

european network against racism

ENAR Shadow Report 2006

ENAR SHADOW REPORT 2006

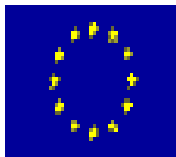
RACISM IN SLOVAKIA

Daniel Milo, People Against Racism

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. Even where there is extensive official data, NGOs offer a vital alternative data source that comes directly from experiences of those individuals and communities experiencing racism on a daily basis.

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.

Published by the European Network against Racism (ENAR) in Brussels, October 2007, supported by a grant from Compagnia di San Paolo and from Foundation Open Society Institute (Zug).



OPEN SOCIETY INSTITUTE

COMPAGNIA

di San Paolo

Table of contents

Table of contents	2
1. Executive summary.....	4
2. Introduction	7
3. Communities vulnerable to racism.....	8
4. Manifestations of racism and religious discrimination	10
4.1 Employment	10
4.2 Housing	12
4.3 Education	15
4.4 Health.....	17
4.5 Policing and racial profiling.....	19
4.6 Racist violence and crime	20
4.7 Access to goods and services in the public and private sector.....	21
4.8 Media, including the internet.....	23
5. Political and legal context	24
5.1 Anti discrimination	25
5.2 Migration and integration	27
5.3 Criminal justice	29
5.3.1 Racism as a crime.....	29
5.3.2 Counter terrorism	32
5.3.3 Racial profiling.....	33
5.4 Social inclusion.....	33
6. National recommendations	36
6.1 General.....	36
7. Conclusion	38
8. Bibliography	40

1. Executive summary

Racism and discrimination in Slovakia remains a phenomenon referring to a wide range of the population. The principal subjects of Slovak racism, whether in the form of violent attacks or discriminatory manners, are the Roma or migrants of a different skin colour. The specific problem is manifest in the activities of neo-Nazis attacking not only the above mentioned groups but also group of the so-called 'alternative youth'.

Problems of discrimination in the area of employment have been the key problem in Slovakia. Existing employment policy measures have not created appropriate conditions for racially or ethnically discriminated groups (mainly the Roma) to gain an equal initial position as the majority of the population for entering the labour market.

Recommendations

- To create instruments to enable the real participation of Roma in the labour market under the same circumstances as the majority;
- To improve the system of data measuring in the sphere of employment discrimination with the aim to improve the programme settings;
- To evaluate the projects that have been realised and supported by European Funds (ESF, Equal) and their real effect on changes in the situations of the target groups.

The problem of discrimination in the area of housing largely concerns the Romani settlements, i.e. dwellings with substandard infrastructure, inhabited mostly by members of the Romani ethnic minority, but to a greater extent also rent defaulters including Roma who live in cities and towns. If there are no measures taken to change the current situation, there will be a real danger of the more integrated Roma finding themselves in segregated positions without any chance of integrating fully. A key problem too, is the low extent to which Roma are allowed to participate in developing solutions, which results in the low efficiency and low success rates of projects.

Recommendations

- Measures must be taken to rectify the unacceptable substandard housing conditions for all members of marginalised groups (such as the Roma community) and these measures must allow for the full participation of target groups;
- Incentive programs could go a long way towards encouraging members of marginalised groups to participate and serve as role models; for example, those inhabitants who make efforts to pay their duties and participate in community life could be granted certain benefits;

- A combination of construction and non-construction initiatives (community work, health programs, education) is necessary to guarantee long-lasting sustainability of housing projects.

In the area of education, the largest attention is paid to Roma integration into the educational system. Most government policies focus primarily on attaining this objective. However, since the education system has not been reformed yet and the new *School Act* is still in preparation, there are currently no systemic changes in the field of integrating ethnic minorities and immigrants or improving the situation in the field of multicultural education. Progress in these areas has been achieved mostly to the credit of individual projects and initiatives implemented by non-governmental organizations or government institutions.

Recommendations

- To adopt educational reform and new a *School Act*;
- To incorporate multi-cultural education into the educational curriculum;
- To codify the Romani language;
- To increase the number of teachers speaking the Romani language at schools;
- To improve parent-teacher cooperation through social work.

The group in the most endangered state of health is the Roma community; since as they live in segregated settlements, this community is among the most disadvantaged in Slovakia. Progress in this respect requires coordinated methods and a complex approach in solving their employment, housing and educational needs. Bad eating habits, increased alcohol consumption, a high percentage of smokers, as well as unhygienic conditions, and a lack of proper sewerage systems and of adequate drinking water sources in many Roma settlements, has led to an average life expectancy that is about 7 to 10 years lower in comparison to the majority population.

Recommendations

- To improve the healthcare availability for segregated communities;
- To combine healthcare with the social work;
- To run the sexual health and parental education programs.

There was a 55% increase in officially registered racially motivated crimes in 2006, in comparison with 2005. This increase highlights higher police activity in this area and indicates that the real number of such crimes may be higher than the official one. Extreme-right groups have become better organised, more professional and have been able to manipulate legislation to their own advantage. The police fall behind mainly because they have still not been provided with sufficient personal and material capacities.

Recommendations

- Reorganization and reinforcement of the police forces specialized for fighting against extremism;
- Clear determination of concepts and priorities in this area.

Slovakia monitors EU trends in the scope of migration policy and exercises strict conditions for granting asylum. In practice, Slovakia in 2006 remained a country resistant to the arrival of the immigrants by applying certain administrative barriers.

A significant step within the fight against terrorism was the draft *Bill on Fighting Terrorism and Extremism* that was withdrawn to be revised after fierce public criticism due to its restriction of basic human rights. Another measure in this field was the amendment to the *Act of Freedom of Religious Belief and the Position of Churches and Religious Communities* adopted in 2007, which tightened conditions for church registration.

The social inclusion of minorities is one of the most severe challenges presently faced by Slovak society. The increase and deepening of distance between marginalized groups and the majority represents a serious danger of social disintegration that could result in long-lasting inter-ethnic tension and conflict. This assumption is confirmed by the worsening socio-economic conditions in some Slovak regions.

Recommendations

- The integration process has to be realised in close cooperation with the target groups – the Roma community should be involved as partners in all activities from the very beginning;
- Inclusion measures should target the most vulnerable groups while providing opportunities for participation in policy development by individual group members who can then serve as role models for the rest of the group.

2. Introduction

Parliamentary elections were held in Slovakia on 17 June 2006. In the preceding election campaigns, political parties revealed their positions on topics such as racism, discrimination, or migration policy, but these did not play a decisive role in the election campaigns. Still, the most popular political parties in the long-term tended to be those that held the opinion of maintaining stricter asylum policy. The majority of these parties cited the argument that Slovakia would suffer high unemployment with the arrival of a larger number of immigrants. With respect to improving the situation of the Roma communities and the introduction of positive discrimination, political parties agreed that they did not see positive discrimination as a solution to the problem. Instead, they were willing to promote training activities, improve housing and continue implementing current policies with the help of EU tools.

The new government which came to power after the June elections is aware of the fact that minority rights will be at the centre of EU attention, and has therefore had included this as a theme in its Program manifesto.

There is continual discrimination in all spheres of Slovak society – access to employment, education, housing, goods and services and healthcare. Many projects, programmes and state policies have been adopted and implemented to change this situation. Still, the basic problem remains the low evaluation rate of the real impact of these initiatives on the situation. The EU financial assistance tools (European Social Found and EQUAL) encounter a great bureaucracy in Slovakia, which complicates their practical application.

The present report aims to present the situation of racism and discrimination in Slovakia from an NGO perspective. The report primarily focuses on the period between January and December 2006, though some policies are mentioned that were adopted in 2005 as these were implemented in 2006. The first part of this report describes the communities that are vulnerable to racism and discrimination in Slovakia, among which Roma communities are the most significant. The second part concentrates on manifestations of racism and discrimination in the in various sectors: Employment, Housing, Education, Health, Policing and racial profiling, Racist violence and crime, Access to goods and services in the public and private sector, and the Media. The third part of this report surveys the political and legal context with regards to racism and discrimination, including an overview of policies and legislation in the following areas: Antidiscrimination, Migration and integration, Racism as a crime, Counter terrorism, Racial profiling and Social Inclusion. Finally, the report closes with national recommendations for future progress and conclusions.

3. Communities vulnerable to racism

The group that is without a doubt the most vulnerable to racism and discrimination in Slovakia are the **Roma**. The Roma represent the largest ethnic minority in Slovakia and are visibly different in appearance (colour of skin, etc.) and the largest extent of rejection and hatred in the society is directed towards them. The Slovak public condemns racist and extremist (skinheads) activities; sociological surveys show a very high social distance toward skinheads in Slovakia.¹ At the same time, due to the complexity of problems connected with Roma issues, the public shows relatively high support for repressive solutions to the Roma 'problem.'

The actual number of Roma living in Slovakia can only be estimated and the numbers vary considerably. According to the official census conducted in Slovakia in 2001, 89,000 people identified themselves as Roma. However, perhaps a more reliable estimate of Roma living in Slovakia can be found in the results of the 'Socio-graphic mapping of Roma communities'²; about 320,000. There are approximately 600 Roma settlements in Slovakia, where 140,000 people live in segregation from the majority population. This poorest part of Roma population makes just 40% of the total estimated number.³

The large gap in numbers between those who openly declare their Roma nationality / ethnicity and the actual number of Roma in Slovakia can be attributed to two major factors. The first major factor is fear and distrust of official registration based on past experiences, including recent experiences as well as experiences dating back to WWII, when thousands of Roma were deported to concentration camps. The second major factor is suppression or even denial of Roma identity by many Romani individuals themselves. Negative attitudes towards this ethnic group and suppression of their culture, language and ethnic identity during the communist regime has led to the assimilation of a sizeable portion of the Roma community.

A second group of victims are the **Jews**. Jewish community leaders and 2001 census data estimate that the Jewish community numbers approximately three thousand. Despite their relatively low number, anti-Semitism with its various manifestations is still present in Slovak society. The forms of anti-Semitism vary from the desecration of Jewish cemeteries, the painting of anti-Semitic slogans,

¹ According to a representative public survey conducted by MVK agency for SME daily in January 2006, 58% of respondents would rather choose a Roma as their neighbour, 42% would choose a skinhead and 13% of respondents agree with the aims of skinheads.

² Jurásková, Martina, Kriglerová, Elena, Rybová, Jana, *Atlas of the Roma communities in Slovak Republic* (Atlas Rómskych komunit na Slovensku), (Institute for public affairs, 2004).

³ Detailed information on Roma settlements is available on the website of the Governmental Plenipotentiary for Roma Communities: http://www.vlada.gov.sk/romovia/list_faktov.php.

and the spread of propaganda leaflets and texts. These are the most visible forms of anti-Semitism, though there are less visible and more subtle forms as well. What is also alarming is presence of anti-Semitic attitudes among high representatives of the Catholic Church, various pro-Slovak organisations and the media.

Foreigners and foreign students of African or Arabic origin residing or working in the territory of Slovakia form a third group. This group includes also tourists of African, Afro-American or Arabic origin visiting Slovakia.

Based on previous experience with the co-existence between the **adherents of Islam** in Slovakia and the rest of the population, we can conjecture that Slovakia is not a country registering a high degree of anti-Islam sentiment. This is probably the consequence of the fact that members of the Muslim community are not very visible, due to their low numbers amounting only to several thousands. Only the narrowest core of this segment of the population can be characterized as a community in a true sense of the word. Islam doesn't belong to officially registered religious groups in Slovakia. Official data on the numbers of Muslims in Slovakia do not exist and unofficial data varies considerably. Even though the Muslim community is rather small, according to its representatives, it is very difficult to estimate the exact number of its members, due to its constant fluctuation and characteristic high degree of migration.

Despite the constantly declining number of asylum seekers in Slovakia, in June 2006 the Government opened a new refugee camp in Humenné near the Ukrainian border⁴. This was an attempt to increase the overall capacity of facilities for asylum seekers, as it is quite likely that Slovakia's status in the eyes of refugees will gradually change from a transit country to a destination country, although developments from 2005 and 2006 did not indicate this.

The fourth group consists of people which could not be 'de jure' classified as victims of racially motivated crimes, because they belong to the same race / ethnic group as the offenders. These are various small **groups of from majority population, which are being attacked by right-wing extremists because of their ideology, appearance, or social status**. They include various subcultures of alternative youth (punks, hip-hopers), anarchists, drug addicts, and homeless people. In bigger towns, Bratislava for example, they compose the largest group of victims of right-wing extremists.

⁴SITA news agency, 02.06.2006

4. Manifestations of racism and religious discrimination

4.1 Employment

The issue of discrimination in the sphere of employment is one of the key problems in Slovakia. Existing employment policy measures have not created appropriate conditions for racially or ethnically discriminated groups (mainly the Roma) to gain an equal initial position as the majority of the population for entering the labour market. Within the framework of applicable legislation, in 2006 such conditions were not created for public tenders enabling the marginalised Roma to participate in jobs suitable for their low qualifications. The creation of such conditions would allow for the percentage of people reliant to social benefits to gradually decrease, as well the creation of positive patterns within the Roma community and an awareness of social responsibility and working.

No new institutional policies and measures combating discrimination and racism in employment were developed in 2006. In general, there are no measures exclusively aimed at certain ethnic groups (e.g., the Roma) in Slovakia. Also, it is impossible to introduce such measures, because pursuant to the Constitutional Court's ruling, such measures are discriminatory against the rest of the population.⁵

The lack of data about discrimination in the field of employment also remains a key problem. The ban on collecting data based on ethnicity hampers the monitoring of discrimination in the labour market to a great extent. At the same time, the labour market is a very sensitive area, since any records of data on ethnicity of employees or job applicants can give grounds to suspect discrimination. In many cases discrimination based on such data actually occurred, therefore it is very unlikely that the situation in monitoring labour market discrimination will change significantly in Slovakia, at least regarding quantitative indicators. For these reasons, it is impossible to compare changes that have occurred in this area in recent years and whether there are any trends in racism and discrimination in the labour market.

The only sources of data are individual cases of discrimination dealt with by organisations providing counselling to the victims of discrimination. The Slovak National Human Rights Centre is an official equality body monitoring compliance with the *Anti-discrimination Act*⁶. In 2006, the Centre processed 35 written motions identified as employee-employer issues and similar types of legal relations. Out of these, four cases can be classified as discrimination on racial

⁵ ENAR Shadow report on Slovakia 2005.

⁶ Slovakia, Act 365/2004 on Equal Treatment in Certain Areas and Protection against Discrimination that Alters and Amends Certain Laws (the so-called Antidiscrimination Act), Article 1, Sec 1. (1 July 2004).

(nationality) grounds. During the evaluation period, six persons visited the Centre, claiming discrimination in the in the labour market on racial (nationality) basis. The following are two cases among them⁷:

- a) A Roma employed in the civil service in a leading position in Prešov, complained about the action of his direct superior. The subordinates of the Roma civil servant also objected to the discriminatory treatment of the employer towards the claimant. They argued unequal treatment towards them based on the fact that their superior was Roma. The Centre requested the employer's headquarters to investigate the complaints and it received an opinion from the body addressed. Consequently, the claimant submitted a written application for termination of the proceedings due to satisfactory resolution of his problem with the employer both to the Office of the Plenipotentiary for the Roma Communities and to the Centre.
- b) A Roma activist from the Telgárt Municipality, claimed discrimination by the mayor of the Telgárt Municipality, also in the field of employment. In his opinion, discrimination was evident mainly in cases of Roma applying for activation work and regarding job postings organised by the Municipality. The Centre has requested the mayor's opinion, but no response has been received by the Centre. Therefore, the Centre has repeated its request to the mayor, and in case of no response it will produce a statement based on the materials available.

As far as the possibility of employment of foreign nationals and migrants is concerned, it is regulated by the *Act on Services in Employment*. Foreign nationals entering into employment relations in accordance with the Law are afforded the same status as citizens of the Slovak Republic, provided they were granted employment permission and temporary residence permission for the purposes of employment, or the status of an asylum seeker who is permitted to enter the labour market based on the *Law on asylum*.⁸ An employer based within the territory of the Slovak Republic is permitted to employ a foreign national only if he was granted employment permission by the relevant office, provided the law does not stipulate otherwise, and if the individual's status is foreign national / asylum applicant, provided he/she was granted permission to seek employment.

⁷ Information provided by the Slovak National Centre for Human Rights.

⁸ Slovakia, Law on Asylum No. 480/2002 of the Legal Code.

Example of NGO Good Practice

The **We want to work** project is being implemented by the Association of Supervisors and Social Advisers in Eastern Slovakia, the region with the greatest percentage of Roma population and the highest unemployment rate. The Project addresses the issue of Roma unemployment in Eastern Slovakia by establishing an Agency of Supported Employment for the Roma. The activities are based on expert analyses of the social needs produced before the project launch. The designed activities take into account the actual needs of the given location. The Agency actively seeks employment opportunities for the Roma. It also identifies Roma who desire to work, keeps a registry of candidates and their documentation, and puts employees in contact with employers.⁹

4.2 Housing

The problem of discrimination in the area of housing largely concerns so-called Romani settlements, i.e. dwellings with substandard infrastructure inhabited mostly by members of the Romani ethnic minority. On basis of the results of socio-graphic mapping of Romani settlements¹⁰ it is possible to guess that the total Roma population in Slovakia is approaching 320,000. Out of 320,000 Roma permanently living in Slovakia, approximately one half lives in an integrated way, dispersed among the majority population and the remaining half lives in socially excluded communities in the following types of settlements:

- Concentrated in Townships or municipalities;
- Settlements located on the outskirts of towns or villages;
- Settlements that are spatially remote from the town or village, or separated by a natural or manmade barrier.

According to the latest data, currently there are 619 settlements in Slovakia that are spatially separated or segregated and they are perceived by the majority population as Romani settlements. Out of this amount 338 settlements are located on the outskirts of and separated from towns and villages; and 281 settlements are segregated and far-off from towns or villages, eventually separated by natural or manmade barriers (stream, rail-way, road, etc.). The number of inhabitants of the settlements located on the outskirts is 64,661 and the number of inhabitants in remote settlements separated from municipalities is 49,586.¹¹

⁹ Information was provided by the organisation itself via e-mail (assp@assp.sk).

¹⁰ *Socio-Graphic Surveying of Roma Communities in Slovakia* (sociografické mapovanie Rómskych komunit na Slovensku). Summary available at: <http://www.orgovanova.vlada.gov.sk/index.php?ID=3554>.

¹¹ Ibid.

The satisfaction of the housing needs of the socially dependant groups who live in these settlements remains an unresolved problem as the quality of their housing is deeply sub-standard. A considerable part of these settlements consists of shacks - simple dwellings made of wood, clay, and sheet metal sheet - that do not meet the acceptable technical standards and hygienic requirements. Most of these settlements have suffer deficient technical infrastructure – low water quality, lack of sewage systems, no gas or electricity, insufficient quality of roads, and lack of public lighting and civic facilities. There are numerous settlements that have not settled their land property, which causes problems with legalization of these housing area developments. Some of them are situated near sources of pollution or in damaged environments, where there is no development perspective.

The territorial spread of these socially excluded communities is uneven in Slovakia and their highest concentration is monitored in the east of Slovakia and southern districts of the middle of Slovakia.

In fact, members of socially excluded communities represent very mixed groups of people that cannot be considered a homogeneous group. Various segments of their population face different problems, contingent on regional conditions, type of segregation, concentration rate, numbers and proportion of Roma population in comparison with the majority population. Addressing their social integration is especially urgent.

Another major issue is the issue of rent defaulters; a common problem in Roma communities. The situation is particularly critical in Roma 'ghettos' in larger towns. Typical features of these ethnically homogeneous urban ghettos include a very low standard of housing, high unemployment and poverty, as well as high levels of indebtedness of inhabitants, whose debts amount to several millions of crowns. Many of these tenants have been disconnected from basic supplies such as heating, water or electricity.

There should be a vertical, bi-directionally pervious system created of varied living standards serving as the system precaution to stem rent debt growth, house devastation, and non-compliance with respect to rent duties. Such a system would stimulate responsibility; compliance would lead to the benefit of a higher living standard encouraging tenants to participate and pay rent and duties. At the same time, a minimum acceptable standard of living should be established for all and with the help of community social work and other activities, tenants should be supported to proceed from lower to higher standards. Such a system would both enable improvement of housing conditions by self-endeavour and motivate individuals to actively participate.

The previous administration of Mikuláš Dzurinda tried to address some of these problems by adopting two basic measures aimed at improving the standard of housing in Romani settlements:

- I. A financial mechanism aimed at building basic community flats for inhabitants of Romani settlements;
- II. A financial mechanism aimed at developing infrastructure in Romani settlements; through the mechanism, municipalities could apply for necessary funds to build water mains, sewage systems, road access, etc.

Although more and more public funds are being channelled into improving the housing standard in Romani settlements, it remains to be seen whether these public policy tools are sufficient to address this long neglected situation. For instance, the *Long-Term Housing Strategy for Marginalized Population Groups and Its Financing Model*¹² estimated a necessity to reconstruct approximately 13,500 flats, which according to the document is possible to do over 20 years; however, if the construction continues at the current pace it will be impossible to meet the defined goal within the time set, implying that the volume of investments into reconstruction and development in Romani settlements must increase.

So far, most building operations directed towards construction of basic housing for Roma have focused on construction itself; the focus has been on speed and efficiency. Other activities, not directly related to construction, have only marginally been realised (if ever) formally and administratively. However, these non-constructional activities are the most important and have an impact on the successfulness and sustainability of the projects. If these activities are not effectively implemented, a great part of the funding invested in housing projects will go to waste, and furthermore, wrongful implementation of housing projects can only deepen the tension between Roma and the majority.¹³

As far as housing of asylum seekers is concerned, it is interesting to note that the number of persons inhabiting facilities for asylum seekers in Slovakia has been declining consistently over the past several years. Their total number gradually declined from 658 in 2004 to 433 in 2005 and to 317 in 2006¹⁴. The main reason for this trend is the currently valid law, which stipulates that if migrants apply for asylum status in Slovakia and later decide to leave for another EU member state, they are deported back to the country where they first applied for asylum status, i.e. Slovakia. Since refugees continue to view Slovakia primarily as a transit country rather than a destination country, the total number of refugees who apply for asylum status as well as the number of persons inhabiting facilities for asylum seekers is declining.

¹² Ministry of Construction and Regional Development, *Long-term Concept of Housing for Marginalized Groups of Populations and the model of its Financing* (Dlhodobá koncepcia bývania pre marginalizované skupiny obyvateľstva a model jej financovania), 2005.

¹³ Spoločnosť Minoritas — Krajský úrad v Prešove, *Solving the housing problems of marginalised groups by building and administration of lower standard apartments and houses* (Riešenie problémov bývania marginalizovaných skupín formou výstavby a správy obecných nájomných bytov nižšieho štandardu), Prešov 2006. Available at: <http://www.rpa.sk/dokumenty/riesenie.pdf>.

¹⁴ Figures supplied by the Slovak Immigration Office upon request. All data are as of 31 August 2006.

Example of good practice

The village of Nálepkovo launched a pilot project entitled **Improving the Quality of Housing of Low-Income Families**, which is aimed at improving the availability and quality standard of housing for the Roma.¹⁵ Jointly introduced by the Nálepkovo municipal council and the ETP Slovakia foundation, the project is a pioneering model of addressing the housing problem of low-income families. Envisaged to take place between 2005 and 2007, the project intends to provide loans to 50 local families to improve their housing situation. The loans will be recommended by the municipal council and guaranteed by a contract concluded between the family, the municipal council and ETP Slovakia foundation. The project will be financed by all participating parties up to approximately \$100,000. The loans' monthly instalments will be paid to the Revolving Fund account established specifically for this purpose. If a family falls behind with payments, the municipality is entitled to detract the monthly instalment from its social assistance benefits. All loans provided are to be repaid within two years.

4.3 Education

In June 2006, Slovakia held parliamentary elections that produced a new government. One of the three ruling parties is the Slovak National Party (SNS) that has become notorious for its nationalist program, and whose chairman Ján Slota has come to be perceived as a far-right extremist both in Slovakia and abroad. Since the SNS was put in charge of the Ministry of Education, it became very important to observe how the new administration's program manifesto would reflect the concept of integrated education for ethnic minorities and foreigners and whether it would explicitly define the goal of supporting multicultural education.

In the field of education, the new government's program manifesto reads as follows:

*'Education will be developed in compliance with modern European and world trends and national, social and Christian traditions while respecting ideological differences and upholding democratic principles. The government shall create conditions for improving the quality of education to national, historical and cultural values and patriotism in all types of schools.'*¹⁶

Judging from the program manifesto, it is obvious that the new government will strive to support nationality-based tendencies in education. Its section devoted to

¹⁵ RPA news agency, 8 December 2005, available at: <http://www.rpa.sk/rpa.php?lang=SK&m=SPR&id=BYVA&show=3825> (5.10.2006).

¹⁶ Slovakia, Government of the Slovak Republic (2006), *Programové vyhlásenie vlády SR*, available at: <http://www-8.vlada.gov.sk/index.php?ID=1690> (18.09. 2006).

education is completely void of any references to multicultural education or integration of disadvantaged minorities. It is equally void of any declaration regarding education of Roma or foreigners' children. In the field of minority education, the government merely pledged it would *'improve conditions for minority education, especially education in mother tongues of all ethnic minorities in compliance with the European Charter of Regional and Minority Languages'*.¹⁷ Generally speaking, the program manifesto as the principal executive document failed to send a positive signal that the new Slovak government would embrace multicultural principles in education.

In Slovakia, the closest attention is currently being paid to integration of Roma children into the education system and most government policies focus primarily on attaining this objective. However, since the education system has not been reformed yet and the new *School Act* is still in preparation, there are currently no systemic changes towards integrating ethnic minorities and immigrants or improving the situation with respect to multicultural education. Progress in these areas is achieved mostly to the credit of individual projects and initiatives implemented by non-governmental organizations or government institutions.

Like in some other countries, placing Roma children into special education schools continues to be an excessive phenomenon in Slovakia. It is true that many of these children have specific educational needs and it is often very difficult to educate them in regular primary school classes; that, however, does not justify placing them in special schools. In order to address the problem, the Ministry of Education endeavoured in previous years to improve conditions for integrating children with special educational needs into regular primary schools and reduce the rate of placing them into special schools for the mentally handicapped. Roma education cannot be successfully realised until the whole education system is made ready. Many effective projects for Roma education which have proven useful at the regional level have not been applied to the same degree in the whole system of education. However, the addition of assistant teachers and the establishment of so-called zero classes have been effectively implemented in many schools throughout Slovakia.

Main reasons for Roma children failing in school include: poor motivation in their social and educational environment, insufficient adaptability to school work, undeveloped motivational factors and deficient cooperation between Roma families and schools. More appropriate education would strive to educate children in the situations that are in accordance with their native culture. Another issue, for example, is the right to access education in the Romani language. Apart from problems with the language codification, the current problem is a lack of teachers who can educate Roma children in the Romani language. To improve the situation, the State Pedagogical Institute has prepared three pilot programs. Apart from State Pedagogical Institute initiative, other organisations have also

¹⁷ Slovakia, Government of the Slovak Republic (2006), *Programové vyhlásenie vlády SR*, p.35, available at: <http://www-8.vlada.gov.sk/index.php?ID=1690> (18.09. 2006).

participated in the implementation of such projects: the Office of the Government Plenipotentiary for Roma affairs and the Indology Department of the Philosophical Faculty of Charles University in Prague.

In 2006, the government approved a change in the formula of financing primary schools; for each individually integrated pupil, primary schools are now entitled to receive 250% of funds they receive for regular pupils. This measure substantially increased school administrators' motivation to participate in the individual integration of these pupils. Individual integration is one of the most effective tools of integrating Roma children into the regular education system.

In the field of education, the closest attention continues to be directed toward the issue of Roma children's access to education, while the status of immigrants, asylum seekers and refugees within the education system is neglected. The main reason is that the number of people granted asylum as well as the number of foreigners with permanent status continues to be very low in Slovakia. Therefore, little or no attention is paid to their integration.

Example of good practice

The special primary school in Žiar nad Hronom is one of very few schools of its kind to apply alternative educational methods and principles of multicultural education in a complex way. Its project won a contest for the best method or approach for education of Roma children, organised by the Slovak Governance Institute. Although a special education school, its project won great esteem all over Slovakia, because it treats very responsibly the integration of Roma children into education and improvement of their school results.

At the heart of the project is the application of an alternative educational method called **Step by Step**, provided by the School Wide Open Foundation. The children from this school achieve significantly better results compared to children from other schools. Almost 95% of its pupils continue to study at secondary vocational schools. If pupils prove that they are able to cope successfully with the regular primary school curriculum, they are usually reassigned to regular primary schools. Additionally, the school selectively applies individual integration in some subjects, which means that Roma children are in regular contact with non-Roma children. A crucial part of the project is the parents' active participation in their children's education.

4.4 Health

The Roma living in segregated and separated settlements are among the most disadvantaged segments of the Slovak population and are the ones with the most endangered state of health. The impaired health of the disadvantaged Roma community in comparison with the majority population results in increased

treatment costs, sick leave, hospitalisation, etc., and has the effect of further marginalising the community. It is clear from the results of local and foreign studies that the state of health of the Roma living Slovakia is worse than of the majority population of Slovakia.

The main determining factors that influence the lower state of health of the disadvantaged Roma population are:

- deficient levels of health awareness;
- poor access to health services for a large number of the Roma;
- low standard of hygiene – the absence of drinking water resources, sewage systems, lack of rubbish disposal / removal, the absence of sanitary facilities;
- low living standard and ecologically dangerous environments related to proximity to pollution and devastation;
- overpopulated dwellings (3-5 persons for one room);
- unhealthy eating habits, unsanitary nutrition – preference of smoked meats, meat products, the absence of fruits and vegetables;
- increase of alcohol consumption and tobacco products;
- growing drug addiction connected with higher risk of HIV and hepatitis A and B infection.

These factors are reflected in the short lifespan of the segregated Roma population (high death rate of newborns and infants, low average age of death). The estimated life expectancy of the Roma is 7-10 years less than of the majority population. The above factors are also reflected in the high frequency of illnesses, chronic diseases, and the permanent decrease in physical and mental productivity among the Roma community. The solution of the health problem of the Roma is a significant precondition to the amelioration of their ability to participate in education and in the labour market.

In order to address this situation, in 2005 the Slovak Ministry of Health launched the project '*Improved access to healthcare for the Roma minority in the Slovak Republic*' in the Banská Bystrica, Prešov and Košice. Health centres providing basic healthcare were established in 9 villages in economically disadvantaged regions and in remote settlements with no basic infrastructure to establish a health centre, mobile health units were arranged. A team of approximately 40 field health assistants carry out the activities of the project in 59 communities forming 17 micro-regions. The goals of the project include ensuring that the Roma undergo preventative health check-ups, increasing the rate of vaccination of the Roma population, improving their access to healthcare and improve their knowledge about available healthcare. The field health workers and local doctors have been trained in the area of prevention and health education and to be able to approach the treatment, vaccination and health monitoring in compliance with the Ministry of Health parameters and in an integrated way.¹⁶

According to the Slovak Ministry of Health, in its 15 month course, the project brought significant improvement in the quality of life of the target group especially through the relevant partners' activities in the micro-regions. The number of vaccinated clients increased rapidly, if not above standard, as well as their participation in regular contact with primary healthcare. Formerly non-existent communication channels between the target group and doctors have been established and there have been more standard relations created between minority and majority in areas of high tension.

Foreigners with permanent residence status (immigrants) in Slovak Republic have the same rights with respect to health services as Slovak citizens. The law explicitly prohibits discrimination based on gender, religion, marital status, skin colour, language, nationality or social background, age, or other status.¹⁸ During the asylum procedure, asylum seekers are provided with healthcare. In special cases, if applicants are assessed as having special needs, the Ministry of Health covers the associated expenses beyond the scope defined in the first instance. Moreover, the Ministry will provide adequate healthcare to asylum applicants who are minors; victims of abuse, neglect, exploitation, torture or cruel and inhumane treatment; or have suffered the consequences of an armed conflict¹⁹.

4.5 Policing and racial profiling

As the situation in Slovakia with respect to Muslim communities is different than in most Western European countries, racial profiling targeting Muslims is not a prevalent issue in Slovakia. The local Muslim community is small, not publicly visible and unlike most Muslim communities in Western Europe, highly educated (for example doctors, architects, construction engineers - mostly former students who decided to stay in Slovakia after finishing their university studies).

However, racial profiling and inappropriate conduct by Slovak police officers against individuals of Roma origin is not uncommon. Disproportionate use of coercive methods by the police often results in injuries to the arrestee. Unfortunately, such cases were almost impossible to prove, as there is no independent control commission for complaints of ill-treatment and misconduct by law enforcement officials. There exists a Control Office of the Ministry of the Interior, but it cannot be considered to be an independent control body; it is a part of the Ministry of Interior and its findings have been in favour of the police in most cases.²⁰

A well-known case illustrating the issue of racial profiling and the racist attitudes of the Slovak police was the case of Karol Sendrei. According to the prosecution,

¹⁸ Act no. 576/2004 Coll., article 11.

¹⁹ Act no. 480/2002 Coll., article 22 section 5, amended by Act no. 69/2005 Coll.

²⁰ See the report on the settlement of complaints and petitions at the Ministry of Interior in the 2005, at: <http://www.minv.sk/ukmvsr/spravy2006/staznosti/Sprava.doc>.

he and his two sons were fastened by police officers to a radiator and metal hooks in the corridor of the police station in 2001. They were called into the station because of a conflict between the Sendrei family and the mayor of the village, whose son was one of the police officers. They were in turn beaten with truncheons and kicked throughout the entire day; as each police officer began his service for the day, he would join in the torture of the bound victims. One of them jumped on the chest of the half-dead Sendrei. Sendrei died, while in police custody as a result of the bodily harm he suffered at the police station. The case investigation has taken almost five years and it finally came to trial at the beginning of 2007. At the time the present report was written a final judgement on the case had not yet been delivered.

4.6 Racist violence and crime

In 2006 a significant increase in racially motivated crimes was monitored as compared to 2005. There were a total of 188 cases in 2006 compared to 121 cases in 2005. The police cleared charges in 107 of these cases and initiated criminal prosecution against perpetrators in 148 of these cases. Of the cases cleared of charges, 42 were perpetrated under the influence of alcohol; nine of them were committed by minors (i.e. persons under 15) and 31 by juveniles (i.e. persons between 15 and 18). Most of these crimes were perpetrated in the Bratislava region (38) and the fewest in the Prešov and Košice regions (11).²¹

This increase could be attributed to several factors. An important factor leading to this escalation of recorded offences may have been the murder of the young student Daniel Tupý by neo-Nazis in November 2005 and the subsequent powerful public and political pressure to curb violence by neo-Nazis and vigorously prosecute their activities. The increase in recorded cases could also be attributed to the training on racially motivated crimes and extremism that a great number of police officers underwent between 2005 and 2006.

The 2006 year was characterized by extremist groups becoming increasingly radical and attempting to expand their membership base. Particularly active were extremist groups with a hierarchy, common goal and leader. These groups, such as the groups *Blood and Honour Slovakia*, *National Resistance* (Narodny Odpor) and groups generally referred to as 'skinheads', made themselves visible by unlawful activity or by using their own symbols in gatherings and the like. Extreme-right groups have become better organised, more professional and have been able to manipulate legislation to their own advantage. These groups have registered their own clothing brands, established distribution networks and have penetrated through other subcultures; they are strongly represented among football hooligans and also motorbikes' groups.

²¹ Slovakia, Ministry of Interior, results for 2006 were provided upon request.

Despite increasing awareness of these crimes in the police force itself, the end of 2006 was influenced by the expected reorganization of the police units fighting extremism. This reorganisation as well as personnel changes within the police force have caused a decline in police interest regarding problems of extremism; a decline evidenced by the rise in right-wing extremist activities that go largely unchallenged.

Example of good practice

The creation of the '**concept for the fight against extremism**'²² officially arose from scheduled preparations of new strategic planning documents and legislation in the area of security and defence for 2005-2006, approved by decree of the government of the Slovak Republic 354/2005. The concept was developed in response de facto developments in society; multiple negative experiences showed that the problem of extremism, taking many forms, remains active, varied and rapidly adaptable to societal developments. The concept is a document of long-term character, arising from specific data gathered in the process of combating extremism, as well as from information sources both domestic and international. It assesses the current status of combating extremism in the Slovak Republic and sets the main directions for further enhancing activity. It places great emphasis on prevention. Besides evaluating the present, it proposes measures to be realised by several ministries, with the goal of eliminating extremist expression.

The concept has been identified as a good practice because it is the only document that aims comprehensively to address not only the manifestation of racially motivated crime but its causes and perpetration.

4.7 Access to goods and services in the public and private sector

Equal access to goods and services both in the public and private sectors is included in the anti-discrimination law. However, discriminatory behaviour based on ethnicity in this area still persists. Roma people, as the most common object of discrimination are often denied entry into pubs, clubs, discos, restaurants, etc. Since the *Anti-discrimination Law* was brought into effect in May 2004 there was a possibility for the victims of such behaviour to defend against this kind of treatment. Open forms of discriminatory behaviour expressed by signs such as 'No entry for Roma' have stopped appearing, but discrimination in other forms still persists.

²² Slovakia, Government of the Slovak Republic, decree no. 368/2006 (3 May 2006).

Many cases of denied entry for Roma to public areas have been taken up by non-governmental organizations. Since there is no research existing in this area for this period, and there also has not been any testing done on a large scale in Slovakia, the dimensions of discrimination in this area can only be estimated. Based on personal testimonials, it is reasonable to assume that nearly every Roma, regardless of his social status has suffered discriminatory treatment at least once, though in many cases, such treatment is common and frequent.

On 31 August 2006, a judgement was delivered on the first known court case in Slovakia on racial discrimination under the new *Anti-discrimination Law*. The decision was issued by the District Court in Michalovce on the case initiated in 2005 by three Roma activists from local NGO Nova Cesta based in Michalovce. The case concerned an incident from April 2005 and involved discrimination in access to public services. The Romani activists wanted to visit a popular cafe called IDEA in the centre of Michalovce, Eastern Slovakia. According to the activists, this cafe was known to be hostile towards Roma, often not serving them. On previous occasions, the Romani activists tried to enter the café and were refused services. Thus, they asked human rights activists from the Centre for Civil and Human Rights (Poradna) based in Kosice, Slovakia, to accompany them and witness potential discriminatory treatment. The Romani activists subsequently decided to initiate civil court proceedings against the owner of the cafe under the Slovak *Anti-discrimination Law*.

Despite the fact that the District Court in Michalovce partially decided in favour of the applicants, its decision is quite confusing. On one hand the Court ruled that the Roma faced discrimination in this case and ordered the defendant to send them an apology for the discriminatory treatment. On the other hand, the Court stated that the discriminatory treatment against the applicants was not on the ground of ethnicity, though the Court did not specify on what grounds the applicants were discriminated. Also, according to the Court, the defendant (the cafe owner) successfully proved in the proceeding that he serves Roma customers and that he does not discriminate against them in general. However, the Court also rejected the claim for a financial compensation reasoning that the applicants knew that they would not be served in the given restaurant and were prepared for discriminatory treatment. In other words, the Court ruled that although the Roma were discriminated against, it was not on the basis of their ethnicity since other Roma on other occasions are usually served. The applicants are considering filing an appeal to this first instance decision.²³

²³ Based on the press release and information from *Poradna pre občianske a ľudské práva*: <http://www.poradna-prava.sk/>.

Example of NGO good practice

In January 2007, the project '**Field Research of Obeying Equality of Opportunities in Access to Employment, Goods and Services**' was initiated. The aim of the project is to monitor the real rate of discrimination in Slovakia with the assistance of testing pairs. The project has been realised by People Against Racism within the context of the 2007 European Year of Equal Opportunities.

4.8 Media, including the internet

In 2006, there were several negative phenomena in portrayal of minorities in the media, such as stating the crime offender's ethnicity (only in cases involving Roma). However, there were also many examples of positive portrayals of minorities. The most specific example is probably the reality show 'The Sendrei Family' broadcasted by TV Markiza; the station with the highest audience counts in Slovakia. This reality show demonstrated the life and events of a Roma musicians group on their travels through Slovakia and the world. Its main performer has virtually become a 'celebrity' and this program has demonstrated another perspective of Roma life to Slovak viewers.

In autumn 2006, a main media theme was the case of Ms Hedviga Malinova, a young student of Hungarian nationality who was supposedly attacked and beaten by neo-Nazis because she was speaking Hungarian on her mobile. The case immediately became the subject of international attention and the media focused on this mainly after the press conference where the Minister of Interior described the case as fictitious. The case has been politicised both in Slovakia and Hungary.

The growth of web sites run by the extreme-right continued in 2006 and apart from entrenched sites, there were also several new ones created, such as for example the website of the Slovak branch of the international neo-Nazi organization Blood&Honour (<http://slovakia.bloodandhonour.net>). Extreme-right supporters have also started to spread their propaganda by using sites such as 'YouTube' where more videos with racist or neo-Nazi content have recently appeared. Another serious problem is the penetration of extreme-right ideology into some important mainstream portals, for example the site www.t-station.sk, run by T-Com, where more obviously Islamophobic and racial articles have appeared.

5. Political and legal context

2006 was a year of parliamentary elections for Slovakia, resulting in a turning point in the Slovak Government. After four years, there was a return of the nationalistic Slovak National Party (SNS) and the former right-wing coalition was replaced by the coalition of the Social Democratic Party (SMER), nationalistic SNS and the centre-Left Populist Party (HZDS). This change of government has influenced developments in all social sectors, as the governmental policies and strategies dealing with racism, discrimination and minority approaches have been reappraised. Governmental participation of SNS has been criticized abroad, mainly for the many past intolerant and xenophobic statements of its Chairman Jan Slota for which he became famous. As a result, in October 2006 the Party of European Socialists (PES) suspended the membership of the party SMER for 10 months due to the presence of SNS in the government coalition; employing the most severe sanction found in the Euro-Socialists' statutes.

Despite this fact, the new Government Manifesto comprised several references with respect to addressing issues affecting Roma; the greatest ethnic minority exposed to discrimination, social exclusion and marginalisation. Unfortunately, the Manifesto addressed problems facing Roma communities in a very general way.²⁴; the document failed to specify any concrete measures that the incumbent administration intends to adopt or pursue during its electoral term.

Another priority the Slovak Government stated in its Government Manifesto is the fight against extremism. Recognition of this obligation directly represented in the Manifesto is a positive development. Unfortunately, there has been neither positive process in addressing racially motivated crimes nor changes in reinforcing the ability of police to effectively proceed in such cases. On the contrary, there has been an increase in right-wing extremist activities and these activities remain largely unchallenged.

It is difficult to estimate whether the participation of the SNS Party in government has influenced the increase of extremist attacks and their appearance in society. The Slovak Government is aware of the fact that it is under scrutiny by foreign countries and that they turn their attention mainly to problems with minority rights. The SNS Chairman Jan Slota is well-known for his past racial statements about Roma, but he has no public post in the present Cabinet and he has appeared in the media much less since the new government was formed. Paradoxically, it was the SNS Party that signed the cooperation and understanding agreement with the Roma Parliament in November 2006. It is thus questionable whether the SNS Party is trying to persuade foreign parties about its change, but the truth is

²⁴ In concrete terms, the program manifesto addressed the so-called Roma issue in the following way: 'To a greater extent than before, regional development will focus on tackling socio-economic problems of the Roma communities with a special emphasis on a complex character of adopted measures in order to focus on the broader territories these communities inhabit.' Slovakia, Government of the Slovak Republic (2006): *Programové vyhlásenie vlády*, p. 22.

that some Roma political representatives have established contacts with SNS Party.

A significant landmark in the history of the Slovak Republic was the decision on the case of the Slovak Togetherness – National Party (Slovenská pospolitost'–Národná Strana). This extreme-right political party was up for public discussion in 2005, when it organised several public actions expressing its strong sympathies for a fascist Slovak state and its representatives. The Supreme Court began addressing the question of the lawfulness of this party in late 2005, on the basis of a motion initiated by the People Against Racism. The Supreme Court dissolved the extreme-right Slovenská pospolitost' national party (SPNS) on 1 March 2006 in the first verdict of its kind in Slovakia. The court cited as the reason for its decision the Party's programme, which violates the Slovak Constitution. The party called for the creation of an estate-based society, typical of fascist ideology, in which only the members of 10 selected estates would have the right to vote and be elected. The court said that the Constitution guaranteed the right to vote and seek office to all members of society.²⁵

5.1 Anti discrimination

Council Directive 2000/43/EC and Council Directive 2000/78/EC were implemented in Slovakia through the *Act on Equal treatment in certain areas and on protection against discrimination (the Anti-discrimination Act)*. The *Anti-discrimination Act* was adopted in May 2004²⁶, taking effect on 1 July 2004. The *Anti-discrimination Act* meets minimum standards determined by both Directives with some exceptions (mentioned below). Together with laws providing for other grounds on which the prohibition of discrimination is applicable, the Slovak anti-discrimination law goes beyond the scope of the Directives with respect to the grounds protected. The Directives were implemented as from 1 July 2004, including Directive 2000/78/EC in relation to age and disability.

The areas in which the *Anti-discrimination Act* has not fulfilled the scope of Directives are the following:

- The personal scope of the law transposing the Directives – the *Antidiscrimination Act* does not apply to differences of treatment resulting from the requirements for entry and stay of aliens in the territory of the Slovak Republic, including the treatment of these aliens provided for under separate provisions. According to *Act No. 48/2002 Coll. on the Stay of Aliens*, the term alien refers to everyone who is not a citizen of the Slovak

²⁵ SME daily, 1 March 2006, <http://www.sme.sk/clanok.asp?cl=2613829>.

²⁶ Slovakia, Act 365/2004 on Equal Treatment in Certain Areas and on Protection against Discrimination as amended (Act 365/2004 on Equal Treatment in Certain Areas and Protection against Discrimination) (1 July 2004).

Republic. This might exclude the citizens of the European Union and other persons entitled to enjoy free movement of workers and services.²⁷

- The provision of Section 8, paragraph 2 of the *Antidiscrimination Act* breaches the principles stipulated by Art. 4 para. 1 of the Council Directive 2000/78/EC. The provision states that in case of registered churches, religious societies and other legal entities whose activities are based on religion or belief, differences of treatment based on age, sex, religion or belief and their ascertainment of sexual orientation shall not constitute discrimination when they are related to employment by or to carrying out activities for such organisations.²⁸

Though the *Antidiscrimination Act* has been in effect for two years, its enforceability is not certain. The number of rulings does not correspond to the number of cases filed. However, it is important to call attention to the fact that the length of proceedings from bringing legal action to the final court ruling varies depending on the complexity of the case and the accessibility of the evidence.

The official equality body, the Slovak National Centre for Human Rights (SNCHR), was established pursuant to the *Anti-discrimination Act* to deal with breaches of the equal treatment principle. The Centre is the only Slovak institution dedicated to assessing compliance with the principle of equal treatment pursuant to the *Antidiscrimination Act*. From the beginning of 2006, the Centre has dealt with 156 written motions and 90 oral motions regarding personal discrimination or discrimination of third parties. The Centre has also provided counselling through more than 220 telephone requests. Over eight months, the Centre issued 15 opinions on whether the principle of equal treatment was breached toward the petitioner in the given cases. The Centre has developed 27 legal grievances and currently there are seven cases pending in the general courts. The prevailing areas of discrimination in these cases were labour issues and relations, and the provision of goods and services. The prevailing grounds of discrimination are the 'different' status of the discriminated person, for example superiors or other co-workers treat the person in a way less favourable than they do others. The Centre has resolved 9 breaches of the principle of equal treatment based on grounds of ethnicity or nationality.²⁹

The SNCHR has undergone in recent years a major re-structuring since under the previous director it was virtually non-functional. Since 2004, with a new director at its head, the SNCHR is performing much better. However, there are still problems in the SNCHR activities. Major problems include the lack of a proactive approach to discrimination and insufficient performance of legal representation. The term of office for the SNCHR director finished in the autumn

²⁷ Dluhošová, Zuzana, *Slovakia country report on measures to combat discrimination, Country report/ Update 2006*, European Network of Legal Experts in the nondiscrimination field.

²⁸ Ibid.

²⁹ Information provided based on the Freedom of Information Act.

2006, but the board of directors only elected the new director in May 2007, so provisional measures (both financial and programme) lasted for half a year.

5.2 Migration and integration

The '*Principles of the Slovak Republic Migration Policy*' adopted by the resolution No. 846 in 1993 became the resource for migration policy in Slovakia and guided its content, form and methods until the new concept of migration policy that emerged in 2005. The current document determining the basis of Slovak migration policy is the '*Migration Policy Concept of the Slovak Republic*'.³⁰ The *Committee for Providing the Cooperation of the Methods Related to Roles and Activities Emerging from the Concept* was formed and began its activities on 26 April 2005, including monitoring the task fulfilment included in the Concept. This working Committee consists of representatives from the Ministry of Interior, Foreign Affairs, Justice, Labour, Education, Finance, Health, Social Affairs and Family, as well as of The Slovak Republic Government Office, The Association of Towns and Communities of Slovakia, The Union of Towns and Cities of Slovakia, the United Nations High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM) and the Human Rights League.

Slovakia follows EU trends with respect to migration policy; namely the application of very strict rules in granting asylum. In 2006, Slovakia remained a country 'defending' itself against the arrival of immigrants by exercising various administrative barriers. According to the statistics of the Migration Office, there were 2871 asylum claimants registered up to 31 December 2006, which is much less than in previous years. From 1992 to May 2007 there was a total of 52446 asylum seekers in Slovakia and out of those 599 cases of asylum were granted, 5330 cases were rejected and the proceedings were stopped for 45992 cases due to applicant's absence.³¹ Furthermore, 181 foreigners were granted citizenship. There have been a large number of halted proceedings mainly because Slovakia has been perceived as a transit country to more developed states such as Germany or France, but it has worse asylum conditions than other EU countries.

In compliance with the *Law on Asylum*³², asylum seekers may be granted asylum by the Ministry of Interior, according to article8, if they have a legitimate fear of being persecuted for racial, national, religious, or political reasons or for being a member of certain social groups in their country of citizenship, and according to article9, if for these or humane reasons they cannot or do not want to return to that state. A key challenge in asylum processing is the accurate assessment of the situation in countries of origin. Often, not all relevant circumstances are taken into consideration and evaluation of the situation in the migrant's homeland from

³⁰ Slovak Government decree no. 11/2005.

³¹ Migračný úrad Ministerstva Vnútra, <http://www.minv.sk/mumvsr/STAT/statistika.htm> (1.7.2007).

³² Slovakia, Act no. 480/2002 Coll.

international non-governmental organizations such as Amnesty International or UNHCR is deemed not relevant.

In being granted asylum, foreigners gain the same status as the citizens of the Slovak Republic with the following exceptions:

- No right to vote for the National Council of the Slovak Republic;
- No participation in military service;
- Real property can be gained only under conditions adjusted by the *Law on foreign currency*.

The integration of asylum seekers in society is realised at several different levels. In the first phase of the foreigners' stay in the Slovak Republic they are provided with social welfare. A foreigner who applied for asylum after crossing the state boundary (an applicant) that is in compliance with the asylum law (up to six months from the asylum granting decision maximum) has access to social welfare in the Slovak Republic within the migration office authority:

- For the period of quarantine measures in retaining camps;
- Until the procedural finalization and decision on asylum granting in residential refugee camps;
- For a maximum of 6 months for granted asylum seekers in the integration centre.

Special attention is paid to the so-called risk groups of migrants such as children without parents or other relatives, women alone, women alone with children, seniors, and persons with physical, mental or social handicap.

The International Organization for Migration (IOM) conducted a survey in 2006, on *The Needs of Migrants in Slovakia*³³. The survey examined the process of integrating migrants into the labour market and society. As it was a qualitative survey based on in-depth personal interviews with migrants, it did not produce detailed statistics or quantitative data; however, it revealed interesting information about migrants' personal experiences with the integration process in Slovakia in general and integration into the labour market in particular.

As far as integration into the labour market is concerned, the IOM survey produced the following basic findings:

- Employers who want to hire migrants face great barriers with bureaucratic procedures, unwillingness on the part of authorities and many prejudices and stereotypes with respect to migrants;

³³ Miroslav Popper, Gabriel Bianchi, Ivan Lukšík, Petra Szeghy, *The Needs of Migrants in Slovakia* (IOM Migration Information Centre 2006). Available in slovak at: <http://www.domavsr.sk/mic/Images/Upload/Article246/Files/finalnasavvykumsprava.pdf>.

- Responsible authorities fail to provide migrants and refugees with information about possibilities to find a job or legislative conditions pertaining to seeking employment.

Asylum seekers are provided with accommodations throughout the asylum process. However, the Slovak Republic provides accommodation in areas with high unemployment, where there is little real possibility for migrants to find employment since there is unemployment even among locals in these areas. Moreover, if there is any possibility to find employment, it will be work for low qualifications and many migrants have either secondary school or university education. Entering the labour market through certain labour relations is covered by the *Asylum Law*, depending on the applicant's status. Asylum applicants living in refugee camps denied access by law to the labour market.

The main problem in migrants' integration in Slovakia is the fact that the Slovak Republic is not prepared for the coexistence of various cultures and all of society is hampered by prejudices, stereotypes, intolerance and xenophobia. Recent trends in the areas of immigration, asylum and citizenship have been towards stricter policies and procedures.

5.3 Criminal justice

5.3.1 Racism as a crime

The Penal code³⁴ of the Slovak Republic includes multiple provisions to prosecute crimes motivated by intolerance of race, ethnicity and nationality. The crimes of murder³⁵, manslaughter³⁶, or assault (aggravated or otherwise)³⁷ for reasons of nationality, ethnic or racial hatred or hatred of skin colour is included in provisions that address so-called 'particular motive'³⁸. In cases where the motive for committing a crime is a particular motive so defined, it justifies applying a more severe range of punishment. However, these provisions do not include a definition for specific prosecution of anti-Semitic or Islamophobic offences.

Articles 359 and 360 of the penal code address threats of violence and violent practices toward an individual or group of individuals for reasons based on their nationality, ethnicity or race³⁹. Article 359 on 'violence against groups of individuals and against individuals' condemns death threats, aggravated assault

³⁴ Slovakia, Act no. 300/2005 Coll. Penal Code (2 July 2005).

³⁵ Slovakia, Act no. 300/2005 Coll. Penal Code Article 140 (2 July 2005).

³⁶ Slovakia, Act no. 300/2005 Coll. Penal Code Article 147 (2 July 2005).

³⁷ Slovakia, Act no. 300/2005 Coll. Penal Code Article 155, 156, 157 (2 July 2005).

³⁸ Slovakia, Act no. 300/2005 Coll. Penal Code Article 140. Particular motive is understood to be the perpetration of a crime a) on contract, b) for revenge, c) in order to cover or ameliorate another crime, d) for reasons of nationalistic, ethnic or racial hatred or hatred of skin colour, or e) with a sexual motive. (2 July 2005).

³⁹ Slovakia, Act No. 300/2005 Coll. Penal Code (2 July 2005).

or causing extensive damage⁴⁰, as well as the use of violence against groups of individuals. However, this article does not include qualification of the merits related to the perpetration of such an offence because of hatred towards a race, ethnicity or nationality. Article 360 on 'dangerous threatening' addresses threats of violence against an individual for reasons of nationality, ethnicity, race or skin colour.

A further penal code provision censuring verbal or graphic expressions of racism and xenophobia is included in articles 423 and 424. Article 423 on 'defamation of nationality, race and creed' condemns publicly defamatory statements toward a nationality, its language, race, ethnic group or creed, wherein public expression is interpreted as committing the act in front of two or more individuals in print, on film, radio or television, or via computer network. Article 424 on 'inciting nationalistic, racial and ethnic hatred' condemns three types of activities against an individual or group of people because of their nationality, race, ethnic group or skin colour: threats inhibiting rights and freedoms; the practice of such inhibition of rights and freedoms; and the incitement to inhibiting rights and freedoms.

In prosecuting activities of racist and xenophobic groups, a frequently used merit is article 422 on 'public expression of sympathy for fascism'. According to this article, whatsoever public expression of sympathy for movements that by violence, threat of violence or threat of other heavy loss aim to suppress basic human rights and freedoms is criminal. In its second paragraph, this article also condemns the so-called Auschwitz lie; public denial, questioning, approval or other apology for the Holocaust.

Considering that amended provisions have been in effect only since January 2006, it is not yet possible to evaluate their overall effect and the changes which have occurred since the new Penal Code was approved.

The amendment to articles 421 and 422 by the conditioning of criminality of supporting and promoting the said movements is perceived as problematic, particularly by the police, because of the obligation to prove that the movements are intended to suppress rights and freedoms through violence or threat thereof.

The new penal code came into effect on 1 January 2006, in comparison to the wording in the same provisions of the earlier code, demonstrates an inclination towards the concept of 'hate crimes'. The previous penal code qualified the merits of the offences of assault (aggravated or otherwise) and murder based on the victim's race, ethnicity, nationality or creed, and thus these crimes were understood to be 'racially motivated'. The new penal code, however, bases the merits on the concept of hate (towards nationality, ethnicity, race or skin colour). Still, in general it can be argued that the new penal code is a combination of both

⁴⁰ The definition of extensive damage is addressed in Article 125 – damage exceeding 4,000,000 SK (approx. 100,000 Euro).

concepts, as its provisions⁴¹ distinctly recognise crimes committed based on nationality, ethnicity and race.

In 2006, the most important official information sources on the scope and character of racially-motivated crimes have been the annual report of the Interior Ministry, the General Prosecutor and the Slovak Information Service.

Statistical overview of criminal acts in the Slovak Republic motivated by racial, national or other intolerance for the period 1997-2006⁴²:										
Territorial Distribution	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
Recorded criminal acts	19	21	15	35	40	109	119	79	121	188
Solved criminal acts	8	15	11	25	23	76	77	57	82	107
Percentage of solved criminal acts	42.1	71.4	73.3	71.4	57.5	69.7	64.7	72.2	67.8	56.9
Number of prosecuted individuals						50	48	58	86	148

The increase in criminal acts motivated by intolerance can be attributed to several factors. A key factor leading to this escalation of recorded offences was the murder of the young student Daniel Tupý by neo-Nazis in November 2005 and the subsequent powerful public and political pressure to curb violence by neo-Nazis and vigorously prosecute their activities. The increase in recorded cases could also be attributed to the training on racially motivated crimes and extremism organised by Slovak NGOs that a great number of police officers underwent between 2005 and 2006.

The observable increase in officially registered crimes of racial motive, particularly since 2001, also reflects the change in the police's approach to addressing racially-motivated violence. A significant portion of these crimes consists of cases of publicly supporting and promoting movements aimed at

⁴¹Slovakia, Act No. 300/2005 Coll. Penal Code (2 July 2005) - article 424 on Incitement to nationalistic, racial and ethnic hate, article 423 on Defamation of nationality, race and creed.

⁴² Slovakia, Ministry of Interior: <http://www.minv.sk/extremizmus/stat.htm>. Results from 2005 and 2006 were provided upon request.

suppressing civil rights and freedoms.⁴³ The composition of racially-motivated crimes prosecuted also testifies to this police activity; a prominent share of the cases prosecuted were taken up under article 421 and 422 of the Penal Code dealing with the support and promotion of movements intending to suppress human rights and freedoms.

With respect to the forms of offences committed, as in earlier years, the most frequent offences were expressions of sympathy for fascism (such as the depiction of fascist symbols on clothing), or verbal assaults, though an increase in racially-motivated crimes with elements of extremism has also been observed. In general it can be said that offenders' physical and verbal assaults were usually aimed at members of the Roma ethnic group.

The EU Framework Decision on Racism and Xenophobia has not been the subject of public discussion in Slovakia, as it Slovakia has its legal amendments meeting the requirements of Framework Decision.

5.3.2 Counter terrorism

In 2006, the only significant development explicitly related to counter-terrorism was the draft *Bill on Fighting Terrorism and Extremism* in 2006, which strongly tightened conditions for citizenship, permanent residence, NGO registration and church operations. The draft proposes adjusting the special regime towards people suspected of terrorism, reducing their right to advocate contact, the right to refuse evidence, etc. The draft bill was strongly criticized by the public and was finally withdrawn by the Ministry of Interior who first proposed it. It is expected to be amended and a new draft will be proposed in 2007.

The situation in Slovakia regarding problems associated with the fight against terrorism is different in comparison with Western European countries. There is a relatively small number of Muslims living in Slovakia and their social and educational structure is also quite different. Still, there is evidence that this group is affected by counter-terrorism.

A key development in this area is the amendment to the *Act on Freedom of Religious Belief and the Position of Churches and Religious Communities*⁴⁷ that tightened the conditions for Church registration. The amendment, valid since 1 May 2006, requires all churches that want to be officially registered to enclose in their registration application 20,000 signatures of Slovak citizens with the statutory declaration of their church membership. Previously, signatures of sympathisers were sufficient for a church to be registered. Within the public discussion about the passing of the law, there were some arguments that this act is a reaction to efforts by Muslims to register their religion in Slovakia. After

⁴³ Slovakia, Act No. 300/2005 Coll. Penal Code, Article 421 and 422 (2 July 2005).

passing this act, representatives of Muslim society in Slovakia planned to take legal action at European Court for Human Rights.⁴⁴

5.3.3 Racial profiling

There is no relevant survey related to racial profiling in Slovakia though such police behaviour is quite common according to testimonies. As previously stated⁴⁵, racial profiling in Slovakia primarily affects the Roma community, but in recent times, foreigners of a different skin colour living in Slovakia have also been affected. Still, there has been no public discussion about racial profiling in Slovakia, mainly because instances and complaints by Roma or migrants of wrongful treatment by police rarely make headlines. Factors influencing police behaviour towards Roma include: prejudices and stereotypes; an increase in inter-ethnic tension in some regions; and high unemployment and segregation.

In an effort to address this problem, the *Pilot Project of Police Specialists for Work with the Roma Community*⁴⁹ was implemented. In the context of the project, 18 police officers trained to work in areas with higher concentrations of Roma inhabitants. After the evaluation of the pilot project, a fuller implementation of the project has been confirmed involving 118 police officers. This project may represent a first step in bridging the gap between the Roma community and the police force and progress towards changing the view of Roma among officers as the culprits of crime.

5.4 Social inclusion

The social inclusion of minorities is one of the most severe challenges presently faced by Slovak society. The increase and deepening of distance between marginalized groups and the majority represents a serious danger of social disintegration that could result in long-lasting inter-ethnic tension and conflict. This assumption is confirmed by the worsening socio-economic conditions in some Slovak regions.

Social measurements indicate that the representatives of socially excluded Roma communities are the most marginalized in Slovakia. For this reason, measures addressing the social exclusion have emerged primarily in the documents dealing with questions related to the Roma community. The most complex material related to this theme is the work within state policy, called '*Long-term housing conception for marginalized groups of the population*'. Another important document is '*Evaluation of the basic Slovak Republic Government policy proposition in the Roma communities' integration for the year 2005*.' This material

⁴⁴ Aktualne.sk, <http://aktualne.centrum.sk/domov/politika/clanek.phtml?id=228212>.

⁴⁵ In the section *Policing and racial profiling* under the section *Manifestations of racism and religious discrimination*.

contains the fulfilment record of the tasks related to Roma integration that were adopted by the resolution No. 278 as of 23 April 2003 by individual Ministerial offices.

In order for the members of socially excluded communities to be social included and integrated, they must be afforded opportunities to gain an appropriate standard of living, including adequate housing and access to the labour market. Access to the labour market is affected by the employment rate in a certain region and its development, but also by one's access to educational attainment and subsequent qualifications, as well as one's standard of personal hygiene that is in turn conditioned by adequate housing.

In creating conditions for the social development of excluded communities, it is necessary to provide adequate housing and given opportunities to become self-sufficient. The exact measures for the provision of such initial conditions and housing are complex questions of state approach, in cooperation with involved sectors such as education, culture, health, labour, social affairs and family, as well as with involved self-government offices and non-government organizations under the control of Deputy Prime Minister for European Affairs, Human Rights and Minorities. It is necessary to accomplish educational and social assistance systematically in the long-term and in cooperation with local associations, churches, schools and community social workers who are appropriately trained.

Considering the high number of people living in spatially segregated or separated settlements, it is may not be possible to integrate them into villages these days. The elimination of settlements will require much work, including the construction of new houses, the strengthening of infrastructure, as well as the socio-economic and cultural integration of their inhabitants. For these reasons, it is necessary to support the activities of community social work in these settlements, as well as community centres and their activities that will guarantee necessary learning, counselling and basic social services.⁴⁶

Less attention is paid to the integration of migrants in Slovakia. This is mainly because the number of migrants in Slovakia is relatively small. State policies target their efforts to the integration of asylum seekers and do not address the integration of foreigners with temporary residence in Slovakia. The Migration Office is responsible for those foreigners who have been granted asylum. The office cooperates with UNHCR, NGOs, self-government and state administration authorities that are directly or non-directly involved in addressing the integration of asylum seekers. The primary condition of integration for foreigners granted asylum is to have good Slovak language skills. The communication barrier is usually the most common obstacle of successful adaptation in new living

⁴⁶ Ministry of Construction and Regional Development, *Long-term Concept of Housing for Marginalized Groups of Populations and the model of its Financing* (Dlhodobá koncepcia bývania pre marginalizované skupiny obyvateľstva a model jej financovania), 2005.

conditions. Efforts to remove this obstacle are necessary from the beginning of their stay in Slovakia.

The integration process is addressed during the camp stay where social workers provide their clients with social-law consultancy. Furthermore, applicants and asylum seekers can attend free Slovak language classes or some trainings that are organised within the camp run by Ministry of Interior.

After asylum procedures finish and asylum is granted, further assistance in the integration process is presented by the so-called *integration offer*. This offer focuses on assistance in the form of social housing and help finding employment. If the migrant refuses this offer, he/she will have to find housing and employment independently. The '*complex program of foreigners with the status of refugee integration into society*' concerns:

- Basic Slovak language education and potential trainings;
- The ability to search for appropriate working possibilities;
- Help with ensuring and searching for appropriate social accommodation;
- Social welfare;
- Healthcare provisions;
- Appropriate conditions for accepting refugees into village communities and suitable localities.

6. National recommendations

6.1 General

- Including positive examples and good practices that have been proven in Roma and other minority integration into government policy;
- Supporting and motivating Roma themselves to be active in addressing their situation through motivational means and forms of employment that are culturally sensitive;
- Actively communicating with Roma, their representatives and NGOs and inviting their participation in the formation of policies concerning Roma issues.

6.2 Anti discrimination

- Raising awareness among the Slovak population of protection against discrimination through public education campaigns;
- Increasing the efficiency of SNCHR activities and making its approach more pro-active towards addressing discrimination;
- Coordinating the *Anti-discrimination Act* with the EU Directives and re-introducing the application of affirmative action.

6.3 Migration and integration

- Auditing and monitoring activities of border police as well as the situations in detention facilities and camps and the remedy / correction of the errors and omissions;
- Developing a complex strategy for the integration of foreigners living in Slovakia;
- Ending the trend of tightening conditions for asylum, permanent residence and state citizenship.

6.4 Criminal justice

6.4.1 Racism as a crime

- Reinforcing and reorganising police forces for fighting extremism;
- Clearly defining this area's conceptions and priorities;
- Amending the Penal Law regulations related to extremist movements' support and propagation;
- Improving police - NGO cooperation;

- Creating victim support programs (legal and psychological).

6.4.2 Racial profiling

- Implementing a survey of the situation in this area;
- Altering police methods and process of complaints investigation towards independence from the Ministry of Interior bodies.

6.5 Social inclusion

- The integration process has to be realised in close cooperation with the target groups – the Roma community should be involved as partners in all activities from the very beginning;
- Inclusion measures should target the most vulnerable groups while providing opportunities for participation in policy development by individual group members who can then serve as role models for the rest of the group.
- New constructional activities for marginalized Roma communities members should consider certain principles; the meritorious principle (using incentive programs), active involvement into construction, and de-segregation;
- A combination of construction and non-construction initiatives (community work, health programs, education) is necessary to guarantee long-lasting sustainability of housing projects;
- The integration process has to be realised in close cooperation with the target groups – the Roma community should be involved as partners in all activities from the very beginning;
- In continuity with community social work it is necessary to ensure the conditions for community centres and social clubs in areas with high number of inhabitants in socially excluded Roma communities.

7. Conclusion

Parliamentary elections and the participation of the nationalistic Slovak National Party in government dominated the period from accession of the new government until the end of the year. There were serious concerns that the participation of the SNS Party in the coalition may signify a policy of restraining the rights of national and ethnic minorities; an assumption that has not been proven as apart from expressions of opinion, there is little proof of change in this direction.

There was a clear increase in tension among the majority and Hungarian minority living in society in 2006. In particular, Slovak society has been polarized by the case of Hedviga Malinova, a student of Hungarian nationality who was supposedly attacked and beaten by neo-Nazis because of her nationality.

Another important development, related to the change in government, were changes within the police force and the Ministry of Interior. Despite the fact that the new Minister of Interior declared the fight against extremism to be his main priority, the situation in this area has worsened. Police forces assigned to this area are expected to be reorganised and their motivation is declining and they do not take interest in new cases; many skilled police officers leave for other police sections or return to the civil service. There is no coordination of certain problems at the level of Ministry of Interior and there is no adequate finance earmarked for this area.

These developments have been reflected in the increase of extreme-right activities and their determination. The trend towards increased professionalism, legal awareness and international connection within the extreme-right continues. If the police force does not change its approach to these problems and no conditions for special police activities are created, Slovakia can expect the growth of extremist and racially motivated crimes.

A third phenomenon emerging in 2006 was court ignorance and unwillingness to apply the *Anti-discrimination Act* to its full extent. In 2006, the first sentences were passed on discrimination with respect to access to goods and services, and employment. In almost all the cases, the plaintiffs were denied financial compensation based on arguments that they had been prepared for possible discrimination. Due to the huge range of ethnic and racial discrimination in Slovakia, these judgments are a bad sign for those legally defending the right to non-discrimination.

Considering these developments, it is obvious that the role of NGOs in Slovakia will grow with the increasing need to defend minority rights and calling attention to and address problems racism and discrimination. Indeed, without the

participation and activities of NGOs, it would not be possible to effectively address problems faced by the Roma community and to defend the victims of racism and discrimination. These organizations are the bridge between the needs of communities needs and state policies specialized to meet these needs.

8. Bibliography

Dlugošová, Zuzana, *Slovakia country report on measures to combat discrimination, Country report/ Update 2006*, European Network of Legal Experts in the nondiscrimination field.

ENAR Shadow report on Slovakia 2005, available at: http://www.enar-eu.org/en/publication/shadow_reports/index.shtml.

Jurásková, Martina, Kriglerová, Elena, Rybová, Jana, *Atlas of the Roma communities in Slovak Republic* Atlas Rómskych komunít na Slovensku, (Institute for public affairs, 2004).

Ministry of Construction and Regional Development, *Long-term Concept of Housing for Marginalized Groups of Populations and the model of its Financing* (Dlhodobá koncepcia bývania pre marginalizované skupiny obyvateľstva a model jej financovania) (2005).

RPA news agency, 8 December 2005, available at: <http://www.rpa.sk/rpa.php?lang=SK&m=SPR&id=BYVA&show=3825> (accessed on 5.10.2006).

RPA news Agency, <http://www.rpa.sk/dokumenty/riesenie.pdf> (20.6.2007).

SITA news agency, 02.06.2006.

Slovakia, Act 365/2004 on Equal Treatment in Certain Areas and Protection against Discrimination that Alters and Amends Certain Laws (so-called Antidiscrimination Act), Article 1, Sec 1. (1 July 2004).

Slovakia, Act no. 300/2005 Coll. Penal Code (2 July 2005).

Slovakia, Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and on Protection against Discrimination as amended.

Slovakia, Act No. 480/2002 Coll.

Slovakia, Act no. 480/2002 Coll., article 22 section 5, amended by Act no. 69/2005 Coll.

Slovakia, Act no. 576/2004 Coll., article 11.

Slovakia, Government of the Slovak Republic, decree no. 368/2006 (3 May 2006).

Slovakia, Government of the SR (2006), *Programové vyhlásenie vlády SR*, available at: <http://www-8.vlada.gov.sk/index.php?ID=1690> (accessed on 18.09. 2006).

Socio-Graphic Surveying of Roma Communities in Slovakia, sociografické mapovanie Rómskych komunit na Slovensku. Summary available at: <http://www.orgovanova.vlada.gov.sk/index.php?ID=3554>.

Spoločnosť Minoritas — Krajský úrad v Prešove, *Solving the housing problems of marginalised groups by building and administration of lower standard apartments and houses (Riešenie problémov bývania marginalizovaných skupín formou výstavby a správy obecných nájomných bytov nižšieho štandardu)*, Prešov 2006. Available at: <http://www.rpa.sk/dokumenty/riesenie.pdf>.



european network against racism

ENAR Shadow Report 2006