sup>.

During a first division match in Bratislava on 8 April 2009 part of the audience verbally insulted a player of Senegalese origin – they made monkey-like sounds and shouted "monkey" and "return to your tree, where is your banana". When he

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<sup>53</sup> <http://portal.ives.sk/registre/detailUplnyPS.do?action=uplny&formular=&id=153101>, accessed 25 September 2010.

<sup>54</sup> For example the leader of the movement Marian Kotleba was pursued for public manifestation of salutation "Na stráž" (used as the Slovak version of "Heil Hitler") on 14 March 2009 (date of establishment of the Slovak fascist State 14 March 1939), <http://www.obroda.sk/clanok/61456/Kotlebu-za-pozdrav-Na-straz-l-uz-nestihaju/>, accessed 25 September 2010.

<sup>55</sup> See: Hojsík, Marek, *Roma*, in: Bútora M., Kollár M., Meseznik G. (eds.): *Slovensko 2009. Súhrnná správa o stave spoločnosti a trendoch na rok 2010* (Bratislava, Inštitút pre verejné otázky, 2010).

<sup>56</sup> Ľudia proti rasizmu, *Správa o prejavoch rasizmu, antisemitizmu, nacionalizmu, neonacizmu a ďalších typoch intolerancie na futbalových štadiónoch 2008 a 2009*, <http://futbal.rasizmus.sk/wp-content/uploads/2010/05/Sprava%20futbal%202008%202009.pdf>, accessed 25 September 2010.

was leaving the pitch, someone hit him with a chair. There is no information about a possible police investigation or any action taken by football clubs or organisations.

### Examples of Good Practice

The Civic association People against Racism provides victims of hate crime with free legal aid<sup>57</sup> and conducts educational activities in secondary schools focused on unmasking extremist ideologies, their symbols and rhetoric as well as running public campaigns<sup>58</sup>. In cooperation with Football against Racism in Europe network (FARE), they monitor racially motivated crimes in stadiums<sup>59</sup>.

A group of anti-racist activists compiled a comprehensive analysis of Our Slovakia – People's Party, which included details of the all illegal activities and incidents of the movement. The analysis was published to counterbalance the movement's activities in their pre-election campaign<sup>60</sup>.

### V.vii Access to goods and services in the public and private sector

Equal access to goods and services is one of areas protected by the Anti-discrimination Act<sup>61</sup>. The principle of equal access without discrimination is also included in the Consumer Protection Act<sup>62</sup>. However this is the area where the principle of non-discrimination is probably the most frequently violated. This is the case particularly in regions with a high portion of Romani. Roma are the minority, whose rights to equal access to goods and services are most often violated – frequently, they are not allowed on public transport<sup>63</sup> and/or refused service in restaurants and bars. The usual pretext for excluding Roma is the requirement of a membership or club card, however this is not required from non-Roma clients. These types of cases are the ones that are most reported to the People against Racism association<sup>64</sup>. However it is not only the Roma that suffer from such discrimination. The media reported a case of a teacher of Romani origin who was refused service in two restaurants<sup>65</sup>, this was also experienced by a Romani

<sup>57</sup> Ľudia proti rasizmu, *Bezplatná právna pomoc*, <http://www.rasizmus.sk/pomoc/>, accessed 25 September 2010.

<sup>58</sup> Stratégie on-line, *Lowe GGK pre Ľudia proti rasizmu*, <http://strategie.hnonline.sk/sk/sedy/spravy/reklama/lowe-ggk-pre-ludia-proti-rasizmu.html>, accessed 25 September 2010. Ľudia proti rasizmu, *Kampaň Vlastenec – „má rád svoju krajinu aj bez nacionalizmu“*, <http://www.rasizmus.sk/2010/02/01/kampan-som-vlastenec/>, accessed 25 September 2010.

<sup>59</sup> <http://futbal.rasizmus.sk/>, accessed 25 September 2010.

<sup>60</sup> Antifa.cz, *Slovenskí neonacisti mieria do Parlamentu*, <http://www.antifa.cz/content/slovenski-neonacisti-mieria-do-parlamentu>, accessed 25 September 2010.

<sup>61</sup> Zákon 365/2004 Z.z. o rovnakom zaobchádzaní v niektorých oblastiach a o ochrane pred diskrimináciou a o zmene a doplnení niektorých zákonov (antidiskriminačný zákon).

<sup>62</sup> Zákon 250/2007 Z. z. o ochrane spotrebiteľa.

<sup>63</sup> Rómska tlačová agentúra, *Spravodlivý vodič autobusu alebo diskriminácia?*, <http://www.mecem.sk/rpa/?id=blog&lang=slovak&show=19620>, accessed 23 September 2010.

<sup>64</sup> <http://www.webnoviny.sk/slovensko/lpr-romom-zakazuju-najma-vstup-do-r/180598-clanok.html>, accessed 23 September 2010.

<sup>65</sup> Sme, *Učiteľky a ich kolegu Róma odmietli obslúžiť*, <http://korzar.sme.sk/c/5170976/ucitelky-a-ich-kolegu-roma-odmietli-obsluzit.html>, accessed 23 September 2010.

activist and an employee of the European Roma Right Centre. A military officer of Romani origin told the People against Racism association about a similar problem.

The Slovak Trade Inspection is a public agency responsible for internal market surveillance and control related to goods and services<sup>66</sup>. In 2009 they carried out tests in two randomly selected facilities and found that they discriminated against the Roma<sup>67</sup>. However, the Slovak Trade Inspection is not always able to confirm suspicions of discrimination. An employee of the Košice-based branch stated that often in smaller municipalities' restaurant or bar owners and staff personally knows local Roma and refuse to serve them. However, if unknown Roma appear (possibly involved in a testing exercise), they serve them.

During 2009 two similar cases of discrimination against Roma in access to goods and services brought to court were concluded by out-of-court settlements. In both cases the Romani victims of discrimination were represented by the Centre for Civil and Human Rights in Košice. The first incident occurred in 2005 in Medzev and the second in 2008 in Lučenec. In both cases Roma clients were refused service in restaurants. In the Lučenec case, the restaurant owner provided the victim with an apology and financial compensation<sup>68</sup>. In the Medzev case the victim only accepted an apology and refused the financial compensation. He said that the regret expressed by the owner should be considered as an expression of possible reconciliation between the Roma and non-Roma, which he has always wished for<sup>69</sup>.

### **Examples of Good Practice**

Due to the fact witnesses are crucial for proving cases of discrimination in access to goods and services, the testing method can be considered a model of good practice. The public Slovak Trade inspection and several NGOs, for example the Centre for Civil and Human Rights in Košice, or Citizen, Democracy and Responsibility in Bratislava, use Roma figurants to verify and prove reported cases of discrimination. Both above-mentioned NGOs provide legal aid to victims of discrimination, disseminate information and are involved in awareness raising campaigns (publication, education and trainings) about discrimination and possible means of protection and legal defence against discrimination<sup>70</sup>.

<sup>66</sup>Zákon 128/2002 Z. z. o štátnej kontrole.

<sup>67</sup> Slovenské národné stredisko pre ľudské práva, *Správa o dodržiavaní ľudských práv na Slovensku 2009*, <http://www.snsip.sk/images/stories/file/spravy/sprava-dodrziavanie-lp-2009.pdf>, accessed 23 September 2010.

<sup>68</sup>Changenet.sk, *Majiteľ kaviarne sa za diskrimináciu ospravedlnil*, <http://www.changenet.sk/?section=spr&x=429785&cat=17241>, accessed 23 September 2010.

<sup>69</sup> Poradňa pre občianske a ľudské práva, *Majiteľ pohostinstva sa ospravedlnil za diskrimináciu*, [http://www.poradna-prava.sk/dok/TS\\_Majitel\\_pohostinstva\\_sa\\_ospravedlnil\\_za\\_diskriminaciu.pdf](http://www.poradna-prava.sk/dok/TS_Majitel_pohostinstva_sa_ospravedlnil_za_diskriminaciu.pdf), accessed 23 September 2010.

<sup>70</sup> Poradňa pre občianske a ľudské práva, *Ako sa brániť diskriminácii*, <http://www.poradna-prava.sk/dok/manual2010-web.pdf?PHPSESSID=3151a3fdd1f25c4531596670c9a8799d4>, accessed 23 September 2010. Občan, demokracia a zodpovednosť, <http://www.diskriminacia.sk/>, accessed 23 September 2010.

## V.viii Media, including the internet

Roma and Roma issues are one of the favourite topics of scandal-oriented journalism. Even if most of mainstream media try not to openly adopt an anti-Roma discourse and rhetoric (unlike most of the public and politicians), frequent gaffes occur. They mostly concern stereotypical images of Roma criminals or social parasites. Such stereotypes are reproduced disclosing the ethnicity of the perpetrators: “Roma brutally beaten a young man” (TV Joj, 17. August 2009)<sup>71</sup>, “Romani woman wanted to satisfy an old man, but finally robbed him” (TV Joj, 26 January 2010)<sup>72</sup>, “Drunk Romani woman and her children were hit by car” (TV Markíza, 21 January 2010)<sup>73</sup> or “Brawl in Spiš: 150 Roma scuffled with machetes and axes” (TV Markíza, 22 September 2009)<sup>74</sup>.

The internet is the dominant media space for racist attacks and manifestations of racial hate, especially against Roma. Blogs, discussions and social networks often contain openly racist and illegal statements. They are usually presented as “justified anger” against Roma criminals and social parasites. Unfortunately, such attitudes probably reflect the attitudes of the overall population of Slovakia. But the safety of the anonymity provided by the Internet enables them to express their opinions. Most internet discussions and blogs are homogenous in their positions toward Roma; anti-Roma posts usually do not have any opponents. The only difference is the degree of radicalism and extremism.

Since 2009 many anti-Roma manifestations appeared in social networking sites, such as Facebook. The first large anti-Roma group was the group “No advantages to Gypsies” which had more than 70,000 members over a very short time period. The People against Racism began monitoring hate manifestations on Facebook between January and March 2010. During this period 345 new anti-Roma pages and groups emerged in the Slovak language with more than 500,000 members. In each of the randomly selected pages or groups, the researchers identified 1,760 to 2,000 posts that could be classified as criminal behaviour with respect to the Slovak Penal Code<sup>75</sup>.

Portals and websites of extremist movements are an additional category of racial violence and discrimination on the internet<sup>76</sup>. Most of them present themselves

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<sup>71</sup>TV Joj, *Rómovia brutálne zmlátili mladíka*, <http://noviny.joj.sk/z-domova-presovsky-kraj/17-9-2009/clanok/romovia-brutalne-zmlatili-mladika.html>, accessed 23 September 2010.

<sup>72</sup> TV Joj, *Rómka chcela uspokojiť dedka, napokon ho okradla*, <http://noviny.joj.sk/z-domova-presovsky-kraj/26-1-2010/video/romka-chcela-uspokojit-dedka-napokon-ho-okradla.html>, accessed 23 September 2010.

<sup>73</sup>TV Markíza, *Hrozná nehoda: Opitú Rómku s jej dvoma deťmi prešlo auto*, <http://tvnoviny.sk/spravy/regiony/hrozna-nehoda-opitu-romku-s-jej-dvoma-detmi-preslo-auto.html>, accessed 23 September 2010.

<sup>74</sup> TV Joj, *Bitka na Spiši: 150 Rómov sa mlátilo mačetami a sekerami*, <http://krimi.joj.sk/krimi/22-9-2009/clanok/bitka-na-spisi--150-romov-sa-mlatilo-macetami-a-sekerami.html>, accessed 23 September 2010.

<sup>75</sup> Ľudia proti rasizmu, *Facebook 1939*, <http://www.rasizmus.sk/facebook1939.pdf>, accessed 23 September 2010.

<sup>76</sup>See for example: <http://www.white-media.info/>, accessed 23 September 2010. <http://pospolitost.wordpress.com/category/nase-slovensko/>, accessed 23 September 2010.

as an “alternative resource of information” and provide “scientific” studies and analyses regarding the inequality of races or the inferior position of some nations or ethnic groups, the abnormality of homosexuality and other topics. They often include openly illegal articles inciting racial, ethnical and religious hate. Usually the web sites are hosted by American servers and thus are protected by the American Constitution and its First Amendment related to freedom of speech. For this reason Slovak authorities cannot take any action against them.

### **Examples of Good Practice**

In March 2010 the People against Racism published a report “Facebook 1939” that summarises the most often quoted anti-Roma theses and myths on Facebook. The report gives answers and explanations to each of these theses and stereotypes and provides counter-arguments using concrete examples from life and law<sup>77</sup>.

The association Citizen, Democracy and Responsibility promotes the education of journalists and managements of media in the field of minority issues.<sup>78</sup>

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<http://neprisposobivi.sk/>, accessed 23 September 2010.

<http://www.beo.sk/>, accessed 23 September 2010.

<sup>77</sup> Ľudia proti rasizmu, *Facebook 1939*, <http://www.rasizmus.sk/facebook1939.pdf>, accessed 23 September 2010.

<sup>78</sup> Občan, demokracia a zodpovednosť, *Monitoring médií v oblasti (anti)diskriminácie*, <http://www.oad.sk/?q=node/402>, accessed 23 September 2010.

## VI. Political and legal context

In 2009 several elections took place in Slovakia: the election of the President of the Republic, the election of members of the European Parliament, the election of presidents and representatives of Regional Territorial Units (regional self-governments) and, in some municipalities, the elections of representatives of Local Councils (local self-governments). All of the above-mentioned elections are carried out by way of secret ballot to which all citizens (or residents – in case of European, regional, and municipal elections) of Slovakia have access.

The leader of extremist movement Our Slovakia – People's Party, Marian Kotleba, ran for the post of president of Banská Bystrica Regional Territorial Units. He was not successful and received approximately 10% of the vote, but in some municipalities he received a considerably high number of votes, especially in villages with a Roma minority. For example in Šumiac village, he was the most successful candidate with 37.26% of the vote and in Závadka nad Hronom he received 45.6% of the vote.

During the reported period (from 1 January 2009 to 31 March 2010) the Slovak government remained composed of the populist SMER-Social Democracy, the radically nationalist Slovak National Party and the authoritative People's Party – Movement for a Democratic Slovakia. The dominant political discourse showed striking moments of national and ethnical intolerance and was mostly focused against the Hungarian minority in Slovakia, but also against socially marginalised Roma communities. The nationalist and anti-Roma discourse strengthened before the Parliamentary elections, which took place 12 June 2010, and was not only used by radical or extremist parties, but also by the mainstream parties of the politically conformist centre.

For example the centre-right Slovak Democratic and Christian Union – Democratic Party [Slovenská demokratická a kresťanská únia – Demokratická strana (SDKÚ-DS)], which became the leading party of the new government after the elections, presented Roma populist slogans in its first draft<sup>79</sup> of the election programme. Some chapters were entitled “Roma must also work!” and “Roma must also go to school!”. The section dedicated to Roma inclusion also included a chapter about strengthening penal sanctions for the most severe crimes. The election programme of the new right-liberal party Liberty and Solidarity [Sloboda a solidarita (SaS)] also contained several controversial proposals regarding policies towards socially excluded Roma<sup>80</sup>. Both parties are in the new governmental coalition in Slovakia.

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<sup>79</sup> The next draft and the final version contained modification of these chapters.

<sup>80</sup> Such as adoption of a special act regarding the socially excluded Roma communities, legal definition of socially excluded Roma as special addressees of legal norms, statistics of crimes committed by socially excluded Roma, obligatory pre-school education for Romani children and others. See:

The Roma theme was also used also by radical and nationalist political parties before the elections. The Slovak National Party's candidate proposed the demolition of a large Roma settlement in Plavecný Štvrtok (see above Chapter V.ii). On his webpage several statements fulfilled the definition of incitation to racial hatred<sup>81</sup>. The leader of the party (known for his scandals, vulgarity and being drunk in public), Ján Slota, insulted Roma on International Roma Day (4 April 2010) and said that they have only one physical activity, that being making children<sup>82</sup>. Within the campaign the party used billboards with a photo of a young Roma man, retouched in a way reproducing anti-Roma stereotypes (a big golden chain on his neck and large tattoos on his chest). The billboard included a slogan: "That we do not have to feed those who do not to work"<sup>83</sup>.

The most radical anti-Roma campaign was performed by the Our Slovakia – People's Party. It included several public meetings with a sole theme: "For decent people against Gypsy parasites!"<sup>84</sup>. The pamphlets distributed during the meetings contained openly anti-Roma themes such as "we are being brutally ousted from our own country by the inbreeding asocial Gypsy parasites".

In 2009 the Slovak Parliament adopted an amendment<sup>85</sup> to the State Language Act<sup>86</sup> which was criticised by the Hungarian ethnical minority in Slovakia and the Government of neighbouring Hungary. The Act reinforced the use of the Slovak language (for example all public use of minority language had to be preceded by the message in Slovak language, obligatory exclusive use of the Slovak language by civil servants during official communications even if both parties of the communications are members of national minority) and introduced fines for those who violated the law.

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<http://120napadov.sk/socialne-odkazane-spolocenstva-sos/6>, accessed 23 September 2010. A group of independent candidates (Common People) on the election list of the SaS presented even more radical proposals evoking antagonism between Roma and non-Roma (if we do not resolve Roma, Roma will solve Slovakia) and labelled Roma as parasites. See:

<http://obycajniludia.sk/nase-riesenia/?riesenie=romovia>, accessed 23 September 2010.

<sup>81</sup> <http://www.ciganskyproblem.sk/>, accessed 23 September 2010.

<sup>82</sup> Aktualne.sk, *Slota: Jedinou aktivitou Cigánov je rozmnožovanie sa*, <http://aktualne.centrum.sk/domov/politika/clanek.phtml?id=1205518>, accessed 23 September 2010.

<sup>83</sup> TV Markíza, *SNS má bilbordov zamerané proti Rómom*, <http://tvnoviny.sk/spravy/domace/sns-ma-bilbordov-zamerane-proti-romom.html>, accessed 23 September 2010.

<sup>84</sup> Odpor.org, *16.1.2010: Proti neschopnosti Polície SR ochrániť slušných ľudí – Levice*, <http://www.odpor.org/index.php?page=clanky&kat=2&clanek=1076>, accessed 23 September 2010.

<sup>85</sup> Aktuality.sk, *Marián Kotleba a ĽS-NS: Založíme domobranu!*, <http://www.aktuality.sk/clanok/162874/marian-kotleba-a-ls-ns-zalozime-domobranu/>, accessed 23 September 2010.

<sup>86</sup> Zákon 318/2009 Z. z. ktorým sa mení a dopĺňa zákon Národnej rady Slovenskej republiky č. 270/1995 Z. z. o štátnom jazyku Slovenskej republiky v znení neskorších predpisov a o zmene a doplnení niektorých zákonov.

<sup>86</sup> Zákon č. 270/1995 Z. z. o štátnom jazyku Slovenskej republiky.

## VI.i Anti-discrimination

The Anti-Discrimination Act<sup>87</sup> is in force in Slovakia since 1 July 2005 and its last modification and amendments were adopted in 2008. It is the key anti discrimination text. The Act implemented the following European Directives: the Racial Equality Directive (2000/43/EC), the Directive establishing a general framework for equal treatment in employment and occupation (2000/78/EC), the Directive on the implementation of the principle of equal treatment for men and women in occupational social security schemes (86/378/EEC), the 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 the Directive implementing the principle of equal treatment between men and women in the access to and supply of goods and services (2004/113/EC).

The Act provides definitions of equal treatment, direct discrimination, indirect discrimination, sexual harassment, victimisation, instruction to discriminate, and incitement to discriminate. The Act prohibits discrimination based on, among others, religion or belief, race, nationality or ethnic origin, colour, language. The Act covers employment, social security, healthcare, the provision of goods and services as well as education. It further provides that discrimination due to race, nationality or ethnic origin shall also mean discrimination due to a relationship with a person of a certain race, nationality or ethnic origin (for example is married or in other family, friend or professional relationship to a person of a certain race, nationality or ethnic origin). The Anti-Discrimination Act provides that discrimination based on religion or faith shall mean discrimination because of relationship to a third person who holds certain religion or faith, as well as discrimination of a person who holds no religious beliefs. This law also contains a provision which shifts the burden of proof from the victim to the perpetrator. The Slovak National Centre for Human Rights is the body entrusted with ensuring the implementation of the Act.

The Act introduced the possibility of the adoption of temporary positive measures by State bodies aimed at removing all forms of social and economical disadvantages or disadvantages suffered due to age or health. The temporary positive measures can be adopted if there is a provable inequality, the aim of the measures is the reduction or elimination of the inequality and the measures are proportional and indispensable for achievement of this aim. The law defines the types of temporary positive measures, which can be adopted – measures supporting the interest of disadvantaged groups in employment, education, culture, health care and services. It also allows measures aimed at ensuring equality in access to employment and education, especially through targeted programmes for members of disadvantaged groups or through the dissemination

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<sup>87</sup> Zákon 365/2004 Z.z. o o rovnakom zaobchádzaní v niektorých oblastiach a o ochrane pred diskrimináciou a o zmene a doplnení niektorých zákonov (tzv. Antidiskriminačný zákon).

of information about these programmes or about possibilities to apply for a work placement or for a place in the education system.

The temporary positive measures can be partially seen as a version of affirmative action. However, it should be stressed that the Act considers relevant indicators of disadvantage social and economic conditions rather than the belonging to a particular ethnic group or race. The European Commission against Racism and Intolerance (ECRI) “wishes in this regard to bring to the Slovak authorities’ attention Chapter III of its General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination in which it states that the prohibition on discrimination does not prevent the maintenance or adoption of temporary special measures designed either to prevent or compensate for disadvantages suffered by persons on the grounds of their race, colour, language, religion, nationality or national or ethnic origin. ECRI therefore considers that positive measures on these grounds can also complement those taken on the grounds of social disadvantage”<sup>88</sup>.

The principle of temporary positive measures has a very weak impact in practice. Their adoption is not obligatory for public authorities, what would systematically eliminate the existing disadvantages. State authorities argue that the principle is reflected in diverse sectoral documents, strategies, concepts and programs focused on disadvantaged groups. However they are not reflected in practical policies or when they are, their implementation fails.

Although the content of the Act can be seen as sufficient, it is not used very frequently by victims of discrimination or other relevant stakeholders. This could be due to a number of reasons. Assuming that most victims of discrimination are socially marginalised Roma living in isolation who do not frequently participate in society or have actual legal protection, most of them are unable to act to protect their rights, alone or with the assistance of relevant public authorities that often refuse to provide them with help. Many of socially excluded Roma are resigned to the fact that their rights will not be protected. This group of citizens are mostly dependent on help provided by specialised NGOs providing free legal aid, but at the same time the NGOs do not actively contact them. Another reason is the low confidence of victims in the Slovak legal system and the fear of victimisation. A third reason is the extreme slowness of the Slovak justice system— a civil case can take several years. In addition, costs of legal representation are high if the case is not covered by an NGO. We can also state that there is a low level of awareness regarding anti-discrimination issues amongst the general public, students, future teachers, but also among legal practitioners, lawyers and judges.

The Slovak National Centre for Human Rights [Slovenské národné stredisko pre ľudské práva (SNSĽP)] monitors and assesses complaints of discrimination. It

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<sup>88</sup> European Commission against Racism and Intolerance, *ECRI report on Slovakia (fourth monitoring cycle)* (adopted on 19 December 2008), <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Slovakia/SVK-CbC-IV-2009-020-ENG.pdf>, accessed 24 September 2010.

was established on 1 January 2004<sup>89</sup>. The centre has the status of a National Equality Body within the EU system of protection against discrimination and National Human Rights Institution (NHRI). It is partially compliant with the UN standards set out in the 1993 Paris Principles<sup>90</sup> – they have been accredited with a B status<sup>91</sup>.

The NGOs plays a key role in the promotion of anti-discrimination and in the application of the Anti-discrimination Act (NGOs and independent had also been actively involved in the drafting of the Act and its amendments). They are indispensable in the promotion of information and in awareness raising among diverse target groups through trainings and publications and by providing legal aid to victims of discrimination<sup>92</sup>. The NGOs also have their own registers of causes that are independent from the official statistics and reporting by the SNSLP.

It is possible to state that the phenomenon of discrimination (mostly oriented against the Roma minority) is a dominant feature in Slovakia, compared to, for example, racially motivated violence. It seems that society in general as well as the victims of discrimination sees it as an acceptable status quo. This is linked to the general perception of the Roma – when the social exclusion and extreme poverty experienced by some Roma is interpreted as a fair consequence of their moral failures. Their existing material dependence on welfare is perceived as “discrimination against non-Roma” and real disadvantages of Roma are downplayed or ignored.

## **VI.ii Migration and integration**

A theoretical and empirical analysis of migration policy in Slovakia published in 2010<sup>93</sup> showed that the integration of migrants is limited by the dominant perception of Slovakia as an ethnically defined national State of Slovaks. Different ethnic and national groups, including groups recognised by the State, constitute a threat to this project. The minority rights of recognised groups are justified as a necessity to maintain social peace but which lead to the establishment of parallel social structures (for example minority education) based on respective national projects. But more extensive collective rights are perceived as a threat to the territorial integrity of Slovakia and the discrimination of Slovaks. On the other hand participation in the mainstream social, political and economical structures is conditioned on the assimilation by members of

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<sup>89</sup> Zákon č. 308/1993 Z.z. o zriadení Slovenského národného strediska pre ľudské práva s účinnosťou od 1. januára 1994.

<sup>90</sup> See: <http://www2.ohchr.org/english/law/parisprinciples.htm>, accessed 31 October 2010.

<sup>91</sup> The Paris Principles relate to the status and functioning of national institutions for the protection and promotion of human rights. According to these principles, the national institutions should exercise certain defined tasks; the compliance with these norms is expressed by their accreditation status (A, B or C). See: <http://www.nhri.net/>, accessed 31 October 2010.

<sup>92</sup> Napr. Poradňa pre občianske a ľudské práva, Občan, demokracia a zodpovednosť, LpR..

<sup>93</sup> Gallová Kriglerová, Elena, Kadlečíková, Jana and Lajčáková, Jarmila, *Migranti* (Bratislava, Centrum pre výskum etnicity a kultúry, 2010).

minorities. This trend is also reflected in Slovakia's immigration policy. Naturalisation requires a high level of assimilation and is administratively difficult what leads to a low success rate of applicants.

According to a survey published in 2009 by the International Organisation for Migration (IOM)<sup>94</sup> the general perception of foreigners are based on rigid prejudices. Foreign workers are, despite their low number in the Slovak labour market, considered as a threat to the domestic labour force and an additional burden on public finances. Migrants are often confused with asylum-seekers. In addition, even foreign managers and investors in Slovakia are not perceived in a positive light but rather as a group profiting from the local low-paid labour force. Although the majority of interviewees had positive personal experiences with foreigners, they fear further migration, which increases their negative perception towards them.

The survey indicated a low quality of the migration management by Slovak authorities, low coordination and capacities of diverse stakeholders and a lack of strategic approach in the policy of migration and integration of migrants.

In 2009 there were no significant changes on political, institutional and legal level that would influence the migration and asylum policy in the Slovak Republic. According to IOM's annual report, the Slovak Government did not introduce in connection with the global financial crisis any restrictive measures regarding the employment of the TCN in the SR or specific measures that would support return of the migrants to the countries of origin. The year 2009 was also characterised by a further decline in the number of asylum seekers and the reduction of illegal migration (considering the statistics on the recorded cases of illegal migration)<sup>95</sup>.

The most fundamental issue concerning refugee migration in the SR was a clear decrease in the number of filed applications for asylum compared to previous periods. In 2009, 822 persons applied for asylum in the Slovak Republic, which is the lowest number since 1999. Compared to the previous years, the number of asylum seekers granted asylum decreased to 14. The procedure was suspended in 460 cases, and no asylum was granted in 330 cases<sup>96</sup>.

### **VI.iii Criminal justice**

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<sup>94</sup> Vašečka, Michal, *Postoje verejnosti k cudzincom a zahraničnej migrácii v Slovenskej republike* (Bratislava, IOM, 2009).

<sup>95</sup> Potočková, Ivana, *Annual Report on Migration and Asylum Policies 2009 Slovak Republic. National Study for the European Migration Network* (Bratislava, IOM International Organization for Migration – National Contact Point of the Slovak Republic in the European Migration Network, 2010), p. 10. Available at: <http://emn.sarenet.es/Downloads/download.do;jsessionid=B1017C20D6D14EF14372B8B3DBB30FBF?fileID=1030>, accessed on 1 November 2010.

<sup>96</sup> *Ibid*, p. 27.

### VI.iii.i Racism as a crime

The Penal Code is the key legal norm that defines acts which are deemed illegal which have a racial motive<sup>97</sup>. In 2009 the law was substantially modified<sup>98</sup>, when a comprehensive anti-extremist amendment was adopted by the Parliament and entered in force on 1 September 2009<sup>99</sup>. The adoption of the amendment was delayed because of the objections from NGOs against the original draft (this was due to the fact the definition was deemed to be inaccurate and of fear that the law could interfere into basic rights of citizens and disproportionately strengthen the position of the police<sup>100</sup>) and later because of a veto by the President of Republic (who had stated that it did not sufficiently define extremism and extremist acts).

The amendment introduced into the Slovak penal law the terms “extremism” and “extremist”, but does not define them. The amendment also implemented EU’s Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law.

The Penal Code deals with the issues of racially motivated criminal offences in two ways: first, the crimes of extremism<sup>101</sup> are specified in the Title XII “Crimes against peace, against humanity, crimes of terrorism, extremism and war crimes”. They include: support and propaganda for groups aiming at suppression of fundamental rights and freedoms (Section 421-422), defamation of nation, race or conviction (Section 423) and incitement to national, racial or ethnic hate (Section 424), incitement, defamation and threats to persons for their belonging to a race, nation, nationality, colour of skin, ethnic group or origin (Section 424a). Second, the Penal Code considers the racial motive of a criminal offence as a “special motive”<sup>102</sup> that constitutes an aggravating circumstance entailing a heavier penalty for the criminal offence. However a criminal offence can be considered by the court as racially motivated only if the definition of the crime in the Penal Code envisages that the crime was committed with a special motive and if the special motive of the offender is proved.

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<sup>97</sup> Trestný zákon 300/2005 Z.z.

<sup>98</sup> The Explanatory Report to the Draft Act elaborated by the Ministry of Interior [Ministerstvo vnútra] in 2008 justified the necessity of its adoption by: “increase in acts of violence connected also with delinquency, which at present occur more often and under circumstances, which in previous periods had not occurred or occurred less frequently.” Cited in: Slovenské národné stredisko pre ľudské práva, report on the Observance of Human Rights including the observance of the principle of equal treatment in the Slovak Republic for the year 2009 (Bratislava, Slovenské národné stredisko pre ľudské práva, 2010), available at: <http://www.snspl.sk/images/stories/file/spravy/report-observance-hr-2009-en.pdf>, accessed on 29 September 2010.

<sup>99</sup> Zákon č. 257/2009 Z. z. ktorým sa dopĺňa zákon č. 300/2005 Z. z. Trestný zákon v znení neskorších predpisov.

<sup>100</sup> In the original draft also possession of extremist materials was seen as a crime – this would have however made also possession of such materials by courts, police, experts and scholars or anti-extremist NGOs illegal. In the final draft and adopted version the possession was made illegal only after proving that possession of such materials was intentioned for incitation of hate.

<sup>101</sup> Section 140a.

<sup>102</sup> Section 140.

### **VI.iii.ii Counter terrorism**

Despite of fact that terrorism is not perceived by Slovak society as a present and real threat, the Penal Code was amended in December 2009<sup>103</sup> by the Parliament and a crime of terrorism and participation in terrorism<sup>104</sup> was introduced. The amendment was based on EU's Council Framework Decision 2002/475/JHA of 13 June 2002 on combating terrorism and specified financial support to terrorist groups as illegal. The amendment and definition of this crime is not specifically linked to any ethnical or religious groups.

### **VI.iii.iii Ethnic profiling**

Officially, there is no racial, ethnical or religious profiling in legal or criminal practice in Slovakia. However as mentioned above (see Chapter V.v), NGOs detected that police were conducting ethnic profiling to those of Roma origin and even keep statistics of criminals disaggregated by their ethnicity.

In 2009 the public discourse about Roma was focused on an issue of "Romani crime". This topic was raised by politicians of radically nationalist Slovak National Party and conservative Christian-Democrat Movement [Kresťansko-demokratické hnutie], who requested the collection and publication of criminal offences committed by Roma<sup>105</sup>. Slovakia does not collect and publish statistics about criminal offences according to the ethnicity of the offenders and thus Roma would have become the only "special category". Several NGOs protested against these proposals<sup>106</sup>.

### **VI.v. Social inclusion**

There were no new policies or measures introduced in 2009 aimed at the social inclusion of marginalised populations<sup>107</sup>. Many Roma are among the socially excluded groups. Despite the fact that Slovak law envisages the possibility of temporary positive measures which can facilitate the social inclusion and mobility of Romani under-class living in segregated rural settlements and urban ghettos without access to basic services, infrastructure and labour market, very few were actually designed and implemented. Moreover there is no evaluation of such special policies and thus their effectiveness and impact is unknown. This fact together with the opinion shared by the overwhelming majority of Slovak mainstream society and political élite that the Roma are responsible for their

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<sup>103</sup> Zákon č. 576/2009 Z. z. ktorým sa dopĺňa zákon č. 300/2005 Z. z. Trestný zákon v znení neskorších predpisov a o zmene zákona č. 301/2005 Z. z. Trestný poriadok v znení neskorších predpisov.

<sup>104</sup> Section 419.

<sup>105</sup> Topky.sk, *Belousovová žiada opäť zaviesť štatistiky rómskej kriminality*, <http://www.topky.sk/cl/10/661676/Belousovova-ziada-opat-zaviesť-statistiky-romskej-kriminality>, accessed 25 September 2010.

<sup>106</sup> *Ludia proti rasizmu, Tlačová správa 28.01.2010*, <http://www.rasizmus.sk/2010/01/28/etnicita-a-jej-miesto-v-statistike-kriminality/>, accessed 25 September 2010.

<sup>107</sup> Hojsík, Marek, *Roma*, in: Bútorá M., Kollár M., Meseznikov G. (eds.): *Slovensko 2009. Súhrnná správa o stave spoločnosti a trendoch na rok 2010* (Bratislava, Inštitút pre verejné otázky, 2010).

social situation and do not merit any aid<sup>108</sup> makes the actual adoption of Roma inclusion policies very difficult.

On the other hand a study published in 2009 showed that the financial cost of Roma exclusion is immense: the study forecasted that the inclusion of the Romani population would increase the annual Gross National Product of Slovakia by seven to 11%. This is connected to an inactive labour force (exclusion from the labour market) and subsequently to lower production and consumption (persons excluded from the labour market do not participate in production and consumption). In addition, to some extent, the exclusion leads also to higher expenditures for welfare, education, health services and crime<sup>109</sup>.

The nationalist ideology promoted by the government of Prime Minister Robert Fico was also reflected in the approach toward Roma. The attempts to deal with problems of social exclusion and discrimination of Roma were overbalanced by attempts to construct Roma primarily as a national (ethnic) group. This was motivated by opinion presented by Deputy Prime Minister Dušan Čaplovič that by promoting Roma national identity the number of Hungarian minority in Slovakia should decrease (because a high number of Roma declare themselves as Hungarians within the National Census, according to Čaplovič)<sup>110</sup>.

In the period between July 2009 and June 2010 Slovakia was the presiding country of an international initiative Decade of Roma Inclusion 2005-2015. However this was not reflected in the increase of practical policies or the introduction of new or more effective measures toward Roma inclusion and integration<sup>111</sup>. Several international high-level meetings and conferences or seminars<sup>112</sup> and one photo exhibition were the only outcomes of the Slovak presidency.

Public policies focusing specifically on the Roma were reduced, particularly relating to social work carried out in segregated Romani communities which were implemented by local municipalities and other projects funded from the EU Funds. The Structural Funds in Slovakia are channelled toward Roma through a Horizontal Priority Marginalised Roma Communities (HP MRC) that includes seven Operational Programs (OP) according to the National Strategic Reference Framework 2007-2013. Thus, individual (demand-driven) projects are funded from the following OPs: Employment and Social Inclusion, Education (soft

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<sup>108</sup> Drál, Peter, 'Ethnicized laziness: Roma in the Slovak social policy discourse' M. A. dissertation (Central European University, 2006), available at: <http://web.ceu.hu/nation/theses/Dral.pdf>, accessed 1 October 2010.

<sup>109</sup> Marcinčin, Anton and Marcinčinová, Ľubica, *Straty z vylúčenia Rómov* (Bratislava, OSF, 2009), available at: <http://www.iz.sk/download-files/sk/osf-straty-z-vylucenia-romov.pdf>, accessed 20 September 2010.

<sup>110</sup> See: Hojsík, Marek, *Roma*, in: Bútora M., Kollár M., Meseznikov G. (eds.): *Slovensko 2009. Súhrnná správa o stave spoločnosti a trendoch na rok 2010* (Bratislava, Inštitút pre verejné otázky, 2010).

<sup>111</sup> Ibid.

<sup>112</sup> International conference on fight against extremism, International conference on Roma health, International seminar "Program of support of social inclusion of disadvantaged groups of population" and International seminar "Creativity and innovation in education of children from disadvantaged background".

interventions), Environment, Health, Regional Development, Competitiveness and Economic Growth (hard/investment interventions). Additionally, a special instrument exists to assist socially excluded Roma communities that being the – Comprehensive Approach. Within the Comprehensive Approach, municipalities elaborated the strategies with participation of the concerned Romani target group and diverse local partners Local Strategies of the Comprehensive Approach and submitted integrated projects (Comprehensive Projects) aiming to implement the Local Strategy. Each Comprehensive Project includes several (two to six) interconnected partial projects from different OPs that are expected to create a synergic effect and bring a substantial and sustainable positive change in integration of marginalised Roma.

However by the end of the reported period the implementation of the Comprehensive Approach had not started due to diverse administrative problems on the side of authorities responsible for the management of the Structural Funds. Another serious problems related to these tools were the concerns raised regarding the transparency of the Structural Funds and the estimated high level of corruption<sup>113</sup>.

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<sup>113</sup> Transparency International, *Corruption Perceptions Index 2009 Regional Highlights: European Union and Western Europe*.

## VII. National recommendations

### VII.i General

- To strengthen the cooperation of diverse stakeholders active in the field of anti-discrimination and social inclusion - central government, regional and municipal governments, specialised public agencies and NGOs - and the involvement of experts in the public policy making in those fields.
- To evaluate the effectiveness and efficiency of public policies, initiatives and projects aimed at the fight against discrimination and at social inclusion.
- To raise awareness of the general public and particularly civil servants, journalist, teachers and students in order to fight against prejudices, stereotypes and discrimination against vulnerable groups, especially Roma and migrants.
- To promote ethnical and cultural diversity as a positive value for Slovak society and not as threat.
- To redefine the concept of “recognised” and “non-recognised” ethnical minorities.
- To redefine the concept of the State from an ethnically-based entity of Slovaks to a citizen-based entity with an inclusive approach towards migrants.
- To include the history and culture of minorities into the mainstream school curriculum.
- To promote multilingualism not only among members of ethnical minorities but also among the Slovak majority (education of basics of Hungarian and Romanes).

### VII.ii Anti discrimination

- To raise awareness of judges, law practitioners, policemen and civil servants about anti-discrimination laws and procedures.
- To conduct information campaigns aimed at de-mything the diverse minorities, mostly Roma (myth of socially non-adaptable parasites), Hungarians (myth of non-loyal citizens), migrants (myth of threats to security and labour opportunities) and other minorities.
- To promote positive examples from vulnerable groups, especially Roma.
- To reinforce the protection of rights of vulnerable minorities by public authorities, to actively search for cases of discrimination and provide aid to victims.
- To promote the idea that discrimination and hate speech or acts are not acceptable (extremist) and amounts to illegal behaviour.
- To stop public funding to segregating initiatives (segregated schools for Romani children, construction of new housing for Roma in segregated areas) and act to remove the existing segregation of Roma.
- To support NGOs’ activities in the fight against discrimination and providing aid to victims of discrimination.

### **VII.iii Migration and integration**

- To modify Slovak laws on migration of TCNs, facilitate the naturalisation of foreigners and not to condition it on cultural assimilation (to remove obligatory tests in Slovak language, history and culture or at least extend them to include all Slovak ethnic groups).
- To increase the sensitiveness of public authorities and the general public toward migrants, especially TCNs and asylum-seekers through campaigns, trainings and education.
- To facilitate the registration and recognition of new religious groups in Slovakia.

### **VII.iv Criminal justice**

#### **VII.iv.i Racism as a crime**

- To modify the structure of the Slovak police and create (on central level) or strengthen (on regional or local level) the anti-extremist units.
- To regularly assess and analyse the situation in the extremist scene (experience of the NGOs can be used) and to actively employ secret services in monitoring and fighting extremist groups (including infiltration).
- To acknowledge the expertise on extremism and extremist movements as a forensic discipline.
- To organise trainings for police and justice official to be able to detect and identify extremist activities, movements and crimes.
- To raise awareness of the general public, mostly youth, about extremism and to allow them to identify extremist and racist propaganda in social issues.
- To fight against racial hate incitement and hate speech against vulnerable groups, in the Slovak context, which is mostly directed at Roma.
- To support NGOs' activities in the anti-extremist activities.

#### **VII.iv.ii Counter terrorism**

- To fight against Muslim stereotypes, people with Islamic cultural background or from middle-eastern countries and Islamic culture and civilisation as promoting violence and terrorism.

#### **VII.iv.iii Ethnic profiling**

- To raise awareness of the public about the origins of crimes (that they are not determined by ethnicity but rather have social causes).
- To eliminate the stigmatising discourse in the media, by authorities and public figures about "Roma crime" and the alleged necessity of ethnically desegregated statistics about crime or ethnic profiling in the fight against crime.
- To promote human rights values among police officers and fight against racist manifestations and discriminatory behaviour among police officers.

- To establish an independent body (including NGO representatives, lawyers and scholars) to act as police inspectors (today police officers are controlled only by other police officers).

#### **VII.v Social inclusion**

- To reflect the legal possibility of the implementation of temporary positive measures in practice.
- To include Roma mainstreaming aspects in policy making and policy evaluation (to assess impact of policies on socially excluded Roma communities).
- To raise the general public's awareness that the social inclusion of vulnerable groups, especially Roma, will be beneficial not only to the minorities in question, but for the whole society (to present the minority issues not only as a question of human rights, but also as a development factor).
- To raise awareness of the general public about the existing barriers to integration of socially excluded groups, mostly Roma (for example discrimination, historical disadvantage by the mainstream society and others) - the integration must be not only requested, but also made possible by the mainstream society.
- To strengthen field assistance services (education, social work, health) in the segregated and socially excluded communities and the promotion of these services as prestigious and important for society (to remove secondary stigmatisation of professionals working with socially marginalised groups).
- To involve members of marginalised communities in the design and implementation of policies and measures focusing on such communities.
- To increase awareness, expert and technical capacities of municipalities to design and implement local policies aimed at Roma inclusion and increase their access to public funds and know-how in this field.

## Conclusion

The level of interethnic tension in Slovakia remains high. The Government of Prime Minister Fico was systematically promoting anti-Hungarian sentiments and discourse and adopted several measures perceived by both the Hungarian minority in Slovakia, Hungary and a part of the Slovak civic society as discriminatory and deliberately targeted against this largest ethnical minority in the country.

The Roma minority continued to be the most vulnerable social group in Slovakia, facing an extremely high level of poverty, social exclusion, discrimination by the majority of inhabitants. Several unprecedented manifestations of anti-Roma hate crime and racially motivated violation of Roma rights occurred in 2009.

The government supported the national emancipation of Roma (motivated by the belief that by raising Roma's ethnical awareness the number of self-declared members of Hungarian members would decrease), but did not take any measures for the effective empowerment of Roma and their inclusion into the mainstream society. Most of the declared policy intents were not implemented and public funds, including EU Funds, were distributed in a non-transparent way without any evaluation of their use.

Public authorities were not able to provide members of vulnerable minorities with the necessary protection against discrimination and undertook measures to enforce respect of their rights. Those tasks are mostly exercised by NGOs providing legal aid. An important decision was issued by a district court against the government in a case of segregation of Roma initiated by an NGO. If this decision is confirmed by the higher courts, it will show, for the first time that racial segregation it is one of the gravest forms of discrimination.

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## **X. Annex 1: List of abbreviations and terminology**

EU – European Union.

IOM – International Organisation for Migration.

NGO – Non-governmental Organisation.

SR – Slovak Republic.

TCN – Third Country National.

UNDP – United Nations Development Program.

Other abbreviations are explained in the text.

