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Report of the Working Group on the Universal Periodic Review*

Slovakia

Addendum

**Views on conclusions and/or recommendations, voluntary commitments
and replies presented by the State under review**

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1. Slovakia submits its responses to the recommendations addressed during the 2nd cycle of the Universal Periodic Review on 3 February 2014. The recommendations are structured thematically and are accompanied in some cases by a short comment on their implementation. The document also includes voluntary commitments Slovakia undertakes to fulfil in the field of human rights.

I. Recommendations that do not enjoy the support of Slovakia (110.6, 110.7, 110.8, 110.9, 110.10, 110.21, 110.130, 110.144) and partially accepted recommendations (110.27, 110.68, 110.111, 110.135, 110.136)

A. International commitments (Recommendations No. 110.6, 110.7, 110.8, 110.9, 110.10 and 110.27)

2. The recommendations No. 110.6, 110.7, 110.8 and 110.9 concerning the ratification of the International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families do not enjoy the support of the Slovak Republic as the Convention fails to distinguish between the legal and illegal residence of persons within the territory of a country.

3. Slovakia does not accept the recommendation No. 110.27 in the part concerning the ratification of the International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families for the above-mentioned reasons. The remaining parts of the recommendation regarding the national human rights action plan and the NHRI are accepted.

4. Slovakia does not accept the recommendations No. 110.9 and 110.10 concerning the ratification of the Convention No. 169 of the International Labour Organization (ILO) on Indigenous and Tribal Peoples as no such population within the meaning of the Convention is present in the territory of Slovakia. As regards the recommendation to ratify the ILO Convention No. 189 on Decent Work for Domestic Workers the current legislation does not recognise the term domestic work/domestic worker. The relation between the constitutional right of inviolability of the home and the legal possibility to inspect the employee's workplace would also raise an obstacle in terms of its possible ratification. Slovakia considers the current legal framework sufficient and does not have intention of ratifying the Convention.

B. Access of children to education with focus on education of Roma children (Recommendations No. 110.21, 110.130, 110.135 and 110.136)

5. Slovakia does not accept the recommendation No. 110.21 to establish an independent mechanism to investigate complaints related to discrimination and segregation within the educational system. The School Act guarantees equal rights to everyone in accordance with the principle of equal treatment in education. National legal framework has sufficient mechanisms available to investigate complaints in this area. Municipalities, in their capacities of school founders, have the legal obligation to address complaints and petitions in education. They may require assistance of the National School Inspectorate, acting as an independent state authority to monitor schools and school facilities while maintaining the right to file a complaint according to the Act on Complaints. In addition, the Antidiscrimination Act provides legal protection against discrimination on any ground.

The comprehensive information on measures to prevent discrimination and segregation in education is included in the National Report¹.

6. Slovakia does not accept the recommendation No. 110.130 regarding the adoption of measures to enable children of ethnic minorities to remain within the school system. Compulsory school attendance is ensured through legal and institutional system at national level, including tools for its enforcement in the interest of a child. No one may be exempted from compulsory school attendance. The School Act is based on free pre-school education from the fifth year of age, free primary and secondary education, equal access to education and prohibition of discrimination on any ground, in particular segregation.

7. Slovakia does not accept the recommendation No. 110.135 in the part regarding participation of Roma children in the educational system. Compulsory school attendance is stipulated by law. National legal and institutional framework has sufficient tools available to enrol a child in a school, including sanctions for failing to do so. The first part of the recommendation regarding registration of Roma children is accepted.

8. Slovakia partially accepts the recommendation No. 110.136. Education is an integral part of two strategic documents currently implemented by Slovakia, i.e. Strategy for Roma Integration by 2020 and Revised National Action Plan of the Decade of Roma Inclusion 2005-2015 for years 2011-2015. At present, the Slovak authorities do not consider necessary to adopt a separate action plan on access to education.

C. Participation of Roma in public life (Recommendation No. 110.144)

9. According to the Slovak Constitution, the Parliament is constituted on civic principle. The affiliation with national/ethnic minority can be declared only upon the citizen's choice. Slovakia therefore cannot accept the recommendation to intensify efforts to improve the representation of Roma in the Parliament. However, Slovakia will promote activities to improve the integration of Roma in public life.

D. Prohibition of extremist organisations (Recommendation No. 110.68)

10. Slovakia partially accepts the recommendation to prohibit by law and prevent activities of extremist organisations. Organisations aimed, inter alia, at incitement to hatred on the ground of race are not allowed by law. The Act on Assembly includes provisions regarding the dissolution of association in case it conducts activities which contradict the law. In case the activities of an extremist organisation are proven to constitute a threat to society, it is possible to prohibit such an organisation by a court order.

E. Right to life (Recommendation No. 110.111)

11. Slovakia partially accepts the recommendation to maintain protection of the right to life from conception to natural death in accordance with Article 15 of the Constitution that states: "Human life is worthy of protection even prior to birth". In its finding of 2007 the Constitutional Court (PL ÚS 12/01) clearly rejected to interpret Article 15 of the Constitution in the way that it establishes an absolute right to life from conception. Therefore, we do not accept the wording "from conception" of the recommendation.

¹ A/HRC/WG.6/18/SVK/1.

II. Slovakia accepts the remaining recommendations with following comments on their implementation

A. International commitments (Recommendations No. 110.1–110.5, 110.11, 110.99)

12. Slovakia will further consider the ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, however, without intention to ratify it in the near future. With regard to the recommendation to ratify the International Convention for the Protection of All Persons from Enforced Disappearance, the Government approved the Convention on 14 May 2014. It will be presented to the Parliament for further examination, subject to final ratification by the President.

B. Institutional framework of human rights protection, measures in the area of human rights policies (Recommendations No. 110.103, 110.106, 110.107, 110.12–110.25, 110.27, 110.29, 110.31, 110.70)

13. In March 2014, the Slovak National Centre for Human Rights (NHRI) was recommended to be re-accredited with B status. Slovakia will continue to amend the Act on the Slovak National Centre with the aim to create the NHRI in full compliance with the Paris Principles. Relevant national authorities and civil society representatives currently discuss the future structure of the Administrative Board and the appointment of the NHRI's Executive Director by selection procedure. Slovakia is in the process of finalizing the National Strategy for the Promotion and Protection of Human Rights with a view to its submission for the Government's approval by the end of June 2014. Its concept is based on Slovakia's international commitments in the field of human rights and on the principle of tolerance and respect for vulnerable groups. The Strategy will specifically reflect the rights of LGBTI persons.

C. Fight against racism and racial discrimination, promotion of tolerance (Recommendations No. 110.13, 110.41–110.44, 110.46–110.51, 110.56–110.67, 110.69, 110.92–110.96)

14. Fight against extremism and prevention of all forms of discrimination, racism, xenophobia and other forms of intolerance remains among priorities of the Slovak Government. Slovakia will continue to implement measures in this area, including provisions of the Criminal Code on extremist crimes and extremist offences introduced by the latest amendment to the Offence Act. The current legislative framework contains sufficient tools to combat hate speech in media. Self-regulatory measures adopted by media institutions demonstrate an effort to eliminate the negative impact of hate speech in media. The Committee for the Prevention and Elimination of Racism, Xenophobia, Anti-Semitism and Other Forms of Intolerance (2011) plays an important role in prevention of racism and intolerance, inter alia by serving as a platform for coordination of activities and identification of public policies in this field. With respect to the recommendations regarding crimes committed by the police forces, they are investigated by the Inspection Service of the Ministry of Interior. The Inspection Service investigates all complaints regardless of gender, race or ethnic origin of the alleged victim. Any decision may be reviewed by a prosecution. To increase the public trust, Slovakia will continue to implement programmes

with special emphasis on vulnerable groups, including the project of police specialists working with Roma communities.

D. Fight against discrimination (Recommendations No. 110.36–110.40, 110.97, 110.98)

15. Prohibition of discrimination on any grounds is the key element of all human rights policies at national level. Slovakia will continue to implement provisions of the Anti-discrimination Act with emphasis on its latest amendment from April 2013 by which the protection against discrimination was strengthened. The comprehensive information on the antidiscrimination legislation and policy is included in the National Report².

E. Gender equality and violence against women (Recommendations No. 110.105, 110.30, 110.32–110.35, 110.71, 110.104)

16. Slovakia will further implement measures to eliminate differences in remuneration between men and women, inter alia by using the concept of social responsibility and exchange of good practises. Methodology on equality in remuneration and gender audits in the workplace are under preparation. In December 2013, the Government approved the National Action Plan for the Prevention and Elimination of Violence against Women for 2014-2019 aimed to develop, implement and coordinate national policy on prevention and elimination of violence against women. To step up efforts in the field of combating violence against women, the Coordination and Methodology Centre for Violence against Women and Domestic Violence will be established in 2014.

F. Children's rights (Recommendations No. 110.22, 110.30, 110.72, 110.73, 110.85)

17. Protection of the rights of the child is the key issue of the national human rights policy. Slovakia as a State Party to the three Optional Protocols to the Convention on the Rights of the Child will continue their implementation. To further improve the child's protection against violence, the National Strategy for the Protection of Children against Violence was adopted in January 2014. It represents a comprehensive tool to achieve a qualitative change in the perception of violence against children aimed to create an effective mechanism for the systematic protection of children.

G. Rights of persons with disabilities (Recommendation No. 110.115)

18. In January 2014, the Government approved the National Programme of Living Conditions for Persons with Disabilities for 2015-2020. Its main objective is to achieve improvement of the application of the Convention on the Rights of Persons with Disabilities at national level. Through its bi-annual review, the Programme's update will be ensured, including by introducing new measures.

² A/HRC/WG.6/18/SVK/1.

H. Migrants, refugees and asylum-seekers (Recommendations No. 110.145, 110.146)

19. Slovakia will continue to implement national legal framework in this area established in accordance with international human rights obligations which also includes the right to health, education and the right to work. Slovakia has legal mechanisms available for the early identification of children among refugees. In case children among refugees are identified who might have been involved in armed conflict, the state authorities have the obligation to provide them with sufficient protection, recovery and reintegration.

I. Trafficking in human beings (Recommendations No. 110.74–110.84, 110.86)

20. Combating trafficking in human beings, including providing assistance to victims has been among long-term priorities of the Ministry of Interior. Recommendations given to Slovakia regarding trafficking in human beings are fully implemented at national level. The Information Centre for Combating Trafficking in Human Beings fulfils the task of a “national rapporteur” while at the same time serves as a manager of the Human Trafficking information system. The Ministry of Interior acts as an umbrella authority for the Programme of Support and Protection of Victims of Human Trafficking, which ensures comprehensive assistance to victims subject to their individual needs. As a part of combating this phenomenon, Slovakia will continue to raise awareness about trafficking in human beings, also through the campaigns. Slovakia will focus on fulfilling the tasks resulting from the National Programme of Combating Trafficking in Human Beings.

J. Right to health, right to conscientious objection (Recommendations No. 110.108–110.110, 110.112, 110.113)

21. Access to contraception and abortion is regulated by law. These issues as well as sexual education and reproductive rights shall be reflected in the National Programme for Women Care, Safe Maternity and Reproductive Health, currently under preparation. Due to the absence of consensus at an expert level, its adoption has been postponed until the end of October 2015. With regard to the recommendation to improve access to contraception for women, the main objective of the national medicine policy is to ensure efficient, high-quality and safe medicines for the population. Hormonal contraception is reimbursed by the public health insurance when prescribed to treat medical problems. The Ministry of Health does not consider the free use of hormonal contraception as the highest standard of physical and mental health of women. For vulnerable women/women with low income, national authorities will seek alternative methods of contraception. Slovakia will continue to guarantee the right to conscientious objection in accordance with current legal framework.

K. Roma integration (Recommendations No. 110.26, 110.28, 110.42, 110.45, 110.52–110.55, 110.65, 110.102, 110.114, 110.121–110.129, 110.131–110.143)

22. Improving the situation of Roma has been a long-term priority of the Government. In this respect, Slovakia will continue to implement the Strategy for Integration of Roma up to 2020 as a reference document for integration policies in the area of education, employment, housing and healthcare. The recommendations to address the housing situation of Roma will be implemented through the existing programmes as well as by

taking measures resulting from strategies on improvement the overall access to housing of marginalised Roma communities. Slovakia implements several projects to combat social exclusion and poverty, including the project on field social work, project on community centres (currently under preparation) and the programme to improve access to employment opportunities for disadvantaged job-seekers. Regarding the recommendations on education of Roma children, Slovakia will focus on the implementation of the existing programmes and projects. Detailed information on legislative and institutional measures for the prevention and elimination of discrimination and segregation in education was presented in the National Report³ and during the UPR⁴. To improve access of Roma to healthcare, the Health Community Project has been implemented since October 2013, with prospects to develop a national project to promote the healthcare of Roma community.

L. Persons belonging to national minorities (Recommendations No. 110.116–110.120)

23. Protection of the rights of persons belonging to national minorities belongs among priority areas of the national human rights policy. The existing legal and institutional framework which is in line with international standards in the field of national minorities provides prerequisites for the full and effective protection of the rights of persons belonging to national minorities while creating favourable conditions for their further development. The right to learn a mother tongue and to study in mother tongue is a part of the international commitments related to national minorities Slovakia implements at national level.

M. Fight against corruption and independence of the judiciary (Recommendations No. 110.87–110.91, 110.100)

24. Slovakia will continue to fulfil the Concept for Stabilisation and Modernisation of the Judiciary adopted in 2013. It serves as a reference document which defines short-, medium- and long-term measures to create conditions for proper functioning of the judiciary, increasing public trust in the judiciary, law enforcement and the improvement of transparent judicial system and combating corruption.

III. Voluntary commitments

25. As an active member of the international community and candidate for the 2018-2020 Human Rights Council, Slovakia undertakes the following voluntary commitments:

(a) Slovakia will continue to play an active role in the field of the rights of the child at regional and universal level. As one of the initiators of the elaboration and adoption of the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure, we will encourage its broad ratification by Member States;

(b) To improve the implementation of the European Convention on Human Rights at national level, Slovakia is committed to ratify the Protocol No. 16 to the European Convention on Human Rights. At the same time, Slovakia will actively promote improvement of the functioning of the regional system of human rights protection established by the European Convention on Human Rights;

³ A/HRC/WG.6/18/SVK/1.

⁴ A/HRC/WG.6/18/L.10 mainly pages 5 and 7.

(c) Slovakia will make every effort to present a voluntary interim report on the progress made in implementing the UPR recommendations.
