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

List of issues in relation to the fourth periodic report of Slovakia

Addendum

Replies of Slovakia to the list of issues*, **

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* The present document is being issued without formal editing.
** The annex can be consulted in the files of the Secretariat.

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Constitutional and legal framework within which this Covenant is implemented (art. 2)**Question No. 1:**

1. References to the Covenant are contained in at least 184 published final decisions of the general courts relating to different areas. Frequent decisions are made in the area of alimony law and ruling on the actions against final decisions and procedures of the administrative authorities which contain references to Article 14, Section 1 of the Covenant. Further decisions have been issued, e.g., in the field of the protection of personality (Article 17) or asylum procedures (Article 9, Article 13).

Question No. 2:

2. The Constitutional Court ("CC") of the Slovak Republic ("SR") possesses a key jurisdiction in ruling on the compatibility of legislation with international agreements. Both physical and legal entities are entitled to turn to the court in matters concerning the infringement of their rights; however, they are not entitled to challenge the rule of law itself. However, they can turn to an ombudsman who has this entitlement (see Appendix).

Question No. 3:

3. The government of the SR ("government") has adopted by means of its Resolution No. 71 of 18 February 2015 a National Strategy for the Protection and Promotion of Human Rights in the SR ("Strategy") and has instructed the Minister of Justice to prepare a comprehensive legislation for the Slovak National Centre for Human Rights (SNCHR) and to submit it to the government before 30 June 2016. The strategy reflects the fact that the SNCHR fulfils not only the tasks of an Equality Body in compliance with relevant directives, but also the tasks of a national human rights institution (NHRI) as required by the UN and the Paris Principles. In order to fulfil the requirements of the functions and activity of the SNCHR, it is therefore important to continue negotiations with the officials of the SNCHR in order to reach an agreement on the final wording of the act, especially with regard to sensitive questions related to the composition of the management board of this institution, and simultaneously to make use of a new deadline for the submission of new legislation for further negotiation with the Ministry of Finance of the SR ("MF") on possibilities for increasing subsidies from the state budget for the SNCHR as a coordinator of the human rights agenda took over by the Ministry of Justice ("MJ") on 1 September 2015.

4. In relation to the civil society initiative related to the establishment of an independent National Commission of Education and Training for Human Rights and Democratic Citizenship within the SNCHR, the MJ has asked for the postponement of a draft amendment until the end of 2016.

Equality, non-discrimination and hate crimes (arts. 2, 3, 20 and 26)**Question No. 4:**

5. Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and on Protection Against Discrimination ("Anti-discrimination Act") entered into effect on 1 July 2004. According to the collected data, 3 disputes were settled in 2014 and 9 disputes in 2015 related to the right to equal treatment and protection against discrimination and in 2 cases compensation was awarded to the victims of discrimination in the form of a financial sum.

6. From 2010 until 2015, a total of 349 crimes which, with regard to the victims, were of a racist, ethnic, or discriminatory nature were recorded in the SR. These especially include crimes stated in the provision of § 140a of the Penal Code ("PC") (crimes of extremism) and other crimes stated in a special section of the PC in relation to which this constituent element is stated as a special motive under § 140(d) and (f) of the PC.

7. The SR disseminates information on legal aid by means of the publically and freely available electronic Collection of Laws and also publishes court decisions on the internet and also by means of the Legal Aid Centre ("LAC"), which is a state budgetary organisation with 14 offices in the SR. The average duration of court proceedings in relation to the right to equal treatment and protection against discrimination was 3.4 years in 2014 and 4.9 years in 2015. The problem of the duration of court proceedings is an objective problem encountered in all types of court proceedings and the SR takes note of this fact and is taking the necessary steps such as, but not limited to, the re-codification of civil procedural law, the result of which is the approval of three procedural codes adopted by the National Council of the SR ("NC"), i.e., the Civil Dispute Order, Civil Non-dispute Order, and Administrative Judicial Order, which will replace the currently applicable and effective Code of Civil Procedure ("CCP") No. 99/1963 Coll. on 1 July 2016. In the last year, most disputes in civil proceedings were settled within one year.

8. The MJ does not record differences in the duration of proceedings in the matters of non-discrimination due to individual discrimination reasons.

Question No. 5:

9. In 2014, 12 criminal proceedings and in 2015, 11 criminal proceedings were decided in which a crime motivated by racial or ethnic hatred was committed (see Appendix).

10. Training in the Slovak justice system is organised by the Justice Academy by means of its employees and teachers, whose training content is determined by the General Prosecutor of the SR and the Judicial Council of the SR upon agreement with the Minister of Justice, which includes the issue of racially- and xenophobically - motivated crimes.

11. In order to eliminate crimes of extremism, a Concept for the Fight Against Extremism ("CFAE") for 2011 – 2014 and a CFAE for 2015 – 2019 have been prepared in the SR. These concepts should serve to more effectively eliminate extremism and racism in society. The new concept establishes strategic priorities of the SR in the field of prevention against, and the elimination of radicalisation, extremism, and related antisocial activity threatening the fundamental rights and freedoms of persons and the foundations of a democratic legal state.

12. Act No. 1/2014 Coll. on the Organisation of Public Sporting Events provides certain competencies to the Police Force ("PF") related to social and sporting events. The cooperation between the individual services of the PF in this field has been deepened, especially by exchanging operative information on the activities and behaviour of persons with negative manifestations related to extremism and xenophobia.

13. All crimes of extremism are properly documented and investigated in the SR. All members of the PF who come into contact with crimes of extremism, are continuously re-trained in order to identify extremist groups and their influence upon society and to detect and investigate these types of crimes. The topics are taught within all of the school educational programmes for basic police preparation and specialised police preparation in the secondary vocational schools of the PF, where programmes are conducted within various subjects related to crimes of extremism and include special lectures from policemen with practical expertise.

14. In April 2016 were modified the forms of the registration-statistical system for criminality, making it possible to better acquire data on the crime scene, special motives under § 140 of the PC, and on the motives for the commitment of a crime of extremism (e.g., on the grounds of nationality, ethnic group, skin colour, etc.).

Question No. 6:

15. Measures for the fight against the incitement to hatred and racist propaganda are manifested mainly in the form of training projects and educational activities. These are primarily focused on becoming familiar with the manifestations of extremism and their recognition thereof.

16. The SR prosecutes under criminal legislation acts of a racist and xenophobic nature committed by means of the internet, which qualify as acts committed publically, and this qualifying characterisation is part of multiple constituent elements of crimes of extremism under § 140(a) of the PC.

17. Act No. 308/2000 Coll. on Broadcasting and Retransmission amending Act No. 195/2000 Coll. on Telecommunications stipulates in § 19 that on-demand audio-visual media service, programme service, and any elements thereof must not, by means of the method of their processing and by their content, intervene in human dignity and the fundamental rights and freedoms of other people and that they equally must not promote violence or incite, in an open or hidden form, hatred, or disparage or defame based on sex, race, skin colour, language, faith, religion, political or other beliefs, national or social origin, nationality, or ethnic group. These duties also apply to broadcasters operating on the internet.

18. On 1 July 2016, an Act on the criminal liability of legal entities entered into effect under which the liability for crimes of extremism will also apply to legal entities. The criminal liability of legal entities also applies to political parties and movements.

Question No. 7:

19. The PC governs special motives that apply to any crimes motivated by hatred against any social group. Under § 140(d) and (f) of the PC, a special motive expressly means the commitment of a crime in order to publically incite violence or hatred against a group of persons or individuals on the grounds of their race, origin, nationality, skin colour, ethnic group, gender origin, or on the grounds of their religion if there is a pretext for a threat on the basis of the aforementioned reasons, and simultaneously the commitment of a crime on the grounds of national, ethnic, or racial hatred, hatred on the grounds of skin colour, or hatred based on sexual orientation.

20. In 2015, fifteen crimes of extremism were committed within the so-called “cyber space”, i.e., they were committed in connection to activities on the internet and various social networks, such as Facebook, etc. In eleven cases committed within cyber space, a charge was brought against a specific person. This type of crime committed in cyber space is characterised by various defamatory, vulgar, and provocative statements concerning other persons on the grounds of their difference whether in terms of nationality, race, religion, or sexual orientation.

Question No. 8:

21. The Office of the Plenipotentiary of the Government of the SR for Roma Communities (OPGSRRC) currently submits for government approval a Monitoring Report on the Fulfilment of the SR Strategy for the Integration of the Roma by 2020 for the years 2012, 2013, 2014, and 2015, which will be published on the websites of the government and of the office.

22. The employment of disadvantaged job seekers is promoted by means of employment services and active employment policy instruments. The group of disadvantaged job seekers also includes Roma job seekers who usually suffer from long-term unemployment.

23. The instruments for supporting disadvantaged job seekers, with an emphasis on long-term unemployed citizens, which are governed by Act No. 5/2004 Coll. on Employment Services, as amended ("Employment Services Act"), include, for instance, information and consulting services, education and preparation for the labour market, and contributions for activation activity (see Appendix).

24. The granting of European structural and investment funds for 2014 – 2020 earmarked for the integration of the Roma has intensified, inter alia, with regard to supported employment, improving support services, increasing employment in social enterprises, and supporting access to health care. More information on the employment in the SR see in the Appendix.

25. The state housing policy concept by 2020 also deals with the issue of housing for disadvantaged groups on the housing market. The primary objective of the state is to provide appropriate conditions for all citizens so that they can procure adequate housing depending on their possibilities. Detailed information about the housing policy see in the Appendix.

26. In the SR a system of supporting economic instruments for housing development has been created. The instruments are differentiated by social situation of applicants for housing. With regard to the improving of housing conditions of marginalised Roma communities, it specifically relates to supporting the procurement of rental apartments designed for social housing, which is financed by means of a combination of subsidies from the Ministry of Transport, Construction and Regional Development of the SR ("MTCRD") and a soft loan from the State Housing Development Fund ("SHDF").

27. The MTCRD grants subsidies for the procurement of rental apartments and related technical equipment under Act No. 443/2010 Coll. on Subsidies for Housing Development and on Social Housing (see Appendix).

28. The "Strategy of the SR for the Integration of the Roma by 2020", in relation to the issue of the permanent improvement of the situation of the Roma community, emphasises the need for the state to take measures in the field of education, employment, health care, and housing simultaneously, because improvement in one field may not necessarily lead to improvements in other aspects of life for this group.

29. In the SR is applicable an Act No. 50/1976 Coll. on Spatial Planning and Construction (Construction Act), which applies equally to any concerned entities (the citizens of the SR and all legal entities).

30. As far as the state construction administration is concerned, the SR doesn't know about the preparation of a plan, based on which the housing of the members of marginalised communities, especially Roma communities, would be threatened, and mainly not in any way that would result in the direct loss of their homes.

31. No applicable legislation of the SR makes it possible to allow construction whose primary purpose is the segregation of a certain group of citizens. The so-called "anti-Roma" walls or fences have not been primarily allowed as segregation walls by the bodies of the state construction administration (construction offices). The purpose was to protect property (e.g., fenced-in parking places) from the consequences of crime in a specific location. If, after the completion of the construction it is proved that its existence demonstrably prevents any group of citizens from exercising their fundamental rights and freedoms and causes the segregation of this group of citizens, the Slovak body of law enables these suffering citizens to effectively protect their rights by logging a complaint with the prosecution or bringing an

action to a civil court requesting the order to remove the segregating construction in question (if its segregationist effects on the surrounding area are proven).

32. The MTCRD grants, based on the application for subsidies of communities, subsidies for the preparation of spatial planning documentation under Act No. 226/2011 Coll. on the Granting of Subsidies for the Preparation of Spatial Planning Documentation of Municipalities. Applications for subsidies are scored according to specific criteria.

33. One of the evaluation criteria is criterion C, within which municipalities, whose territory contains a marginalised Roma community according to the “Atlas of Roma Communities in Slovakia” in a) an urban concentration inside the municipality, b) an urban concentration on the outskirts of the community, or c) an urbanistically segregated concentration, receive a higher score. Adequate spatial planning documentation supports social inclusion and the integration of marginalised communities, including the Roma (see Appendix).

34. The Ministry of Education, Science, Research and Sport of the SR (“MESRS”) has been working for a longer time on legislation in the field of segregation and discrimination in order to achieve an application of the School Act which does not allow the exchange of special educational needs based on health disadvantages for special educational needs arising exclusively from socially disadvantaged backgrounds. The reason for this is that child development in disadvantaged backgrounds does not necessarily imply a health disadvantage, which is a decisive criterion for the placement of a child or a pupil in a special school or a special class. This means improving the educational situation of pupils from socially disadvantaged backgrounds, where a significant proportion of these pupils contains children from marginalised Roma communities.

35. On 30 June 2015, the NC approved a draft amendment No. 245/2008 Coll. on Education and Training (the School Act), as amended, with legislative measures leading to an improvement of the educational situation of pupils from socially disadvantaged backgrounds, where a significant proportion of these pupils contains children from marginalized Roma communities.

36. By modifying § 107 of the School Act, the legislation directly stipulates that a child or pupil whose special educational needs arise exclusively from their development in socially disadvantaged backgrounds (“SDB”) cannot be admitted to a special school or a special class in a kindergarten, a special class in an elementary school, or a special class in a secondary school. In practice this means that the inclusion of a pupil into a special school cannot be based solely on their SDB. The inclusion of children and pupils from SDB into classes with other children and pupils is stipulated explicitly and directly. This measure clearly prevents segregation. The modification also applies to the functioning of a specialised class; it is used for pupils who did not manage to complete their education in a relevant class, to “finish their training” and to “catch up” with the knowledge they are missing. Inclusion in this class is based on the recommendation of the teacher, after obtaining an opinion from the educational counsellor and with the consent of a parent (legal guardian) for a maximum of one year. Changes were also introduced to the provision of an allowance for pupils from SDB. It will only be provided to pupils from a SDB who will be included in “normal class” from 1 September 2016.

37. An amendment of the School Act, valid as of 1 September 2015, has simultaneously made the control mechanism of the state over the activity of school facilities for educational counselling and prevention stricter, and it also has enabled the relevant entities to re-value diagnostic procedures and proposals for the inclusion of a child or pupil in a specific form of education. It has enabled the State School Inspectorate to consider, e.g., an incorrect

diagnosis as a serious shortcoming in the activity of a specialised educational facility or a school facility for educational counselling and prevention.

38. The construction of modular elementary schools is not being undertaken in Roma settlements, but rather in existing elementary schools in order to expand their capacities.

39. The MESRS places an emphasis on desegregation with regard to equal access to education in relation to compulsory schooling in municipalities with a high concentration of pupils from marginalised Roma communities.

40. The MESRS, in cooperation with other ministries, local state administration, and self-government, intensively deals with equal access to education in relation to compulsory schooling not only in municipalities with a high concentration of pupils from marginalised Roma communities and places an emphasis on the reduction of the number of such pupils in special elementary schools/special classes of elementary schools by creating spare capacity in elementary schools. This is specifically manifested in the form of the *construction of modular schools* in locations with a two-shift operation, i.e., where there is critical situation in relation to compulsory schooling.

41. Several factors were taken into account when selecting communities for the construction of modular schools:

- a) The size and growth of the population in the municipality;
- b) The demographic development potential of the municipality – the ratio of children to the total population of the municipality;
- c) The urgency of the situation – impossibility of solving serious capacity problems in a more appropriate way, such as commuting to a neighbouring municipality;
- d) The readiness of the municipality to participate in the solution for these capacity problems, and a clear vision of the development potential of the municipality.
- e) A list of schools, i.e., the selection of municipalities for the construction of modular schools, has been prepared on the basis of the assessment of several criteria, mainly the exceeded capacity of the existing schools in the municipality, the existence of two-shift teaching, the expected increase in the number of schoolchildren between 2012/13 and 2015/16, the number of citizens in the municipality, the share of schoolchildren among the total number of citizens, the increase in the number of citizens and schoolchildren according to the last two censuses, and the opinion of the education departments of the relevant district offices, principals, and others.

42. With regard to the lack of spare capacity in elementary schools, the state pays intensive attention towards building them not only for pupils from marginalised Roma communities, but also for all pupils within the territory of the SR. The construction of modular buildings or superstructure, or renovation does not relate to new elementary schools. Instead, it relates to the ones included in the network of elementary schools in the SR that are expanding their capacity. It follows from the above that the SR does not support the segregation or isolation of a certain part of the population.

43. The SR considers it necessary to look for an effective solution that is mutually satisfactory, i.e., on the one hand, preventing segregation and the reduction of the number of pupils in a specialised elementary school by creating spare capacity in the elementary school and, on the other hand, accepting the requirements of the citizens in a location related to the school attendance of pupils by moving the school closer to home.

44. The information on the participation of the Roma in political life see in the answer on the question No. 24.

Question No. 9 (a):

45. Act No. 447/2008 Coll. on Financial Benefits to Compensate Severe Disabilities is an important instrument for the integration of persons with disabilities within the conditions of the SR. The objective of the Act is to preserve, renew, or develop the abilities of physical persons and their families to lead independent lives, to create the conditions and to support the integration of physical persons and their families into society, and to overcome and mitigate the social consequences of severe disabilities.

46. The “National Programme for the Development of the Living Conditions of Persons with Disabilities for Years 2014-2020” ensures progress in the field of protecting the rights of persons with disabilities recognised by the Convention. It was approved by the government resolution No. 25/2014 of 15 January 2014. It contains the main tasks for the period from 2014 until 2020 with an update and assessment occurring every 2 years. It was created by representatives from the central government authorities, public administration, and under Article 4 Paragraph 3, also by persons with disabilities by means of their representative organisations.

Question No. 9 (b):

47. On 1 January 2014, an amendment to Act No. 448/2008 Coll. on Social Services, implemented a number of significant systemic changes related to the transformation of residential social services and the development of social services at the communal level, which support the rendering of social services in the natural environment of clients dependent on a given social service.

48. For instance, this applies to:

a) The modification of spatial conditions in supported housing facilities – the maximum number of clients in one apartment (6 persons), the maximum number of housing units in one apartment building (2 housing units);

b) The prohibition of admitting children younger than 18 years of age to a social service home for a year-round stay;

c) The impossibility of registering new year-round residential facilities of the social service home category (for daily or weekly stays only) and the impossibility of registering new facilities for seniors, supported housing facilities, social service homes, and specialised facilities exceeding the maximum capacity of 40 clients in a location as stipulated by the law;

d) The implementation of new types of social services and professional activities (supporting independent living, early intervention service, field social service for crisis intervention, stimulating the comprehensive development of a child with disabilities up to the 7th year of age, preventive activity in order to create the conditions for the client to stay in their natural environment as long as possible, etc.); individual plans have been modified in detail and a key staff institute has been newly introduced (an individual plan coordinates, supports, etc.) in the interest of the individualisation of the social services provided and adjusting them to the objectives and needs of the beneficiary with the participation of their family and community;

e) The modification of the conditions for the quality of services, which include a new field of assessment compliance with the quality conditions of the Fundamental Human Rights and Freedoms (in compliance with the CRPD); each quality condition is assigned a field, criterion, standard, and indicators in order to improve the objectivity of the assessment. The overall quality of the social service will be evaluated using percentages, points, and written assessments.

49. The objective of a pilot national project called “Supporting the Transformation and Deinstitutionalisation of the Social Service System”, which was completed in 2015, is to support the process of the deinstitutionalisation of the social service system and to prepare and verify the procedure of the deinstitutionalisation of social service facilities for persons with disabilities and persons with mental disorders, and also to support providers who were interested in transforming their institutional services into community services. The main output of the project was the creation and verification of the harmonised procedure for the deinstitutionalisation of social service facilities or methodological documents (see Appendix).

Question No. 9 (c):

50. On 1 July 2016, a new Civil Non-dispute Order entered into effect which includes the general constitutional principle of the equality of parties to the proceedings, according to which the parties to the proceedings have the same position before the court when applying procedural rules. As to the proceedings before the court, the act balances the factual inequality of parties through support measures (see the above-mentioned), e.g., by appointing a procedural guardian, instruction on procedural rights and duties, and allowing a trustee to participate in the proceedings. The equality of the parties before the proceedings generally stems from the principle that the position of the procedural parties must not be dependent on their sex, religion, race, nationality, or social origin. The entire Civil Non-dispute Order takes into account the rights arising from the Convention on the Rights of the Child (especially Article 12), from the relevant General Comments to the Convention on the Rights of the Child (especially No. 10, 12, and 14), and from the CRPD (especially Article 13).

51. Under the new § 231, as to the proceedings on legal capacity, the court decides only on the restriction of a physical person’s legal capacity, a change in the restriction of the physical person’s legal capacity, or the return of the physical person’s legal capacity, making it impossible to fully eliminate their legal capacity.

52. The change in substantive laws is associated with the re-codification of the Civil Code, which will be completed during this parliamentary term.

Question No. 9 (d):

53. Act No. 180/2014 Coll. on the Conditions for the Exercise of Voting Rights creates conditions for the exercise of an active and a passive voting right in relation to all voters, i.e., including voters with disabilities (see Appendix).

Question No. 10:

54. The Ministry of Work, Social Affairs and Family of the SR (“MWSAF”) actively supports the balanced representation of women and men in the decision-making process by means of a project financed by the Progress Subsidy Scheme of the European Commission. A handbook focused on raising awareness and creating conditions for the balanced representation of women and men in organisations is also one of the outputs of the project. The MWSAF motivates employers within the regularly organised competition “Employer-Friendly to Family, Gender Equality and Equal Opportunities”. In 2015, employers were evaluated in terms of their support for a more balanced representation of women and men in decision-making positions.

55. A pilot national project called “Family and Work” was implemented in 2015. The project was supported by the European Social Fund (ESF). The project supported flexible jobs taken either by persons on parental leave or by a mother with an infant. 765 employers participated in the project, supporting 1,406 jobs; 4 of them were taken by men and the rest

by women or mothers. Within the project, 33 temporary child care centres were created, in which the children of employed mothers were taken care of.

56. The MWSAF has been dealing with the continuous and systematic reduction of the gender wage gap, which is reflected by its continual reduction (for 10 years it has dropped from 27% to 18%, i.e., by one third). A media campaign undertaken in 2014 (www.kedvyrastiem.sk) or the regular monitoring of the gender wage gap by means of statistical surveys based on the Labour Cost Information System serve as examples of such measures.

57. More detailed information on questions No. 5, 6, 8, 9, and 10 is included in the Appendix.

Violence against women, including domestic violence (arts. 2, 3, 7 and 26)

Question No. 11:

58. More detailed information on the fight against violence against women is included in the Appendix. The government has adopted several strategic materials, such as the National Action Plan for the Prevention and Elimination of Violence Against Women for 2014 – 2019, while measures and tasks arising from this are also focused on the improvement of helping the victims of violence.

59. The SR has made significant progress in the field of the prevention and elimination of violence against women. Improvement has been made in providing help to threatened women and their children, especially an improvement in the scope and quality of the services rendered, thanks to the implementation of two national projects co-financed by the ESF and through the aid of the Norway Financial Mechanism. The number of places available in women's safe houses has doubled and the number of counselling centres has tripled. When rendering services, the specific situation of disadvantaged groups of women, such as Roma women, is taken into account.

60. The establishment of the free, nation-wide non-stop telephone line 0800 212 212 for women threatened by violence was an important activity in addition to the opening of a Coordination-Methodological Centre for Gender-Based and Domestic Violence. Domestic violence has been included in the PC since 2002 under § 208 "Abuse of a Close and Entrusted Person". Similarly, rape and sexual violence, even within marriage, are prosecuted. The adoption of an amendment to a number of acts (see Appendix) and improved access for the police and law enforcement authorities in criminal proceedings with women involved contribute to the reduced number of the murders of women motivated by personal relations, which dropped from 15 in 2010 to 6 in 2015.

61. The MWSAF has been preparing an Act on Violence Against Women and Domestic Violence, which the SR would like to submit for approval in 2017. As of 1 September 2011, the constituent elements of the crime of dangerous pursuit have been included within the PC under § 360a of the PC, which prosecutes so-called "stalking", i.e., the long-term pursuit of another person, which can raise reasonable concern of the pursued person for their life or health, concern for the life or health of a close relation, or which can significantly impair the quality of their life.

62. The procedure for bringing a criminal charge is stipulated in the provisions of the CPC (§ 196 et seq.). In addition, a methodology for the procedure of the police in the cases of domestic violence has been prepared, and it is intended for the policemen involved in the first point of contact as well as for authorised members and investigators.

63. The protection of the victims of violence is anchored in § 27a of Act No. 171/1993 Coll. on the PF with the possibility of removing the violator from the dwelling. The institute of banning the violator from the shared dwelling is a measure of a preventive nature, the purpose of which is to provide a threatened person with immediate protection for their life and health in the early stages of violence, which is also connected to the reduction of the danger of the completion of the violent act or preventing the continuous violent behaviour of the culprit. In terms of providing effective protection for the threatened person, the time factor plays an important role, i.e., to create a sufficient amount of time for finding professional assistance. The victims of domestic violence are provided with specific approaches and expert assistance, while organisations that provide persons threatened by domestic violence and their children with specialised social, legal, and psychological counselling and other services, play an irreplaceable role as well.

64. We consider the amendment to Act No. 215/2006 Coll. on the Compensation of Victims of Violent Crimes, effective as of 1 July 2013, to be crucial. Under the amendment, persons subjected to the crimes of rape, sexual violence, and sexual abuse are also entitled to compensation for non-material losses suffered.

Question No. 12:

65. The illegal sterilization is a crime under Art. 159, Section 2 of the PC. The adoption of Act No. 576/2004 Coll. on Health Care (“AHC”), as amended, has resulted in improvements by introducing new legislation related to informed consent, while the conditions for the execution of sterilisation have been aligned with international standards. Based on the change in legislation effective as of 1 January 2005, the legal framework of the execution of sterilisation has been adjusted to the level of international standards, guaranteeing at least a 30-day term between the granting of informed consent and the execution of sterilisation, protecting women against the irreversible consequences of sterilisation with which women had often agreed due to the pain suffered during childbirth or insufficient knowledge of the consequences. Within the stipulated 30-day term of the signing of informed consent, the person may withdraw their consent at any time. Before the granting of informed consent, the attending medical staff must instruct the patient and the instructions must provide comprehensibly, respectfully, and without coercion, and they must make it possible to freely decide upon the granting of informed consent. An important condition is that the instruction must be provided at a level deemed adequate for the subject’s intellectual and mental maturity and also adequate for the health condition of the person who is granting their consent.

66. Under § 40, Section 3 of AHC, as amended, the content requirements for instruction in the case of granting informed consent for sterilisation are stipulated. In such a case, the instruction must also include information on the alternative methods of birth control and family planning, possible changes to the life circumstances leading to the request for sterilisation, the medical consequences of sterilisation as a method for the irreversible prevention of fertility, and on the possibility of failure. The Ministry of Health of the SR (“MH”) has prepared a generally binding legal regulation “Order No. 56 of the MH of 23 October 2013 establishing the details of instructions preceding the granting of informed consent before the sterilisation of a person and the samples of informed consent before the sterilisation of a person in official language and in the languages of national minorities” which entered into effect on 1 April 2014.

67. The MH has not recorded any complaints associated with the sterilisation of women without their consent. Detailed information see in the Appendix.

Prohibition of torture and cruel, inhuman or degrading treatment, disproportionate use of force (arts. 2, 7 and 26)**Question No. 13:**

68. For the purposes of thorough documentation and investigation, there are annual instructional-methodological training courses organised in order to re-train the members of the PF with respect to the new trends of committing crimes, their investigation thereof, and compliance with human rights. This professional training course is conducted by the staff of the SNCHR.

69. In 2013, a training project for an advance course for policemen in the regional directorates of the PF was approved in order to re-train experts in the field of crimes of extremism. In 2015, a training focused on the identification of the signs of extremism was organised in cooperation with the Methodological-Pedagogical Centre in Bratislava for the principals of secondary schools, grammar schools, and for the State School Inspectorate.

70. In connection to statistical data related to alleged cases of torture and misconduct on the part of the members of the PF, we state that the Ministry of Interior of the SR ("MI") prepares annual reports on the crimes of the members of the PF, which are published on its website (www.minv.sk). In 2016, a Report on Crimes of the Members of the PF for 2015 was submitted to the government for the first time.

Question No. 14:

71. Detailed information see in the Appendix. SR has anchored the State's commitment to protecting personal freedom in Article 17 of the Constitution of the SR not only by reference to the legal reasons for the deprivation of personal freedom, but also by defining special procedural conditions that must be met when realising the legal reasons for the deprivation of personal freedom. Under Article 17 of the Constitution of the SR, a detained person must be immediately informed of the reasons for their detention and must be heard and released or handed over to the court within 48 hours; for crimes of terrorism, within 96 hours. A judge must hear the detained person within 48 hours, and in the cases of particularly serious crimes within 72 hours, and the judge must decide on custody or release. Further procedural conditions in the form of the rights of the detained person or the duties of state authorities are included in the Appendix.

72. As of 1 October 2015, Act No. 174/2015 Coll. supplemented the provisions of the CPC through the inclusion of a new Section 7 included in § 28, Section 7 stipulates: "Under the conditions stated in Section 1, a detained or arrested person must be also provided with the translation of the instruction on their rights under § 34, Section 5. If the translation of the instruction is not available, the instruction will be interpreted to the person; the translation of such written instruction will be provided to such a person without undue delay".

73. 34, Section 4 of the CPC has been supplemented by a new provision related to the instruction of an accused person who was detained or arrested on their rights: "If necessary, the instruction will be adequately explained to the accused person. The accused person, who was detained or arrested, must also be instructed on their right to urgent medical advice, on the right to inspect the files, on the maximum term during which their personal freedom can be restricted until they are handed over to a court, and if arrested, they must be informed on their right to inform a family member or other person". A new Section 5 on the form and time aspects of this instruction, is as follows: "A law enforcement authority will provide the accused person, who was detained or arrested, without undue delay, with the instruction on their rights in writing; this fact will be recorded in the minutes. The accused

person has the right to keep the instruction for the entire period of the restriction of their personal freedom”.

74. If it is necessary to provide medical treatment, an examination, or other necessary intervention by a specialist physician, such persons are provided with this service immediately, if a person requests such a service. As to informing other persons, such as relatives, this possibility is provided if the person concerned provide the necessary cooperation. The Aliens Act includes the duty to inform of detention directly in the provision of § 90, Section 1. A person, subject to proceedings, can request the exercise of such rights during any phase of the proceedings.

75. In case of a minor, no such acts are carried out toward such a person; the Office of Labour, Social Affairs and Family (“OLSAF”) is contacted and the office will immediately appoint a guardian, and possible further acts are subsequently carried out with this person’s involvement. Also in case of a minor, such a person is instructed on their rights before a guardian is appointed, if the person can intellectually understand such instruction (depending on the minor’s age, psychological state, etc.). Minors undergo interrogation only in the presence of their parents or guardians.

Question No. 15:

76. Compliance with non-refoulement is anchored in § 83, Section 8 of Act No. 404/2011 Coll. on the Stay of Aliens (“ASA”), as amended. SR does not record cases that would indicate that the above principle had been breached. If a person is expelled from the SR, their expulsion is carried out lawfully.

77. Under § 81 of the ASA, obstacles to administrative expulsion are examined obligatorily within all proceedings on administrative expulsion. A police department will state in a decision on administrative expulsion, in justification of the decision, whether there are obstacles presented by the given moment and situation to the administrative expulsion of a third country national.

78. Under the provision of § 81, Section 1 of the ASA, a foreigner cannot be administratively expelled to a state in which their life would be threatened on the grounds of race, nationality, religion, social group belonged to, or on the grounds of political conviction or in which they would face torture or cruel, inhumane, or degrading treatment or punishment. The foreigner cannot be administratively expelled to a state in which they were sentenced to death or there is presumption that they may be sentenced to death as a result of on-going criminal proceedings. There is exception if the foreigner’s behaviour threatens the security of the State or if they were convicted of a crime and represents a source of danger for the SR.

Personal freedom and security of person, treatment of persons deprived of personal liberty (arts. 7, 9 and 10)

Question No. 16:

79. Detailed information is included in the Appendix. In compliance with Recommendation Rec (99)22 of the Committee of Ministers of the Council of Europe (“CMCE”) related to overcrowded prisons and the increase of the prison population, there are, after the re-codification of the criminal legislation of the PC and the CPC (Act No. 300/2005 Coll. and Act No. 301/2005 Coll.) effective as of 1 January 2006, objectively demonstrated changes in the criminal policy of the state in the field of using the custody prosecution of persons suspected on reasonable grounds of a crime, in the field of imposing

sanctions as legal consequences of the commitment of crimes, and also in the field of legislation and the actual conditions of sentencing and imprisonment; this applies to:

a) The reduction of the number of accused persons and the use of an “open system” for the imprisonment – mitigated regime; while the number of accused persons in custody dropped from 1,465 accused persons as of 31 December 2010 to 1,336 accused persons as of 31 December 2015, the percentage share of the average number of accused persons in custody in the mitigated regime has increased from 31% to 33%;

b) The change in the structure of sanctions imposed on criminals; according to the data of the Statistical Yearbooks of the MJ, the share of imposed prison sentences dropped from 20.9% in 2006 to 15.9% in 2014, suspended prison sentences from 68.8% in 2006 to 61.1% in 2014, and there was an simultaneous increase in the share of imposed alternative sentences (especially compulsory labour, financial penalty, and refraining from punishment) from 10.3% in 2006 to 23.1% in 2014;

c) the shortening of the duration of suspended sentences of imprisonment by the conditional release of approximately 2,200 convicted persons per year;

d) the increase in total accommodation capacity from 10,348 in 2008 to 11,184 in 2015.

80. Act No. 78/2015 Coll. on Monitoring the Performance of Certain Decisions by Technical Means entered into effect on 1 January 2016. The act further strengthens the trend of using alternative sentences (especially house arrest) and simultaneously implements the possibility of further alternative (earlier) release from custody – the replacement of the remainder of the custody with house arrest. Under the provision of § 65a, Section 1 of the PC and § 414a, Section 1 of the CPC, the court in the jurisdiction of which the sentence is exercised can, at a public hearing, assign the remainder of the custody to house arrest, if the conditions laid down by law are simultaneously met.

81. All imprisoned persons (including accused ones) can spend an adequate part of the day outside their room or cell carrying out meaningful activities of a various nature (work, professionally focused if possible, learning, sports, leisure activities/meetings) in compliance with the principle of the progressive and differentiated exercise of the sentence dependent on the behaviour of the convicted persons.

82. Based on the recommendation of the European Committee for the Prevention of Torture and Inhumane and Degrading Treatment and Punishment (“CPT”) submitted during a visit of the SR in 2013 and based on best practices, legislative changes have been adopted (in effect as of 1 January 2014), based on which the approach to the internal differentiation of persons sentenced to life imprisonment has been re-evaluated in terms of the principles of Recommendation (2003) 23 of the CMCE on the Management of Prison Services of Persons Sentenced to Life Imprisonment and Long-Term Sentences. The possibility of the progressive placement of persons exercising life imprisonment outside of the life sentence section, after a thorough assessment of the fulfilment of the treatment programme for the convicted persons in question and their attitude toward their crimes committed, stems from two basic and interconnected principles: the principle of non-segregation (according to which it is necessary to consider the non-segregation of persons sentenced to life imprisonment based only on their sentence) and the principle of security and protection (which calls for a thorough assessment of whether the convicted persons represent a risk of self-harm, a risk for other convicted persons, and/or a risk for persons working in the prison or outside society).

83. New legislation makes it possible to place a person sentenced to life imprisonment within the group of the standard prison population after the person has exercised 15 years of their sentence in the life sentence section.

84. As of 1 January 2014, a supervisory prosecutor who, as a supervisory body, examines the meeting of conditions for such a placement (also without the initiation of an imprisoned person), is immediately informed of the placement of an imprisoned person into the security regime section. Simultaneously, there has been a change in the periodicity of the minimum re-assessment of the placement of a convicted person into the security regime section (a 6-month term has been replaced with a 3-month term).

85. Unannounced visits to all of the sites for the deprivation of personal freedom in the SR may be executed by an ombudsman, a commissioner for children, a commissioner for persons with disabilities, and a prosecutor (see Appendix).

Right to a fair trial and independence of the judiciary (art. 14)

Question No. 17:

86. Under Article 141, Sections 1 and 2 of the Constitution of the SR, the judiciary is performed by independent and impartial courts. The judiciary is performed separately at all levels from other state authorities. Based on the Action Plan for the Strengthening of the SR as a Legal State, Part II – Corruption as a Negative and Harmful Factor, a “Slovak Brand” should submit a draft legislation of criminal liability of legal entities in cooperation with social partners. The newly adopted Act No. 91/2016 Coll. on the Criminal Liability of Legal Entities entered into effect on 1 July 2016.

87. A concept for the stabilisation and modernisation of the judiciary was approved at the meeting of the government on 8 July 2015 by means of Resolution No. 396. The fulfilment of the tasks arising from the concept has also resulted in the approval of the re-codification of civil procedural law (specifically, the Civil Dispute Order, Civil Non-dispute Order, and Administrative Judicial Order have been adopted with effect as of 1 July 2016). Within the RESS project (the development of the electronic services of the judiciary), the system for the publication of judicial decisions has been improved. At present, judicial decisions can be automatically searched for. Within the Centralised System of Judicial Management project, instruments for supporting and monitoring the anonymisation of judicial decisions will be developed (completion of the project: 2017).

Trafficking in human beings (arts. 8 and 24)

Question No. 18:

88. The objective of the current National Programme to Combat Human Trafficking for the Years 2015-2018 is to ensure the comprehensive and effective fight against human trafficking that supports the development of coordinated activity among all stakeholders for the reduction of risks and the prevention of crimes of human trafficking, and also in the creation of conditions for the provision of support and aid to victims.

89. All suspicions of the crime of human trafficking are thoroughly examined by members of the PF, and in cases that certain facts are fulfilled, they are investigated by investigators specialised in the investigation of crimes of human trafficking. Many cases of human trafficking, the victims of which include the citizens of the SR, are detected and investigated abroad, since the exploitation of these victims occurs abroad and therefore it is more effective to conduct criminal proceedings in the country of their exploitation. The PF is actively participating in the investigations of such cases and under concluded bilateral agreements on police cooperation it provides foreign partners with corresponding collaboration, either in the form of the provision of information, legal aid, or active participation in joint investigation teams.

90. In order to improve the identification of the victims of human trafficking, the MI has concluded with the MWSAF an agreement on Cooperation in Controlling Illegal Work and Illegal Employment (10 June 2013) and an agreement on Cooperation in Carrying out Inspections of Businesses Allowing Illegal Work (13 April 2012), which was replaced with an Agreement on the Implementation of Collaborative Inspections of Businesses (30 December 2013).

91. Under the above agreements, the inspections of business are carried out in cooperation with the departments of the PF and the relevant labour inspectorates. During inspections, the members of the PF focus mainly on the search for persons—foreigners illegally residing in the SR—and on the identification of the victims of human trafficking.

92. After a foreigner is placed in the accommodation facilities of the Detention Centres for Foreigners (“DCF”) in Medved’ov and Sečovce, a so-called initial interview is conducted with the detained members of third countries. During such an interview, the PF are not only focused on the circumstances of their entry and stay in the SR, the reasons for their detention, and the documents possessed by the foreigner, but they also focus on the possibilities of identifying victims of human trafficking by using targeted questions.

93. The MI provides assistance and support to the victims of human trafficking by means of the Programme for Supporting and Protecting the Victims of Human Trafficking by means of contractual partners from the non-governmental sector: Slovak Crisis Centre – Touch, Slovak Catholic Charity, and the International Organisation for Migration – IOM. The victims of human trafficking can make use of the following forms of assistance:

- a) Isolation from the criminal environment, and the provision of anonymous accommodation in the facilities of contractual non-governmental organisations;
- b) Legalisation of their stay in the SR in the case of a foreigner, assistance with their voluntary return to the SR or their country of origin in the case of a foreigner;
- c) Financial support;
- d) Social assistance, psychological counselling, legal counselling – within primary legal aid, information on the fundamental rights of the victims, including the right to free legal aid, representation, and translation services during proceedings;
- e) Health care;
- f) Requalification courses.

94. Comprehensive care is provided according to the principle of equality and non-discrimination according to the individual needs of the victims. Any entity can identify a potential victim by means of the National Helpline for the Victims of Human Trafficking +421 800 800 818.

95. Within the development of a reference mechanism, training courses were organised in order to facilitate the detection of the crimes of human trafficking and to provide adequate assistance to the victims of human trafficking. Among the participants were field social workers, non-governmental organisations, workers from orphanages, the migration office, the Office of Border and Alien Police of the Presidium of the PF, members of the metropolitan and local police, specialist officers working with Roma communities, employees of the OLSAF and Labour Inspectorates, and regional employees of the OPGSRRC.

Treatment of aliens, including refugees and asylum seekers (arts. 7 and 24)

Question No. 19:

96. If foreigners with children cannot arrange for accommodation and other necessary needs for all members of the family, it certainly is in the children's best interest to place them in facilities that meet requirements for adequate hygienic accommodations, meals, and leisure activities. Such facilities include the DCF. There are two such facilities in the SR- in Sečovce in the Košice region and in Medved'ov in the Trnava region. Unlike the DFC Medved'ov, the DFC Sečovce is a facility where families with children can also be placed, or minors accompanied by a legal representative.

97. The capacity of the DCF Sečovce is 176 places. The accommodation space is divided into four accommodation sectors, of which two are primarily intended for families with children with a total capacity of 72 persons. The facility consists of accommodation rooms, including social, cultural, and visit rooms. There is one playroom for children. Taking into account the capacity of the playroom and the number of children placed, leisure activities are also carried out in a canteen at the DCF Sečovce, which has been adjusted to fit this purpose. There is also a gymnasium for third country nationals in the DCF Sečovce in which sporting events and games corresponding to the age of the children are organised.

98. The conditions for the use of handcuffs and other coercive means are governed by the Act on the PF. Under § 65 of the Act on the PF, a police officer, when dealing with a pregnant woman, a person of old age, a person with an obvious disability or disease, and/or a person younger than 15 years old, is only entitled to use grasps, grabs, and handcuffs. The policeman can use other coercive means only when an attack by these persons immediately threatens the life and health of other persons or the police officer or if there may be serious damage to property and the danger cannot be averted otherwise.

99. On 4 August 2015, in the afternoon, at the DCF in Sečovce, a mass infringement of the internal order and the destruction of the accommodation space was committed by third country nationals placed in the DCF in such a scope that it resulted in the breaking of the entry metal bars to one of the accommodation sectors. After the internal order was restored, there were no doubts or suspicions of mistreatment. Also, the third country nationals have not raised objections or submitted complaints related to mistreatment since the time of their first placement in the DCF Sečovce, during their placement, during the intervention, or after the internal order was restored.

100. On 3 September 2015, in the DCF Medved'ov, third country nationals protested against their detention and restraint in the centre by shouting and banging tableware on the table. After several calls to stop such behaviour were made in vain, handcuffs were used during the intervention due to the reasonable fear that they would try to escape while being moved to the accommodation area. Subsequently, after repeated unsuccessful calls, coercive means were used against them in accordance with Act No. 171/1993 Coll.

101. In relation to the intervention in the DCF Medved'ov, an inspection of the eligibility and adequacy of the use of coercive means during the intervention against the detained foreigners and compliance with generally binding regulations was conducted. The inspection showed that the intervention of the policemen was carried out under the law and that coercive means were used adequately and eligibly in order to successfully carry out the intervention, after several calls to stop acting unlawfully were made in vain. The inspection did not find any breach of the generally binding legal regulations.

Question No. 20:

102. The possibilities for family reunification are governed by Act No. 480/2002 Coll. on Asylum, in the provisions of § 10 (asylum for the purposes of family reunification), § 13b (subsidiary protection for the purposes of family reunification), and § 31a (temporary shelter for the purposes of family reunification). The act does not specify a special deadline for the filing of an application under § 10 or § 13b on the grounds of family reunification.

103. A different procedure is used only if a child is born. If a female asylum seeker or foreigner, who has been given subsidiary protection, gives birth to a child in the territory of the SR, this child, if the birth does not result in the acquisition of SR citizenship, is considered an asylum seeker, while proceedings on asylum starts upon the birth of the child and the child's legal representative is obligated, within 180 days of the birth of the child, to truthfully and completely provide the MI with any necessary data requested for the decision on the application; if in cases that such information is provided, the MI will grant asylum to such a child or provide the child with subsidiary protection for the purpose of family reunification.

Question No. 21:

104. The body for the social protection and social custody of children performs urgent acts in the interests of the child until a guardian for the unaccompanied minor ("UM") is appointed under a special regulation (Family Act) or until the guardian starts to fulfil their function. To respond to part of the question – the MJ is in charge of the deadline for the appointment of the guardian.

105. The vast majority of UMs usually leave the orphanage within several days of their arrival, which provides very little time for responsible persons (guardian, social workers) to work with the child, to find out the child's needs, and to look for permanent solutions. We object to the term "disappearance". The orphanage is an open facility, where we do not lock up children or guard them with a security service. This applies to all orphanages within the territory of the SR, and since the orphanage replaces the family environment, we do not intend to change anything. However, it must be pointed out that children, although in exceptional cases, not only flee from orphanages but also from their families and parents; for this purpose, there is a detailed reporting mechanism defined in the law.

106. If the UM illegally leaves a facility in response to the enforcement of a court decision, a representative of this facility will immediately report this fact to the relevant department of the PF in order to start searching for the UM; if the UM is an asylum seeker, the orphanage is also obligated to report this fact to MI, who will send such a report to the body for the social protection and social custody of children and the guardian, who maintains documentation on the UM. The body for the social protection and social custody of children or the custodian appointed by the court or the guardian will send such a notice to the court that issued a decision on the interim measure. If such a child remains outside of this facility for more than seven days without consent, this will constitute a reason for stopping the asylum procedure.

107. The responsible authorities and the government realise the issue of escaping UM's. Within the Integration Policy of the SR, in a chapter focused on UM one of the measures contained therein is an identification of the causes of escape for unaccompanied children and the adoption of preventive and protective measures that would lead to the prevention of further escapes and would strengthen possibilities and conditions for adopting permanent solutions and integrating the UM into society.

Protection of the family and the child (arts. 2, 17, 23 and 24)

Question No. 22:

108. By means of an amendment to Act No. 372/1990 Coll. on Offences, as amended, which entered into effect on 1 January 2016, the SR emphasised the unlawfulness of all violent acts that influence the physical integrity of a close person and a person entrusted to the care or education, including the child.

109. The amendment also emphasises the unlawfulness of psychological restriction, verbal attacks, and other forms of offensive behaviour toward a close or an entrusted person, including the child.

110. An amendment to Family Act No. 175/2015 Coll. ("FA"), which entered into effect on 1 January 2016, defines, in compliance with Point 50 of General Comment No. 14 CRC, the criteria for the best interests of the child.

111. Specifically, Article 5 states:

- a) The child's safety and the safety and stability of environment in which the child lives;
- b) The protection of dignity and the mental, physical, and emotional development of the child;
- c) Threat to the development of the child through interventions into the child's dignity and threat to the development of the child through interventions into the mental, physical, and emotional integrity of a person who serves as the child's close person.

112. Thus, as of 1 January 2016, it is necessary to interpret the provision of § 30, Section 3 of the FA in light of Article 5 of the FA, which is to serve as a basic rule of interpretation: *when bringing up a child, parents are entitled to use adequate educational means so that the health, dignity, mental, physical, and emotional development of the child is not threatened.*

113. As of 1 January 2016, the term "adequate educational means" must be interpreted very restrictively. The applicable legislation does not tolerate corporal punishment in households. Physical punishment can threaten the values protected by the new Article 5, i.e., the health, dignity, mental, and physical and emotional development.

114. Therefore, the modification definitively excludes the term "violence" from adequate legal and educational measures, as interpreted by the Committee in the General Comment No. 13. A parent must not use against a child any form of physical or mental violence, harm, abuse, negligence or negligent treatment, or torture.

Freedom of conscience (art. 18)

Question No. 23:

115. Article 25, Section 2 of the Constitution of the SR stipulates that: "No one shall be forced to perform military service if it is conflict with their conscience or religion. Details will be governed by law". The SR recognises the right of every person to assert conscientious objection according to the religious and ethical principles of the person's registered church or religious society in Article 7 of the Basic Treaty between the SR and the Holy See and Article 7 of the Treaty between the SR and registered churches and religious communities.

116. The above field of social relations is currently governed by Act No. 570/2005 Coll. on Military Conscription and Act No. 569/2005 Coll. on Alternative Service During War and the State of War under which a citizen can submit a written declaration on their refusal to perform extraordinary services on the grounds that the performance of these services are in conflict with the citizen's conscience or religion.

Right to participate in political affairs and minority rights (arts. 25 and 27)

Question No. 24:

117. The participation of national minorities in the governance of the SR is guaranteed by the Constitution of the SR (Article 34, Section 2c) and international conventions, especially the Framework Convention for the Protection of National Minorities. In some cases, the right of national minorities to participate in governance is also anchored in special acts.

118. The participation of national minorities in governance can have several levels, of which the most important ones are the following: participation of national minorities:

- In the legislature;
- In the executive branch;
- In the management of local authorities;
- In the consulting mechanisms between the state and minority groups;
- In public administration, the judiciary system, law enforcement authorities, and various public services.

119. For more information, please see the annex.
