



## International Covenant on Civil and Political Rights

Original: English

Human Rights Committee

### Concluding observations on the fourth report of Slovakia \*

1. The Committee considered the fourth periodic report of Slovakia (CCPR/C/SVK/4) at its 3305th and 3307th meetings (see CCPR/C/SR.3305 and 3307), held on 17 and 18 October 2016. At its 3329th meeting, held on 31 October 2016, it adopted the present concluding observations.

#### A. Introduction

2. The Committee welcomes the submission of the fourth periodic report of Slovakia and the information presented therein. It expresses appreciation for the opportunity to renew its constructive dialogue with the State party's delegation on the measures taken during the reporting period to implement the provisions of the Covenant. The Committee is grateful to the State party for its written replies (CCPR/C/SVK/Q/4/Add.1) to the list of issues (CCPR/C/SVK/Q/4), which were supplemented by the oral responses provided by the delegation, and for the supplementary information provided to it in writing.

#### B. Positive aspects

3. The Committee welcomes the following institutional and policy measures taken by the State party:

- (a) The adoption of the National Strategy for the Protection and Promotion of Human Rights, on 18 February 2015;
- (b) The adoption of the Strategy for Roma Community Integration by 2020, in January 2012, and of the National Action Plan for the Decade of Roma Inclusion for the years 2011-2015;
- (c) The adoption of the National Action Plan for the Prevention and Elimination of Violence against Women for the period 2014-2019, on 18 December 2013.

4. The Committee welcomes the adoption by the State party of the following legislative measures:

- (a) The 2013 amendment to Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination (the Anti-Discrimination Act), extending the definition of indirect discrimination;
- (b) The 2013 amendment to the Act on Compensation of Victims of Violent Criminal Acts, extending the right to compensation for victims of rape, sexual violence and sexual abuse to cover moral damages;
- (c) Decree No. 56/2014 of the Ministry of Health stipulating the requirements concerning informed consent prior to the performance of sterilization, in April 2014.

5. The Committee also welcomes the ratification of, or accession to, the following international instruments by the State party:

- (a) The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, on 7 March 2012;
- (b) The Optional Protocol to the Convention on the Rights of the Child on a communications procedure, on 3 December 2013;
- (c) The International Convention for the Protection of All Persons from Enforced Disappearance, on 15 December 2014.

#### C. Principal matters of concern and recommendations

##### Views under the Optional Protocol

6. While welcoming the examples of cases in which the provisions of the Covenant have been referred to by national courts, the Committee is concerned about the lack of a clear indication of what mechanisms and procedures are in place for the effective implementation of the Committee's recommendations and Views (art. 2).

**7. The State party should: (a) continue to take appropriate measures to raise awareness of the Covenant among legal practitioners such as judges, lawyers and prosecutors so that the provisions of the Covenant may be taken into account before the national courts; and (b) consider establishing a mechanism to ensure that the Committee's recommendations and Views are widely disseminated and implemented.**

## **National human rights institution**

8. While noting the commitment of the State party to amend the act establishing the National Centre for Human Rights, the Committee is concerned that the Centre has a limited mandate and lacks independence, that there is a lack of transparency surrounding its recruitment procedures and the diversity of its members and staff, and that it has not been provided with adequate resources to carry out its functions (art. 2).

**9. The State party should: (a) amend the act establishing the National Centre for Human Rights so as to expand the scope of its mandate and competence to effectively promote and monitor the protection of human rights, including through reporting on national human rights issues to the legislature; and (b) take concrete measures to ensure that the Centre is provided with adequate financial and human resources, in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).**

## **Enforcement of the Anti-Discrimination Act**

10. While the Committee takes note of the 2012 and 2013 amendments of the Anti-Discrimination Act concerning affirmative action and accessing legal aid, it notes that the Act lacks an explicit reference to and definition of multiple discrimination. It is concerned that court proceedings concerning the right to equal treatment and protection against discrimination are excessively lengthy. It is also concerned about the low number of disputes being settled and the low number of cases in which compensation has been awarded to the victims of discrimination (arts. 2, 3 and 26).

**11. The State party should: (a) adopt measures to adequately address the issue of multiple discrimination as a form of discrimination; (b) enforce the Anti-Discrimination Act and disseminate information on it to the public, including information on all the legal remedies available when facing discrimination; (c) address the problem of lengthy court proceedings for victims of discrimination by ensuring, inter alia, that the amendment to the legislation on legal aid facilitates their access to justice; and (d) undertake an analysis of the low number of disputes being settled and the low number of cases in which compensation has been awarded to the victims of discrimination and take measures to address the problem, including by organizing training on non-discrimination for judges and law enforcement officials.**

## **Hate crime, hate speech and increasing radicalization in political discourse and in the media**

12. The Committee is concerned that, despite the State party's efforts to combat extremism, the phenomena of hate crime and hate speech in political discourse, in the media and on the Internet against ethnic minorities, notably Roma, Muslims and non-citizens, remain prevalent in the State party (arts. 2, 20 and 27).

**13. The State party should: (a) take measures to promote tolerance and an environment inclusive of persons belonging to ethnic, national, racial, religious and other minorities; (b) use legislative, policy and educational measures, including sensitization and awareness-raising, to counter stigmatization of Roma, Muslim and other minorities; (c) take measures to prevent racist attacks and to ensure that the alleged perpetrators are thoroughly investigated and prosecuted and, if convicted, punished with appropriate sanctions, and that the victims have access to adequate compensation; and (d) prohibit any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.**

## **Discrimination against lesbian, gay, bisexual and transgender persons**

14. While the Committee welcomes the amendment to the Criminal Code introducing sexual orientation among the aggravating grounds of a criminal offence, it notes that hate speech legislation does not cover sexual orientation and gender identity. It is concerned about the increasingly hostile environment against persons on the basis of their actual or perceived sexual orientation, gender identity or expression, which is exacerbated by hostile discourse from political figures. It is concerned that sterilization for both transgender women and men is a requirement for legal gender recognition (arts. 2, 17 and 26).

**15. The State party should: (a) adopt measures to tackle hate speech on the grounds of sexual orientation and gender identity; (b) take measures to eradicate all forms of social stigmatization of homosexuality, bisexuality or transsexuality and discrimination or violence against persons based on their sexual orientation or gender identity; and (c) develop and implement a procedure for legal gender recognition that is compatible with the provisions of the Covenant.**

## **Roma exclusion**

16. While noting the adoption of various strategies and programmes to improve the situation of the Roma community, the Committee reiterates its concern that Roma continue to suffer from discrimination, widespread unemployment, forced evictions without adequate alternative housing solutions and residential segregation (arts. 2, 26 and 27).

**17. The State party should strengthen its efforts to: (a) adopt measures to promote non-discriminatory access to opportunities and services in all fields and at all levels for members of the Roma community; (b) ensure that evictions from public lands are a means of last resort, and that when they cannot be avoided, they include access to adequate alternative accommodation, due process and legal remedies, including compensation; and (c) ensure that local authorities are made accountable for any segregation policies and actions.**

## **Discrimination of Roma children in education**

18. While the Committee welcomes the 2015 amendments to the Schools Act introducing a number of measures aimed at promoting

desegregation, it is concerned that Roma children continue to suffer from de facto segregation in the State party's school system, being taught in Roma-only classes or attending classes in separate school pavilions, and often being provided with inferior education. It is also concerned that the number of Roma children placed in schools for children with mild disabilities continues to be disproportionately high (arts. 2, 26 and 27).

**19. The State party should fully implement the Schools Act, adopt measures to effectively monitor and eradicate the practice of segregation, ensure that appropriate training is provided to experts assessing children as disabled and that education is provided to Roma children on a non-discriminatory basis with other children.**

### **Persons with disabilities**

20. The Committee is concerned that many persons with disabilities continue to live in large institutions separated from the rest of the society and that the practice of physical and mechanical restraints, in netted cage beds, continues (arts. 7, 10 and 26).

**21. The State party should take measures to: (a) continue and expedite the deinstitutionalization process in relation to all types of institutions in accordance with the Committee's general comment No. 35 (2014) on liberty and security of person; and (b) abolish the use of netted cage beds and other forms of restraint in psychiatric and related institutions.**

### **Representation of women**

22. While welcoming the adoption of the National Strategy and Action Plan for Gender Equality 2014-2019 and the data on women's representation in the public and private sectors, the Committee is concerned that women remain underrepresented in both the public and private sectors, particularly in decision-making positions. It notes the low representation of women in high-level and managerial positions and on boards of private enterprises (arts. 2, 3 and 26).

**23. The State party should strengthen its efforts to increase the participation of women in the public and private sectors, if necessary, through appropriate temporary special measures, to give effect to the provisions of the Covenant. The State party is encouraged to further support the participation of women in high-level and managerial positions and on boards of private enterprises, including through enhanced cooperation and dialogue with partners in the private sector.**

### **Violence against women, including domestic violence**

24. The Committee is concerned about the persistence of domestic violence in the State party, the underreporting of violence against women and the lack of a coordinated system for preventive measures and victim assistance, such as shelters and legal, medical and psychological assistance. It is also concerned about medical reproductive health treatments that may amount to inhuman and degrading treatment, discriminatory medical assistance on reproductive health and delays in adopting a law on the prevention and elimination of violence against women and domestic violence (arts. 2, 3, 7, 17 and 26).

**25. The State party should: (a) ensure that women victims of violence have adequate access to protection and assistance; (b) ensure that perpetrators of violence against women are prosecuted and, if convicted, punished with appropriate sanctions; (c) expedite the enactment of the law on the prevention and elimination of violence against women and domestic violence; (d) ensure that all women have non-discriminatory access to medical treatment, including to reproductive health care; and (e) consider ratifying the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention).**

### **Sterilization of Roma women**

26. The Committee is concerned that the State party has still not acknowledged responsibility for the past practice of forced sterilization of Roma women or provided compensation for the victims, except in one case (arts. 2, 3, 7, 17 and 26).

**27. The State party should: (a) establish an independent body to investigate the full extent of the practice of sterilization without informed consent and to provide financial and other reparation to the victims; (b) provide ongoing training for health-care personnel on how to ensure that informed consent is obtained; and (c) monitor health-care providers' implementation of legislation on informed consent in situations of sterilization and ensure that appropriate sanctions are applied if breaches occur.**

### **Prohibition of torture and cruel, inhuman or degrading treatment and of the excessive use of force**

28. The Committee is concerned about allegations concerning the excessive use of force by law enforcement officials, including ill-treatment and torture, and about the low number of prosecutions and convictions in such cases. It is also concerned that investigations into allegations of ill-treatment by police officers are carried out by the Department of Control and Inspection Service of the Ministry of the Interior, which is not sufficiently independent (arts. 7 and 10).

**29. The State party should: (a) ensure that prompt, impartial, thorough and effective investigations are carried out into all allegations of the excessive use of force, including torture and ill-treatment, by law enforcement officers; (b) take appropriate measures to strengthen the Department of Control and Inspection Service to ensure its independence to carry out investigations of alleged misconduct by police officers; and (c) ensure that law enforcement personnel continue to receive training on torture and ill-treatment by incorporating the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol) in all training programmes for law enforcement officials.**

## **Treatment of aliens, including refugees and asylum seekers**

30. The Committee is concerned that asylum-seeking families with children are being systematically detained for lengthy periods in unsuitable conditions and that alternatives to detention are often not available to them (arts. 7, 9 and 24).

**31. The State party should ensure that: (a) the detention of asylum seekers is justified as reasonable, necessary and proportionate in the light of the circumstances and reassessed as it extends in time; (b) children are not deprived of liberty, except as a measure of last resort and for the shortest appropriate period of time, taking into account their best interests; and (c) any necessary detention takes place in appropriate, sanitary, non-punitive facilities and not in prisons.**

## **Unaccompanied minors**

32. The Committee is concerned about reports of unaccompanied minors who have gone missing from foster homes and the inefficiency in locating them. It is also concerned that article 127 of the Act on Residence of Foreigners (No. 404/2011 Coll.) provides that a person claiming to be an unaccompanied child should be considered an adult until the results of the medical age assessment examination prove the contrary, that those results cannot be appealed, and that as a consequence, no guardian is appointed to that person in the interim period (art. 24).

**33. The State party should: (a) ensure that unaccompanied minors receive appropriate protection and, as a matter of urgency, establish a register of disappeared unaccompanied children and conduct search operations for those children, in cooperation with other States, as necessary; (b) remove the presumption of majority from the Act on Residence of Foreigners (No. 404/2011 Coll.) and ensure that age assessment procedures are conducted only by experts in that field and only in cases of reasonable doubt about the age of the person concerned, with a view to the best interest of the child; and (c) ensure that child asylum seekers, in particular unaccompanied children, have access to education, social and psychological services and legal aid, and are provided with a legal representative and/or guardian without delay.**

## **Corporal punishment**

34. The Committee remains concerned that the State party's legislation does not explicitly include a prohibition of corporal punishment in the home environment (arts. 7 and 24).

**35. The State party should take measures to put an end to corporal punishment in all settings. It should encourage non-violent forms of discipline as alternatives to corporal punishment, and should conduct public information campaigns to raise awareness about the harmful effects of corporal punishment.**

## **D. Dissemination and follow-up**

36. The State party should widely disseminate the Covenant, its two Optional Protocols, its fourth periodic report, the written replies to the Committee's list of issues and the present concluding observations with a view to raising awareness of the rights enshrined in the Covenant among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, and the general public. The State party should ensure that the report and the present concluding observations are translated into the official language of the State party.

37. In accordance with rule 71, paragraph 5, of the Committee's rules of procedure, the State party is requested to provide, within one year of the adoption of the present concluding observations, information on the implementation of the recommendations made by the Committee in paragraphs 13 (hate crime, hate speech and increasing radicalization in political discourse and in the media), 25 (violence against women, including domestic violence) and 33 (unaccompanied minors) above.

38. The Committee requests the State party to submit its next periodic report by 4 November 2021 and to include in that report specific up-to-date information on the implementation of the recommendations made in the present concluding observations and of the Covenant as a whole. The Committee also requests the State party, in preparing the report, to broadly consult civil society and non-governmental organizations operating in the country. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words. Alternatively, the Committee invites the State party to agree, by 4 November 2017, to use its simplified reporting procedure, whereby the Committee transmits a list of issues to the State party prior to the submission of its periodic report. The State party's replies to that list will constitute its fifth periodic report to be submitted under article 40 of the Covenant.