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Summary record of the 3rd meeting

Held at the Palais Wilson, Geneva, on Wednesday, 1 May 2012, at 10 a.m.

Chairperson: Mr. Pillay

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The meeting was called to order at 10 a.m.

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant *(continued)*

Second periodic report of Slovakia (E/C.12/SVK/2; HRI/CORE/1/Add.120; E/C.12/SVK/Q/2; E/C.12/SVK/Q/2/Add.1)

1. *At the invitation of the Chairperson, the delegation of Slovakia took places at the Committee table.*
2. **The Chairperson** welcomed the delegation of Slovakia and invited it to introduce the second periodic report of the State party.
3. **Mr. Rosocha** (Slovakia) introducing the report, said that Slovakia had made significant progress in the protection of economic, social and cultural rights since the Committee's consideration of its initial report in 2002. The legislative, institutional and procedural mechanisms adopted in Slovakia met the highest European standards. The list of issues drawn up by the Committee had been taken into consideration throughout the preparatory process of the second periodic report, which had resulted in broad consultations with representatives of national minorities, civil society, academia and other stakeholders.
4. Regarding the most important developments since June 2009, the date on which the second periodic report had been submitted to the Committee, additional duties had been assigned to the Deputy Prime Minister, who was responsible for the rights of national minorities, in terms of education, the allocation of cultural grants to national minorities, and human rights activities; he was now also responsible for gender equality.
5. There had been legislative changes with regard to the language rights of national minorities. Following an amendment of the Official Language Act, the Deputy Prime Minister's team had undertaken an in-depth review of the legislation dealing with languages of national minorities. That amendment had been adopted in June 2011 along with 13 related laws. The crux of the reform was to extend the use of minority languages in certain public and official situations, and to remove restrictions on their use. Sanctions had been introduced into the legislation in order to guarantee the effectiveness of the linguistic rights of minorities. The Deputy Prime Minister had engaged in a policy of active support for the use of minority languages at a professional level, notably in the form of glossaries in minority languages for government officials, organizing an information campaign and coordinating support for the use of minority languages. Members of national minorities had been actively involved in those activities, which had substantially improved overall cooperation between the authorities and minority groups.
6. A further initiative of the Slovak Government had been to create a new permanent advisory body, the Government Council for Human Rights, National Minorities and Gender Equality. Its statutes, adopted by the Government in March 2011, aimed to establish a cross-sectoral approach to human rights promotion in the work of the State authorities and to reinforce the application of human rights principles in public policies. The Council was a permanent advisory and coordination body within the Slovak Government and was concerned with protecting human rights and fundamental freedoms as they related to civil and political rights; the rights of minorities and ethnic groups; economic, social and cultural rights; the rights to environmental protection and to protection of the cultural heritage; the rights of the child and due regard for the best interests of the child. It also upheld the principle of equal treatment and that of equality between the sexes.

7. Within the Council, the Committee for Human Rights Research, Education and Educational Support was charged with promoting integration. Many other bodies directly linked with the issues of economic, social and economic rights had also been established, including the Committee for National Minorities and Ethnic Groups, the Committee for Persons with Disabilities, and the Committee for Gender Equality. The Council had asked the Deputy Prime Minister responsible for human rights and national minority rights to prepare a document to clarify the complex system of human rights promotion and protection in Slovakia, to harmonize current human rights programmes, strategies and principles, and to set the country's long-term priorities in that area. The document was to be presented to the Government in September 2012.

8. On 11 January 2012, the Slovak Government had approved the Slovak Republic's Concept of Roma Integration by 2020. The Concept addressed the need to deal with the challenges of integrating the Roma populations at European Union level. The Concept's principles were to set the tone of policies aimed at rectifying the target group's unfavourable situation by 2012, and during the 2014–2020 programming period in connection with the use of European Union structural funds.

9. National schemes for the Roma had been in place since August 2011 in four basic areas: education, health, employment and housing. They would be supplemented with three further schemes covering public information, financial integration, and the security of Roma communities within both the majority population and the group itself. The financial resources from the Cultural Grants Programme for national minorities came to €1 million in 2012. A sum of €2.2 million had been allocated in 2011 to projects concerned with the promotion and protection of human rights and fundamental freedoms. The same amount had been allocated in 2012. The Ministry of Culture had created an innovative programme of grants for disadvantaged populations, its objective being to systematically promote the cultural rights of that group.

10. The right to information and freedom of expression enshrined in the Constitution of the Slovak Republic were among the basic cultural rights. The print media was not subject to any approval or language restriction. Certain radio and television activities were subject to authorization under conditions prescribed by law. In the education sector, the Government had approved the Slovak Republic's membership of the European Agency for Development in Special Needs Education, as of 2012.

11. The Slovak Government paid special attention to the status, integration and development of Roma populations from a cross-sectoral perspective. Its strategy met actual needs and priorities of the townships, regions and the Roma themselves. The aim of the Government was to address the situation of the Roma in a comprehensive and balanced way in social and human rights terms, while emphasizing the principle of personal responsibility. Past experience had shown that integration policies must be based on measures that would have an impact on several areas simultaneously: namely, education, health care, housing and employment.

12. In line with the overall positive development and democratization of Slovak society, the status of women had also substantially improved thanks to an initiative focused on priority objectives. New priorities had been established, which no longer placed their emphasis solely on women, but more generally on the achievement of gender equality through "gender mainstreaming". A document outlining 32 targeted measures entitled "The principle of equal opportunities for women and men" had first been adopted, followed by an updated position paper containing the new terminology, particularly the notion of "gender mainstreaming" which constituted the first use of the term in an official Slovak Government document.

13. **Mr. Kerdoun** (Country Rapporteur) remarked that the State party had taken a number of praiseworthy measures in response to the Committee's recommendations following consideration of the initial report in 2002, in areas such as prevention and elimination of violence and discrimination towards women, in fighting alcohol abuse, education, gender equality, and trafficking of women. Ratification of the Optional Protocol to the Covenant was a further source of satisfaction, as were the country's noteworthy efforts in development assistance.

14. There were still, however, unanswered questions. The information provided referred to numerous initiatives, but not all of them had been implemented. Language legislation was problematic, as a minority language could not be used unless the minority constituted at least 20 per cent of the population. The largest minority in Slovakia, the Hungarian minority, accounted for a mere 10 per cent.

Articles 1 to 5

15. **Mr. Ribeiro Leão**, referring to paragraph 20 of the periodic report, asked if measures had been taken to ensure the principle of non-discrimination towards the Roma, and if so what those measures were. He would like concrete examples of the application of the relevant law.

16. **Mr. Sadi** asked in what way the Covenant had been taken into account in public policies dealing with issues relating thereto; to what extent ministers responsible for economic, social and cultural rights had taken the Covenant into consideration; and whether their actions were duly influenced by it. Regarding the status of the Covenant, he wished to know if, from a constitutional viewpoint, it was one of the treaties that required the adoption of an Act in order to be applied, or whether it fell under international treaties and could thus be applied solely on the condition that it had been ratified and promulgated.

17. Regarding the national human rights institutions, he wondered why the Slovak National Centre for Human Rights enjoyed only minor status in a European Union member State that should be leading the way in its implementation of the Paris Principles. The existence of the Government Council for Human Rights, National Minorities and Gender Equality was interesting, but it remained linked to political power. He wished to know to what extent the Council adhered to international human rights standards in its programmes and strategies.

18. **Mr. Schrijver** asked whether the State party planned to update its core document regularly, since it dated back more than 10 years. He also wished to know how the State party followed up the Human Rights Committee's recommendation of 2011 to "take appropriate measures to raise awareness of the [International] Covenant [on Civil and Political Rights] among judges, lawyers and prosecutors to ensure that its provisions are taken into account before and by national courts" and to "take effective measures to widely disseminate the Covenant within the State party".

19. He would like more information on how the State party intended in the coming years to improve its official development assistance (ODA), which had constituted 0.09 per cent of gross national income (GNI) in 2007, being about half of Slovakia's 2010 commitment as a new member State of the European Union. Slovakia was also due to reach 0.35 per cent, half the United Nation's target of 0.7 per cent for ODA/GNI ratio, by 2015; details were needed on how Slovakia planned to do so. Lastly, would Slovakia adopt a human rights based approach that included economic, cultural and social rights, in its international development cooperation?

20. **Ms. Shin**, having understood that not all NGOs had been involved in preparing the report under consideration, asked what form the consultation had taken and whether the NGOs working for the promotion and protection of human rights had participated.

21. Given that it was the task of the Deputy Prime Minister to lead the new Government Council for Human Rights, National Minorities and Gender Equality, she was surprised that the post remained vacant, and asked if there were plans to fill it in the near future. She would like to know the composition of the Government Council, in particular the number of female members.
22. She wondered why the Anti-Discrimination Act had not established quotas or special temporary measures to facilitate the advancement of disadvantaged groups such as women with disabilities, and if the State party had any such measures in mind to promote gender equality. Lastly, she wished to know whether measures taken to allow employees to better balance their professional and family lives applied in equal measure to men and women.
23. **Mr. Abashidze** stressed the distinction between measures adopted to protect the rights of national minorities and rectify a specific problem, which were therefore temporary, and those that were open-ended.
24. **Mr. Atangana**, noting that the Covenant was directly applicable in the domestic legal order of the State party, asked whether the national courts ever handed down rulings based directly on the Covenant, and if so on what grounds.
25. **Mr. Kedzia** asked what the powers and exact make-up of the Council for Human Rights, National Minorities and Gender Equality were. He would particularly like to know if NGOs, specifically those that defended the rights of minorities, and more generally civil society, were represented on the Council. The delegation might also clarify whether it was considered politic for the Council to continue to be a governmental body answerable to the Deputy Prime Minister. Lastly, he would like to know the findings of the review of the activities of the Slovak National Centre for Human Rights which the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights had been due to carry out in March 2012.
26. **Mr. Tirado Mejia**, requesting information on the status of homosexual couples, asked whether a same-sex partner had access to social welfare, especially health care; whether homosexual couples had access to credit; and, more generally, whether they were victims of discrimination.
27. **Mr. Pollák** (Slovakia) said that the Slovak authorities believed the Roma issue affected not only that community but the whole of Slovak society. The current strategies in place for that community focused on education, employment, housing and health.
28. In 1991, the Slovak Government had recognized 13 national minorities, which from then on had benefited from specific rights, in particular language rights. Therefore, as with other minority languages, Romani — which had been codified in 2008 — would soon be taught in schools. A number of projects existed to improve school enrolment of Roma pupils, through health-care and Romani-speaking assistants. Those projects and their funding were not yet systematic. Their incorporation into an Act, for example the Social Services Act, would guarantee their durability.
29. The strategy implemented by the Slovak Government since January 2012 had involved fighting anti-Roma prejudice in public opinion and encouraging acceptance of their cultural, linguistic and religious differences. The Anti-Discrimination Act was universal and not directed at any single minority. If a member of a minority was the victim of discrimination or any other offence, the courts would rule on a case-by-case basis. Police officers had been prosecuted and punished for their unfair treatment of children from minority groups; a case of school segregation in the east of the country had been taken to court. It might, however, be difficult to combat segregation and create mixed schools in some regions where many schools had a majority of Roma pupils. The programme

implemented by the authorities consisted of fighting stigma, segregation and ghettoization by providing good quality support services, including extracurricular activities.

30. Some temporary special measures had also been implemented to help people who needed them to obtain the skills necessary to seek employment.

31. **Ms. Daskalová** (Slovakia) said that, following the second series of amendments to the Anti-Discrimination Act, it was now possible to adopt special temporary measures in the event of “demonstrable inequality”, especially discrimination based on age or race. Temporary measures might also be taken to improve the lives of members of disadvantaged groups and to promote greater equality in employment and education. The competent services of the Slovak National Centre for Human Rights had duly monitored those measures. In 2011, the Deputy Prime Minister had participated in the development of the Concept of Roma Integration by 2020, and had called for adoption of a method for collecting data disaggregated by age and minority group. The Slovak National Centre for Human Rights cooperated in that venture alongside NGOs entrusted with developing inequality maps and proposing new amendments to the Anti-Discrimination Act, which was due to be further revised in 2012.

32. The Government Council for Human Rights, National Minorities and Gender Equality was one of the three bodies which the Government consulted throughout the year with a view to formulation of its human rights policy on civil and political rights; economic, social and cultural rights; rights of the child; gender equality; and the rights of minority populations. The Government Council also ensured that national standards were in keeping with Slovakia’s international commitments. Its members were drawn from civil society, academia and the civil service.

33. **Mr. Szalay** (Slovakia) said that since 2009 several measures had been implemented to strengthen the linguistic rights of minorities in Slovakia. Thus, minorities were now able to use their language during their dealings with the administration. In the light of the results of the 2011 census, as far as a percentage of minority members in their territory was concerned, some municipalities needed to ensure that administrative formalities could be conducted in Slovak and minority languages alike, and to report annually on the use of those languages.

34. The Committee for National Minorities and Ethnic Groups, an organ of the Governing Council for Human Rights, was made up of civil servants, representatives of the 13 minorities in Slovakia, and members of civil society in order to establish dialogue with the public authorities. The Committee was in a position to submit status notes and to take a stance on the various proposals made during working meetings. Minority and civil society representatives should enjoy greater powers as well as the right to vote.

35. **Ms. Lanáková** (Slovakia) said that public and private companies with more than 20 employees were required by law to hire 3.2 per cent of persons with disabilities. Otherwise, they must either pay an exemption tax or subcontract work out to protected workshops, to companies that employed persons with disabilities, or to independent workers with disabilities. Since amendments of the Act in 2008, employers had been encouraged to offer protected jobs to persons with disabilities and were required to submit annual reports on compliance with their legal obligations.

36. **Mr. Prochávka** (Slovakia) explained that the Government had decided to abolish the post of deputy prime minister for European integration, human rights and minorities. Considering the importance of that post, it would appoint instead two plenipotentiaries: one for human rights, and the other national minorities. They would both be responsible for coordinating the action of the ministries and advisory bodies, as well as the action plans in the relevant areas, and guiding the actions of institutions such as the Slovak National Centre for Human Rights.

37. The Government genuinely cooperated with the NGOs and civil society, which were represented on the National Council for Human Rights and its organs. NGOs and civil society maintained direct contact with State representatives and were often involved in the drafting of reports on subjects of particular interest to them so that they could express their point of view.

38. **Ms. Ondrašová** (Slovakia) said that the new School Act, adopted in 2008, banned all forms of discrimination, notably the segregation practised against Roma children, who were placed without good cause in schools or classrooms for children with mental disabilities, a situation denounced by Amnesty International in 2007. Since the adoption of that Act, independent inspections had been carried out regularly in the country's schools, and improvements had been observed in the integration of all children, including those with special needs, in mainstream schools. Moreover, the Government was offering a supplementary annual allowance of €100 per child to schools (approximately 65,000 in Slovakia) that accommodated a large proportion of children from deprived areas, in order to ensure more personalized monitoring.

39. The Ministry of Education had launched an appeal for input on school development projects. The concept of segregation was not defined in the legislation. It was the Ministry of Education that defined it through its directives to the schools, in order to eliminate any form of segregation regarding children's origins (ethnic, social, etc.). Regarding minority languages, it was worth noting that not all Roma wished to be taught in their native language and that they were given a choice when matriculating. When Roma children arrived at a school, they often did not know sufficient Slovak to be able to follow a course. Teachers in regions with a high concentration of Roma inhabitants were therefore trained in that language in order to be able to teach effectively.

40. **Mr. Klenovský** (Slovakia) said that the Covenant, which had been duly ratified by the State of Slovakia, in accordance with article 7, paragraph 5, of the Constitution, took precedence over domestic law. The national courts had not yet received complaints under the Optional Protocol, which had only very recently been ratified.

41. Official development assistance (ODA) was part and parcel of Slovakian foreign policy, and was based on the Millennium Development Goals (MDGs), United Nations resolutions and the commitments of the member States of the European Union to provide ODA amounting on average to 0.56 per cent of gross national income (GNI). As a new member State, Slovakia was supposed to contribute 0.17 percent of GNI. However, it was not yet in a position to do so, owing to the world economic and financial crisis.

42. **Ms. Shin Heisoo** requested further information on how NGOs were consulted and on their participation in the new Government Council for Human Rights, National Minorities and Gender Equality; and on the representation of women, women's organizations, and organizations for the promotion of equality on that body. With regard to the new plenipotentiary structure, she hoped that it would not be a pretext for evading gender equality issues. She would like to know which of the two plenipotentiaries would be entrusted with that task.

43. **Mr. Kedzia** asked what the plenipotentiaries' status and official rank would be. Surprised that they were to serve as coordinators when the Government Council was also supposed to do so, he would appreciate further information on the new structure's functioning and various responsibilities.

44. **Mr. Kerdoun** enquired about the legal 20 per cent threshold for the use of minority national languages, which represented a major obstacle to the implementation of the Act since no national minority accounted for so high a percentage. He wondered why the State party was unable to respect the commitments set forth in article 34 of the Constitution, regarding national minorities, in connection with public services and education; whether

there was reason for concern about respect for democratic principles and minority rights in Slovakia; whether the legislative measures taken between 2010 and 2012 on minority languages would provide concrete solutions to the problems of minorities; and whether those measures would help combat discrimination in the State party.

45. **Mr. Szalay** (Slovakia) said that the mandates of the Government Council and its committees had been established after extensive and very open consultations. Created so that NGOs and civil society would have a say in the matter, those bodies were based on representation. Within the Council, where NGOs had a permanent seat, it was their representatives who performed most of the tasks; they also had a voting right, not systematically assigned to the State representatives, which meant that they could influence decisions. In addition, NGOs and civil society could make proposals, which were then discussed and submitted to the Government, with which they thus maintained a genuine dialogue.

46. **Mr. Procháčka** (Slovakia) said that the plenipotentiaries' functions were not yet fully determined. In principle, the gender equality issue was to be assigned to the plenipotentiary responsible for human rights.

47. **Mr. Szalay** (Slovakia) said that multiple laws and regulations guaranteed the right of minorities to use their language in public administration, particularly under the Official Language Act and the Act on the Use of National Minority Languages 1999. There were 13 minorities officially recognized and 9 regional/minority languages, as declared by the Slovak Republic at the time of its ratification of the European Charter for Regional or Minority Languages. The Slovak Government had also indicated at that time that the expression "territory where a regional or minority language is practised" referred to the municipalities where citizens from a national minority of the Slovak Republic accounted for at least 20 per cent of the population; 656 municipalities were currently in that situation, and 511 of them allowed the use of Hungarian, 68 Ruthenian, 58 Romani, 18 Ukrainian and 1 German. Each municipality bore the primary responsibility for providing the necessary equipment for using those languages. The minister in charge of minority languages had defined a number of principles applicable to any level of the administration, such as publication of bilingual documents, and the obligation to advise the population of their right to use minority languages. An interministerial working group, created in 2011 for the purpose of evaluating enforcement of the Act, was also in charge of establishing directives on the use of minority languages.

48. **Mr. Klenovský** (Slovakia) said that the Official Development Assistance Act, which had recently come into force, reflected the values of Slovakian society, which were founded on human rights and fundamental freedoms. Slovak ODA, which went mostly on education, employment and health, represented 0.39 per cent of gross domestic product (GDP). Despite the economic crisis, Slovakia was one of the countries with the largest increase in their ODA relative to the gross domestic product (GDP).

49. **Mr. Texier** requested data disaggregated by long-term unemployment in Slovakia that, according to the International Labour Organization (ILO) Committee of Independent Experts, was one of the highest in the European Union. He also would like to know whether the crisis had negatively affected unemployment, in particular long-term unemployment, and whether asylum seekers had access to the labour market between filing their asylum applications and being accepted.

50. **Mr. Texier** asked what the minimum salary was, how it was assessed and its value in relation to the cost of living in Slovakia. Noting that according to a recent opinion of the ILO Committee of Independent Experts, Slovak legislation did not necessarily guarantee equal pay for work of equal value, he sought clarification about the current gender pay gap

and the circumstances in which a civil servant governed by a collective bargaining agreement could exercise the right to strike.

51. **Mr. Abdel-Moneim**, while welcoming the good employment rate, despite the fact that the Lisbon Strategy goals had not been fully met, said that the persistence of long-term unemployment was regrettable. He wondered whether measures to counteract that phenomenon, as indicated in paragraph 25 of the written replies to the list of issues, would have a long-term impact. He pointed out the importance of the right to work, as provided in article 6 of the Covenant, and the need to determine whether obstacles to employment might be linked to factors unrelated to the economic crisis.

52. **Mr. Martynov** asked whether the reduction, by one third, of persons with disabilities registering as unemployed was a result of public policies or of inadequate registration. He would like clarification on the employment quota of 3.2 per cent of people with disabilities imposed on companies with fewer than 20 employees, which was feasible only in theory if the company had at least 32 employees. He also sought clarification on the employment subsidies for persons with disabilities, other possibilities of meeting the employment quota, particularly outsourcing to protected workshops, and the actual impact of those measures.

53. Since the State party had reported a rise in work-related accidents and occupational diseases, the delegation might provide disaggregated data on the subject. He wished to know the daily amount of sickness benefit for an employee from the eleventh day of leave, whether the average retirement pension allowed recipients to live with dignity, and whether it was linked to the retiree's work salary. He would like to learn more about unemployment insurance, including the amount.

54. **Mr. Sadi** asked what was being done to ensure that the elderly were no longer victims of discrimination, whether the ratification of the Optional Protocol to the Convention on the Rights of Persons with Disabilities had improved the status of such persons and how the exercise of the right to strike was regulated in terms of public service job categories.

55. **Ms. Cong** asked the delegation to indicate which categories of job seekers had received the new benefit payment mentioned in paragraph 23 of the written replies to the list of issues, agreed for the period from 1 March 2010 to 31 December 2011 to support regional and local employment of job seekers from disadvantaged groups, and whether the measure had been effective. She would also like to know more about the new measures planned to combat sexual harassment.

56. **Ms. Lanáková** (Slovakia) explained that the minimum wage was €317 as of 1 January 2012. Under the Minimum Wage Act, it had been set following negotiations between trade unions and employers, taking into account factors such as the economic and social situation over the previous two calendar years. Should negotiations fail, the Ministry of Labour established a minimum wage based on the amount and the rate of inflation over the previous year. The Government's aim was to prevent a rise in the minimum wage from causing a rise in the cost of labour and, therefore in redundancies, and to set the minimum wage at a level that ensured a decent quality of life for its recipients. The Slovak economy depended heavily on exports, and the national, regional and worldwide effects of the economic crisis affected any reassessment of the minimum wage.

57. **Mr. Ribeiro Leão**, referring to paragraph 229 of the periodic report, asked the delegation to elaborate on how poverty in Slovakia was assessed, and whether anti-poverty policy took the principles of non-discrimination into account.

58. **Mr. Sadi** asked whether Slovakia planned to provide a school bus service, as other countries had done, as a way of effectively combating school segregation and promoting integration.

The meeting rose at 1.00 p.m.