Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Resolution 1196 (1999)[1]

Honouring of obligations and commitments by Slovakia

Parliamentary Assembly

1. The Slovak Republic became an independent state in 1993, on dissolution of the Czech and Slovak Federal Republic. It joined the Council of Europe on 30 June 1993, pursuant to Assembly Opinion No. 175 (29 June 1993) and to Committee of Ministers Resolution (93) 33.

2. In observance of its commitment under paragraph 7 of Assembly Opinion No. 175, the Slovak Republic became party to the European Convention on Human Rights and its protocols with effect from 1 January 1993. The Slovak Republic has also ratified, amongst others, the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the Framework Convention for the Protection of National Minorities and the European Social Charter. With the ratification of these instruments, the legal system of the Slovak Republic is in alignment with international standards.

3. Since independence, the changes of government following the elections in 1994 and 1998 have shown the stability of the democratic process. The parliamentary elections of September 1998, which were observed by a delegation of the Parliamentary Assembly, were conducted in a proper and lawful manner. The subsequent constitutional reform which allowed the election of the President of the Republic by direct universal suffrage and the holding of such an election, in May 1999, in conformity with domestic law and international standards, has further consolidated democracy.

4. In the framework of the Assembly's monitoring procedure since 1996, the following have been the principal issues for dialogue with the Slovak authorities:

4.1. the rights of the opposition, notably its participation in the parliamentary committees which oversee the activities of the intelligence services (control committees);

4.2. the independence of the judiciary, notably the procedures for the election of judges and the appointment of presidents and vice-presidents of courts, the case-load of courts, the implementation of decisions of the Constitutional Court, amnesty issues and the creation of the institution of ombudsman;

4.3. local and regional self-government;

4.4. freedom of the media, including during electoral campaigns;

4.5. the protection of minorities, notably the consequences of the law on the state language and the need for a law on the use of minority languages;

4.6. measures to address the problems of the Roma population.

5. The Assembly notes that, since the parliamentary elections of September1998:

5.1. the opposition is sufficiently represented in the parliamentary control committees and has the chair of one of them;

1. Assembly debate on 21 September 1999 (26th Sitting) (see Doc. 8496, report of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe, rapporteurs: MM. Magnusson and Sinka). Text adopted by the Assembly on 21 September 1999 (26th Sitting).

5.2. amendments to the Slovak Constitution, the law on courts and judges and other legislation are being prepared (for submission to parliament in the course of September 1999) in order to:

a. strengthen the independence of the judiciary, inter alia by providing for the election of judges for life, the creation of a Supreme Judicial Council as a self-governing body, and financial autonomy of the judiciary;

b. increase the powers of the Constitutional Court and clarify its relation with the general courts;

c. reduce the current excessive case-load;

d. repeal the possibility to grant an amnesty while a criminal investigation is imminent or pending;

e. possibly create the institution of ombudsman;

5.3. legislation on the restructuring of the administration is being prepared with the aim of:

a. increasing the powers of local self-government authorities;

b. introducing regional self-government; following the adoption of the law, regional councils should be elected by the end of 2000 or the beginning of 2001 and the European Charter of Local Self-Government (signed in February 1999) should be ratified;

5.4. amendments to the electoral law have been passed to allow electoral campaigning also in the private electronic media; the objectivity of public television has been positively assessed during the recent presidential election campaign; the status and composition of the radio and television broadcasting council should, however, be reconsidered since they do not guarantee its independence;

5.5. the post of a Deputy Prime Minister responsible for human rights, minorities and regional development and a parliamentary committee for human rights and minorities have been created; bilingual certificates are used in schools with instruction in a minority language; a law was adopted on 10 July 1999 to regulate, in conjunction with other specific laws, the use of minority languages in official communications: according to the new law, persons belonging to national minorities are entitled to use their language in communications with organs of public administration and of local self-government in those municipalities where the minority constitutes at least 20% of the population; the law which restores previous practice – interrupted by the adoption of the state language law – and which satisfies a constitutional requirement, was adopted after consultations with the OSCE High Commissioner on National Minorities, the European Union and the Council of Europe and is welcomed; other problems, however, resulting from the state language law with regard to freedom of expression, as well as the use of minority languages in other settings, notably education, and still need to be regulated, in conformity with recommendations by the three international organisations; the ratification of the European Charter for Regional or Minority Languages is also strongly recommended;

5.6. as regards the Roma minority in particular, programmes have been put into place to promote the education of Roma pupils (for example, school text books in the Roma language) and motivate school attendance and further integration, through co-operation with non-governmental organisations, among other things; measures have been taken to better monitor and prevent racially motivated attacks; the post of a government commissioner and an advisory parliamentary committee to deal with the problems of the Roma population have been created; the situation of the Roma minority is closely followed, inter alia, by the European Commission against Racism and Intolerance which will assess existing measures and make further proposals in its second stage report on Slovakia, to be prepared by the end of 1999.

6. The Assembly welcomes the progress which has thus been made by the Slovak Republic, in particular since the parliamentary elections of September 1998, to consolidate democracy and the rule of law, to promote respect for human rights and to bring both law and policy into line with the principles of the Council of Europe. It encourages the Slovak Government to further pursue its policy towards European integration.

7. In the light of the above considerations, the Assembly considers the current monitoring procedure, opened under Order No. 508 (1995), closed. It will pursue its dialogue with the Slovak authorities on the issues referred to in paragraph 5, or any other issues arising from the obligations of the Slovak Republic as a member state of the Council of Europe, with a view to reopening procedure in accordance with Resolution 1115 (1997), if further clarification or enhanced co-operation should seem desirable.