

## **Written views of Slovakia on recommendations contained in paragraph 89 of the Report of the Working Group on the Universal Periodic Review (A/HRC/12/17)**

### **International human rights instruments (Recommendations No. 1. – 7.)**

1. Slovakia reiterates its commitment to advocating for universal ratification of UN human rights conventions and repeatedly declares its readiness to progressively accomplish the human rights goals set forth in Human Rights Council resolution No. 9/12.
2. The possibility of acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families will be carefully considered.
3. The legislative process aimed at acceding to the Optional Protocol to the UN Convention against Torture will commence after the completion of the analysis of the Protocol.
4. The International Convention for the Protection of All Persons from Enforced Disappearance will be ratified after the adoption of the planned amendments to the Penal Code.
5. The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights will be signed during the Treaty Event on 24 September 2009 in New York.
6. The ratification process of the Convention on the Rights of Persons with Disabilities and of its Optional Protocol is in progress.
7. Slovakia signed Protocol No. 12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms in 2000. The Slovak Republic will consider ratification of the Protocol as soon as sufficient case-law is established at the European Court of Human Rights.

### **Cooperation with the UN, international community and civil society (Recommendations No. 18, 22, 23, 87, 88, 90)**

8. Slovakia will continue to respond to the Special procedures' questionnaires within its existing capacities.
9. Slovakia pays particular attention to recommendations of the UN treaty bodies and their implementation, within available resources.
10. The information about the UPR recommendations and their implementation will be presented at the upcoming meeting of the Council of the Government of the Slovak Republic for Non-Governmental Non-Profit Organisations, which also comprises NGO representatives. The Slovak Government is fully committed to cooperation with NGOs in the process of implementation of the recommendations.
11. Slovakia promotes the development of intercultural dialogue and international cooperation at all levels, in particular as a member of the UN Human Rights Council, as well as in bodies of regional international organisations (the Council of Europe, OSCE, etc.).

12. Slovakia is committed to the implementation of the Millennium Development Goals and other internationally agreed development goals. Slovakia is making every effort to continue to strengthen its development cooperation and humanitarian assistance in terms of volume and effectiveness.

### **National Human Rights Institution (Recommendation No. 12)**

13. The Slovak National Centre for Human Rights is an independent institution established in accordance with the law and in line with the Paris Principles. The Centre is part of European Network for Equality Bodies (Equinet). It is charged, inter alia, with tasks in the field of non-discrimination, such as mediation to ensure extra-judicial protection in matters involving violations of the equal treatment principle. It also has the authority to file an *actio popularis*.

### **Freedom of thought, conscience and religion, freedom of expression (55 – 57, 59)**

14. The Slovak legislation guarantees the freedom of conscience and religion, as well as the equality of all churches and religious societies before the law. The confessional law in force respects and guarantees the constitutional commitment to the freedom of thought, conscience, religion and/or belief.

15. Both, the Act on Healthcare and the Act on Healthcare Providers, guarantee healthcare professionals the right to conscientious objection.

16. In the preparation process, Slovakia consulted the media law with the OSCE Representative on Freedom of the Media. Since its coming into effect as of June 2008 no restrictions of the freedom of expression on the basis of the media law were reported. The right to correction, response and additional notice does not exceed the framework of basic principles that are in place in many European countries.

### **Right to life (Recommendation No. 31)**

17. Article 15(1) of the Constitution of the Slovak Republic clearly states that everyone has the right to life and that human life is worth protection even before birth. In the spirit of these principles, the amendment to the Act on Healthcare of September 2009 contains details on mandatory instructions given to women preceding the written informed consent of women, as a precondition for carrying out abortions and introduces the obligation to advise on other alternatives. The law also provides women who want to give up their newborn child with the possibility of anonymous birth, as well as the possibility to place a newborn in a publicly accessible incubator – a so-called baby hatch.

18. Article 15(2) and (3) of the Constitution of the Slovak Republic stipulate that the death penalty is inadmissible and that no one may be deprived of life.

### **Human Rights Education (Recommendations No. 16 – 18, 28, 30, 33, 34, 50, 71, 79, 85, 91)**

19. The National Plan of Action for Human Rights Education 2005-2014 and the Action Plan for the Prevention of All Forms of Discrimination, Racism, Xenophobia, Anti-Semitism

and Other Expressions of Intolerance 2009-2011 represent the basic tools of the Human Rights Education Concept. Specific tasks concern the rights of persons belonging to national minorities, the formation of relations with and attitudes towards national minorities living in the Slovak Republic and horizontal multicultural education. The plans are being regularly evaluated and updated for the subsequent period.

20. One of the specific objectives of the Action Plan involves systemic education of persons belonging to professional groups (and in particular police officers) who are able to influence the prevention of all forms of discrimination, racism, xenophobia, anti-Semitism and other expressions of intolerance in the exercise of their profession.

**Rights of persons belonging to minorities, especially Roma minority (Recommendations No. 9, 11, 13, 18 – 21, 23, 25, 26, 61, 62, 64 – 66, 70 – 82, 84, 89)**

21. The protection of and support for rights of persons belonging to national minorities represents one of the Slovak Government's priorities. The present legislative framework guarantees the necessary protection to all persons belonging to national minorities, including the Roma. The level of protection is being constantly monitored and evaluated.
22. Legislative guarantees are sufficient, also with respect to the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages.
23. The Slovak Government is fostering dialogue with national minorities' associations and unions through the Council of the Government of the Slovak Republic for National Minorities and Ethnic Groups. By means of various projects, the Roma population are becoming acquainted with the activities and the powers of state, regional and local administration authorities and are participating in the decision-making processes at the local level. The Office of the Plenipotentiary of the Government for Roma Communities supports the social and cultural needs of the Roma community, thus contributing to the building of capacity for participation in a civil society.
24. It is the Slovak Government's priority to make sure that the amount of financial subsidies allocated is not restricted due to the financial and economic crisis. Assistance to the most vulnerable social groups (with particular focus on the Roma communities) is being ensured, *inter alia*, through operational programmes within the "Marginalised Roma Communities" horizontal priority financed from European Union funds.
25. One of the objectives of the Medium-term Concept of the Development of the Roma National Minority in the Slovak Republic Solidarity – Integrity – Inclusion 2008 – 2013 is to ensure coherence among policies and institutions, thus comprehensively addressing the situation of the Roma minority. After assessing the social and economic status of the Roma population, an action plan will be drawn up for the implementation of the concept.
26. The Slovak presidency (2009-2010) of the Decade of Roma Inclusion 2005-2015 programme focuses on the development of an integrated school-system, multi-cultural education, supporting of the Roma identity and the revision of National Action Plans.
27. In accordance with the Action Plan for the Prevention of All Forms of Discrimination, Racism, Xenophobia, Anti-Semitism and Other Expressions of Intolerance, the

Government continues to implement activities that employ good practices (e.g. programmes of community social workers, teacher assistants, community workers in the field of health education, police specialists and assistants of the Office of the Plenipotentiary for Roma Communities, which contribute to increasing the social mobility and integration of the Roma, improving their chances to find employment, achieve higher education, enjoy better quality of life and socioeconomic status). In conformity with the objectives of the state housing policy concept, the state is supporting a system of economic instruments for housing development.

28. The applicable School Act ensures equal access to education to all children regardless of their nationality, gender, race, religion, etc. Children with special educational needs have the right to education by means of specific forms and methods corresponding with their needs and the enabling environment. The group of children and pupils with health disabilities are clearly distinguished from children and pupils coming from a socially disadvantaged environment – this also concerns the methods of their education. A child's legal guardian has the right to select a school corresponding to the child's capabilities, health, hobbies and interests, religion, worldview, nationality and ethnic affiliation.

**Elimination of discrimination and violence against minorities and other vulnerable groups (Recommendations No. 14, 17, 21, 23 – 26, 28 – 37, 48 – 52)**

29. In addition to general provisions on equality contained in the Constitution of the Slovak Republic, the general legislative framework ensuring adherence to the principle of equal treatment comprises the so-called Antidiscrimination Act. The regularly drawn-up Action Plan for the Prevention of All Forms of Discrimination, Racism, Xenophobia, Anti-Semitism and Other Expressions of Intolerance (hereinafter only the Action Plan) represents the Slovak Government's fundamental systemic tool in this area. The Action Plan ensures protection against discrimination of individuals based on their gender, race or ethnic origin, religion or faith, age, sexual orientation or disability in all spheres of life.
30. Assistance to and protection of all victims of violence is ensured by means of prevention, monitoring of the situation, support for cooperation at the local level, activities of non-governmental organisations and a public information campaign. The new Crime Prevention Act defines the organisation and powers of public authorities in crime prevention.
31. The incident of March 2009 involving abuse of official authority by members of the Regional Police Force Directorate in Košice lead to improvements in the psycho-diagnostic assessment of applicants for service, with a view to achieving stricter assessments of aggressiveness, interpersonal perceptiveness and social sensitivity. In addition, a methodology will be drawn up for continuous preventive psychological assessments of police officers.
32. The Office of the Plenipotentiary of the Government of the Slovak Republic for Roma Communities pays more attention to the detection of reasons for discrimination of and violence against the Roma population. A project of police specialists on working with Roma communities is being implemented since 2004, with a view to improving cooperation of the police with the Roma minority. Where a police officer is suspected to have committed a criminal offence, the criminal proceedings are conducted by the inspection service reporting directly to the Minister of Interior of the Slovak Republic.

33. The Penal Code further stipulates criminal penalties for actions that lead to violations of human rights and fundamental freedoms on grounds of racial discrimination. It also defines a new criminal offence of “incitement against, defamation of and threatening persons identifiable by race, colour of skin, origin of lineage, nationality, national and ethnic affiliation”.

#### **Rights of the Child (Recommendations No. 8, 9, 15, 45, 54)**

34. The Slovak Republic’s strategy in terms of protecting the children’s rights is based on the commitments following from the Convention on the Rights of the Child. Under the 2009-2012 National Plan of Action for Children, the Ministerial Committee for Children was set up to act as the national coordination authority.

35. In the National Plan of Action for Children, the Slovak Republic subscribed to the concept of effective protection of children’s rights against economic exploitation and against all forms of abuse. It also subscribed to programmes to develop strategies preventing violence against children, in line with the primary objective of the EU strategy on the rights of the child. The Slovak Government expressed its consent (with a reservation as to ratification) to signing the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse

36. Slovakia adopted all the necessary legislative and other measures to provide for a fully functioning system of juvenile justice and pays more heed to supporting victims of violent crimes, including crimes committed on children.

#### **Women’s rights (Recommendations No. 10, 58, 60, 63, 67 – 69)**

37. The goal of the National Strategy for Gender Equality for 2009-2013, which is being prepared, is to extend, improve and increase the efficiency of legislative and institutional mechanisms serving to eliminate gender discrimination hand in hand with reducing, for instance, the gender wage gap. With a view to increasing the representation of women in managerial positions, politics and political parties, the agenda of gender equality will also be incorporated in the Competencies Act, the Act on Self-Governing Regions and the Act on Municipalities.

38. In connection with the alleged forced sterilisation of Roma women, the Slovakia adopted the corresponding legislative measures (review of the healthcare legislation, including the introduction of informed consent and the definition of a new criminal offense of “illegal sterilisation” in the Penal Code). Information was also submitted to the Committee on the Elimination of Discrimination against Women, which decided to refrain from the application of Article 8 of the Optional Protocol. In none of the cases the sterilisations were found to have been forced and, therefore, no grounds exist to provide remedy.

#### **Violence against women and children (Recommendations No. 24, 25, 27, 38-42, 87)**

39. The National Action Plan for the Prevention and Elimination of Violence against Women for 2009-2012 follows up on the operational objectives of the National strategy for the Prevention and Elimination of Violence against Women and Domestic Violence. It is aimed at providing assistance to those women who suffered or are suffering from

violence, at education and sensitisation in the assisting professions, prevention, research and monitoring of workplace violence and dealing with the offenders.

40. The National Programme of Care for Women, Safe Motherhood and Reproductive Health, currently under preparation, should bring a better quality and availability of reproductive healthcare services.
41. In terms of crime, the priorities of the National Programme of Care for Children and Adolescents include the prevention of violence against children in all forms, with particular focus on the prevention of abuse and ill-treatment of children, as well as trafficking in children and their sexual exploitation, the prevention of violence among children and youth and specifically bullying at schools. Employment of children is permitted only in exceptional cases and no cases of exploitation of children in the workplace have been reported.
42. Discussions are in progress as to the method of implementation of the zero-tolerance principle with regard to corporal punishment and other cruel or degrading forms of punishment in all environments, including the family. The Act on Social Legal Protection of Children and on Social Guardianship prohibits corporal punishment of children in all forms. Ill-treatment and other inhuman or degrading forms of treatment and/or punishment of children are considered a criminal offence. The School Act prohibits the use of all forms of corporal punishment and penalties in upbringing and education. The prohibition of corporal punishment is not yet explicitly stipulated in the Act on Family.
43. At national and international (in particular the Council of Europe) level, Slovakia pays attention to measures aimed at to combat violence against women and girls.
44. The Slovak Republic ratified the European Convention on the Compensation of Victims of Violent Crimes and adopted a separate act on the compensation of persons injured by violent crimes.

#### **Trafficking in human beings (Recommendations No. 43, 44, 46)**

45. Since the launch of the programme of identification and protection of victims of trafficking (2006) until the present, no foreigner was registered in the Slovak Republic as a victim of the criminal offense of human trafficking. Within the framework of the Return and Reintegration Programme for Trafficked Persons, victims included in the programme receive comprehensive assistance irrespective of their gender, age or ethnic affiliation. Assistance to victims of human trafficking not included in the programme is provided by non-governmental organisations and covered solely from their own funds.
46. The issues of human trafficking prevention and awareness-raising was incorporated in the Pedagogical and Organizational Instructions for the academic year 2006/2007 by psychologists in cooperation with the International Organisation for Migration, and became part of the “Information campaign about the impacts of the Schengen agreement on the citizens of the Slovak Republic and about the risks of human trafficking”, as well as other national and regional projects.
47. In the field of preventing and combating trafficking in women and children, the National Action Plan to Combat Trafficking in Human Beings was drawn up and is being

implemented in line with the schedule of tasks prepared by the Expert Group of the Government Council on Crime Prevention.

**Specialized detention centre for dangerous prisoners (Recommendation No. 53)**

48. Following the decision of the Slovak Government of 2008, the specialized detention centre will be established by the Ministry of Health.

**Migration (Recommendation No. 86)**

49. The Migration Policy Concept of 2005 provides for coordinated action by the relevant entities that participate in addressing the migration policy, as well as for the generation of the necessary human, material, technical and financial resources. Among other objectives, the Concept aims to present procedures applied in the further harmonisation of the legislation with the laws of the European Union and the European Community and in establishing the preconditions for the implementation of policies in this field.