



## International Covenant on Civil and Political Rights

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### Human Rights Committee

Ninety-ninth session

Geneva, 12-30 July 2010

### List of issues to be taken up in connection with the consideration of the third periodic report of Slovakia (CCPR/C/SVK/3)

#### Constitutional and legal framework within which the Covenant is implemented (art. 2)

1. Have the provisions of the Covenant been invoked before and by the courts during the period covered by the State party report? Please provide details on those cases and decisions taken, if any.
2. Please provide updated information on the proposed constitutional amendment (State party report, paragraph 45) regarding the powers of the Constitutional Court to rule on the compatibility of domestic legislation with international treaties.
3. Please clarify whether steps have been taken to bring the Slovak National Centre for Human Rights in line with the Paris Principles (General Assembly resolution 48/134, annex), following its accreditation in 2007 with “B” status (observer status) by the International Coordinating Committee of NHRIs.

#### Principle of non-discrimination and rights of minorities (arts. 2, 26, 27)

4. Please provide information on steps taken to implement the anti-discrimination law and to raise public awareness of the law. Also specify whether financial or other reparation has been awarded to victims of discrimination on the basis of the law, and, if so, provide details on those cases (State party report, paragraphs 15 to 34).
5. According to information before the Committee, incidents of racist violence continue to occur, despite the State party’s efforts to combat this phenomenon (as reported in paragraphs 421 to 449 of the State party report). Please provide information on the implementation of the measures taken to eliminate racist violence and address its root causes, and in particular report on: (1) the monitoring of incidents; (2) the investigation, prosecution and sanctioning of attacks against minority groups, including the Roma; and (3) training of judges, prosecutors and law enforcement officers to ensure effective investigation, including through the application of criminal provisions penalizing ethnically motivated crimes.

6. Please provide information on: (a) the impact of steps taken by the State party to eliminate discrimination against the Roma, in particular Roma women, in the fields of education, employment, health, social assistance and housing; (b) whether temporary measures mentioned in the State party report (paragraphs 627 and 628) have been adopted; (c) steps taken to combat the negative portrayal of the Roma minority in the media; and (d) the impact measured so far of the implementation of the Roma Inclusion Decade.
7. Please provide information on: (a) steps taken to eliminate discrimination against persons with disabilities, especially with regard to access to employment, education and services; (b) statistical data on the participation of persons with disabilities in the labour force and education; and (c) steps taken to improve accessibility of public transport and public places for persons with disabilities.
8. Please provide information on the steps taken by the State party to eliminate discrimination on the basis of sexual orientation (State party report, paragraphs 18 and 618).
9. Please indicate whether the State party has adopted, or intends to adopt, a strategy or policy aimed at the integration of refugees and other persons in need of international protection, in particular to avoid homelessness and destitution among such persons.

**Equality between men and women, violence against women, and right to political participation (arts. 3, 7, 25)**

10. Please provide detailed information on the National Gender Equality Strategy and its implementation, and on the achievements of the Government Council on Gender Equality (State party report, paragraphs 50 and 54). Please provide data, on an annual basis over the past 5 years, on the representation rate of women in: (a) Parliament, Government, and other public positions; (b) managerial and high-ranking positions in the public service, including the judiciary, the police, and academia; and (c) in managerial and high-ranking positions in the private sector.
11. Please provide information on the new National Action Plan for the prevention and elimination of violence against women 2009-2012. Please elaborate on the sanctions imposed on perpetrators of domestic violence, including restraining orders issued by courts, and provide information on the assistance or remedies available to victims. Please also clarify whether marital rape is defined as a criminal offence in the domestic criminal law (previous Concluding observations, paragraph 9). Please also comment on the allegedly low reporting rate of cases of sexual violence against women.
12. Please provide information on mechanisms in place to monitor implementation of the new legal safeguards prohibiting “illegal sterilizations” in health facilities. Please also indicate which measures have been taken to raise awareness by Romani women of their rights in case of discriminatory treatment by health care professionals (State party report, paragraphs 135 to 149; previous Concluding observations, paragraph 12).

**Non-discrimination, freedom from torture and cruel, inhuman or degrading treatment, liberty and security of a person, and the right to a fair trial (arts. 2, 7, 9, 14, 26)**

13. Please provide information on the investigations and prosecutions carried out over the past five years against police officers following charges of ill-treatment, in particular of Roma, including children. Please also provide detailed information on human rights training programmes for law enforcement officers, and whether these focus on combating

prejudices and promoting awareness of minority rights. In addition, provide more information on measures aimed at confidence-building between the police and Roma communities (State party report, paragraphs 217 to 232; previous Concluding observations, paragraph 11).

14. Please clarify whether the right of a detainee to immediately see an independent doctor and to communicate with a lawyer in confidentiality are guaranteed in law and in practice from the onset of detention (State party report, paragraphs 186 to 211). Please also indicate whether video- and/or audio-recording of interrogations is obligatory and whether detainees alleging ill-treatment are examined by an independent physician without the presence of a law enforcement official.

15. Please provide information on the reparation awarded to victims of torture and ill-treatment, as well as for damage caused by unlawful court decisions (State party report, paragraphs 212 to 216), including compensation and rehabilitation, during the reporting period.

16. Please provide information as to whether persons with mental disabilities are systematically heard prior to deciding on their hospitalisation, under art. 6.9(d) of Act No. 576/2004. Do hospitalized individuals have the right to give informed consent on their treatment? Please clarify whether persons under guardianship in institutions and social care homes have access to legal recourse to challenge the decision to detain them, as well as access to means to report ill-treatment or abuse by guardians and/or staff of institutions. Please also indicate whether an independent inspection mechanism is in place to monitor the quality of care and supervision in mental health and social care institutions. Furthermore, in light of the Committee's previous recommendation (paragraph 13), please clarify whether cage- or net-beds continue to be used as a means of restraint in social care homes or psychiatric institutions (State party report, paragraph 151).

17. In the light of the Committee's previous Concluding observations regarding the jurisdiction of military courts over civilians, please provide updated information on the work carried out by the Commission for the dissolution of military courts. Please indicate in particular whether the plan to abolish the jurisdiction of military courts over civilians, through an amendment to the Code of Criminal Procedure, has been carried out (State party report, paragraph 331; previous Concluding observations, paragraph 14).

### **Rights of aliens (art. 13)**

18. Please provide information on the procedural safeguards in place to uphold the principle of non-refoulement, including for those persons considered to be a threat to national security or a danger to the community, and its respect in practice (State party report, paragraphs 127 to 134).

19. Please provide information on steps taken by the State party to ensure, in practice, the procedural guarantees of the refugee status determination procedure, in particular the right of all asylum seekers to counsel and an interpreter (State party report, paragraphs 271 to 291).

### **Freedom of speech (art. 19)**

20. Please provide information on the motion filed before the Constitutional Court regarding the compatibility of the Press Act with the Constitution and the Convention for the Protection of Human Rights and Fundamental Freedoms, as well as on the Court's decision (State party report, paragraph 392).

**Principle of equality and non-discrimination, protection of the family and the child (arts. 2, 17, 23, 24)**

21. Please provide more detailed information on: (a) the impact of steps taken to increase participation of Roma in secondary and higher education, and to reduce the failure and drop-out rates among this group; and (b) whether the School Act includes specific and targeted measures to eliminate discrimination against Roma in the education system, including *de facto* segregation (State party report, paragraphs 623 to 633; previous Concluding observations, paragraph 16). Please elaborate on the impact of efforts undertaken to lower the percentage of Roma children in Special Elementary Schools for children with disabilities, and provide updated information on the number of Roma children in such schools (State party report, paragraphs 634 to 651; previous Concluding observations, paragraph 18)?

22. Please indicate whether corporal punishment of children is prohibited in all settings, including the home.

**Right to take part in political affairs and minority rights (arts. 25, 27)**

23. Please indicate what measures the State party has taken to promote the equitable representation of persons belonging to ethnic, national or linguistic minorities, in particular Roma, within Parliament, Government, the judiciary and other positions in the public service. Please also provide further information on how the State party monitors the representation of minorities in political and public life, in the absence of data disaggregated by ethnic background (State party report, paragraphs 335 to 342).

**Dissemination of information relating to the Covenant and the Optional Protocol (art. 2)**

24. Please provide information on the steps taken to disseminate information on the Covenant and the Optional Protocols, the submission of the third periodic report of the State party, its examination by the Committee and the Committee's previous Concluding observations on the State party's second report. Please also provide more detailed information on the involvement of representatives of ethnic and minority groups, civil society, non-governmental organizations, and the national human rights institution in the preparatory process for the report.

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