



**SLOVAK NATIONAL CENTRE
FOR HUMAN RIGHTS**

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INDIVIDUAL SUBMISSION OF THE SLOVAK NATIONAL CENTRE FOR HUMAN RIGHTS

Third Review of the Slovak Republic under the Universal Periodic Review
of the United Nations' Human Rights Council

July 2018



About the Slovak National Centre for Human Rights:

The Slovak National Centre for Human Rights (the “Centre”) is a national human rights institution established in the Slovak Republic, accredited with status B by the Global Alliance of National Human Rights Institutions (GANHRI). As an NHRI, the Centre is a member of the European Network of NHRIs (ENNHRI). The Centre was established by the Act of Slovak National Council No. 308/1993 Coll. on the Establishment of Slovak National Centre for Human Rights. Pursuant to the Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and on Protection from Discrimination, as amended (the Anti-discrimination Act), the Centre also acts as the only Slovak equality body. As an NHRI and equality body, the Centre performs a wide range of tasks in the field of protection and promotion of human rights and fundamental freedoms including the observance of the principle of equal treatment.

The Centre among other powers:

- 1) monitors and evaluates the observance of human rights and the observance of equal treatment principle;*
- 2) gathers and, upon request, provides information on racism, xenophobia and antisemitism in the Slovak Republic;*
- 3) conducts research and surveys to provide data in the field of human rights; gathers and distributes information in this area;*
- 4) prepares educational activities and participates in information campaigns aimed at increasing tolerance of the society;*
- 5) provides legal assistance to victims of discrimination and manifestations of intolerance;*
- 6) issues expert opinions on matters concerning the observance of the equal treatment principle;*
- 7) performs independent inquiries related to discrimination;*
- 8) prepares and publishes reports and recommendations on issues related to discrimination; and*
- 9) provides library services and other services in the field of human rights.*

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1 INTRODUCTION

- 1.1 This report has been prepared by the Centre utilizing the first-hand information gathered (i) during the annual monitoring and evaluation of observance of human rights and equal treatment principle, (ii) when providing legal services for victims of discrimination and (iii) when conducting research and providing education on human rights and equal treatment. When conducting annual monitoring, the Centre consults non-governmental organizations and public authorities. The information gathered during the annual monitoring has been utilized also in this report.
- 1.2 The Centre welcomes the efforts of the Slovak Republic to implement its human rights obligations and to fulfil the recommendations of fellow United Nations' members received during the second Universal Periodic Review cycle in 2014. Namely, we welcome:
- ratification of the 2007 International Convention for the Protection of All Persons from Enforced Disappearance in 2014;
 - adoption of the National Strategy on Protection and Promotion of Human Rights in the Slovak Republic, the National Strategy on Gender Equality for the years 2014 – 2019, the Framework for the Elimination of Extremism for the years 2015 – 2019 and the National Strategy for Roma Integration by 2020; and
 - establishment of the Commissioner for Persons with Disabilities and the Commissioner for Children as independent public bodies carrying out their mandates separately from the Centre and the Public Defender of Rights.

2 SCOPE OF INTERNATIONAL OBLIGATIONS

2.1 **Reluctance to ratify the 2011 Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the “Istanbul Convention”)**

The Slovak Republic has signed the Istanbul Convention on 11 May 2011. The Ministry of Justice of the Slovak Republic (the “Ministry of Justice”) was assigned a task to submit the Istanbul Convention to the National Council of the Slovak Republic (a parliament) for the ratification by June 2017. The Ministry of Justice has not fulfilled its obligation and on 16 August 2017, the Government decided to postpone the ratification of the Istanbul Convention for an indefinite period.

Discriminatory stereotypes concerning social and family roles of women and men are deeply rooted in Slovakia. Women in Slovakia continue to bear a disproportionate share of family and household responsibilities. In terms of gender stereotyping, a fundamental problem lays on misinterpretation of the term “gender equality”. Some groups of society (including their representative NGOs, activists, media and politicians) consider gender equality as a threat to traditionalism. As a result, they refer to the term “gender ideology”. The word ideology is

generally understood in the Slovak society as something unrealistic, mostly connected with the wrong ideas. This argument is then being used to oppose policy documents mentioning gender equality or gender mainstreaming.

Recommendation:

- *The Slovak Republic should re-initiate the ratification procedure of the Istanbul Convention.*
- *The Slovak Republic should strengthen its efforts to take effective and proactive measures, including awareness-raising campaigns, to promote general understanding of gender equality and actively contradict misinterpretations of gender equality as gender ideology.*

2.2 Reluctance to ratify the 2002 Optional Protocol of the Convention on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (“OP-CAT”)

On 25 May 2018, the Ministry of Justice submitted proposal for signing OP-CAT to the National Council of the Slovak Republic, however with reservation of ratification. On 28 June 2018, at the meeting of the Governmental Council for Human Rights, National Minorities and Gender Equality, the Minister of Justice opened the discussion on the possibility of ratification of OP-CAT and establishment of a national preventive mechanism at the Office of the Public Defender of Rights. However, the proposal to sign OP-CAT with reservation of ratification was not withdrawn from the legislation procedure.

Recommendation:

- *The Slovak Republic should intensify the OP-CAT ratification procedure and establish a national preventive mechanism with sufficient financial, technical and material capacity to conduct independently and effectively its mandate.*

3 INSTITUTIONAL INFRASTRUCTRE AND POLICY MEASURES

3.1 Re-establishment of the national human rights institution (the “NHRI”) in accordance with the 1993 Principles related to the Status of National Human Rights Institutions (the “Paris Principles”)

The Centre regained accreditation from the ICC (now GANHRI) Accreditation Committee in 2014 with the B status and henceforth functions accordingly in order to fulfil its tasks in the area of human rights protection and promotion. Despite the limited financial and human resources, as well as the pertaining need to amend the establishing law to meet full compliance with the Paris Principles, the Centre keeps actively fulfilling its broad NHRI and equality body mandate.

In 2017, the Ministry of Justice re-opened the reform process. Draft bill suggesting the transfer of the Centre's NHRI mandate to the Public Defender of Rights and transforming the Centre to a single-mandated equality body was in the inter-resort comment procedure in May/June 2018. A consensus was not reached and the Minister of Justice of the Slovak Republic informed the Governmental Council for Human Rights, National Minorities and Gender Equality in June 2018 that the draft bill has been withdrawn and that the Centre would maintain its NHRI status. The Centre believes it is crucial that a new draft bill bringing the establishing law in full compliance with the Paris Principle is prepared and adopted in a due time.

Recommendation:

- *The Slovak Republic should, without further delay, complete the legislative procedure ensuring that the Slovak NHRI (the Slovak National Centre for Human Rights) is fully compliant with the Paris Principles and can apply for re-accreditation with status A.*
- *The Slovak Republic should provide the Slovak NHRI with sufficient financial, technical and material resource to be able to carry out its broad mandate effectively and independently.*

3.2 Implementation of the United Nations Guiding Principles on Business and Human Rights (the “UNGP”) and adoption of the respective national action plan on business and human rights

Arrival of new foreign investments, growth of economy and improvement of the business environment has been beneficial for the country. However, the activities of international and local businesses operating in the Slovak Republic have been having also certain negative impacts on the enjoyment of human rights. The most searing human rights issues related to negative impacts of business activities are discrimination of vulnerable groups (e.g. women, members of ethnic and national minorities, the elderly etc.), forced labour, work conditions in production, treatment of the migrant workers (e.g. workers coming from Serbia), destruction of the environment, violation of rights during the expropriation of land, corruption and protection of personal data and privacy.

There are more than 300 national action plans, programmes and strategies in the Slovak Republic. Some of these national policies have been slightly touching on the issues of business and human rights. However, the UNGP have not been comprehensively implemented as recommended by the Council of Europe in the recommendation CM/Rec(2016)3 of the Committee of Ministers to Member States.

Recommendation:

- *The Slovak Republic should start actively monitoring negative impacts of businesses on the enjoyment of human rights in Slovakia with special focus on vulnerable groups.*

- *The Slovak Republic should initiate implementation of the UN Guiding Principles on Business and Human Rights without undue delay.*
- *The Slovak Republic should adopt a national action plan on business and human rights by the 4th UPR cycle.*

4 IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

4.1 Equality and Non-Discrimination of Roma Community

Roma communities are one of the most discriminated part of population in Slovakia. Discrimination against Roma is the most serious in education, housing and employment. In terms of Roma rights, in the monitored period, the Centre focused mainly on monitoring the observance of the right to education, the right to housing and the principle of equal treatment.

Difference in average attained education levels and quality of the received education itself between Roma community and the majority population are not being reduced. The amendment to the Act No. 245/2008 Coll. on Education and Upbringing, as amended (the School Act) from June 2015 introduced two legal measures against segregation in education – (i) prohibition of segregation of children from socially disadvantaged environments and (ii) prohibition of placement of pupils in special schools or special classes of elementary schools solely due to their descent from socially disadvantaged environment. However, the problem of inadequate diagnosis of children in the process of their enrolment into elementary schools or the need of ongoing re-diagnostics persists. Therefore, the pupils from Roma communities form a majority of pupils attending special schools. The educational process at special schools is not individualised and the school curricula are not adapted for pupils with exceptional results. Although parents can request re-diagnostics in order to change the child's enrolment in a special elementary school, they are poorly informed about this possibility. It is worth mentioning that these pupils often receive only primary education and do not have access to the secondary education which essential to getting a job. From 2014 to 2017, the Centre in cooperation with State School Inspection has monitored up to 14 elementary schools, which were reported to be implementing segregation practices.

Recommendation:

- *The Slovak Republic should immediately suppress any segregation practices in education and ensure equal access to all levels of education for every child without any discrimination based on ethnicity.*

Apart from education, access to adequate housing and basic services is a major problem faced by members of the Roma community in the Slovakia. A significant part of the Roma population lives in settlements, where large parts of dwellings do not meet basic technical

and hygienic standards: no access to drinking water, electricity, gas, sewage, missing roads and public lighting. In 2017, new legislation was adopted to help settle lands under the dwellings in Roma communities. It gives landowners and owners of co-ownership shares the opportunity to opt for settlement in the form of new lands, lands under the settlement or in a form of monetary reimbursement. If the owner of such plots of land chooses, for the purpose of settlement, a new plot of land or monetary reimbursement, his original land or his co-ownership share in the original land shall be transferred to the municipality via the settlement and the municipality may not scatter or burden the land except for the transfer to the dwelling owners.

If it comes to Roma population living in urban areas, the trend of building the so-called “anti-Roma walls” is alarming. Anti-Roma walls are constructed in a form of walls or fences in build-up areas of villages and towns to segregate areas inhabited by Roma communities from those areas that are predominantly inhabited by majority population. From 2014 to 2017, the Centre has monitored 13 towns of which nine towns have built and kept “anti-Roma walls”, one town removed the anti-Roma wall and remaining three towns have refused the accusations of constructing such walls.

Apart from issues concerning Roma dwellings and “anti-Roma walls”, Roma are also discriminated when it comes to housing services. Roma are either unlawfully denied access to such services or face segregation practices. Spatial segregation of Roma in dormitories and accommodation facilities for workers are widespread in Slovakia. For instance, in 2016, the Centre conducted independent investigation concerning an accommodation facility in Bratislava. The facility refused to prolong accommodation for two Roma due to their ethnicity and reasoned it by full capacity of one floors of the facility, which was reserved for Roma.

Recommendations:

- *The Slovak Republic should undertake additional measures to reduce Roma residential segregation and develop clear housing policies to eliminate segregation and discrimination in housing.*
- *The Slovak Republic should implement programmes increasing awareness of affected Roma communities on the right to adequate housing and on accessible remedies for its protection.*
- *The Slovak Republic should ensure that all “anti-Roma walls” in Slovakia are removed without undue delay and support integration of the affected communities.*

4.2 Extremism, Racism and Intolerance

Slovakia faces serious challenges when it comes to growing intolerance, racism and radicalisation of the society. Hate crime rates have been increasing as well as incidents of hate speech. For instance, between 2015 and 2017 the number of extremist crimes increased

five times.¹ Since 2016, Slovakia has a far-right extremist party Kotleba - the People's Party Our Slovakia in the parliament. In 2016 parliamentary elections, the party scored 8% of all votes and gained 13 seats. It has been reported that it gained almost 23% among the first-time voters.² In May 2017, the General Prosecutor of the Slovak Republic filed a proposal to dissolve the political party. The General Prosecutor did so after evaluating extensive materials and concluding that this extremist political party with fascist tendencies violates the Constitution of the Slovak Republic, national laws, and international treaties, both through programs and activities. The proceedings to dissolve the political party have not been completed yet. Meanwhile, the leader of the party announced his candidacy for presidential elections in 2019 and law enforcement authorities initiated criminal prosecutions against several MPs for this party.

Following the results of parliamentary elections and due to growing intolerance, extremism and hatred in the society and among young people, the Centre decided to conduct a research on “Racism and Xenophobia among Young People in Slovakia” in 2017. It gathered data on racial and xenophobic opinions of young people at 21 schools across Slovakia (1 323 pupils and students between 11 – 19 years participated). The analysis focused on attitudes of young people towards religious groups (Christians, Atheists, Muslims, Jews), racial or ethnic groups (black people, Asian people, Roma) and towards people from neighbouring countries based on their nationality (Slovaks, Czechs, Hungarians, Ukrainians, Austrians). In terms of religious groups, 40,29 % respondents admitted that they negatively perceived Muslims. More than 10% respondents also have negative attitudes towards Jews. More than 34 % respondents has positive attitudes towards Jews. The biggest proportion of young people, 70 %, in total, positively perceived Christians. Regarding racial and ethnical groups positive perception of black people (55 %) prevails over positive perception of Asian people (44,9 %). Only 14 % respondents have positive attitudes towards Roma. In general, Roma were considered as the most problematic group of society. Young people are the most positive towards people of Slovak nationality (83,37 %), followed by Czechs, Austrians and Polishes. On the contrary, the most problematic is their perception of Hungarians and Ukrainians. Xenophobic attitudes appeared most significantly with regard to the question on safety. More than 33 % respondents stated that they did not feel safe in the presence of people of different cultures, religion or nationality.³

Recommendations:

- *The Slovak Republic should increase efforts to effectively monitor, investigate and prosecute all hate crime and hate speech incidents.*
- *The Slovak Republic should adopt preventive measures to tackle increasing intolerance and radicalisation in its society, particularly among young people.*

¹ See Statistics of criminality available at the website of the Ministry of Interior of the Slovak Republic: <https://www.minv.sk/?statistika-kriminality-v-slovenskej-republike-xml>

² Gyárfášová, O. & Slosiarik, M.: Voľby do NR SR 2016: Čo charakterizovalo voličov. In: Working Papers in Sociology 1/2016. Available at: http://www.sociologia.sav.sk/pdf/Working_Papers_in_Sociology_012016.pdf

³ Slovenské národné stredisko pre ľudské práva: Rasizmus a xenofóbia medzi mladými ľuďmi na Slovensku – výskumná správa. 2018. Dostupné na: http://www.snslp.sk/CCMS/files/Vyskum_SNSLP_ras_xen_2017-FINAL.pdf