



International Convention on the Elimination of All Forms of Racial Discrimination

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Summary record of the 2218th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 20 February 2013, at 10 a.m.

Chairperson: Mr. Avtonomov

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The meeting was called to order at 10.05 a.m.

**Consideration of reports, comments and information submitted by States parties
under article 9 of the Convention** *(continued)*

Combined ninth and tenth periodic reports of Slovakia (continued)
(CERD/C/SVK/9-10)

1. *At the invitation of the Chairperson, the delegation of Slovakia took places at the Committee table.*
2. **Mr. Vavrinčík** (Slovakia) said that it was difficult to gather disaggregated data on the Roma and that a strategy had been implemented to increase data collection. The Ministry of Labour, Social Affairs and Family had worked with the United Nations Development Programme (UNDP) to carry out studies on a regular basis on the living conditions of the Roma. Slovakia also collaborated with the World Bank in order to map out the areas in its territory affected by poverty.
3. **Ms. Bučková** (Slovakia) said that an atlas dating back to 2004 and describing the socioeconomic situation of marginalized Roma communities had been used as the starting point for the preparation of numerous Government policies. That atlas would be updated by end-March 2013.
4. **Mr. Šimoňák** (Slovakia) said that the increase in the number of offences of a racist nature could not be explained by the political and economic situation of the country. Rather than an increase in the number of offences, there had been a rise in the number of complaints lodged with the police, which reflected the trust that the population placed in the authorities. It was difficult to obtain information on the ethnic origins of the perpetrators of those offences because it was illegal to gather race-based statistics in Slovakia. With regard to the representation of Roma in the police forces and the civil service in general, the Government only had estimates which indicated that their numbers were too low. However, thanks to the implementation of a programme focusing on the Roma communities since 2005, 231 police officers specializing in Roma affairs had been recruited and it was more than likely that a large number of them were Roma themselves. There was no doubt that Roma police officers were better accepted by the Roma communities.
5. In the past, the police had certainly mistreated members of minorities on account of their ethnic origins and, even though the Government applied a zero-tolerance policy in that regard, it expected new cases to arise. The Control and Inspection Service Section, attached to the Ministry of the Interior, investigated such cases, as well as abuses committed by public officials. As to the case involving police brutality directed at Roma children, nine officers had been charged but not yet convicted.
6. **Ms. Bučková** (Slovakia) said that, within the framework of the 2005 programme focusing on the Roma communities, cooperation had also been established with teachers and social workers in order to raise awareness among them concerning the problems faced by the Roma.
7. **Ms. Szolgayová** (Slovakia) said that her country suffered from a housing shortage. According to the most recent census, another 300,000 homes needed to be built in order to meet the demand for accommodation. After the Second World War, the State had expropriated and nationalized the property of the major landowners, but, in 1989, the land had been returned to its former owners. According to Slovak inheritance law, however, all the descendants of a deceased person were entitled to a share of the deceased's assets, meaning that even the smallest parcel of land could be divided up into a large number of tiny plots making it often difficult to determine ownership. Roma settlements that had been set up during the time of nationalization currently posed a legal problem, given that no

decision could be taken until the owner of the land in question had been identified. With certain population groups lacking the financial means to house themselves, the State and local authorities needed to facilitate access to housing. The Government had therefore implemented a housing planning programme and had adopted Act No. 443/2010 R.L. on subsidies for the improvement of the environment and social housing, in order to assist low-income families to access housing. Municipalities were responsible for providing social housing, but since 95 per cent of Slovakia was made up of small villages, it was often difficult to meet that obligation.

8. As for coexistence between Roma settlements and the main population, she said that Roma settlements were frequently located in villages where there were more Roma than other inhabitants. The latter, who were already affected by unemployment and poverty, saw the Roma as an additional threat. Their negative attitudes did not stem from any desire to introduce segregation. Besides, there were also many villages in Slovakia where the population lived peacefully side-by-side with the Roma. Forced evictions and the demolition of Roma accommodation were only resorted to in the event of serious breaches of the law. Very often, the removed housing had been built without planning permission on land without the consent of the owner. While it was true that the Roma lived in settlements with little infrastructure and no access to drinking water, villagers sometimes encountered the same difficulties.

9. There were no Roma camps in Slovakia, only illegal settlements permanently set up on private land. The surrounding walls erected by private individuals were a strictly personal protection measure in which the local or national authorities were not involved. The Government was trying to find long-term solutions to the problem and to the systematic discrimination faced by the Roma settlements.

10. **Ms. Ilkiová** (Slovakia) said that the Monitoring Centre on Racism and Xenophobia, an advisory body attached to the Ministry of the Interior, was responsible for collecting, recording and analysing information on racism and xenophobia. The centre had met in January 2013 to draft a work programme and agenda, which would be adopted by the ministry in March. The Multidisciplinary Integrated Expert Group on racially motivated and extremist crimes, composed of representatives from ministries and non-governmental organizations (NGOs), was not officially linked to the Monitoring Centre on Racism and Xenophobia, but the two bodies worked closely together to counter racially motivated and extremist crime.

11. **Mr. Klenovský** (Slovakia) said that the Ministry of Labour, Social Affairs and Family had created a council responsible for gender equality, which was composed of equal numbers of representatives from NGOs and the State. It met three to four times per year and made recommendations to the ministry in charge.

12. **Ms. Muráňová** (Slovakia) said that Slovakia had no official sterilization policy and hence no compensation policy. The European Court of Human Rights had handed down several judgements on women's sterilization in Slovakia, but had not found that the authorities had a deliberate policy in that regard. Thus, in the judgement in *V.C. v. Slovakia* of 8 November 2011, the Court had found that, based on the documents before it, sterilizations carried out without consent had affected vulnerable individuals belonging to various ethnic groups, but it had considered that the facts alleged by the applicant were not enough to show that the doctors had acted in a deliberate attempt to harm her, or that there had been any systematic policy of forced sterilization. Pursuant to the court judgements in the forced sterilization cases, in 2012 the Government had paid €43,000 and €31,000 in damages to the two applicants. It had also informed all the presidents of the Slovak courts of the content of the court's judgements. Training, focusing in particular on the amount of damages that Slovakia had been ordered to pay to the applicants, had been organized for judges and magistrates. As for cases brought before the domestic courts, there had been

nine cases of women claiming compensation following their sterilization without consent, two of which had been closed in October 2011. In one case, a district court had ordered the hospital in question to issue an official apology to the patient for causing her bodily harm. The seven other complaints had been dismissed and the applicants had appealed. The proceedings were still continuing.

13. **Mr. Šimoňák** (Slovakia) said that his country did not deport asylum seekers and that they were at liberty to move freely around the country, or to leave, while awaiting a decision on their cases. In general, Slovakia rarely granted asylum. The authorities had granted asylum in only 32 of the 732 applications for asylum filed in 2012. As a member State of the European Union, however, Slovakia provided special protection to asylum seekers; 104 persons had received protection in 2012. He recognized that the definition of extremism was very vague, but that had been the deliberate intention of the legislators, who had taken the view that because extremism was a shifting phenomenon, taking a variety of forms such as anti-Semitism, racism, left-wing extremism, radical anarchism or religious extremism, it should be defined as broadly as possible in order to punish all forms.

14. **Mr. de Gouttes** said that the concept of extremism as defined in substantive Slovak law did not fully meet the requirements of article 4 of the Convention, which required States parties to declare a whole series of specific offences punishable by law. He was not sure that the upsurge in racist offences in the State party was due solely to an increase in the number of complaints and he felt that the economic crisis and the influence of extremist parties had also played a role. Almost all European countries were facing a rise in xenophobia, which had also been fuelled by the dissemination of racist ideas in the media and via Internet and by the hate speeches given by the leaders of nationalist and xenophobic political parties. Moreover, while it was true that the economic crisis was having an impact on everyone, it did not affect all population groups in the same way. The economic crisis also had the effect of inducing attitudes of withdrawal and protectionism within the population, which targeted scapegoats such as immigrants or the Roma, who were perceived as obtaining welfare benefits at the expense of others.

15. He recalled that the Committee had received two individual communications concerning Slovakia; communication No. 13/1998, which dealt with evictions of Roma from their homes, and communication No. 31/2003, which concerned the rejection by a town's inhabitants of plans to build low-cost houses for people of Roma origin. In the two communications, the Committee had found violations of article 5 and violations of articles 2, 5 and 6 respectively of the Convention. He considered that the building of walls for protective purposes was neither an appropriate, nor a sustainable solution and that it was unlikely to ease tensions between the majority population and the Roma. Citing Lao Tzu, who said, "Man's purpose is not to build walls, but to build bridges", he sought the delegation's comments on the matter.

16. **Mr. Calí Tzay** was surprised that families should need permits to access residential blocks, while at the same time walls could be erected in some places without planning permission. He requested more details on the precise reasons for building perimeter walls.

17. **Ms. Szolgayová** (Slovakia) said that Slovak municipalities were independent with respect to territorial administration and that the Government had no power to interfere with the decisions made by local councils. It nevertheless made efforts to convince local authorities and associations that they should give priority to helping the most vulnerable groups before responding to the needs of the majority. Due to the economic crisis and food shortages, private individuals built walls around their property to protect their vegetable gardens against potential thefts. Municipal decrees, however, were certainly not going to improve matters; and efforts should be made instead to ensure that all citizens had a job and the means to support their families.

18. **Mr. Lindgren Alves** asked whether hate speeches targeted only the Roma, or also other minorities living in Slovakia, such as Hungarians, Czechs and Germans. He shared the views of Mr. de Gouttes regarding the economic causes of the stigmatization of certain population groups and advised the State party to consider the issue from that perspective. He asked what measures the Slovak authorities intended to take to prohibit private individuals from erecting walls around their properties.

19. **Mr. Vázquez** said that many initiatives taken at national level to improve the Roma situation did not always appear to be implemented by the local authorities, which acted very independently. In that case, the State party should launch awareness-raising activities to change attitudes, which would, for example, avoid parents sending their children to schools attended by few Roma children, thereby exacerbating the problem of school segregation. More information on efforts made by the State party in that regard would be welcome.

20. **Mr. Šimoňák** (Slovakia) said that the Roma were definitely not the only minority group in the country, but it was the one most likely to be the victims of discrimination, and especially of serious offences. It was time that it was unusual to hear statements inciting hatred against the Hungarian or German minorities. He reiterated the Slovak delegation's opinion that the substantial increase in the number of cases of racial discrimination between 2010 and 2012 had been due to the fact that more victims had filed complaints.

21. **Mr. Gašpar** (Slovakia) said that, since 2012, the Government had taken steps to combat forced sterilizations, in particular by informing the women concerned about the irreversibility of the medical procedure. The Health Ministry had drafted a bill amending the law on health care and provision of health-care services, which stipulated the requirement that the free and informed consent of the patient needed to be obtained 30 days prior to the date scheduled for the surgical procedure and to give the patient an opportunity to go back on her decision. The consent form was available in Romani, other minority languages and in English. As part of a health-support programme for disadvantaged communities, social workers carried out awareness-raising campaigns in the field, particularly in areas populated exclusively by Roma exposed to segregation.

22. **Mr. Diaconu** said that he failed to understand why the State did not force local authorities to implement programmes developed at national level, which would contribute to the implementation of the Convention. Nor could he understand why Slovakia had not, as elsewhere in Europe, introduced a compulsory minimum wage, nor why it was one of the few European countries not to have found a solution to the problem of land claims.

23. **Mr. Saidou**, supported by **Mr. Kut**, enquired about the group which was described in the statistics on the population's ethnic composition as being of "unidentified" nationality and which had increased from 1 to 7 per cent of the population since 2001. Were they stateless persons, who would then constitute the third largest population group? The delegation might explain what status had been accredited to the Slovak National Centre for Human Rights by the Subcommittee on Accreditation of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights Institutions (ICC) and what its financial and human resources and composition were.

24. **Mr. Amir** asked whether the European Union funds for minority programmes were paid directly to local authorities, or to associations working to help the Roma community.

25. **Mr. Kut** said that, in the context of Slovakia, rather than a "Roma problem", it would be better to refer to the widespread racial discrimination problem primarily affecting the Roma, the most vulnerable population group, a fact that should be borne in mind when developing policies and strategies for that particular group.

26. **Mr. Kemal** (Country Rapporteur) said that all racist remarks made in public by political leaders, however rare, must be censored immediately at the highest level. He asked

whether the State party intended to set up an independent body to investigate allegations of the excessive use of force by police officers.

27. **Ms. Muráňová** (Slovakia) said that the budget for the Slovak National Centre for Human Rights had amounted to €640,000 in recent years, added to which funds had been provided by the European Union under the PROGRESS programme. That budget had been cut by 17 per cent as part of the austerity measures that had affected the whole public service. An audit was currently under way to assess the management of funds allocated to the centre.

28. **Ms. Ondrášová** (Slovakia) said that the Education Act prohibited school segregation and discrimination in education and guaranteed equality for all. Guidelines had been developed on integrating children from marginalized groups into traditional schools and the Government was trying to promote multicultural education and the introduction of multi-ethnic classes. Roma students had the opportunity to follow the same curriculum and obtain the same secondary school leaving certificate as other children. The Romani language had gained in importance over the years, as both a subject taught and a teaching language. The question of the holocaust was discussed in history lessons at secondary level. The placing of a child in a class for children with special educational needs could only take place with the parents' consent and after a test to assess the child's actual abilities.

29. **Ms. Bučková** (Slovakia) said that all disadvantaged groups benefited from European Union funds, regardless of ethnic origin; the funds were coordinated by the Government's Plenipotentiary Office for Roma Communities, and were invested in education, housing, health and employment under national and local projects.

30. **Mr. Kemal** (Country Rapporteur) welcomed the constructive dialogue with the Slovak delegation, which had given the Committee a better view of the situation of the State party's different communities and the measures adopted by the Slovak Government to combat discrimination. It would nevertheless be useful for the Committee to have disaggregated data.

31. **Mr. Rosocha** (Slovakia) thanked the Committee for its interest in the human rights situation and the strengthening of democratic values in Slovakia and assured it that the Slovak Government would give its utmost attention to its concluding observations.

The meeting rose at 1 p.m.