



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

Concluding observations on the thirteenth periodic report of Slovakia*

1. The Committee considered the thirteenth periodic report of Slovakia¹ at its 2905th and 2906th meetings,² held on 16 and 17 August 2022. At its 2920th meeting, held on 26 August 2022, it adopted the present concluding observations.

A. Introduction

2. The Committee welcomes the submission of the thirteenth periodic report of the State party. It welcomes the constructive dialogue with the State party's delegation and thanks the delegation for the information provided during the dialogue and for the additional written information submitted afterwards.

B. Positive aspects

3. The Committee welcomes the following legislative and policy measures taken by the State party:

(a) The amendment to Act No. 223/2019 Coll. on the Census of Population, Housing and Dwellings in 2021, introducing items such as mother tongue, nationality and ethnicity, which can provide reliable statistics on the composition of the population, in particular minorities;

(b) The amendment of the Schools Act, which, inter alia, introduces compulsory preschool activities for all children from the age of 5, in 2021;

(c) The adoption, in 2021, of the Strategy for Equality, Inclusion and Participation of Roma by 2030, with accompanying national action plans.

C. Concerns and recommendations

Implementation of the Anti-Discrimination Act

4. The Committee is concerned that awareness among the general population about equal treatment legislation and the available remedies remains insufficient (arts. 2 and 6).

5. **The Committee recommends that the State party organize awareness-raising campaigns that are targeted at the individuals and groups that are most vulnerable to racial discrimination about the Convention's provisions and the legal framework providing protection against racial discrimination.**

* Adopted by the Committee at its 107th session (8–30 August 2022).

¹ CERD/C/SVK/13.

² See CERD/C/SR.2905 and CERD/C/SR.2906.



6. Despite the efforts of the State party and the data provided, the Committee remains concerned about the prevalence of racial discrimination, especially against Roma and persons of African descent, as well as the fact that court proceedings in cases pertaining to racial discrimination continue to be excessively lengthy, having a negative impact on effective access to justice for victims (arts. 2 and 6).

7. **The Committee reiterates its recommendations³ that the State party:**

(a) **Intensify its efforts to fully enforce the Anti-Discrimination Act, ensuring that all complaints involving racial discrimination are investigated effectively;**

(b) **Adopt appropriate and effective measures to address the problem of lengthy court proceedings for victims of racial discrimination and take all the necessary steps to guarantee that all victims of racial discrimination have access to effective legal remedies and compensation;**

(c) **Provide training, on a regular basis, to civil servants, judges, magistrates and law enforcement officers to ensure the effective application of the Convention and of national legislation on racial discrimination and to ensure that, in carrying out their duties, they respect and defend all human rights while also taking steps to eliminate racially discriminatory acts or practices.**

Slovak National Centre for Human Rights

8. The Committee remains concerned that the Slovak National Centre for Human Rights is not fully compliant with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and remains accredited with B status by the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions (art. 2).

9. **The Committee reiterates its previous recommendation⁴ that the State party intensify its efforts to discuss and adopt the relevant legislative amendments to ensure that the Slovak National Centre for Human Rights is fully compliant with the Paris Principles.**

10. While acknowledging the three consecutive annual budgetary increases, in 2020, 2021 and 2022, the Committee is still concerned about the low number of cases under the Anti-Discrimination Act litigated by the Slovak National Centre for Human Rights (art. 2).

11. **The Committee reiterates its previous recommendation⁵ that the State party provide the Slovak National Centre for Human Rights with adequate resources and institutional guarantees to enable it to discharge its mandate effectively and independently, as both a national human rights institution and an equality body. The Committee refers the State party to its general recommendation No. 17 (1993) on the establishment of national institutions to facilitate the implementation of the Convention.**

Special measures

12. While noting the State party's efforts to improve the livelihoods of Roma, the Committee is concerned about persistent structural discrimination against Roma, which disproportionately impedes their enjoyment of the rights protected under the Convention in all areas of life (arts. 1 and 2).

13. **Recalling its general recommendations No. 27 (2000) on discrimination against Roma and No. 32 (2009) on the meaning and scope of special measures in the Convention, as well as its previous recommendation,⁶ the Committee recommends that the State party:**

(a) **Effectively implement the Anti-Discrimination Act, notably by adopting special measures to eliminate the structural discrimination that affects Roma and**

³ CERD/C/SVK/CO/11-12, para. 10. See also *V.S. v. Slovakia* (CERD/C/88/D/56/2014).

⁴ CERD/C/SVK/CO/11-12, para. 8.

⁵ *Ibid.*

⁶ *Ibid.*, para. 18.

removing all obstacles that prevent their enjoyment of economic, social and cultural rights;

(b) **Intensify its efforts to ensure close collaboration and strengthened consultation with the Roma communities and civil society organizations working on Roma issues;**

(c) **Ensure that municipalities, particularly municipalities containing marginalized Roma communities, make full use of relevant funding, including funding from the European Union, to improve the socioeconomic situation of minorities;**

(d) **Take appropriate measures to address the disproportionately lower labour market participation of ethnic minorities, particularly Roma;**

(e) **Take appropriate measures to specifically address the disproportionate poverty rate of Roma.**

Racist hate speech and hate crimes

14. The Committee is concerned about reports of verbal and physical attacks against ethnic minorities, as well as racist hate speech taking place online. The Committee remains concerned that activities by extremist organizations to incite racial discrimination continue to take place in the State party (art. 4).

15. **In the light of its general recommendations No. 7 (1985) relating to the implementation of article 4 of the Convention, No. 15 (1993) on article 4 of the Convention and No. 35 (2013) on combating racist hate speech, and recalling its previous recommendation,⁷ the Committee urges the State party to:**

(a) **Proceed against organizations and activities that incite and promote racial discrimination, ensuring that participation in and the financing of such organizations and activities are prosecuted;**

(b) **Ensure that all racially motivated crimes, including online, as well as verbal and physical attacks, are investigated, and that perpetrators are prosecuted and punished;**

(c) **Ensure, in cooperation with targeted communities, that alternative avenues of reporting hate crimes are established to address the lack of trust in the authorities, especially among Roma communities.**

16. The Committee is concerned that the investigation of hate speech and hate crimes is the responsibility of the National Crime Agency of the Presidium of the Police Force. This might entail a risk that the effort to combat hate crimes and discrimination against minorities is not sufficiently prioritized (art. 4).

17. **The Committee recommends that the State party ensure that the governance structure allows for sufficient attention to be paid to the investigation of hate crime and hate speech, as well as ensure that adequate human, financial and operational resources are dedicated thereto.**

Racist hate speech

18. The Committee remains seriously concerned about persistent hate speech in the media and on the Internet and about the use of racist political discourse among politicians against ethnic minorities, particularly Roma, and non-citizens (arts. 2 and 4).

19. **Pursuant to its general recommendation No. 35 (2013) on combating racist hate speech, the Committee recommends that the State party:**

(a) **Ensure that media-related legislation is in accordance with the Convention and other international human rights law standards, in order to prevent,**

⁷ Ibid., para. 12.

sanction and deter any manifestations of racism in the media, particularly on the Internet;

(b) **Ensure that all incidents of hate speech are investigated and prosecuted and that the perpetrators are punished, regardless of their official status, and provide data on the number of hate speech cases reported, the number of prosecutions and convictions and the number of cases in which compensation has been awarded to victims;**

(c) **Undertake awareness-raising campaigns addressed to the public at large on respect for diversity and the elimination of racial discrimination.**

Excessive use of force and racial profiling

20. While noting the measures taken by the State party to raise awareness of racial discrimination among its law enforcement agencies, the Committee is concerned about reports of racial profiling and racially motivated excessive use of force by the police, particularly against Roma. The Committee, furthermore, regrets the lack of information on measures taken to address the issue of racial profiling by law enforcement officials. The Committee is concerned about the insufficient independence of the Bureau of the Inspection Service regarding the investigation of complaints about excessive use of force and racial discrimination by the police (art. 4).

21. **The Committee recommends that the State party establish an adequately resourced and fully independent monitoring mechanism responsible for investigating complaints about excessive use of force and racial discrimination by the police, and that this mechanism is made organizationally independent from the Ministry of the Interior. Furthermore, the Committee recommends that the State party develop and implement comprehensive measures to address the issue of racial profiling in accordance with its general recommendation No. 36 (2020) on preventing and combating racial profiling by law enforcement officials.**

Political participation of ethnic minorities

22. While noting the increased number of persons belonging to ethnic minorities participating in political life since the previous periodic report, the Committee is concerned about the disproportionately low level of political participation by ethnic minorities, particularly Roma, at the national, regional and municipal levels, as well as the lack of information on measures taken to remedy this (arts. 2 and 5).

23. **The Committee reiterates its recommendation⁸ that the State party adopt effective measures to ensure full participation in public affairs by persons belonging to ethnic minorities, in particular Roma, in both decision-making positions and representative institutions. It urges the State party to intensify its efforts to ensure equal opportunities for participation by ethnic minorities at all levels of government: national, regional and local. The Committee requests that the State party provide updated statistics in its next periodic report on the representation of minority groups in decision-making positions and in representative institutions.**

Refugees and asylum-seekers

24. The Committee is concerned about reports of disinformation campaigns aimed at stoking public resentment towards refugees, which may result in racial discrimination against them, including racist violence (art. 5).

25. **The Committee recommends that the State party take urgent measures to protect refugees from any form of stigmatization and from acts of racial discrimination, including racist violence, in full consultation with organizations representing refugees, non-governmental organizations, relevant international agencies and other stakeholders.**

⁸ Ibid., para. 20.

Right to housing

26. The Committee notes that the State party has taken measures to improve housing for Roma communities, including the action plan for the priority area on housing in the Strategy for Equality, Inclusion and Participation of Roma by 2030. However, it remains particularly concerned that:

- (a) Roma people continue to live in settlements where basic facilities such as sanitation, drinking water, electricity, sewage systems and waste disposal are lacking;
- (b) Residential segregation of Roma communities persists;
- (c) Roma are subject to discrimination when seeking housing on the private rental market;
- (d) In many cases, Roma continue to be at risk of forced eviction, partly due to their lack of security of tenure (art. 5);
- (e) A disproportionately high number of Roma communities are located in polluted areas;
- (f) A disproportionately high number of Roma households are overcrowded (art. 5).

27. **In line with its previous recommendation,⁹ the Committee urges the State party to:**

- (a) **Adopt appropriate and effective measures in order to provide access to adequate housing and to improve the living conditions for Roma, in genuine consultation with the affected communities and individuals concerned;**
- (b) **Adopt targeted measures with a view to ending residential segregation affecting Roma, including by holding accountable local authorities that encourage or adopt segregation policies and by strengthening measures to prevent discriminatory treatment of Roma on the housing market;**
- (c) **Intensify its efforts to provide security of tenure to Roma communities, including through the legalization of informal settlements, in order to prevent forced evictions, and when they cannot be avoided, ensure that the families and individuals affected are provided with alternative adequate housing and compensation.**

Right to health

28. The Committee is concerned that a disproportionately low number of Roma have been vaccinated against the coronavirus disease (COVID-19). The Committee is also concerned about reports that COVID-19 cases in Roma settlements resulted in full area quarantine, as opposed to the general approach of isolating positive cases, and that those quarantines were imposed without ensuring a sufficient supply of food and medicine. Furthermore, the Committee is concerned that Roma women continue to be discriminated against, included by being segregated, in the health-care system, especially in maternity wards (art. 5).

29. **The Committee reiterates its recommendation¹⁰ that the State party adopt all necessary measures to prevent and combat all forms of discrimination and segregation against Roma in the health-care system, including by investigating effectively all acts of discriminatory treatment against Roma, in particular women and girls, in the health-care system and prosecuting and sanctioning those responsible. The State party should extend its measures to mitigate the health-related consequences of COVID-19 on Roma.**

⁹ Ibid., para. 22.

¹⁰ Ibid., para. 24.

Forced sterilization

30. The Committee is concerned that, despite the information provided by the State party on the measures adopted to provide compensation to victims of forced sterilization, access to justice, reparation and compensation remains difficult for Roma women (arts. 5 and 6).

31. **The Committee reiterates its recommendation¹¹ that the State party ensure that Roma women who were victims of sterilization without their informed consent have access to effective remedies and adequate compensation, and that perpetrators are brought to justice. It recommends that measures taken to address the issue of forced sterilization are developed in consultation with and with the participation of members of the Roma community. It also recommends that the State party ensure that legislation and regulations on informed consent in situations of sterilization are enforced effectively, with adequate guarantees.**

Right to education

32. Despite the measures taken by the State party to improve inclusion in the education system, the Committee remains concerned about the persistent, widespread and systemic discrimination and segregation affecting Roma children in the education system. The Committee is concerned about the disproportionate negative effect on Roma children's learning during the COVID-19 pandemic as a result of school closures and online learning schemes, in which a high number of Roma children could not participate due to a lack of access to the Internet in their communities (arts. 2, 3 and 5).

33. **The Committee reiterates its recommendation¹² that the State party:**

(a) **Take all measures necessary to address the root causes of discrimination and segregation of Roma children in the education system, taking into account that conditions of racial segregation are not necessarily created by government policies but may arise as an unintended by-product of actions of private persons leading to social exclusion;**

(b) **Enforce effectively the Schools Act and the Anti-Discrimination Act in order to eliminate the overrepresentation of Roma children in specialized classes and special schools, and take adequate steps to integrate them into mainstream education;**

(c) **Intensify its efforts to ensure that Roma children enjoy equal opportunities in access to quality education with the aim of preventing their future segregation in the education system.**

Civil society participation

34. The Committee regrets the low number of non-governmental organizations involved in the process concerning the State party report, as well as in the review of the State party.

35. The Committee recommends that the State party increase its efforts to involve non-governmental organizations and civil society in the processes related to its next periodic report and review.

D. Other recommendations**Ratification of other treaties**

36. **Bearing in mind the indivisibility of all human rights, the Committee encourages the State party to consider ratifying those international human rights treaties that it has not yet ratified, in particular treaties with provisions that have direct relevance to communities that may be subjected to racial discrimination, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of**

¹¹ Ibid., para. 24 (e).

¹² Ibid., para. 26.

Their Families and the Migration for Employment Convention (Revised), 1949 (No. 97), and the Domestic Workers Convention, 2011 (No. 189), both of the International Labour Organization. The Committee also encourages the State party to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Follow-up to the Durban Declaration and Programme of Action

37. **In the light of its general recommendation No. 33 (2009) on the follow-up to the Durban Review Conference, the Committee recommends that, when implementing the Convention in its domestic legal order, the State party give effect to the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the outcome document of the Durban Review Conference, held in Geneva in April 2009. The Committee requests that the State party include in its next periodic report specific information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level.**

International Decade for People of African Descent

38. **In the light of General Assembly resolution 68/237, in which the Assembly proclaimed 2015–2024 the International Decade for People of African Descent, and Assembly resolution 69/16, on the programme of activities for the implementation of the Decade, the Committee recommends that the State party prepare and implement a suitable programme of measures and policies. The Committee requests that the State party include in its next report precise information on the concrete measures adopted in that framework, taking into account its general recommendation No. 34 (2011) on racial discrimination against people of African descent.**

Dissemination of information

39. **The Committee recommends that the State party's reports be made readily available and accessible to the public at the time of their submission and that the concluding observations of the Committee with respect to those reports be similarly made available to all State bodies entrusted with the implementation of the Convention, including municipalities, and publicized on the website of the Ministry of Foreign Affairs in the official and other commonly used languages, as appropriate.**

Common core document

40. **The Committee encourages the State party to update its common core document, which dates to 22 July 2020, in accordance with the harmonized guidelines on reporting under the international human rights treaties, in particular those on the common core document, as adopted at the fifth inter-committee meeting of the human rights treaty bodies held in June 2006.¹³ In the light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 42,400 words for such documents.**

Follow-up to the present concluding observations

41. **In accordance with article 9 (1) of the Convention and rule 65 of its rules of procedure, the Committee requests the State party to provide, within one year of the adoption of the present concluding observations, information on its implementation of the recommendations contained in paragraphs 9 (Slovak National Centre for Human Rights) and 31 (forced sterilization) above.**

¹³ [HRI/GEN/2/Rev.6](#), chap. I.

Paragraphs of particular importance

42. The Committee wishes to draw the attention of the State party to the particular importance of the recommendations contained in paragraphs 7 (implementation of the Anti-Discrimination Act), 13 (special measures) and 33 (right to education) above and requests the State party to provide detailed information in its next periodic report on the concrete measures taken to implement those recommendations.

Preparation of the next periodic report

43. The Committee recommends that the State party submit its fourteenth periodic report, as a single document, by 28 May 2025, taking into account the reporting guidelines adopted by the Committee during its seventy-first session¹⁴ and addressing all the points raised in the present concluding observations. In the light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 21,200 words for periodic reports.

¹⁴ [CERD/C/2007/1](#).