



Economic and Social Council

Distr.: General
3 November 2021

Original: English
English, French and Spanish only

Committee on Economic, Social and Cultural Rights

Information received from Slovakia on follow-up to the concluding observations on its third periodic report*

[Date received: 14 October 2021]

* The present document is being issued without formal editing.



1. The Government of the Slovak Republic approved by Resolution No. 712 of 11 November 2020 Report on the discussion of the Third periodic report of the Slovak Republic on the International Covenant on Economic, Social and Culture Rights and the proposal of responsible entities for the implementation of the recommendations contained in the Concluding observations of the UN Committee on Economic, Social and Cultural Rights.

2. The Slovak Republic submits information to recommendations No. 13, 45 and 51 which was prepared in cooperation with the Ministry of Justice, the Ministry of Health and the Ministry of Education, Science, Research and Sport. The information was approved by the minister for foreign and european affairs of the Slovak Republic.

I. Follow-up information relating to paragraph 13 of the concluding observations (E/C.12/SVK/CO/3)

3. The Slovak Republic (hereinafter “SR”) adopted the National Program for the Development of Living Conditions of Persons with Disabilities for the years 2021 – 2030, which includes the task of preparing a draft amendment to the Anti-Discrimination Act to incorporate appropriate adjustments in all life areas of persons with disabilities in accordance with the recommendations of the UN Committee on the Rights of Persons with Disabilities by 2023.

4. Tasks related to the amendment of the Anti-Discrimination Act are also reflected in the National Strategy for Equality between Women and Men and Equal Opportunities in the SR for the years 2021–2027 and the relevant action plan (Action Plan for Equality between Women and Men and Equal Opportunities for the years 2021–2027) focusing in particular on the issue of domestic violence as one of the most serious forms of discrimination against women. Following analysing existing legislation, legislative changes should, in particular, address the issue of shifting the burden of proof to the defendant in civil disputes in which a victim of domestic violence requests an adjustment of rights and obligations, and in which the existence of partnership and domestic violence can reasonably be considered.

5. As part of the implementation of the Action Plan for the Prevention of All Forms of Discrimination for the years 2016–2019, the Slovak National Centre for Human Rights (hereinafter “SNCHR”) carried out an analysis of necessary changes in anti-discrimination legislation as well as educational activities in public administration. The above analysis and its results will be possible to reflect in the preparation of a draft amendment to the Anti-Discrimination Act according to the National Action Plan for the Development of Living Conditions of Persons with Disabilities.

6. Through its Equality Body – the SNCHR – the SR provides funding for assistance to victims of discrimination, including legal advice and representation in court. Through its website, the SNCHR also receives suggestions and requests for free legal aid provision.

7. As part of ensuring the operation of the SNCHR, the budget in 2019 was significantly increased by 40% compared to 2018. In 2020, a transfer of EUR 797,822 was approved and in 2021 in the amount of EUR 850,000, which continuously increases the financing of the operation of the SNCHR.

8. Pursuant to the valid legal regulation (Article 46 of the Constitution of the SR), everyone has the right to judicial and other legal protection. The practical implementation of this right is also ensured by the SNCHR providing free legal aid to victims of discrimination.

9. In addition, the Ministry of Justice of the SR (hereinafter “MJ SR”) annually supports projects aimed at raising awareness and providing legal advice to victims of discrimination in risk groups, including women, migrants and asylum seekers and people with disabilities. In 2020 and 2021, the MJ SR again supported a project focused on the education of judges in the issue of discrimination; projects focused on education related to the Holocaust in Slovakia or legal advice for risk groups.

10. As an independent educational institution, the Judicial Academy of the SR (hereinafter “JA SR”) implements educational projects and continuous preparatory, language and lifelong training for judges, prosecutors and court officials. The Act on Judges and

Associates stipulates the obligation for any judge candidate and any judge after appointment to a position to complete preparatory education.

11. At present, education for the prevention and elimination of all discrimination forms is also implemented through projects financially supported by the MJ SR grant scheme, e.g. the 2019 project Professional strengthening of legal professions focused on the multidisciplinary application of the anti-discrimination law in counselling discriminated persons, representation before courts and preparation of court decisions and the 2020 project Education of judges and other public sector professions aimed at increasing professional competencies in application and implementation of the anti-discrimination law. In 2020, the JA SR also provided training on non-discrimination and compensation for non-pecuniary damage in employment relationships.

12. Every year, the JA SR also includes education related to human rights, various aspects of civil, criminal or administrative disputes and the European Court of Human Rights case-law in its educational plan.

13. In relation to other legal professions, the training of paralegals and lawyers is provided by the Slovak Bar Association, which has joined the Council of Europe program – HELP (Human Right Education for Legal Professionals), focused on human rights education. Until 2021, this program provided mainly education aimed at victims of crime, gender-based violence (as one of the forms of discrimination) and legal guarantees for victims in criminal proceedings.

14. In 2019, within the framework of competent education and the Education of Employees of the Ministry of Justice and Acquisition of Professional Knowledge project, the MJ SR provided education to 31 employees on the topic of non-discrimination, which dealt with issues of equality between women and men, people with disabilities and non-discrimination in general. The MJ SR implemented the same education in 2021. In 2019, the MJ SR ensured the participation of 1 employee at an international summer school on the topic: Sexual Orientation and Gender Identity in International Law: Human Rights and Other Aspects, which also addressed the case law of international judicial bodies on discrimination in relation to the rights of LGBTI persons.

15. The general Action Plan for the Prevention of All Forms of Discrimination was intended only for the period 2016–2019 and fulfilled its purpose. The SR has separate action plans setting goals in the area of preventing discrimination for individual disadvantaged groups.

II. Follow-up information relating to paragraph 45 of the concluding observations

16. Healthy Regions – the contributory organization of the Ministry of Health of the SR (hereinafter “MH SR”), deals with the improvement of the situation of the Roma in excluded communities, as well as with the development of temporary compensatory health measures. The organization is currently implementing long-term National projects Healthy Community 2B and 3B, funded by the European Social Fund and the European Social Development Fund under the Human Resources Operational Program.

17. The organization aims to improve the conditions for health in marginalized Roma communities (hereinafter “MRC”) through interventions in the field of social determinants of health. These efforts primarily involve lowering the barriers to access healthcare, increasing health literacy and improving health-related behaviour.

18. The core of the work conducted by Healthy Regions is primarily via the activities of health promotion assistants directly in MRCs and through health mediation, a specific type of community work focused on overcoming communication barriers, spreading health education and psycho-social support to persons living in marginalised locations. Currently, the organization has health promotion assistants in 266 municipalities with the MRC presence.

19. The implementation of Health Promotion Assistants in the hospital environment (hereinafter “HPAH”) has been ongoing since 2017 and is one of the overarching measures to make routine health services to MRC residents more available and has not been implemented in Slovakia until then.

20. Health promotion assistants currently work in eight hospitals in selected districts in gynecological and obstetric and the neonatal wards, where they provide support to patients and offer help to hospital staff.

21. The mentioned activity is carried out through an additional (assistance) service. The role of an HPAH is to work with patients from MRC during their stay in hospital facilities, primarily in gynecological and obstetric and paediatric wards, but also outside them. HPAHs in hospital settings complement existing health services with knowledge of the Roma language and empathy. As they know the environment of MRC well, they know how to put themselves in their shoes, and hence this target group accepts them better. Trained HPAHs with knowledge of the Roma language and the MRC environment from which patients come can significantly contribute to overcoming barriers in providing health care, patients-wise and staff-wise.

22. Healthy regions also operate in the hospital environment through the intervention type of health promotion assistants’ implementation in order to gradually eliminate shortcomings in the area of communication between the staff and people from marginalized communities. The topic of segregated/separate rooms is complex. It cannot be completely ruled out in practice, particularly because Roma women naturally tend to other Roma women, and women from the majority are willing to pay extra for above-standard, separate rooms in most cases.

23. One of the goals of the Strategy for Equality, Inclusion and Roma Participation until 2030 is to ensure equal health care accessibility for MRC. As part of this goal, the creation of a system for evaluating complaints of discrimination in health care facilities is planned.

24. The priority of the SR is equality in ensuring accessible and quality health care for all citizens, including reflection on all human rights aspects. National legislation takes full account of patients’ rights enshrined in international conventions.

25. The SR has adopted systemic, legislative and other practical measures to ensure the performance of sterilizations as a medical procedure and a method of contraception, which is available to women at their request. An institute of informed consent has been set up. The medical performance of sterilization is defined in Section 40 of the Health Care Act as the prevention of fertility without removing or damaging a person’s gonads. The conditions of sterilization are specifically, effectively and systemically regulated in this Act. Sterilization is contingent upon a written request submitted to the sterilization provider and written informed consent after prior instruction from a person fully competent to take legal actions or the statutory representative of an individual unable to give informed consent, or based on a court decision upon request from such statutory representative. Instructions prior to informed consent must be provided in the manner prescribed by law and must include information on alternative methods of contraception and planned parenthood, possible changes in living conditions that led to the sterilization application, medical consequences of sterilization as a method of irreversible fertility prevention and possible sterilization failure. Sterilization cannot be performed in less than 30 days after informed consent is provided. The legislation contains examples of informed consent in the national language and in nine languages of national minorities, including the Roma language.

26. It can be declared that during more than ten years of its operation, based on the long-term experience of the Healthy Regions organization and the implementation of Healthy Community projects in the past, a large network of field staff (more than 300 people) recorded no cases of involuntary sterilization of Roma women.

27. All past cases of alleged involuntary sterilization of Roma women were properly investigated by law enforcement authorities following applicable legislation. The investigation gathered all the available evidence necessary to fully determine the facts of the case and to clarify the facts relevant to the decision. The results of the investigation showed no forced sterilizations or other attacks on the reproductive freedom of Roma in Slovakia,

and no sterilization was performed with the intention of preventing the birth of children in the Roma ethnic group in Slovakia.

28. The provision of Section 1 of the Criminal Procedure Code enshrines the general obligation of law enforcement authorities and courts at each individual stage of criminal proceedings to proceed in such a way that the subject of the law is fulfilled, i.e. proper detection of criminal offences and fair punishment of their perpetrators and that the proceeds of crime be confiscated. The duty of a police officer to conduct an expeditious, legal and thorough investigation is regulated in the relevant provisions of the Criminal Procedure Code.

29. Pursuant to Section 230 of the Criminal Procedure Code, the prosecutor shall perform supervision over compliance with the law prior to the commencement of prosecution and during pre-trial proceedings. The prosecutor's review of the legality of the procedure and decisions of police officers in criminal proceedings within the prosecutor's supervision is a control mechanism with effective means of correcting possible mistakes of police officers in criminal proceedings and ensuring a proper investigation of the criminal case.

30. The current valid legal regulation of criminal proceedings in the SR does not contain any discriminatory provisions by which it would unequally assess Roma women who have become victims of crime in access to justice and a proper and thorough investigation of their criminal case.

31. In the event of new cases of forced sterilization, anyone has the opportunity to contact law enforcement authorities and file a complaint of a criminal offence with the police or the prosecutor's office.

32. There is a valid legal regulation in the SR, which should prevent illegal sterilizations, and in 2021 the MJ SR and the MH SR plan to submit a proposal for possible measures to compensate these victims.

33. The existing legislation in the SR offers victims of forced sterilization the opportunity to claim compensation for the damage caused. Pursuant to Section 46(3) of the Criminal Procedure Code, the injured party who, according to the Criminal Procedure Code, is legally entitled to compensation for the damage caused to him by the offence committed by the accused, is also entitled to ask the court to require the accused, in the sentence, to pay compensation for that damage; the injured party must submit an application at the latest by the conclusion of the pre-trial investigation or expedited investigation stage. According to the Act on Victims of Crime, a victim of a violent crime also has the right to claim one-off financial compensation from the state. In the legal system of the SR, it is also possible to claim compensation through an action filed in civil proceedings before the competent court for causing material damage as well as non-material damage.

34. To investigate the possible sterilization without informed consent (since 2004) *pro futuro*, the Health Care Surveillance Authority was established in 2004 by the Act on Health Insurance Companies and Health Care Supervision as an independent institution and legal entity entrusted in the field of public administration with the supervision of the provision of health and nursing care and public health insurance. Pursuant to Section 18(1)(c) supervises the provision of nursing care by supervising its proper provision.

35. At the same time, it should be noted that there has been significant support for the education of doctors, with emphasis on the need for instruction and obtaining informed consent before sterilization of a person in the national language and the languages of national minorities.

36. It shall also apply that if a person believes they have not been provided with healthcare correctly or that another decision of the healthcare professional in connection with the provision of healthcare or healthcare-related services is incorrect, they have the right to seek redress from the provider. The provider is obliged to inform the applicant in writing about the processing method of the application no later than 30 days from the submission of the application if the content of the application does not indicate the need to act immediately or within a shorter period.

37. At the same time, Section 159(2) of the Criminal Code states the facts of unauthorized sterilization of a natural person, which could allow in some cases (if this crime was

committed by violence) compensation for damage to health under the Act on Victims of Crime.

38. Another available means of legal reparation is the filing of an action for the protection of personality pursuant to Section 11 et seq. of the Civil Code and subsequently the filing of a complaint with the Constitutional Court of the SR pursuant to Art. 127(1) of the Constitution of the SR, unless another court decides on the protection of these rights and freedoms.

III. Follow-up information relating to paragraph 51 of the concluding observations

39. With effect from 1 January 2020, Act No. 381/2019 Coll. amending the Act on Education provide adjustments concerning the contribution to improving the conditions for education and training of pupils from socially disadvantaged backgrounds (hereinafter “SDB”). The scope of the teacher’s assistant or social pedagogue in primary school was adjusted where for every 50 pupils from the SDB one teacher’s assistant or one social pedagogue is provided.

40. On 27 June 2019, the National Council of the SR approved Act No. 209/2019 Coll. amending the Act on Education. This Act introduces compulsory pre-primary education for five-year-old children with effect from 1 January 2021. This regulation aimed to address the education of children from the SDB as soon as possible with an emphasis on MRC children and to integrate MRC children into society, to acquire basic hygienic and social standards and to acquire basic study skills.

41. The Ministry of Education, Science, Research and Sport of the SR (hereinafter “MESRS SR”), through directly managed organizations, organized educational events focused on professional development in the field of counselling attended by 556 pedagogical employees. Educational events were implemented online to increase the competencies of pedagogical and professional staff to take into account the specific educational needs of students from MRC/SDB. In 2020, it prepared more than 80 professional materials, more than 30 of which directly or indirectly concerned the support of the smooth transition of pupils from MRC/SDB from primary school to secondary school.

42. As part of increasing the qualification of teaching the Roma language, literature and realities, the MESRS SR provides a subsidy to public universities for the implementation of study programs created by universities. These also set out the task of implementing continuous education for teachers and teaching assistants using Roma language as a support language in teaching.

43. By the Resolution of the Government of the SR No. 181 of 7 April 2021, the Strategy for Equality, Inclusion and Roma Participation until 2030 (hereinafter “Strategy”) was approved, which is a framework strategic document and at the level of priorities defines the direction of public policies in order to achieve visible change in the field of Roma equality and inclusion.

44. Segregation and unequal treatment of children from the MRC environment is addressed in specific objective No. 4 Systematically prevent, mitigate and eliminate manifestations of segregation in the educational process at all levels of the education system.

45. The fulfilment of the global target and sub-targets is monitored through specific indicators that are part of the action plan for education. The MESRS SR is a cooperating subject in the creation of an action plan for the priority area of education.

46. As part of the prepared strategy, the Office of the Plenipotentiary of the Government of the SR for Roma Communities (hereinafter “the GOPRC”) is negotiating with directly managed organizations of the MESRS SR on the application of measure No. 4.3 of the Action Plan Increase the access of MRC pupils to mainstream education by supporting the transformation of the special stream of education.

47. A prerequisite for the success and effective implementation of the global goal and sub-goals of the Education strategy is the implementation, which requires a supra-ministerial

approach, active participation and cooperation between all levels of government. At the same time, in addition to the involvement of the individual central government departments concerned, representatives of the local and regional government, the non-governmental sector, academia, as well as Roma themselves are expected to participate in the evaluation and monitoring process in accordance with the principle of respect for partnership. The above mentioned involved entities will be involved in monitoring and evaluating the Strategy, deciding on the setting of targets concerning individual indicators, collecting data and receiving monitoring and evaluation reports to eliminate segregation and exclusion of Roma children in different areas of school life.

48. Through the support of the European and Structural Investment Funds, the GOPRC implements the National Project Monitoring and Evaluation of Public Policies, which also monitors selected areas of access to quality and inclusive education through selected surveys.

49. For use in 2020, the MESRS SR allocated special-purpose funds to financing development projects:

- „Support for regional and multicultural education of pupils belonging to national minorities” for primary and secondary schools with the language of instruction of the national minority and with the teaching of the language of the national minority. Priority areas of support are activities that contribute to mutual recognition, eradication of prejudices towards others and support of regional education;
- „Support for the education of SDB pupils in primary schools” – the areas of support are activities that contribute to compensation for the social disadvantage of pupils and ensuring equal opportunities in practice, consisting in supporting the interest of SDB pupils in education; application of new forms and methods of education, especially towards the support of reading literacy in the teaching process.

50. In 2021, the Divé Maky organization and its project Wild Poppy Leaders was supported, which is focused on the training of young Roma leaders, especially in the online space.

51. The Strategy priority area Combating anti-Roma racism and promoting participation sets sub-objectives to combat discrimination and anti-Roma racism, reduce prejudice and stereotypes about Roma, strengthen human rights education and education for tolerance and strengthen Roma participation at all levels.

52. The GOPRC is currently preparing an Action Plan for the strategy for 2022–2024 – priority area Combating anti-Roma racism and promoting participation in accordance with the recommendations, definitions and documents of international organizations, both the Council of Europe and the IHRA.
