



## General Assembly

Distr.

GENERAL

A/HRC/12/17

5 June 2009

Original: ENGLISH

HUMAN RIGHTS COUNCIL Twelfth session Agenda item 6

### UNIVERSAL PERIODIC REVIEW

#### Report of the Working Group on the Universal Periodic Review \*

Slovakia

\* Previously issued under document symbol A/HRC/WG.6/5/L.16. The annex to the present report is circulated as received.

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#### Introduction

The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its fifth session from 4 to 15 May 2009. The review of Slovakia was held at the 16th meeting, on 13 May 2009. The delegation of Slovakia was headed by H.E. Diana Štrofová, State Secretary, Ministry of Foreign Affairs of the Slovak Republic. At its 17th meeting held, on 15 May 2009, the Working Group adopted the present report on Slovakia.

On 8 September 2008, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Slovakia: Chile, Angola and Pakistan.

In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of Slovakia:

(a) A national report submitted made in accordance with paragraph 15 (a) (A/HRC/WG.6/5/SVK/1);

(b) A compilation prepared by the Office of the High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15

(b) (A/HRC/WG.6/5/SVK/2);

(c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/5/SVK/3).

A list of questions prepared in advance by Argentina, the Czech Republic, Denmark, Germany,

Sweden, the Netherlands and the United Kingdom of Great Britain and Northern Ireland was transmitted to Slovakia through the troika. These questions are available on the extranet of the UPR.

## **I. Summary of the proceedings of the review process**

### **A. Presentation by the State under review**

At the 16th meeting, on 13 May 2009, Slovakia presented its national report prepared in consultation with non-governmental organizations.

Slovakia noted that it is a party to almost all fundamental United Nations human rights treaties and the European Convention for the Protection of Human Rights and Fundamental Freedoms. No reservations were made to the commitments accepted under these instruments.

Slovakia stated that legal safeguards guaranteeing human rights were enshrined in the Constitution. International human rights treaties prevail over national laws. Amendments are being made to the Penal Code in preparation for the ratification of the Convention for the Protection of All Persons from Enforced Disappearance. Measures are being taken to ratify the Convention on the Rights of Persons with Disabilities and its Optional Protocol. In response to the advanced questions concerning ratification of the Optional Protocol to the Convention against Torture, Slovakia is analysing the Optional Protocol to identify the legislative amendments required. Slovakia strives for timely and regular submission of national reports under the United Nations treaty bodies and noted that all overdue reports will be submitted by the end of this year. Slovakia would appreciate streamlining and rationalizing of the reporting system.

Slovakia made reference its judicial and non-judicial human rights mechanisms. The latter being represented by the Ombudsman and the Slovak National Centre for Human Rights (SNCHR). At the executive level, human rights fall within the competence of the Deputy Prime Minister for the Knowledge-Based Society, European Affairs, Human Rights and Minorities. The Governmental Plenipotentiary for Roma Communities is responsible for an effective institutional framework to address problems of this minority.

The legal framework for the principle of equal treatment is the Antidiscrimination Act of 2004. The new Action Plan to combat racism, xenophobia, intolerance and discrimination, for 2009-2011, was adopted on the date of this review. Another step towards combating racism was the re-codification of the criminal law in 2005.

Approximately 14 per cent of population claims other than Slovak nationality and there are 12 officially recognized national minorities and ethnic groups. The language rights of members of minorities are defined in a number of regulations, and the 1999 Act on the Use of Minority Languages specifies the conditions for the use of minority languages in official communications. Persons belonging to national minorities have the right to education in their mother tongue.

Under the Act on Employment Services (2004), no special measures with respect to the position of minorities on the labour market are foreseen. However, special projects are implemented in order to avoid disproportionate effects of the economic crisis on any minority.

Slovakia stated that the excessive use of force by the police against Roma children in Košice was incompatible with their duties; a prompt and impartial investigation has been initiated and concerned policemen were immediately dismissed from the police service and face prosecution. In order to address police harassment, measures for enhanced psychological care of policemen are taken, new educational programs are being prepared for special police schools and human rights training will be strengthened.

To address the challenges in the promotion and protection of women and children's rights, the Government has been further improving the implementation of the respective United Nations Conventions. A permanent Ministerial Committee for Children was established and children's rights are also monitored by SNCHR.

Domestic violence against women and children was of significant concern in Slovakia. Amendment to the Police Act (2008) permits the banning of perpetrators of domestic violence from the home for up to 48 hours. In cases where children are affected, a copy of the police record is sent to the

social protection authority. Legislative and other measures, including the ratification of the European Convention on the Compensation of Victims of Violent Crimes and the gathering of data, have been taken to support victims of violent crimes.

In order to eliminate existing gender stereotypes in education and employment, Slovakia adopted an updated National Strategy for Gender Equality for 2009-2013 and is finalizing the National Action Plan for the Prevention and Elimination of Violence against Women for 2009-2012. Women and men have the right to equality in employment, remuneration, career growth and professional training. The Government increasingly promotes work-life balance measures.

Addressing concerns about the access of women and adolescent girls to affordable health-care services, including reproductive health care, a national programme of health care for women is under discussion and laws have been passed on access to voluntary family planning.

Slovakia underlined that forced sterilization of Roma women have never been an official state policy nor officially endorsed practice. Rights of human rights defenders, involved in this issue, in particular freedom of expression, have been guaranteed by law and no human rights defender has been prosecuted.

The Plenipotentiary of the Government for Roma Communities and her Office focuses on addressing issues of this community and improving its position via specific programmes to assist their integration into society. The department deals with the collection and processing of ethnic data and seeks to support self-awareness in the Roma population. The aim of the horizontal priority is to increase employment and the educational level of members of the affected minority and improve their conditions regarding education, employment, health, housing, elimination of poverty and support of equal opportunities. For this purpose, 178,000,000 euros have been allocated from the European Union funds.

With regard to education, the greatest problems faced by the Roma community are the high number of pupils in classes, irregular school attendance and an insufficient number of nursery schools. The Roma children are coming from socially disadvantaged and a low motivational environment.

Roma settlements, equipped with shops, community centres and schools, are far from villages and therefore desegregation requires time and specific actions. The quality of houses in Roma settlements is usually below standards and access to communal infrastructure is limited. The need for housing is further underscored by the increasing Roma population in the settlements and in the cities. Since 2001, the Slovak Government has allocated 1.2 billion koruny for construction of flats for marginalized groups.

A health programme to support disadvantaged communities for the period 2009-2015 was launched. The programme is being implemented by community health education workers.

The office participated in the preparation of the School Act amendment that enables the inclusion of teacher's assistants and free education for children in the final year of nursery school. Moreover, through a grant programme, the department annually provides financial contributions for talented pupils of secondary grammar schools and university students.

#### **B. Interactive dialogue and responses by the State under review**

During the interactive dialogue, statements were made by 48 delegations. A number of delegations thanked the Government for the comprehensive national report, its presentation and for the responses provided to advance questions. Statements were made welcoming Slovakia's commitment to the universal periodic review process, its constructive participation and the consultations with stake holders that took place in preparing the national report. A number of states welcomed the ratification by Slovakia of most international human rights instruments and the institutional and legal framework for the promotion and protection of human rights. Several delegations noted also as a positive step the elaboration of policies and programmes targeted to Roma communities.

Recommendations made to Slovakia during the interactive dialogue are to be found in chapter II on Conclusions and Recommendations.

Finland welcomed the legislative efforts to improve the realization of the rights of the Roma minority, but was concerned that despite legislative improvements, many Roma children are still placed in special schools and classes for children with mental disabilities and learning difficulties. Finland inquired whether Slovakia is considering measures to ensure that Roma children have the same possibilities as the main population to enjoy the right to education. Finland appreciated the recognition of housing as one of the most difficult issues for the Roma and enquired as to Slovakia's plans to improve the housing conditions of its Roma population and whether it sees possibilities for involving the Roma in this work.

Algeria noted that, as stated in paragraph 21 of the national report, Slovakia is a party to major international human rights instruments, and a party to several other humanitarian international instruments. Algeria also referred to inequalities between men and women in the area of remuneration, representation of women in decision-making and political organs and to the exercise of religious freedom.

Uzbekistan noted the creation of the National Council on Gender Equality, a commission to coordinate activity to eradicate race related crimes and a national plan of action to combat trafficking. Uzbekistan noted however, as noted by the treaty bodies and the special procedures, the increasing number of racially motivated crimes against members of minorities, including the Roma and other vulnerable groups. There is also a high level of violence in schools and families, and a lack of legislation which explicitly provide for prosecution for sexual exploitation of children.

The Russian Federation noted with satisfaction the importance given to the protection and promotion of the rights of national minorities and that Slovakia is a multi-ethnic country with some 12 officially recognized minorities and ethnic groups. Noting the serious problem of the sexual exploitation of children, it inquired whether Slovak legislation provides for prosecution for this offence.

India welcomed the amendment to article 127 of the Constitution introducing a constitutional complaint procedure and the adoption of a new Labour Code in 2007 reflecting the principle of equal remuneration for men and women for work of equal value. India also noted the establishment of a separate government office for the Roma community and official standardization of Roma language. In spite of that, a wide concern has been expressed, inter alia, by the United Nations Development Programme, the Committee on the Rights of Children, the Committee on the Elimination of Discrimination against Women, the Human Rights Committee and the Committee on the Elimination of Racial Discrimination, about the persisting social exclusion. Therefore, India requested Slovakia to share information about the challenges face by the Government in better integration of the Roma community and urged the Government to take further necessary measures for sustainable social development of the Roma community.

Brazil commended Slovakia particularly for raising awareness on human rights issues and combating discrimination and the trafficking of human beings through a comprehensive national programme. Brazil also commended Slovakia for the quality of its health-care system, especially for the very low prevalence of HIV/AIDS, and for the excellence of the education system, compulsory for 10 years and free of charge.

Austria noted that several treaty bodies, including those mentioned in paragraph 29 above, the Human Rights Committee and the ILO Committee of Experts, have expressed concern about continued discrimination faced by members of the Roma minority in almost all walks of life and asked how the Government is following up on the many recommendations issued by the treaty bodies to effectively combat the discrimination and social exclusion experienced by a significant part of its population.

Serbia welcomed the transformation and extension of powers of the special board for persons with disabilities into the Council of the Government. Serbia asked if more information could be provided concerning the process of ratification of the Convention on the Rights of Persons with Disabilities as well as cooperation with civil society in this regard. Serbia noted with interest the part of the national report containing information on the Action Plan for the Prevention of all Forms of Discrimination, Racism, Xenophobia, Anti-Semitism and Intolerance 2006-2008. Serbia wished to know if Slovakia intends to prepare a new Action Plan, and if so, what would be its contents.

Singapore noted that the Penal Code includes detailed classification of racially motivated crimes and declares unlawful any organisation and any activity promoting race-based discrimination. Slovakia has made it a key priority to help those among the Roma population who would stand to benefit from its multi-faceted strategy, encompassing education, employment, health, housing and tackling poverty and discrimination. Singapore proposed that if Slovakia could work with other countries or the European Community to do an event at the United Nations to better acquaint everyone with the culture and lives of the Roma communities, that could be useful to raise awareness and dispel misconceptions as well as serving as a gesture of recognition to these communities.

The Islamic Republic of Iran shared most of the concerns expressed by various human rights bodies, special procedures and civil society on the overall situation of human rights in Slovakia, particularly the extremely serious situation of Roma community. Social exclusion, as well as discrimination against Roma is widespread, notably in the field of employment, education, health care and housing. Moreover, media often portray Roma matters in a negative way, which exacerbates prejudice against this population. The Islamic Republic of Iran shared the concerns of the Committee on the Elimination of Racial Discrimination at the occurrence of racially motivated crimes and encouraged Slovakia to combat the negative consequences of such trends. Iran also referred to the concerns of the Committee on the Rights of the Child and the Human Rights Committee at the continuing incidents of excessive use of force by police, and harassment.

Morocco praised Slovakia for the institutional framework for the promotion and protection of human rights, such as the Institute of the Mediator or "Public Defender of Rights" and SNCHR, and asked if the Centre is a national institution based on the Paris Principles. Morocco referred to the importance paid by Slovakia to the question of education, in particular the human rights education.

Mexico congratulated Slovakia for the fact that in its Constitution, rights and fundamental freedoms are universally guaranteed without any distinction. It noted that there are still challenges in ensuring that the entire population enjoys these rights. Mexico recognized the significant progress seen in the promulgation of laws prohibiting forced sterilization but noted the observation of the Committee on the Elimination of Discrimination against Women on the existence of some cases, particularly against Roma women.

Canada noted a number of events organized by extremist groups aimed at promoting xenophobia and violence against minorities. Canada appreciated the existence of active and independent media expressing a variety of views without restrictions, but noted the coming into effect of a law that requires publishers to print responses to any statement of fact that impinges on the honour and reputation of a person or legal entity.

United Kingdom welcomed, *inter alia*, the anti-discrimination law, the law on judicial fees and the Civil Proceedings Act. It also looked forward to upcoming 2009-2013 Action Plan on Preventing and Eliminating Violence against Women and welcomed the National Action Plan for Children adopted in January. The United Kingdom noted that large sectors of the Roma communities live in conditions worse than those of other Slovak citizens; access to housing, health care and education remains a serious challenge. It further expressed concern at the number of incidents of police violence against the Roma and at the discriminatory language used by some politicians in referring to the Hungarian minority.

Pakistan noted that Slovakia accepts the jurisdiction of the European Court of Human Rights; and the existence of different institutions and mechanisms for the protection of human rights, such as SNCHR and parliamentary committee for human rights. Pakistan also noted that the report provides space to the concerns of civil society on its policies. While noting the anti-discrimination act and institutional mechanisms to ensure these rights, Pakistan enquired as to the reasons for the persistence of related problems and the specific steps being taken to address this issue.

Switzerland welcomed the efforts of Slovakia for better respecting the rights of persons belonging to minorities. Nonetheless, national authorities and the civil society revealed a number of deficiencies in the implementation of the relevant provisions, thus keeping the Roma minority in a precarious condition.

Sweden welcomed the establishment of the Decade of Roma Inclusion 2005-2015. Sweden referred to Committee on the Elimination of Discrimination against Women and its concern about the high rate of violence against women and girls, including homicides resulting from domestic violence. It noted the national strategies and Government-sponsored campaign in order to raise awareness and it welcomed the information that those efforts will be strengthened in the National Action Plan that Slovakia is preparing for 2009-2012. Sweden welcomed the inclusion of sexual orientation within the anti-discrimination act and asked if today same-sex partners have been provided equal rights and responsibilities as opposite-sex partners in all areas of legislation.

Germany noted that only one non-governmental organization from Slovakia had provided input into the summary of stakeholders reports prepared by OHCHR and asked Slovakia for their views on the reasons for such an apparently low level of participation of non-governmental organizations in the universal periodic review process. With regard to the situation of women in the country, Germany asked further details on the programmes with regard to addressing the situation of wage gaps and the legal framework.

Ukraine requested more information on the implementation of the work-life balance measures approved in 2006 and its impact on ensuring gender equality and preventing domestic violence. Ukraine commended efforts to prevent and combat trafficking in human beings; the improvement of the identification of trafficking victims and training of law enforcement and judicial authorities to assist and protect victims. It enquired whether any training in human rights was provided for police officers and prison personnel to prevent torture and ill-treatment.

Turkey noted that the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination against Women expressed concern at the high rate of domestic violence in Slovakia and that the lack of legal tools to ensure that the perpetrators leave the family environment. Turkey asked whether Slovakia has undertaken any legislative measure to penalize sexual exploitation and abuse of children in its criminal law. Turkey recognized efforts to improve the situation of the Roma community. Nonetheless, a number of treaty bodies remain concerned about Roma's situation. Turkey asked what measures were taken to change the negative perception of the Roma community in the society as suggested by several treaty bodies.

Cuba indicated that the elimination of all forms of racism, xenophobia and racial discrimination is a collective commitment of the international community, and Slovakia still has a lot of progress to be made in this area. Cuba asked what measures does Slovakia intend to implement to ensure full respect of human rights of minority groups, in particular Roma, who are victims of various discriminatory practices, as amply noted by various special procedures and treaty bodies.

Portugal commended Slovakia for its "Action Plan for Prevention of all Forms of Discrimination, Racism and Xenophobia, Anti-Semitism and Intolerance" and inquired whether specific measures have been taken to combat, in particular, the negative perception of Roma persons and individuals belonging to minorities. Portugal asked what measures were envisaged to address comprehensively the problem of social exclusion based on difficult access to employment, housing, education and healthcare. Portugal expressed concern about the high level of violence against women and girls, including victims of trafficking.

The Netherlands noted that Slovakia has paid special attention to issues concerning the Roma minority. However, responsibilities for Roma issues are now dispersed over several different authorities despite persistent problems with housing, education, health and access to the labour market.

Argentina welcomed Slovakia's inclusion of extensive protection of human rights in the Constitution and the reform of the Constitution establishing the supremacy of the international instruments. Argentina noted the creation of the commission for coordinated action in the elimination of racially motivated crimes. Argentina further asked how the Council for the Equality between Genders functions and if new legislation has been adopted or legislation amended to protect women against discrimination.

Slovenia commended Slovakia for the elaboration of the Decade and National Action Plan for Roma Inclusion 2005-2015. Slovenia, while commending Slovakia on the Action Plan for Children and for establishing a permanent Ministerial Committee for Children, was concerned about the disproportionate number of Roma children placed in special schools and classes. It inquired as to when Roma children are likely to receive education in the Roma language, taking into account its official standardization in June 2008 to serve as a

basis for such education.

Jordan commended the efforts of Slovakia to develop and strengthen its legislative and institutional framework, including through the establishment of the SNCHR. It noted that this has been complemented by the accession to many international human rights conventions, which take primacy over national legislation, which reflects Slovakia's firm commitment to human rights.

Bosnia and Herzegovina encouraged Slovakia to submit outstanding reports to United Nations treaty bodies, especially initial reports on implementation of two additional protocols to the Convention on the Rights of the Child. It asked Slovakia to elaborate more about efforts on steps taken. It also asked Slovakia to elaborate on measures undertaken to combat trafficking in women and children including sexual exploitation. It encouraged Slovakia to continue to implement programs and projects in the field of health for Roma, as recommended by the Committee on the Elimination of Racial Discrimination. It asked Slovakia for more information on measures to be taken to ensure that children, particularly Roma children, have equal opportunities for access to schools.

The Holy See asked the delegation of Slovakia to elaborate on the adoption, in 2008, by the Government, of a National Programme to Combat Trafficking in Human Beings to face the increasing presence of irregular migrants from neighbouring countries. The Holy See also noted that treaty bodies are concerned about discrimination against the Roma, especially Roma children and asked what initiatives the Government was undertaking in order to improve the situation of vulnerable groups of children, in particular Roma children. The Holy See commended Slovakia for the Family Act Law which calls for the protection of marriage and noted that Committee on the Elimination of Discrimination against Women was concerned at the persisting high rate of abortion.

Malaysia welcomed the enactment of the Anti-Discrimination Act 2004 which contains provisions that serve to correct existing forms of social and economic disadvantages among the population. Malaysia also noted that Slovakia has made positive gains in protecting and promoting women's human rights highlighting that the establishment of the Government Council for Gender Equality 2008 and the proposed National Action Plan 2009-2013 to combat domestic violence reflects the government's commitment in that regard.

Kazakhstan noted with interest, inter alia, the Council of the Government for National Minorities and Ethnic Groups. Kazakhstan commended that it is of utmost importance that minority cultures are supported through a grant system. Kazakhstan noted that the Committee on the Elimination of Racial Discrimination and the Committee on the Rights of the Child recommended that it combat the negative consequences of racially motivated crimes. It requested information on the work done to realise the recommendations of these committees. Noting the concern of the Committee on the Elimination of Discrimination against Women that women are underrepresented in political and public decision-making bodies, Kazakhstan requested statistical data or surveys on this issue.

In responding to questions, Slovakia informed, that a medium-term concept of development of Roma was adopted. It covers the areas of education, housing, social areas, employment and health care. The issue of human trafficking is also being addressed in this framework.

Slovakia mentioned that in the field of education efforts are being made not to put Roma children into special schools. Children living in poverty have free food at schools and pre-schools. Parents with low income receive subsidies to cover school expenses.

In the field of housing Slovakia informed of a long-term programme for marginalized groups. The Government in cooperation with civil society discuss the definition and understanding of social housing. Measures to legalize the Roma settlements are also needed.

Slovakia noted that the Roma language is part of the Roma identity. Its standardization in 2008 promotes the use and publishing of textbooks in Roma language.

Angola commended the implementation of political and economic reforms. However, concerns exist regarding the situation of ethnic minorities and documented reports of violence by far-right groups against immigrants. According to the ILO Committee of Experts many Roma still face difficulties and discrimination in, inter alia, employment and education. In this connection, Angola noted that the Framework Agreement on Roma Communities was a positive step forward and asked whether any other measure to eliminate discrimination against the Roma community have been taken. Noting that the Committee on the Elimination of Discrimination against Women expressed concerns over the limited scope of the existing legislation to eliminate gender-based discrimination, Angola asked what strategies the Government was implementing to overcome remaining challenges concerning gender based discrimination.

The Republic of Moldova commended Slovakia for its active cooperation with national and international stakeholders, inclusively with the United Nations and European mechanisms for human rights. With regard to the rights of children and the recommendations made by the Committee on the Rights of the Child, the Republic of Moldova asked about the mechanism of cooperation with UNICEF and the United Nations Agency Panel on Juvenile Justice for ensuring at the national level the adequate standards on juvenile justice.

France welcomed the establishment of the post of Mediator and the Plan of Action for the improvement and progressive integration of the Roma community. France asked what measures had been taken to meet concerns of the Committee on the Elimination of Discrimination against Women regarding the high rate of violence against women and girls. Noting that Slovakia had allocated 185 million euros for 2008-2013 to assist the Roma community, it asked what measures had been taken to implement the right to health for the Roma population and, particularly, to improve their information on preventative medicine. France enquired what measures had been adopted to create an independent monitoring mechanism for implementation of the Convention on the Rights of the Child.

Nigeria noted that Slovakia made no reservation with regard to commitments to all the human rights conventions and treaties it has ratified and applauded Slovakia for establishing the SNCHR in 1993 and for the abolition of death penalty in 1990. Noting that the national report highlighted that trafficking in human beings is a serious problem, Nigeria wished to have additional elaboration on the concrete steps Slovakia intends to take regarding trafficking for sexual purposes often involving minors.

Hungary welcomed the establishment of the Office of the Public Defender of Rights and the new procedure for constitutional complaints that deals with alleged violations of constitutional rights including human rights. Hungary noted that the United Nations

treaty bodies have repeatedly urged Slovakia to recognize the rights of persons belonging to minority groups and to consider adopting a comprehensive legal act providing protection of the rights of such persons. The Council of Europe Advisory Committee on the Framework Convention for the Protection of National Minorities noted existing plans to draft legislation on national minorities but pointed out that they were not well known among representatives of national minorities and non-governmental organizations.

Japan appreciated Slovakia's efforts to protect the rights of minorities with the establishment of a five-year plan focused on its Roma communities. It noted that there are many examples of Roma children being placed into special schools for disabled children, without clearly defined selection criteria or effective independent complaint mechanisms for parents.

Croatia acknowledged, inter alia, the Solidarity-Integrity-Inclusion programme from 2008-2013 as well as the Decade of Roma Inclusion 2005-2015. Croatia noted, however, that despite efforts, there have been reports of widespread discrimination, prejudice and questionable police behaviour against Roma population. Croatia called upon Slovakia to undertake additional efforts in strengthening awareness-raising and other preventive activities for the benefit of Roma population, including education system that can serve as a tool to build bridges and common understanding between Roma and the rest of the community.

Azerbaijan noted the anti-discrimination act and "Action Plan for the Prevention of all forms of discrimination, racism, xenophobia, anti-Semitism and intolerance". Azerbaijan shared serious concern of some treaty bodies on cases of discrimination against Roma in various spheres, and wished to receive information on the measures Slovakia has undertaken or plans to undertake to address this problem. There are still problems to be addressed, such as domestic violence, particularly abuse of children, corporal punishment as well as high level of rape of children. Azerbaijan was concerned about reporting cases of sterilization of Roma women without prior and informed consent.

Belgium drew Slovakia's attention to the concerns expressed by different treaty bodies concerning the excessive use of violence by police forces in Slovakia. Behaviour seems often to be inspired by racial motivations. Belgium also made reference to recommendations from the Human Rights Committee to open investigations, in order to prosecute those guilty of those acts and provide remedies to victims and also offer them compensation, as well as recommendations by Committee on the Elimination of Racial Discrimination to create an independent monitoring mechanism to investigate allegations of human rights violations committed by the police force. It further noted that Slovakia has so far not informed the Human Rights Committee on measures taken to implement such recommendations.

The Czech Republic congratulated Slovakia for the establishment of the Office of the Plenipotentiary of the Government for Roma Communities as well as the Anti-Discrimination Act of 2004 and asked whether these measures were implemented and built upon. It also welcomed the establishment of the public defender of rights (the ombudsman) and wished to know more about its functioning and the way in which its independence and funding were secured.

Spain asked if Slovakia intended to ratify the Protocol 12 to the European Convention on Human Rights and the Convention on the Rights of Persons with Disabilities. It also asked about measures being taken given this low level of granting asylum, as well as if Slovakia has a specialized detention centre for dangerous detainees who suffer psychiatric conditions and about measures to allow small children to remain with their imprisoned mothers if they requested so.

The Republic of Korea noted Slovakia's extension of a standing invitation to the United Nations special procedures. It referred to concerns raised by United Nations treaty bodies about the Roma population, especially women and children facing racially motivated discrimination and violence. It also wished to know Slovakia's views on the recommendation of the Committee on the Rights of the Child that corporal punishment be prohibited by law in all settings, including at home.

South Africa remained concerned at the overall situation of the Roma minority and Roma children, a concern raised by the Human Rights Committee, the Committee on the Elimination of Racial Discrimination and the Committee on the Rights of the Child. South Africa asked for clarification concerning measures that the Government took to review legislation that does not reflect the principle of substantive equality fully embodied in CEDAW. South Africa also sought clarity on best practices on human rights that have been incorporated in the training programmes of police and prisons officers.

New Zealand commended Slovakia for adopting a National Plan for Children, as promised in its Human Rights Council campaign pledge and asked what steps had been taken to ensure the rights and special needs of children are being met in the justice system, in particular to ensure that juvenile justice standards are fully respected. New Zealand thanked Slovakia's comments that the placement of Roma children in special schools is not *ad hoc* in the new legislation, and that there is improved cooperation with the Ministry of Education.

Montenegro noted that Slovakia has sufficient institutional framework in place to protect human rights for all its citizens. Montenegro appreciated that Slovakia was among the first countries to extend a standing invitation to the United Nations special procedures. Montenegro requested Slovakia to dwell on the challenges and limitations, current and planned efforts to overcome the existing obstacles achieving satisfactory results.

Bangladesh stated that human rights mechanisms and treaty bodies noted the persistent discrimination against the Roma population remains a critical challenge. A series of measures have been taken to improve the situation of Roma population however, the Roma community living conditions, limited or selective access to education and healthcare continued to block their socio-economic emancipation. Government's efforts to improve this situation are undermined by reported excessive police brutality against the Roma minority and the forced exploitation, trafficking and sterilization of Roma women.

The United States of America made reference to reports of police mistreatment of Romani suspects, including recent reports of abuses of six Romani minors in Kosice while in police custody and asked Slovakia how it plans to address the problem. The United States asked Slovakia how it has addressed the concerns of the Organization for Security and Cooperation in Europe (OSCE) about the media law, which has now been in effect for one year, and about the status of freedom of expression for members of the press.

Bulgaria welcomed especially approval of the “Medium Term Concept of the Roma Ethnic Minority in Slovakia Solidarity-Integrity-Inclusion 2008-2013”. Bulgaria commended recent amendments to legislation on the status of foreign nationals and on asylum aiming to bring them in full compliance with EU-related legislation. It appreciated the adoption of the asylum policy paper mainstreaming the efforts of individual stakeholders engaged in addressing migration policy issues.

Slovakia stated that SNCHR enjoyed a “B” status category level.

The anti-discrimination act stipulates a list of grounds on which the discrimination is prohibited, including sexual orientation.

The Action Plan for the Prevention of all Forms of Discrimination, racism, xenophobia, anti-Semitism and other forms of intolerance for 2009-2011, is already the fifth action plan aiming at establishing effective mechanism for the reduction of hate crimes, intolerance, integration of minorities, public awareness, training of professional groups and multicultural education.

The 2008-2010 National Programme to Combat Trafficking in Human Beings is based on international human rights standards and promotes protection of victims. It respects the principle of gender equality. The program is carried out with the direct participation of the civil society.

Concerning the prevention of racially-motivated crimes, the police participate in the implementation of the respective action plan. New programmes have been prepared for police schools, including psychological training.

On legislative measures on sexual exploitation and abuse of children, Slovakia transposed the European Union Council Framework Decision on the fight against sexual exploitation of children and child pornography into its legislation in January 2006. Trafficking in children, sexual abuse, production, spreading and possession of child pornography are severely prosecuted. Slovakia continues to take new legislative measures on these crimes. The new draft amendment to the Criminal Code will reflect the most recent forms of sexual and other forms of abuse on children. The amendment will also precise the definition of child pornography.

Regarding the Convention for the Protection of All Persons from Enforced Disappearance, the provisions of the Convention were implemented by the draft amendment to the Criminal Code. The Convention will be submitted to Parliament for approval and then to the President for ratification.

The so-called Press Act does not limit freedom of expression, and is based on freedom of speech and freedom of information, which are guaranteed by the Constitution. The Act seeks balance between the right to freedom of speech and the right to the protection of one's dignity and privacy. The OSCE suggestion regarding concern for freedom of speech was accepted and the concerned paragraph was deleted. One year after its adoption, no cases of violations have been reported.

Regarding the Convention on the Rights of Persons with Disabilities, Slovakia informed that steps are being taken to ratify it by the end of 2009. The process is carried out in cooperation with non-governmental organizations and social partners.

In respect of the fight against poverty, the National Programme for the European Year for the Fight against Poverty and Social Exclusion has been adopted. Slovakia has also ratified the revised European Social Charter, which will come into force in June 2009.

Slovakia appreciated the opportunity of discussing achievements and challenges, and of sharing best practices. The Government will continue to pay special attention to issues of social inclusion, the elimination of social and cultural prejudice, promotion of racial and religious tolerance, good governance, and the principle of the Rule of Law and the protection of vulnerable and marginalizes groups including women, children, the disabled, minorities and ethnic groups.

Slovakia hoped that it had answered most of the questions addressed during the interactive dialogue and added that it would answer any remaining questions on bilateral basis.

## **II. CONCLUSIONS and/OR recommendations**

In the course of the discussion, the following recommendations were made to Slovakia: The response of Slovakia to these recommendations will be included in the outcome report to be adopted by the Human Rights Council at its 12 session.

Ratify/accede/adhere to the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (Mexico, Argentina, Azerbaijan, Algeria) bearing in mind the voluntary commitment in its candidature to the Human Rights Council to work for the universal ratification of all United Nations human rights instruments and actively encourage countries which are not yet party to them to ratify them (Algeria);

Consider becoming party to the Optional Protocol to the Convention against Torture or Other Cruel, Human or Degrading Treatment or Punishment (CAT-OP)(United Kingdom); Ratify/accede to CAT-OP (Argentina, Croatia, Azerbaijan, Czech Republic));

Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Argentina, Croatia) as soon as possible (France);

Consider signing at the earliest possible time (Portugal)/ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Argentina);

Ratify the Convention on the Rights of Persons with Disabilities (CPD) (Argentina, Spain) and its Optional Protocol (Mexico, Croatia); consider the completion of the ratification process of CPD in a speedy manner (Jordan);

Ratify Protocol 12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms, in particular bearing in mind the particular situation of the Roma minority in the country (Spain);



Accomplish progressively the human rights goals set forth in Human Rights Council resolution 9/12 (Brazil);

Implement the recommendations of the Committee on the Rights of the Child, including taking adequate legislative measures to ensure explicit prohibition of sexual exploitation and abuse of children under criminal law, ensuring that children are not criminalized or penalized, and intensify efforts in for implementation of laws and policies protecting children against economic exploitation (South Africa);

Adopt a comprehensive legal instrument which recognizes the rights of persons belonging to minority groups, including Roma, and offers the necessary protection, in particular to children, as recommended by the Committee on the Rights of the Child (Cuba);

Take effective legislative measures to achieve gender parity in accordance with the Convention on the Elimination of All Forms of Discrimination against Women (Angola);

Develop more legislative guarantees in order to fully comply with the provisions of the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages (Hungary);

Further strengthen the Slovak National Centre for Human Rights (SNCHR) so that it can discharge its mandate in a comprehensive and effective manner (Jordan); upgrade SNCHR to a full-fledged national human rights commission in accordance with the Paris Principles (Bangladesh); enable SNCHR to monitor the implementation of anti-discrimination legislation, initiate investigations and recommend remedies in individual cases involving discrimination in the enjoyment of the right to education (Canada);

Take measures to ensure policy and institutional coherence with a view to addressing the situation of the Roma minority in a comprehensive manner (South Africa); continue to ensure unified implementation of its policy for the integration of Roma in Slovak society (Netherlands);

Formulate and implement a national plan of action for the protection of the civil rights of lesbians, gays, bisexuals and transgender (LGBT) persons (Netherlands);

Adopt effective measures to further strengthen the system for enforcement of the rights and the interests of children (Uzbekistan);

Continue to strengthen its efforts for the promotion of human rights education, notably by ensuring the implementation of the National Plan of Action for Human Rights Education 2005-2014 (Morocco);

Establish a strategy to prevent xenophobic acts and violence involving ethnic or other minorities in consultation with relevant partners, the Slovak Roma community and other national and ethnic groups (Canada);

Take all necessary steps to address the concerns expressed by civil society in the Slovakian national report through necessary policy and implementation reforms (Pakistan);

Establish a plan of action to implement the “Midterm Strategy for the Development of the Roma National Minority of the Slovak Republic, Solidarity-Integrity-Inclusion 2008-2013” (Switzerland);

Fully implement the “Decade of Roma Inclusion 2005-2015 Programme” to address all forms of discrimination against the Roma people and to improve the conditions of Roma settlements (Bangladesh);

Pay particular attention to the protection of the most vulnerable sectors of the society, including the Roma (Argentina);

Respond regularly to questionnaires sent by special procedures mandate holders (Slovenia);

Consider implementing, as appropriate, the recommendations of human rights treaty bodies and special procedures on the Roma (Jordan); fulfil specific recommendations of treaty bodies in respect of cases of discrimination against Roma (Azerbaijan);

Continue its efforts and strong policy to address all forms of violence and discrimination against women, minorities and other vulnerable groups (Kazakhstan);

Step up its efforts to tackle the root cause of discrimination and violence against the Roma population, especially women and children (Republic of Korea);

Reinforce its policies and strategies to eliminate all sorts of discrimination against the Roma community (Angola); continue to address the inequalities affecting particularly the marginalized Roma community (Turkey); intensify its efforts to fight against discrimination against Roma people by tackling the root causes of this problem (Switzerland);

Take effective measures to eliminate forms of discrimination against Roma women and girls (Brazil);

Intensify the fight against stereotypes regarding the Roma minority and further strengthen human rights education and training for representatives of the public authorities in general and law enforcement officials in particular (Switzerland);

Continue and strengthen the measures to come to terms with the problems of discrimination that still persist, and ensure the full enjoyment of human rights by all minority groups (Sweden);

Step up efforts to change the stereotype and traditional perception of Roma by the majority population, including through conducting more awareness and sensitization programmes (Malaysia);

Defend the right to life, based on article 15 of the Constitution (Holy See);

Reinforce measures to combat incitement to discrimination and racial violence including through criminal prosecution of those involved in violence against minorities and immigrants, and provide adequate reparation for the victims of such acts (Angola);

Act firmly to eliminate all forms of human rights violations committed by members of the police force, including harassment and excessive use of violence (Belgium); effectively investigate all reported cases of harassment of members of the Roma by the police forces (Austria);

Further improve relations and cooperation between law enforcement officials and the Roma and other minority groups and consider setting up an independent monitoring mechanism to carry out investigations into allegations of excessive use of force and police misconduct towards vulnerable groups (Malaysia);

Increase measures to combat racial violence and incitement and develop appropriate mechanisms to receive complaints from victims and provide adequate investigation and prosecution (Malaysia);

Intensify its actions to address the problem of racially motivated crimes and excessive use of force by police against the Roma community and persons belonging to other vulnerable groups (United Kingdom); step up efforts to prevent racially motivated crimes (Uzbekistan);

Intensify actions to curb racial violence and establish an independent monitoring mechanism to carry out investigations of complaints of poor police performance (Argentina);

Give high priority to the introduction of comprehensive and holistic measures to address all forms of violence against women and to protect its victims (Portugal);

Pursue effective policies in combating violence against women and children (Turkey); place high priority on the introduction of comprehensive measures to address all forms of violence against women and children, including redress and protection of the victims (Azerbaijan);

Take further steps to ensure that the legislation on violence against women and girls is fully in line with international standards and includes prohibition of corporal punishment in the home (Sweden);

Ensure that the legislation on violence against women is specific and comprehensive, covering all forms of violence (Argentina); prioritize the implementation of measures to address all forms of violence against women in the family and in society and to ensure that women victims of violence have immediate means for protection and reparation (Argentina);

Prohibit corporal punishment by law in all settings, including the home (Brazil); take into account international standards and the provisions of the Convention on the Rights of the Child (Argentina);

Strengthen its policy to prevent, combat and punish human trafficking, particularly by providing assistance to victims, whatever their nationality (France);

Strengthen its programmes aimed at providing assistance to women in difficult circumstances, particularly those coming from other countries and who are brought into the territory of Slovakia for the purposes of prostitution (Nigeria);

Explicitly codify and penalize sexual exploitation of children (Brazil); recognize under criminal law the explicit prohibition of sexual exploitation and abuse of children, as recommended by the Committee on the Rights of the Child (Portugal); take the appropriate legislative measures to ensure direct prosecution under criminal law of sexual exploitation and ill-treatment of children (Russian Federation);

Adopt preventive measures, including through regional cooperation, on sexual exploitation of women, particularly minors (Nigeria);

Combat trafficking and sexual exploitation of women and children, and exploitation of children in the workplace (Islamic Republic of Iran);

Take measures to eradicate all forms of police harassment and ill-treatment when police investigations are carried out, including facilitating effective access to justice to presumed victims, effective and prompt investigations and sanctioning those responsible (Argentina);

Effectively apply legal and other measures to protect Roma and other minorities from violence and police mistreatment (Canada);

Provide human rights training and education for members of the judiciary, police and prison personnel, in particular focusing on the protection of human rights of women, children, ethnic minorities, and LGBT and ensure through investigation and prosecution of any misconduct towards these persons (Czech Republic);

Intensify efforts to fight, more vigorously, ethnically motivated crimes at all levels (Islamic Republic of Iran);

Conduct thorough criminal investigation and prosecution of the police officers involved in the mistreatment of six Roma minors in Kosice (United States); implement a systematic plan to train police on human rights and implement tolerance-building programmes (United States);

Create a specialized detention centre for dangerous prisoners who suffer psychiatric conditions (Spain);

Ensure that juvenile justice is fully implemented and that children are not ill-treated in detention and their rights not violated (Islamic Republic of Iran); strengthen its efforts to ensure that juvenile justice standards are fully implemented, in particular that children are

detained only as a last resort and for as short a time as possible, that children's rights are not violated while in detention and that programmes are in place to train specialized judges and other professionals involved in the juvenile justice system (New Zealand);

Take measures on the exercise of religious freedom and make norms and rules more flexible in order to preserve the rights of religious groups with a small number of believers and avoid their being subject to discrimination (Algeria);

Continue guaranteeing the invocation of conscientious objection by health professionals, in order to safeguard freedom of conscience of medical personnel (Holy See);

Work with the Organization for Economic Cooperation and Development on implementation of recommendations to address concerns about the limits that the media law places on freedom of expression (United States);

Take systematic measures, including temporary special measures, with a view to increasing the representation of women in decision-making and political organs, as recommended by the Committee on the Elimination of Discrimination against Women (Algeria);

Take measures to ensure that laws that require publishers to print responses to any statement of fact that impinges on the honour and reputation of a person or legal entity do not become subject to abuse by the authorities or different interest groups (Canada);

Put into practice active policies to allow an increase in the representation of women in elected and decision-making positions, in particular in the public administration (Argentina);

Empower the Roma population to participate in decision-making processes to better respond to their needs (Slovenia);

Organize targeted vocational training programmes, in particular for young people, to increase the employability of the members of the Roma community and improve their access to the labour market (Austria);

Adopt further administrative and educational measures to narrow and close the wage gap and enact equal pay for work of equal value (Germany); make efforts to correct inequalities between men and women in the area of remuneration, especially through the introduction of effective measures as part of the National Strategy 2009-2013 for sex parity, which is being prepared (Algeria); step up efforts to eliminate occupational exclusion, to ensure equal pay for work of equal value to men and women (Azerbaijan);

Take measures to ensure the right to work of persons belonging to the Roma community, particularly by giving further encouragement to municipalities, associations and non-governmental organizations to find jobs for them (France);

Ensure effective participation of the Roma communities in the process of implementing their right to adequate housing (Finland); increase efforts to provide adequate social housing to members of the Roma minority living in substandard dwellings (Austria);

Develop programmes to effectively improve access to health services, employment and housing for Roma persons (Islamic Republic of Iran);

Continue measures for the prevention of forced sterilization and provision of legal remedies to victims of such violations (Mexico); guarantee that no women belonging to minority groups, including Roma, can be subject to practices of forced sterilization and that victims of such practices are provided with the necessary reparation (Cuba);

Proceed to carry out impartial and independent investigations of all complaints from women alleging to have been subjected to forced sterilization in order to determine who is responsible and bring them to justice (Cuba); take concrete steps to investigate the allegations, including legal action, and to prevent reoccurrence of the coercive sterilization of Roma women and compensate victims (Japan);

Monitor health centres to ensure that patients provide fully informed consent before any sterilization procedure is carried out and that the complaints filed on grounds of coerced sterilization are duly investigated and victims are granted effective remedies (Azerbaijan);

Develop further effective campaigns and programmes to improve access to health services, employment and housing for Roma, take effective measures to guarantee their protection against poverty and social exclusion and develop effective monitoring and evaluation mechanisms for the assessment of the results of these campaigns, programmes and measures (Slovenia);

Adopt measures to ensure that the education plan and teaching materials have an inter-cultural perspective (for all), bearing in mind the culture and history of different minority groups (Mexico);

Enact and implement new legislation as well as practical measures to end discriminatory practices against Roma in the education system, in particular provisions of the School Act which lead to Roma children being pushed out of the regular school system and into special educational institutions, thereby perpetuating their segregation (Austria);

Take all necessary measures to ensure that all children, particularly Roma children, have equal opportunities for access to school (Mexico); take concrete measures to improve the realization of the right to education by the Roma children, taking also into account special education needs (Finland);

Ensure that children belonging to minority groups have equal and adequate access to education, health and other services (Islamic Republic of Iran);

Develop and implement a strategy to address the disproportionate enrolment of Roma children in comparison with children with disabilities in special schools (New Zealand);

Establish practical measures to resolve the issue of Roma children being placed into special schools for disabled children, without

clearly defined selection criteria or effective independent complaint mechanisms for parents (Japan);

Adopt time-bound measures to increase access for Roma children and children with disabilities to inclusive education in mainstream schools (New Zealand);

Continue its efforts to promote and protect the rights of national minorities (Russian Federation);

Take measures to improve the relations between all public officials and members of the Roma minority through training courses as well as increased employment of members of the Roma minority by public institutions (Austria);

Provide incentives for the Roma community to build their capacity to participate in civil society (Austria);

Persist in working towards the full inclusion of the Roma community, the success of which will be highly rewarding for all the people of Slovakia (Singapore);

Take concrete measures for the improvement of the socio-economic status of Roma communities (Islamic Republic of Iran); continue efforts to address effectively the socio-economic inequalities of the Roma and to improve their situation (Jordan);

Address the status of persons belonging to minorities within Slovakia through greater engagement and effective use of European Union funds, expert level cooperation and strengthening of national procedures (United Kingdom);

Ensure that minority groups are not disproportionately affected by the financial and economic crisis (Netherlands);

Promote greater tolerance and understanding among the majority population about the rights of the Roma community, migrants and asylum seekers (Bangladesh);

Effectively implement the respective procedures and to further promote rights of foreign nationals, migrants and asylum seekers (Bulgaria);

Share with the members of the international community its best practices regarding human rights, particularly on the new policy on domestic violence and persons with disabilities (Republic of Moldova);

Commit itself to raising awareness about the UPR recommendations and include interested non-governmental organizations in discussions on how to best implement recommendations (New Zealand);

Provide for efficient administrative procedures to make use of the significant financial means available through European Union funds and other sources for projects supporting the development of the Roma (Austria);

Follow up its commitment to increase public aid for the development of countries in need (Algeria);

Realize further campaigns and awareness-raising efforts to disseminate information on human rights, equality and anti discrimination (Czech Republic).

All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review thereon. They should not be construed as endorsed by the Working Group as a whole.

## **Annex**

### **COMPOSITION OF THE DELEGATION**

***The delegation of Slovakia was headed by H. E. Ms. Diana ŠTROFOVÁ, State Secretary Ministry of Foreign Affairs of the Slovak Republic and composed of 14 members:***

H.E. Mr. Anton PINTER, Permanent Representative of the Slovak Republic to the Office of the United Nations and other International Organisations at Geneva;

Ms. Peter BÁTOR, Head of the Cabinet of the State Secretary. Ministry of Foreign Affairs of the Slovak Republic

Ms. Anina BOTOŠOVÁ, Plenipotentiary of the Government of the Slovak Republic for Roma Communities;

Ms. Jana KRESÁKOVÁ, Director General of the Division for Minority and Regional Cultures, Ministry of Culture of the Slovak Republic;

Ms. Veronika LOMBARDINI, Director of the Department for Human Rights, Council of Europe, OSCE and National Minorities, Ministry of Foreign Affairs of the Slovak Republic;

Ms. Milica JANČULOVÁ, Director of the Department for Human Rights and National Minorities, Office of the Government of the Slovak Republic

Mr. Juraj DŽUPA, Director of the Department for EU Affairs and International Cooperation, Ministry of Labour, Social Affairs and Family of the Slovak Republic;

Ms. Zuzana KADLEČÍKOVÁ, Unit for schools with minority language as a language of instruction and for Roma communities' education, Ministry of Education of the Slovak Republic;

Ms. Renáta PUŠKÁROVÁ, Department for Healthcare, Ministry of Health of the Slovak Republic;

Ms. Miroslava VOZÁRYOVÁ, Department for International Relations and European Affairs, Ministry of Interior of the Slovak Republic;

Mr. Branislav KADLEČÍK, Department for Foreign Cooperation and Human Rights, Ministry of Justice of the Slovak Republic;

Mr. Matej POLÁČEK, Police Corps Presidium, Ministry of Interior of the Slovak Republic;

Mr. Drahošlav ŠTEFÁNEK, Deputy Permanent Representative, Permanent Mission of the Slovak Republic at Geneva;

Ms. Ivana KASÁROVÁ, Attaché, Permanent Mission of the Slovak Republic at Geneva.

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