

PARALLEL REPORT

BY THE EUROPEAN ROMA RIGHTS CENTRE CONCERNING SLOVAKIA

To the Human Rights Council, within its Universal Periodic Review, for consideration at its 18th session (January-February 2014)



CHALLENGING DISCRIMINATION PROMOTING EQUALITY

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INTRODUCTION

The European Roma Rights Centre¹ (ERRC) submits this parallel report to the Human Rights Council commenting on the second periodic review of Slovakia. This report highlights some of the key human rights concerns for Roma in Slovakia.

The issues addressed in this report include:

- anti-discrimination legislation and policies,
- housing,
- education,
- violence against Roma.

ANTI-DISCRIMINATION LEGISLATION AND POLICIES

The prohibition of discrimination of any kind in relation to human rights is set forth in the Constitution of the Slovak Republic. The Slovak Constitution, together with the Act on Equal Treatment in Certain Areas, Protection against Discrimination and on Amending and Supplementing Certain Other Laws (Anti-discrimination Act)² form the general framework of the anti-discrimination law in Slovakia.

The Slovak Anti-discrimination Act was adopted by the National Council of the Slovak Republic in 2004. In April 2013, a new amendment³ of the law was adopted. It broadened the definition of indirect discrimination which now covers not only seemingly neutral laws, decisions and practices which disadvantage a person when compared to another but also those which “*potentially disadvantage*”.⁴

However, the main feature of the new amendment is reintroduction of *temporary compensatory (positive) measures*. It states that temporary compensatory measures adopted by public authorities or other legal entities which aim at eradication of disadvantages originating from one’s racial, national or ethnic background, gender and health disability in order to secure equality in fact, shall not be considered to be discriminatory. It is worthy of noting that similar provision had been included in the Anti-discrimination Act in the past before the Constitutional Court of the Slovak Republic invalidated it back in 2005.⁵

Despite some positive developments, concerns remain about anti-discrimination legislation and its application. The protection of equal treatment in the field of housing is not sufficiently formulated. This is contrary to EU law⁶ and leaves a gaping hole in the protection against discrimination afforded to Roma in law.⁷ Slovak National Centre for Human Rights (*Slovenské národné stredisko pre ľudské práva*, SNCHR),⁸ the Equality Body of Slovakia has been widely criticised for its lack of transparency, representativeness and expertise. The UN Committee on Social, Economic and Cultural Rights, among others, expressed its concerns over the limits on the scope and independence of the SNHRC and over the “insufficiency of the financial and human resources placed at the Centre’s disposal”.⁹

1 The European Roma Rights Centre is an international public interest law organisation working to combat anti-Romani racism and human rights abuse of Roma. The approach of the ERRC involves strategic litigation, international advocacy, research and policy development and training of Romani activists.

2 Act no. 365/2004 Coll. on Equal Treatment in Certain Areas and on Protection against Discrimination, 20 May 2004. The Act refers to direct discrimination, indirect discrimination, harassment, instruction to discriminate, incitement to discrimination, victimisation and discrimination against a legal entity.

3 Act no. 32/2013 Coll.

4 Anti-discrimination Act, Article 2a (3).

5 Finding of the Constitutional Court no. PL. ÚS 08/04-202 18 October 2005.

6 European Council, “Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin”; available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000L0043:en:HTML>.

7 For more information, see: *Slovakia*, in: European Anti-discrimination Law Review, No. 6/7, October 2008, 116, http://www.migpolgroup.com/public/docs/145.EuropeanAnti-discLawReview_6_7_en_11.08.pdf.

8 For more information on the Slovak National Centre for Human Rights, please, see: <http://www.snspl.sk/?locale=en>.

9 For example: transcript of the 7th meeting of the Council for Human Rights and National Minorities of 17 October 2012, available at: http://www.radavladyp.gov.sk/data/att/10161_subor.pdf.

In recent years, the Slovak Government has developed several policy frameworks on Roma.¹⁰ In January 2012, in response to the European Commission Framework for National Roma Integration Strategies,¹¹ the Government adopted the “Strategy of the Slovak Republic for the Integration of Roma until 2020”.¹² The strategy was developed in consultation with the World Bank, the UNDP and Slovak civil society.

However, the new Slovak Government, elected in April 2012, decided not to implement the existing strategy; instead it has prepared “Roma Reform Programme - The Right Way” (“Rómska Reforma - Správna Cesta”).¹³ This alternative programme was launched in September 2012 by the Office of the Plenipotentiary for Roma Communities (OPGRC) and the Ministry of Interior. The programme envisages 90 legislative measures, but only a few measures have been announced publicly so far, and none of them have been implemented. Although the measures are called the “Roma Reform”, its authors refer to the target group as to “socially inadaptible citizens”.¹⁴

Further more, in its assessment on the submitted Slovak strategy on Roma the European Commission underlined several shortcomings¹⁵ that need to be seriously addressed by the Slovak Government. In the area of education there is a need for more focus on desegregation, the strategy needs to ensure that mainstream policies respond to the specific needs of Roma, and ensure that local policies prevent ‘non-Roma children flight’ from schools attended by many Roma pupils.¹⁶ In the area of employment the strategy needs to include measures to address “non-discriminatory access to the labor market, policies to fight prejudice involving the majority population, schools, social partners, media etc. Similarly, in the area of housing the strategy needs to focus on integrated measures to provide non-discriminatory access to housing.¹⁷ Overall a major problem relates to the fact that the funding for implementation of the strategy is not properly quantified or it is insufficient.¹⁸

HOUSING

Approximately 40% of the Roma population live in a socially excluded environment.¹⁹ They live in segregated Roma-only communities on the fringes of towns or even more remote which lack infrastructure, often with poor sanitary conditions and no drinking water. About 16% of all Romani families live in non-standard forms of housing: 10% in shacks, 4.3% in wooden houses and 1.3% in other non-standard type of housing including container houses.²⁰ More than 40% of Roma perceive their houses as inadequate for living. In both separated and segregated communities about 9% of the population have no electricity, 81% have no sewerage, 59% have no gas, 37% have no water access and 20% are not connected to a paved road.²¹

10 Government of the Slovak Republic, *Medium-term Concept of the Development of the Roma National Minority in the Slovak Republic Solidarity-Integrity-Inclusion for 2008-2013*, available at: <http://www.romainstitute.sk/data/files/100.pdf>; *National Action Plan of the Slovak Republic Regarding the Decade of Roma Inclusion 2005–2015*, available at: http://www.romadecade.org/files/downloads/Decade%20Documents/Action%20Plan_Slovakia.pdf; *Revised Decade National Action Plan 2011–2015*, available at: http://www.romadecade.org/files/downloads/Decade%20Documents/Revised_Slovak_Action_Plan_SK.pdf.

11 The European Commission, *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - An EU Framework for National Roma Integration Strategies up to 2020*, 05 April 2011, available at: http://ec.europa.eu/justice/policies/discrimination/docs/com_2011_173_en.pdf.

12 The Government, *Strategy of the Slovak Republic for the integration of Roma until 2020*.

13 Office of the Plenipotentiary for Roma Communities & Ministry of Interior of the Slovak Republic, *The Roma Reform Programme – The Right Way*, available at: <http://www.minv.sk/?romskareforma1>.

14 *Ibid.*

15 European Commission, “*Commission staff working document accompanying the document National Roma Integration Strategies: a first step in the implementation of the EU Framework Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, SWD (2012) 133*”, 21 May 2012, report available at: http://ec.europa.eu/justice/discrimination/files/roma_nat_integration_strat_en.pdf.

16 European Commission, *Commission staff working document accompanying the document National Roma Integration Strategies* p. 56.

17 *Ibid.*, page 58.

18 *Ibid.*, page 58.

19 The OPGRC, Atlas.

20 Government of the Slovak Republic, *National Roma Integration Strategy up to 2020*, (Strategy) available at: http://ec.europa.eu/justice/discrimination/files/roma_slovakia_strategy_en.pdf, p. 14. See also: UNDP, Report 2010, pp. 61-76.

21 Government of the Slovak Republic, *Medium-term Concept of the development of the Roma national minority in the Slovak Republic: Solidarity-Integrity-Inclusion 2008-2013* [Strednodobá koncepcia rozvoja rómskej národnostnej menšiny v Slovenskej republike, Solidarita-Integrita-Inkluzia 2008-2013] p. 4. available at: <http://www.romainstitute.sk/data/files/100.pdf>.

In Slovakia, many Roma face the threat of forced eviction. The ERRC works closely with the inhabitants of a Romani settlement on the outskirts of Plavecký Štvrtok, home to about 600 Roma. They have been under threat of eviction for several years, and local authorities have cut their only water source to a few hours a day. The local municipality intends to evict the Romani residents in 2013 and in this regard they delivered demolition orders on 5 October 2012, despite protests by NGOs.²² With legal assistance from the ERRC, some of the inhabitants submitted appeals against the demolition orders. The regional construction authority in Bratislava rejected the appeal and upheld the decision of the local Construction Office. A Romani family from Plavecký Štvrtok has filed a claim to the court challenging the decision of administrative body. The case is pending.

In the last two years a number of municipalities carried out forced evictions and demolitions of settlements on the basis of the environmental law.²³ This is in the context of the movement “*Zobudme sa!*” (Let’s wake up!), which was set up in 2011 and has collected the signatures of more than 400 mayors of Slovak towns and villages. It aspires to provide coordination of the demolition of Romani settlements in their municipalities defined as illegal waste dumps by the movement.²⁴

On 29 November 2011, a Romani settlement in the town of Žiar nad Hronom was demolished, with houses belonging to Roma defined as communal waste. Ten people, including a preschool-aged child were evicted. When asked about the coming winter, the Mayor, Ivan Černaj, said: “It does not matter when it is being done; they had enough time to eliminate the dumps.”²⁵

On 30 October 2012, a Romani settlement in the area of Nižné Kapustníky (Košice) was forcibly evicted and their houses demolished.²⁶ Reports indicate that the eviction and demolition were ordered by the Kosice municipality and that 156 people, including 63 minors, were evicted. Prior to the eviction, Deputy-Mayor Lenártová in the media interview stated an intention to demolish all 14 Roma settlements located in Kosice, further stating that: “a special commission dealing with the illegally stored waste was set. I personally visited all such waste dump places in the city area. We together with the Commission are planning measures to liquidate the waste.”²⁷

As a result of the eviction, only four families were offered alternative accommodation and the majority of the evicted people allegedly became homeless. The Košice municipality is a partner to several projects focused on Roma inclusion supported by the Council of Europe and European Union (Urbact Roma Net, Romed, and the European Alliance of Cities and Regions for Roma Inclusion). The ERRC finds the eviction and demolition orders incompatible with running European programmes focusing on the social inclusion of Roma.²⁸ Media and ERRC monitoring reported that in April 2013 the Košice municipality evicted another Roma settlement in the city district of Ťahanovce.²⁹

In Krásnohorské Podhradie in Southern Slovakia, Marián Kotleba, leader of the far-right political party of People’s Party Our Slovakia (*Ľudová strana Naše Slovensko*) tried to demolish Romani houses on a piece of land he bought, organising an event to “clean his land of a dump”.³⁰ The local Construction Office in Krásnohorské Podhradie rejected the request of the first Romani family to legalise their construction, and prepares for issuing a demolition and eviction order. There are around 60 Romani households who had previously also requested legalisation at imminent risk of eviction and demolition.

22 e.g. European Roma Rights Centre, Amnesty International Slovensko, Centre on Housing Rights and Evictions, Letter of Concern, “*Urgent Request to Resolve the Housing Situation of the Romani Settlement in Plavecky Štvrtok*”, 8 December 2010.

23 ERRC, “*Slovak Republic Targets Roma Homes as ‘Waste’*”, available at: <http://www.errc.org/article/slovak-republic-targets-roma-homes-as-waste/4081>

24 See: <http://www.zobudmesa.sk/o-nas/>.

25 SITA, “*Žiar nad Hronom razes illegal settlement with police assistance*”, Slovak Spectator, 30 November 2011, available at: http://spectator.sme.sk/articles/view/44682/10/ziar_nad_hronom_razes_illegal_settlement_with_police_assistance.html.

26 Miroslav Sambor, “*Košice zlikvidovali nelegálnu osadu pri teplárni*”, Košický korzár, 30 October 2012, available at: <http://kosice.korzar.sme.sk/c/6587108/kosice-zlikvidovali-nelegalnu-osadu-pri-teplarni.html>.

27 SITA, “*Video: Na Luniku IX zburali panelák, ďalšie budú chatrče*”, webnoviny.sk, 8 October 2012, available at: <http://www.webnoviny.sk/slovensko/video-na-luniku-ix-zburali-panelak/554297-clanok.html>.

28 See: EC map of cities and regions committed to Roma Inclusion, available at: <http://www.roma-alliance.org/en/page/56-ec-launched-map-for-roma-inclusion-project-at-local-level.html>.

29 Košický korzár, “*Roma living nearby the Metro mall in Kosice had moved away*”, 9 May 2013, available at: <http://kosice.korzar.sme.sk/c/6793858/romovia-spoza-kosickeho-metra-sa-presunuli-inde.html>.

30 European Roma Rights Centre, “*Rights Groups Raise Concerns over Roma Eviction Threats in Slovakia*”, 21 September 2012, available at: <http://www.errc.org/article/rights-groups-raise-concerns-over-roma-eviction-threats-in-slovakia/4057>.

Aside from the forced eviction of Roma, another aspect of discrimination in housing (residential segregation and denial of access to adequate housing) are walls and barriers erected to segregate Roma from the rest of society. The ERRC has evidence that at least 11 such walls and barriers to segregate Roma have been built in the last ten years (most of them in the last two years). Most of the walls were either directly commissioned by the municipality or the municipality financially contributed to the residents wishing to built the walls.³¹

EDUCATION

The Slovak government has failed to adopt and implement a sound legal framework and appropriate policies to address and combat the disproportionate numbers of Romani children in special and segregated education. The situation in education of Romani children is alarming: about 60% of the total number of pupils enrolled in special education designed for mentally disabled pupils are of Romani origin.³² Roma account for 86% of pupils attending special classrooms within mainstream elementary schools.³³ In 2010, more than 20% of all Romani children in Slovakia were enrolled in special education settings, whereas according to national averages 4.1% of pupils in the respective school age were enrolled in special schools and 2.2% in special classes.³⁴ According to the 2010 UNDP household survey, almost one in five of the Roma did not finish primary education (18.4%), 59.7% finished primary school and only 17% continued into further secondary studies – 15.2% vocational trainings, 1.8% high schools with diploma and 0.3% tertiary education.³⁵ According to the UNDP, primary school education is the highest completed education for 15% of the Roma aged 15-64 in Slovakia compared to only 1% of the non-Roma population of the same age.³⁶ In relation to lower-secondary education, the rates are 62% compared to 15%.³⁷

On 5 December 2011, the District Court in Prešov issued a judgment in which it ordered the desegregation of Romani pupils in the Mainstream Elementary School in Šarišské Michaľany.³⁸ The school segregated Romani pupils not only within classes but also by putting the Roma-only classrooms in a different part of the building. According to the District Court, the measures adopted by the school, i.e. separate classes with special standards for “children from socially disadvantaged environment”, are discriminatory. The Court held that specific forms of educational means may be used for pupils from “socially disadvantaged environment”. However, they must not violate human rights guaranteed by national and international law. Recently, the decision of the District Court was upheld by the Regional Court in Prešov.³⁹ The case is groundbreaking, as this was the first time that the Courts in Slovakia had ruled on the segregation of Romani children in education.

VIOLENCE AGAINST ROMA

ERRC monitoring of incidents includes 19 violent attacks (including the police violence) against Roma in Slovakia since May 2009,⁴⁰ this is however a minimum number as most of the hate crimes go unreported and

31 ERRC, “Map of Incidents 2011-2013 in Slovakia and the Czech Republic”, available upon request.

32 E. Friedman, E. Gallová Kriglerová, M. Kubánová, and M. Slosiarik, REF, “School as Ghetto: Systemic Overrepresentation of Roma in Special Education in Slovakia”, Budapest, 2009.

33 *Ibid.*

34 D. Škobla & Ch. Brueggemann “Roma integration and special schools in Slovakia”, available at: <http://europeandcis.undp.org/ourwork/poverty/show/8B0C72A5-F203-1EE9-B580107FF2629BF0>.

35 UNDP, Report 2010, pp. 92-93.

36 UNDP & FRA, Data on vulnerability.

37 *Ibid.*

38 Slovakia, District Court in Prešov, “Poradňa pre občianske a ľudské práva v. Základná škola s materskou školou Šarišské Michaľany (25C 133/10-229)”, 05 December 2011, available at: http://www.sarisskemichalany.sk/dokumenty/skola/rozsudok_zs_okres.pdf.

39 Poradňa pre občianske a ľudské práva, “Krajský súd potvrdil segregáciu rómskych detí na základnej škole v Šarišských Michaľanoch”, 02 November 2012, available at: <http://poradna-prava.sk/?p=579>.

40 ERRC, “Map of Incidents 2011-2013”, available upon request, and ERRC, “Attacks against Roma in Slovakia”, available at: <http://www.errc.org/cms/upload/file/attacks-list-in-slovakia.pdf>.

official data are not collected. The ERRC has recorded a growing number of verbally and physically violent attacks against Romani individuals. In many cases, there have been no successful prosecutions of offenders. The ERRC also notes a rising number of anti-Roma marches and assemblies that take place in Slovakia. According to monitoring by the ERRC, nine anti-Roma marches were held in Slovakia since January 2012.

One of the cases involved the police ill-treatment of a group of Romani boys from the city of Košice. On 21 March 2009, after being arrested by police on suspicion of robbing and causing injuries to an elderly woman in a shopping centre, six Romani males (three of them minors) were brought to the police station in Kosice where they were physically abused, ordered to hit and kiss each other, and finally ordered to strip naked. Despite clear evidence of anti-Romani remarks made by a police officer and captured on video, racial motive was rejected by the court.⁴¹ The criminal trial is still pending before the Kosice District Court; meanwhile the court held that the local police chief is not responsible for actions of his subordinates.⁴² Further delays were caused due to the fact that a member of the senate deciding on the case was altered on the ground of long-lasting illness. This change in the senate requires that whole case argumentation has to be repeated.⁴³

Recently, a number of police raids were carried out in Kežmarok District, in the Northern Slovakia. In the autumn of 2012, four Romani settlements located in Kežmarok District were raided by the police: Stráne pod Tatrami, Huncovec, Podhorany and Rakúsy. Allegedly, no arrest warrants or search warrants were shown. In spite of that, the police entered houses situated in settlements and searched them. According to information obtained by the ERRC some residents were physically and verbally abused, including elderly and disabled people. Despite the possible violations of rights of those living in the settlements, the spokesperson of the Prešov's Regional Directorate of Police Forces, Daniel Džobánik, informed the media that the police actions were in conformity with the law.⁴⁴ Another police raid was reported by media on 20 June 2013 in the villages of Moldava nad Bodvou and Drienovec. Around 60 to 70 special force police officers raided the villages and left several Roma injured, including a six month child who was severely injured and hospitalised. Property was also damaged.⁴⁵

On 16 June 2012, three members of the Roma minority were violently murdered and two others were seriously injured by an off-duty police officer, Milan Juhász. The 51-year-old shot dead a 44-year-old man, his son (19) and son-in-law (24). Based on the expert opinion declaring temporary psychosis at the time of murder, Juhász was sentenced to nine years in prison, an exceptionally low sentence. Normally, the minimal penalty under the Slovak Penal Code for this crime is 25 years. The legal representative of the Romani families criticised the expert opinion as it contains inconsistent, inaccurate and contradictory arguments, and conflicting opinions. During his examination for the purpose of expert opinion, he frequently stated his calling to 'solve the Roma problem' and to 'finally deal with the Roma in Hurbanovo'. Despite this, no racial motivation was considered during the case. The criminal proceedings leading to the judgment contained several serious errors, which led to an inconsistent and ineffective investigation. The responsible prosecutor waived his right to appeal, and thus the last instance to legally contest the judgement of the Special Criminal Court. This prosecutor's omission can be considered as an absolute resignation to perform its obligations as well as a failure in securing the interests of the state.⁴⁶

Currently, a new amendment of the Slovak Penal Code is going through the legislative process.⁴⁷ One of the main changes it is supposed to bring is an increase of the number of 'special motives' for perpetrating

41 SME, "Racial motive not confirmed in the case of police tyranny", 27 April 2010, available at: <http://kosice.korzar.sme.sk/c/5347646/v-policajnomy-tyrani-chlapcov-rasizmus-nenasli.html>.

42 SME, "Police chief not responsible for the tyranny of Romani boys", 25 May 2013, available at: <http://kosice.korzar.sme.sk/c/6812380/sud-policajny-sef-nemoze-za-tyranie-romskych-deti.html>.

43 Cas.sk, "The case of Romani boys hazing, a new court hearing after two years again", 09 November 2012, available at: <http://www.cas.sk/clanok/236088/kauza-sikanovania-romskych-chlapcov-po-vyse-2-rokoch-znova-sud.html>.

44 RPA, "Nie je cekom jasné, či policajná razia v Stráňach pod Tatrami bola vykonaná v súlade so zákonom", 25 September 2012, available at: <http://www.mecem.sk/rpa/?id=human&show=22516>.

45 Košický korzár, "The special police squad conducted raid in the Roma settlement, injuries were reported", 20 June 2013, available at: <http://kosice.korzar.sme.sk/c/6842863/kuklaci-urobili-raziu-v-romskej-osade-vraj-doslo-k-zraneniam.html>. See also Košický korzár, "The special police squad conducted raid in the Roma settlement, the police consider the raid in line with the law", available at: <http://kosice.korzar.sme.sk/c/6842863/kuklaci-urobili-raziu-v-osade-podla-policie-bol-zasah-primerany.html> for a video documenting the injuries.

46 ERRC, "One Year on From Roma Deaths, ERRC Highlights Low Sentence for Mass Murderer in Slovakia", available at: <http://www.errc.org/article/one-year-on-from-roma-deaths-errc-highlights-low-sentence-for-mass-murderer-in-slovakia/4150>.

47 Národná rada Slovenskej republiky, Detaily návrhu zákona - Vládny návrh zákona, ktorým sa mení a dopĺňa zákon č. 300/2005 Z. z. Trestný zákon v znení neskorších predpisov a ktorým sa menia a dopĺňajú niektoré zákony, available at: <http://www.nrsr.sk/web/Default.aspx?sid=zakony/zakon&MasterID=4355>.

criminal offences.⁴⁸ The Penal Code already includes racial hatred as a kind of special motive but the new amendment proposes ‘membership in a social group’ to be a special motive, too. The legislative process has not ended yet, as the President vetoed the amendment.⁴⁹

RECOMMENDATIONS

The Slovak government should take the following measures without further delay:

- to adopt or amend appropriate national legislation to implement the Convention properly, especially in respect of procedural safeguards when it comes to evictions;
- to resolve urgent issues of land ownership arising from the transition to a market economy and decentralised governance;
- to ensure that evictions are a means of last resort, and are carried out in accordance with both national and international law;
- to stop forced evictions of Roma; and
- to take measures to prevent private citizens and municipalities from building walls and barriers segregating Roma neighbourhoods.
- to explicitly mandate school desegregation of Romani children as part of a wider process of implementing a fully inclusive educational system for all, including children with disabilities;
- to strengthen anti-discrimination legislation to enable positive action leading to the abolition of segregated settings and achievement of better education outcomes for children from Romani communities and children with disabilities;
- to adopt a concrete plan and measures aimed at termination of segregation of Roma children in special schools or in segregated classrooms within elementary schools.
- to gather and disseminate data disaggregated by ethnicity to identify the extent racially motivated police violence against Roma and the rate of success of investigations;
- to strengthen its efforts to combat racist attacks committed by law enforcement personnel, particularly against the Roma, by among others, providing special training to law enforcement personnel aimed at promoting respect for human rights and tolerance for diversity;
- to ensure proper investigation and prosecution of alleged unlawful police actions with racial motive;
- to amend the Criminal Code to make punishments for racially motivated crimes committed by police officers more severe; and
- to provide anti-discrimination trainings for law enforcement officers with an emphasis on vulnerable minorities.
- to adopt a plan to increase the number of Roma employed in police forces;
- to ensure racially motivated crimes committed against Roma are publicly condemned by the government;
- to investigate and to prosecute to the fullest extent of the law all perpetrators of violence and hate crimes against Roma;
- to ensure that victims of racially motivated crimes are properly compensated; and
- to provide for collection of data disaggregated by ethnicity and register all of the hate crimes committed against Roma.

48 “If a criminal offence is committed and a special motive of the perpetrator is proven, the punishment is more severe because the special motive makes it more dangerous for society.” See: JUDr. Slavomír Šamín, *“Trestný zákon (úplné znenie s komentárom)”* Poradca, Bratislava, 2012, p. 91.

49 SITA, *“President rejected the amendments of the Penal Code”*, 11 June 2013, available at: <http://www.webnoviny.sk/slovensko/prezident-vratil-novelu-trestneho-zak/686182-clanok.html>.