



International Covenant on Civil and Political Rights

Distr.: General
20 April 2011

Original: English

Human Rights Committee

101st session

New York, 14 March-1 April 2011

Consideration of reports submitted by States parties under article 40 of the Covenant

Concluding observations of the Human Rights Committee

Slovakia

1. The Committee considered the third periodic report submitted by Slovakia (CCPR/C/SVK/3) at its 2778th and 2779th meetings (CCPR/C/SR.2778 and CCPR/C/SR.2779), held on 16 and 17 March 2011. At its 2793rd and 2794th meetings (CCPR/C/SR.2793 and 2794), held on 28 March 2011, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the third periodic report of Slovakia and the information presented therein. It expresses appreciation for the opportunity to renew its constructive dialogue with the State party on the measures that the State party has taken during the reporting period to implement the provisions of the Covenant. The Committee is grateful to the State party for its written replies (CCPR/SVK/Q/3/Add.1) to the list of issues which were supplemented by the oral responses provided by the delegation and for the supplementary information provided to it in writing.

B. Positive aspects

3. The Committee welcomes the following legislative and institutional steps taken by the State party:

- (a) The adoption of Act No. 365/2004 Coll. on equal treatment (Anti-Discrimination Act);
- (b) The amendment to Act No. 757/2004 Coll. on courts, which abolished military courts and entered into force on 1 April 2009;
- (c) The adoption of Regulation No. 64/2008 on “methods of combating expressions of extremism and curbing spectator violence”, which entered into force on 1 September 2008;

- (d) The establishment of the Council on Human Rights, National Minorities and Gender Equality.
4. The Committee welcomes the ratification by the State party of the following international instruments:
- (a) The Convention on the Rights of Persons with Disabilities of 2006;
 - (b) The Optional Protocol to the Convention on the Rights of Persons with Disabilities, 2006;
 - (c) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, 2000;
 - (d) The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, 2000.

C. Principal matters of concern and recommendations

5. While noting the commitment of the State party to amend the Act that established the National Centre for Human Rights (NCHR) with a view to strengthening its mandate such as reporting on national human rights issues to the legislature, the Committee is concerned that the NCHR has a limited mandate and independence, and has not been provided with adequate resources to carry out its functions. The Committee thus regrets that the NCHR fails to meet the standards set out by the Paris Principles (General Assembly resolution 48/134) (art. 2).

The State party should revise the Act that establishes the NCHR to expand the scope of its mandate and competence to effectively promote and monitor the protection of human rights. The State party should also take concrete measures to ensure that the NCHR is provided with adequate financial and human resources in line with the Paris Principles.

6. While taking note that international human rights treaties that the State party has ratified and promulgated take precedence over national laws, the Committee is concerned that none of the provisions of the Covenant have been invoked before national courts since the consideration of the State party's previous report (art. 2).

The State party should take appropriate measures to raise awareness of the Covenant among judges, lawyers and prosecutors to ensure that its provisions are taken into account before national courts. In this regard, the State party should take effective measures to widely disseminate the Covenant in the State party.

7. While the Committee appreciates the State party's efforts to develop a bill that seeks to confer the power on the Constitutional Court to rule on the compatibility of domestic legislation with international treaties, the Committee notes that this bill has not been enacted into law (art. 2).

The State party is encouraged to ensure that such a bill is enacted into law to provide a remedy to persons who allege an infringement of their rights arising from the incompatibility of provisions of national law with international treaties that the State party has ratified.

8. While welcoming the State party's efforts to prosecute law enforcement officers who perpetrate racist attacks, particularly against Roma, the Committee is aware of the continued reports of racist attacks and lack of adequate compensation for the victims (arts. 2 and 27).

The State party should strengthen its efforts to combat racist attacks committed by law enforcement personnel, particularly against Roma, by, inter alia, providing special training to law enforcement personnel aimed at promoting respect for human rights and tolerance for diversity. The State party should also strengthen its efforts to ensure that police officers suspected of committing such offences are thoroughly investigated and prosecuted, and if convicted, punished with appropriate sanctions, and that the victims are adequately compensated.

9. While appreciating the efforts made by the State party to protect the rights of persons who have been granted asylum and refugee status, the Committee is concerned at the slow pace of their integration into society, which hinders their access to employment, education, housing and health (arts. 2 and 26).

The State party should take concrete measures to promote the integration of persons who have been granted asylum and refugee status in the State party, to ensure equal access to employment, education, housing and health. In this regard, the State party should ensure that access to employment is non-discriminatory, and that recruiters, both in the private and public sectors, respect the principle of equality and non-discrimination.

10. While welcoming the adoption of the National Action Plan for Gender Equality (2010-2013) and the data on women's representation in the public sector, the Committee notes with concern that women remain underrepresented in both the public and private sectors, particularly in decision-making positions. The Committee regrets the State party's failure to provide it with information relating to the representation of women in the private sector (arts. 2, 3 and 26).

The State party should strengthen its efforts to increase the participation of women in the public and private sectors, and if necessary, through appropriate temporary special measures to give effect to the provisions of the Covenant. The Committee urges the State party to include in its next periodic report, disaggregated statistical data on the representation of women in the private sector.

11. While noting the adoption of the National Action Plan for the Prevention and Elimination of Violence against Women (2009-2012), the Committee is concerned at the continuing reports of gender-based violence in the State party, and the low reporting of these cases to the police (arts. 3 and 7).

The State party should adopt concrete measures to prevent and address gender-based violence in all its forms and manifestations. In this regard, the State party should improve its research and data collection methods in order to establish the magnitude of the problem, its causes and consequences for women. The State party should encourage the reporting of cases of domestic violence by victims. It should also ensure that such cases are thoroughly investigated and that the perpetrators are prosecuted, and if convicted, punished with appropriate sanctions, and that the victims are adequately compensated.

12. While taking note of the fact that the current Criminal Code No. 300/2005 Coll. (as amended) criminalizes and punishes the torture and ill-treatment of children, the Committee expresses concern at the permissibility of corporal punishment in the home where it traditionally continues to be accepted and practised as a form of discipline by parents and guardians (arts. 7 and 24).

The State party should take practical steps to put an end to corporal punishment in all settings. It should encourage non-violent forms of discipline as alternatives to corporal punishment, and should conduct public information campaigns to raise awareness about its harmful effects.

13. While welcoming the investigation into the forced sterilization of Roma women and the adoption of Act No. 576/2004 Coll. on health care and services, which introduces the notion of informed consent, the Committee is concerned at the narrow focus of the investigation and the lack of information on concrete measures to eliminate forced sterilization, which, allegedly, continues to take place (arts. 7 and 26).

The State party should take the necessary measures to monitor the implementation of Act No. 576/2004 Coll. to ensure that all procedures are followed in obtaining the full and informed consent of women, particularly Roma women, who seek sterilization services at health facilities. In this regard, the State party should introduce special training for health personnel aimed at raising awareness about the harmful effects of forced sterilization.

14. While appreciating the existence of the Inspection Service Department of the Section of Control and Inspection Service, which is mandated to investigate offences committed by members of the police force, the Committee is concerned that the Inspection Service Department is not fully independent, as complaints against police officers are investigated by a police force investigator. The Committee is also concerned at continued reports of ill-treatment of detainees by law enforcement personnel (arts. 7 and 10).

The State party should take appropriate measures to strengthen the Inspection Service Department of the Section of Control and Inspection Service to ensure its independence to carry out investigations of alleged misconduct by police officers. In this connection, the State party should ensure that law enforcement personnel continue to receive training on torture and ill-treatment by integrating the Istanbul Protocol of 1999 (Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment) in all training programmes for law enforcement officials. The State party should thus ensure that allegations of torture and ill-treatment are effectively investigated and that alleged perpetrators are prosecuted and, if convicted, punished with appropriate sanctions, and that the victims are adequately compensated.

15. While noting the prohibition of forced military service in the State party's Constitution and the recognition of a person's right to exercise conscientious objection to military service, the Committee is concerned at the lack of clarity on whether a person retains the right to conscientious objection if the objection is developed in the course of performing military service (art. 18).

The Committee encourages the State party to take necessary measures to ensure that the law clearly stipulates that individuals retain the right to exercise conscientious objection even during the performance of military service.

16. While noting the State party's adoption of a medium term concept for the development of the National Minority Solidarity-Integrity-Inclusion for 2008-2013, and the election of the first Roma woman town mayor, the Committee is still concerned at prevalent stereotypes and widespread exclusion of Roma in various fields such as education, housing, health, and political participation (arts. 2, 26 and 27).

The State party should strengthen its efforts to eradicate stereotypes and widespread abuse against Roma by, among other things, increasing awareness-raising campaigns that promote tolerance and respect for diversity. The State party should also adopt measures to promote access to opportunities and services in all fields and at all levels through affirmative action in order to address existing inequalities.

17. The Committee recalls its previous concluding observations (CCPR/CO/78/SVK para. 18) and is concerned at the continued reports of de facto segregation of Roma children in the education sector. The Committee is further concerned at the continuing reports of the

placement of Roma children in special needs classes that are meant for pupils with psychological disabilities, without conducting proper medical assessments to establish their mental capacity (arts. 26 and 27).

The State party should take immediate steps to eradicate the segregation of Roma children in its education system by ensuring that the placement in schools is carried out on an individual basis and is not influenced by the child's ethnic group. Furthermore, the State party should take concrete steps to ensure that decisions for the placement of all children, including Roma children, in special needs classes may not be made without an independent medical evaluation nor based solely on the capacity of the child.

18. The State party should widely disseminate the Covenant, the two Optional Protocols to the Covenant, the text of the third periodic report, the written responses it has provided in response to the list of issues drawn up by the Committee, and the present concluding observations so as to increase awareness among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, as well as the general public. The Committee also suggests that the report and the concluding observations be translated into the other official language of the State party. The Committee also requests the State party, when preparing its fourth periodic report, to broadly consult with civil society and non-governmental organizations.

19. In accordance with rule 71, paragraph 5, of the Committee's rules of procedure, the State party should provide, within one year, relevant information on its implementation of the Committee's recommendations made in paragraphs 7, 8 and 13 above.

20. The Committee requests the State party, in its next periodic report, due to be submitted on 1 April 2015, to provide, specific, up-to-date information on all its recommendations and on the Covenant as a whole.
