



**International Convention for  
the Protection of All Persons  
from Enforced Disappearance**

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**Committee on Enforced Disappearances**

**Information received from Slovakia on follow-up to the  
concluding observations on its first periodic report submitted  
under article 29 (1) of the Convention\***

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\* The present document is being issued without formal editing.



## **I. Introduction**

1. The Committee on Enforced Disappearances (hereinafter referred to as the “Committee”) adopted on 24 October 2019 Concluding observations in respect of the initial report of the Slovak Republic (hereinafter referred to as “concluding observations”). In accordance with the Committee’s rules of procedure, the Slovak Republic should provide, by 11 October 2020 at the latest, information relevant to the implementation of the Committee’s recommendations contained in paragraphs 11 (National Human Rights Institution), 23 (Training) and 25 (Right to reparation and prompt, fair and adequate compensation) of the concluding observations.

2. The Slovak Republic hereby provides information in respect of the abovementioned recommendations.

## **II. General information**

3. The report on the concluding observations along with the proposals for assignment of coordinators was approved by the government on 8 July 2020. Prior approval of the report on the concluding observation by the government, the interdepartmental comment procedure took place. During this stage, the relevant stakeholders including non-government organisations could submit any comments or recommendations. The comments were submitted only by the relevant ministries.

4. The concluding observations were translated to the Slovak language and published together with the report on concluding observations on the website of the Ministry of Foreign and European Affairs of the Slovak Republic. In respect of the recommendations addressed to the Slovak Republic, relevant authorities were appointed as coordinators for preparation of analysis on current legislation and legislative and other proposals for implementation of recommendations when deemed necessary.

5. As mentioned during the dialogue, the elections to the National Council of the Slovak Republic were held in February 2020. Following the elections, in March 2020 a new government was appointed by the president of the Slovak Republic. The government adopted in April 2020 the Program Statement of the Government (hereinafter referred to as the “program statement”). This statement summarizes issues that will be the priority of the government for years 2020–2024.

6. In respect of human rights, the program statement includes various priorities such as making the support of protection of human rights more efficient and effective e.g. by strengthening the support for independent monitoring mechanisms and of non-governmental organisations. One of the priorities is also an amendment of the compensation scheme for victims of intentional crimes and addressing the issue of availability of support for victims. Another priority is establishment of a national preventive mechanism in respect of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (hereinafter referred to as the “OPCAT”) and ratification of the OPCAT.

7. However, due to the outbreak of the COVID-19 pandemic some of the actions have been postponed in order to deal with the current situation and to address the issues (mostly in areas of social welfare, health care, economy) that have arisen in this respect. Given the program statement and its term of 4 years, some of the issues, e.g. national human rights institutions will be addressed later on, not in 2020.

## **III. Follow-up information relating to paragraph 11 of the concluding observations (CED/C/SVK/CO/1)**

8. The Committee’s recommendations on the Slovak National Centre for Human Rights has not been addressed yet due to the current pandemic situation. On the other hand, the Ministry of Justice of the Slovak Republic (hereinafter referred to as the “MOJ”) is preparing necessary legislative changes in respect of ratification of the OPCAT. In accordance with the plan of legislative tasks, these legislative changes should be prepared by the end of December 2020.

#### **IV. Follow-up information relating to paragraph 23 of the concluding observations**

9. In respect of the training, most of the planned trainings have been rescheduled, held in form of webinar or number of participants reduced in order to avoid spread of the COVID-19.

10. In the report on the concluding observations, the Ministry of Defence of the Slovak Republic undertook to participate in fulfilment of the recommendation and incorporate topic of the enforced disappearances into training on humanitarian law. During 2020 have so far, 69 members of military police and 267 members of military personnel participated on training where the issue of enforced disappearances and the International Convention for the Protection of All Persons from Enforced Disappearance was addressed.

11. The Ministry of Healthcare of the Slovak Republic expressed support for training of the medical staff on this topic, especially in respect of the victims of the enforced disappearances and is planning to include it into the minimal standards for specialised study programs. This step however requires change of valid legislation.

12. The Ministry of Interior of the Slovak Republic confirmed that training of policer officers is carried out under the auspices of specialised high school and the Police Academy in Bratislava. The police officers are regularly trained in respect of valid legislation, the enforced disappearances legislation included. All educational programs include training on handling and taking care of persons deprived of personal freedom.

13. The Police Academy study programs include lectures on criminal law (the criminal offence of enforced disappearances included), duties of police officers and how to proceed when a person needs to be apprehended or detained, apprehension of suspects and documentation when a person is taken into custody or detained (prevention of the enforced disappearances when relevant documentation has to be filled in), border and foreign regime (in respect of asylum seekers, foreigners). Due to the COVID-19 pandemic the education process at the specialised high schools and the Police Academy were partly conducted online.

14. The Justice Academy of the Slovak Republic in 2019 organised 2 trainings aimed at needs of victims and particularly vulnerable victims, including information on victim support services, availability of restorative justice to victims and how to provide information to victims in comprehensible way. These trainings were held for judges, prosecutors, assistants and other judicial staff. In 2020 due to the COVID-19 pandemic several trainings on topics of criminal justice were cancelled and so far 1 training on victims' rights was held.

#### **V. Follow-up information relating to paragraph 25 of the concluding observations**

15. The MOJ is evaluating the current compensation scheme for the victims of intentional crimes and preparing a legislative amendment to the act no. 274/2017 Coll. on Victims' Rights. The proposal (should be submitted for session of the National Council of the Slovak Republic by the end of 2020) also includes changes in respect of victims of enforced disappearances.

16. Victims of enforced disappearances will be under this amendment included in the group of particularly vulnerable victims and therefore entitled for specialized victim support. Moreover, they will be eligible to obtain compensation not only for harm to health but also for non-pecuniary damages. The major difference will be in the procedure for application for compensation. Currently, victims can claim compensation from state after a decision in criminal proceedings enters into force. Under the proposed legislation, victims will be able to claim compensation after the start of criminal proceedings and it will be up to the MOJ to verify whether the outcomes of investigation proved enough that the crime occurred and victim became a victim of crime.

17. Moreover, the amendment proposes a general provision on training of judicial staff, judges, prosecutors, police officers and other law practitioners on victims' rights and needs,

victims of enforced disappearances included. This provision would enable training of professionals as well as students on topic of victims of crime.

18. The other forms of reparation can be provided under the constitutional and civil law protection of personal rights. Section 11 of the Act no. 40/1964 Coll. Civil Code stipulates the following:

“A natural person has the right to the protection of his personal rights, in particular, life and health, civic honour, human dignity, privacy, his name and expressions of a personal nature”.

19. Section 13 of the Civil Code more specifically stipulates

“(1) A natural person has the right to demand, in particular, that any unlawful interferences with the right to the protection of his personal rights cease, the removal of the consequences of such interferences and the provision of reasonable compensation.

(2) If the compensation under Subsection 1 does not appear sufficient as, in particular, the dignity or the esteem of the natural person in society was impaired to a considerable degree, the natural person also has the right to monetary compensation for the intangible harm incurred.

(3) The amount of compensation under Subsection 2 shall be determined by the court while taking into account the seriousness of the harm incurred and the circumstances under which the right was violated”.

20. The abovementioned types of complaints (i.e. restitution, restoration, rehabilitation, and additional compensation) can be filled at the competent court under the relevant articles of the Act no. 160/2015 Coll. on Civil Dispute Proceedings. The civil law protection creates an additional layer to the criminal law protection and forms of compensation.

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