## Recommendation 7

**Grade:** C

**Overview:** Neither the European Roma Rights Centre (ERRC) nor the Centre for Civil and Human Rights - Poradna (CCHR-P) are aware of any progress towards enacting such a law.

### Recommendation 8

**Grade:** B2

**Overview:**

**Information provided by the CCHR-P:**
The State party has not made sufficient systematic efforts to eliminate racist attacks by the police. Lack of statistical data makes it difficult to monitor the effect of trainings.

**Information provided by the ERRC:**
The Concept for combating extremism (2011-2014) includes training proposals for the police, *inter alia*, but the Action Plan is vaguely defined and lacks clearly assigned responsibilities and time frames. ERRC has no evidence that the trainings which should have occurred in 2011 have taken place.

### Recommendation 13

**Grade:** B2

**Overview:**

**Information provided by the CCHR-P:**
A statement in response to the European Court of Human Rights' decision on *V.C. v. Slovakia* regretted the interference with V.C.'s rights and other past cases of unlawful sterilisation. A Council for Human Rights, National Minorities and Gender Equity resolution recommended the adoption of regulations on informed consent, monitoring of current practice and training. CCHR-P is not aware that systematic training has taken place.

**Information provided by ERRC:**
Slovak authorities have never recognised that forced sterilisation was a systemic issue. As recently as August 2011, the Ministry of Labour, Social Affairs and Family proposed legislation to offer free-of-charge (voluntary) sterilisation for women from socially excluded communities. Although the proposal was shelved, such proposals might recur.
**Paragraph 7**
While appreciating efforts to develop a bill that seeks to confer the power on the Constitutional Court to rule on the compatibility of domestic legislation with international treaties, the Committee notes that this bill has not been enacted into law. (art. 2)

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<td>The State party should ensure that such a bill is enacted into law to provide a remedy to persons who allege an infringement of their rights arising from the incompatibility of provisions of national law with international treaties that the State party has ratified.</td>
<td>C</td>
<td><strong>CCPR-P</strong> is not aware of any action taken by State in this regard. <strong>ERRC</strong> is not aware of any law related to recommendation 7 to be enacted in 2011-2012.</td>
<td></td>
<td><strong>ERRC:</strong> There has been a significant lack of consistent development in enacting new legal instruments that would address the compatibility of provisions of national law with international treaties. There has been limited opportunity for this because of political instability. The government led by Prime Minister Iveta Radičová fell prematurely in October 2011, and a new government led by the Prime Minister Fico was only put in place after new elections in March 2012.</td>
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**Grade A:** Implementation satisfactory:  
**Grade B:** Implementation partially satisfactory:  
B1: Some progress made, but additional information needed  
B2: Some progress made, but additional action required  
**Grade C:** Response not satisfactory  
C: No action taken by the State Party to implement the recommendation
Paragraph 8
While welcoming efforts to prosecute law enforcement officers who perpetrate racist attacks, particularly against the Roma, the Committee is aware of the continued reports of racist attacks and lack of adequate compensation for the victims (art. 2, 27).

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<td>The State party should strengthen its efforts to combat racist attacks committed by law enforcement personnel, particularly against the Roma, by, inter alia, providing special training to law enforcement personnel aimed at promoting respect for human rights and tolerance for diversity.</td>
<td>B2</td>
<td>CCHR-P: The state party has not made sufficient systemic effort to eliminate racist attacks by the police against Roma. The law enforcement agencies conducted some trainings and worked on improving the psychological criteria in the selection process, but we do not have specific information about overall progress during last year in this regard. According to our observation the effective qualitative evaluation of these efforts from the State party is still lacking.</td>
<td>CCHR-P: The State Party should strengthen evaluation (including through qualitative evaluation) on the impact of any measures being taken including training of law enforcement agencies for the elimination of racially motivated attacks. In this respect the state party should also collect relevant disaggregated data. The State Party should intensify its effort in combating police ill-treatment, with special emphasis on police abuses spurred by racial motive, and carry on conducting systemic measures in this regard, among others, continuously raising awareness of guaranteed rights in contact with police and legal means of protection from police abuse in marginalized Roma communities and other marginalized groups and supporting engagement of Roma in police forces. Effectiveness and impact of conducted measures should be monitored.</td>
<td>CCHR-P: There is a lack of data available on the impact of trainings and other measures in order to monitor the occurrence of racist attacks committed by law enforcement personnel against Roma. The State Party falls short of collecting statistical data on police ill-treatment, disaggregated by ethnicity and other relevant factors. We are currently still documenting cases of police ill-treatment against Roma, however, it is generally problematic to assess if the occurrence of such incidents committed by police officers is actually decreasing or not within particular time period without effective evaluation.</td>
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**Grade A: Implementation satisfactory:**
**Grade B: Implementation partially satisfactory:**
B1: Some progress made, but additional information needed

**Grade C: Response not satisfactory**
C: No action taken by the State Party to implement the recommendation
There was an official proposal to train law enforcement personnel introduced in the Action Plan for the prevention of all forms of discrimination, racism, xenophobia, anti-Semitism and other expressions of intolerance 2009-2011 (available at: http://ec.europa.eu/ewsi/UDRW/images/items/doc1_17826_309755246.pdf), however the ERRC has no evidence of implementation of this training proposal, despite requests for information to the Ministry of Justice.

The State party should also strengthen its efforts to ensure that police officers suspected of committing such offences are thoroughly investigated and prosecuted, and if convicted, punished with appropriate sanctions, and that the victims are adequately compensated.

| B2/C | CCHR-P: We are not aware of any progress or particular efforts being made in ensuring thorough investigation of such cases. |
| CCHR-P: The State party should ensure effective investigation into all allegations of racially motivated ill-treatment by law enforcement agencies, in accordance with international standards of effective investigation (defined by the UN bodies, Council of Europe, jurisprudence of the ECHR). In this regard, The State Party should conduct a broader range of systemic measures, among others: uncover and closely analyse symptomatic deficiencies in investigation process of such cases; support systemic education of investigators and prosecutors into standards of effective investigation (also covering Istanbul protocol); and introduce audio/video recording of interrogations during investigation. The State Party should create an independent body which will be fully responsible for investigation of serious crimes of law enforcement personnel have been indicated. |
| ERRC: In Slovakia there is still no specific protocol or guidelines developed for police and prosecutors on how to investigate and prosecute hate crimes. |

**Grade A: Implementation satisfactory:**

**Grade B: Implementation partially satisfactory:**

B1: Some progress made, but additional information needed

B2: Some progress made, but additional action required

**Grade C: Response not satisfactory**

C: No action taken by the State Party to implement the recommendation
investigation of all case of allegations of torture and ill-treatment committed by law enforcement personnel including investigations into racial motive. The State Party should be continuously building trust of society in the investigation process of police abuses via strengthening its independence, effectiveness and promptness.

personnel were either directly involved in attacks against Roma or ill-treated them during investigations (ERRC, Imperfect Justice, available at: http://www.errc.org/article/imperfect-justice-anti-romaviolence-and-impunity/3826).

In the period monitored by the ERRC, there were many ongoing problems in the administration of justice in Slovakia.

In the eight monitored cases of violence against Roma committed between January 2008 and February 2011, racial motivation was ruled out in three cases; in one case it was still under investigation; in two cases racial motivation was included in the indictment; in one case racial motivation was confirmed in the judgment; and in one case no information was available.

One of the cases monitored is the notorious 2009 case of the police ill-treatment of a group of Romani boys from the segregated neighborhood of Lunik IX in the city of Košice. A police investigation specified a possible racial motivation. Almost no progress has been made in a subsequent criminal case in 2011/12. A brief summary follows:

On 21 March 2009, after being arrested by police on suspicion of robbing and causing injuries to an elderly woman in a shopping centre, six Romani boys (three of them minors) were brought to the police station in Košice where they were threatened and bitten by police dogs, physically attacked by the policemen, threatened with guns, ordered to hit and kiss each other, and finally ordered to strip naked. The policemen had documented the whole scene on their mobile phones. The recordings were later on found and sent to media website (SME) by a relative of one of the policemen. The initial reaction of the Chief of Police focused on the fact that “uncultivated” policemen had recorded other policemen during their abusive acts, instead of directly condemning these acts. In April 2009, the Chief of Police reported that nine officers were temporarily suspended; seven of them were to be dismissed. Superior officers were to be relocated and demoted but not fired. In March 2010, the Police Inspection officially charged 10 policemen with misconduct; four were also charged with blackmail. The seven officers who had been dismissed appealed their dismissal and the court found one of the complaints grounded, ordering revision of the redundancy notice. The remaining three defendants continue to be part of the Slovak police force. Already during the police investigation the possibility of racial motivation was specified, and afterwards the General Prosecutor included racial motivation in its indictment.

Only one out of 10 defendants and none of three attorneys attended the initial trial in August 2010 where charges were announced. In November 2010, during the preliminary hearing all 10 defendants refused to testify. The initial trial set up to January 2011 has been adjourned three-times due to the absence of defendants or plaintiffs.

To date, there has been no official apology coming from high-government and police representatives. The ERRC understands that the court case against the officers is pending before the criminal courts, but the Koscie court and the Ministry of Justice have failed to respond to repeated requests for updates.

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Grade C: Response not satisfactory
C: No action taken by the State Party to implement the recommendation
Paragraph 13
While welcoming the investigation into the forced sterilisation of Roma women and the adoption of Act No. 576/2004 Coll. on healthcare and services, which introduces the notion of informed consent, the Committee remains concerned at the narrow focus of the investigation and the lack of information on concrete measures to eliminate forced sterilisation, which, allegedly, continues to take place (arts. 7 and 26).

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<td>The State party should take the necessary measures to monitor the implementation of Act No. 576/2004 Coll. to ensure that all procedures are followed in obtaining the full and informed consent of women, particularly Roma women, who seek sterilisation services at health facilities.</td>
<td>B2: Some progress made, but additional action required</td>
<td>CCHR-P: In response to the European Court of Human Rights’ decision in the case of V.C. v. Slovakia (brought by a Roma woman forcibly sterilised on 23 August 2000 and represented by our NGO), the Slovak government in January 2012 issued the statement by the Minister of Justice Mrs Zitnanska which expressed regret for the interference with the rights of Ms V.C. and also for the other possible cases of unlawful sterilizations which might have occurred in the past due to insufficient legislation and individual’s failures. On 20 February 2012 the advisory body to the Slovak Government, the Council for Human Rights, National Minorities and Gender Equity, adopted resolution n.37 on unlawful sterilizations. The Council also expressed regret for the individual case of Ms. V.C. and also for other possible cases of unlawful sterilizations. The Council recommended that the Slovak Government adopt the regulation which will unify the performance of sterilization with informed consent, adopt the measures to monitor the implementation of the current legislation on performing sterilization with informed consent, secure the training for medical personnel on obtaining informed consent when performing sterilization and overcome prejudice towards Roma and other marginalised groups.</td>
<td>CCHR-P: In order to fulfil this recommendation the Slovak Government should adopt the regulation and/or guidelines for hospitals on unifying the process of performing sterilization with informed consent in accordance with international standards introduced by FIGO. The State should also introduce effective control mechanisms and sanctions in cases of violations of guaranteed rights.</td>
<td>ERRC: On 8 November 2011, the European Court of Human Rights (ECtHR) in the case of V.C. v Slovakia decided in favour of a Romani woman who was involuntarily sterilised by a Slovak state hospital in Prešov. The ECtHR declared that the practice violated the woman’s right to freedom from inhuman and degrading treatment and the right to private and family life. The government’s claim of medical necessity was rejected, as sterilisation is not generally considered a life-saving surgery. The applicant was awarded financial compensation (of 31 000 €) and costs. According to the ECtHR decision, the Slovak government violated Articles 3 and 8 of the European Convention on Human Rights. The Court also ordered the Slovak Government to provide financial compensation to V.C. and to reimburse her legal costs. Regrettably, the ECtHR did not take the opportunity to consider the discriminatory aspect of this woman’s sterilisation and the Slovak government’s failure to recognise a systematic practice of forced sterilisation.</td>
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Following criticism from civil society and the treasury, the Minister shelved the bill. The ERRC remains concerned that this was not a fully considered withdrawal and that the proposal may arise again.

Slovak authorities have never recognised that forced sterilisation was a systemic issue. In the Czech Republic, the Ombudsman’s office has at least acknowledged that forced sterilisations there were systemic. Slovak authorities have never publicly apologised for the cases of forced sterilisations, or introduced adequate measures to raise awareness of consequences of sterilisations.

In this regard, the State party should introduce special training for health personnel aimed at raising awareness about the harmful effects of forced sterilisation.

| B2 | CCHR-P: We are not aware such trainings have taken place in systematic way. As we mentioned previously the advisory Governmental body the Governments’ Council for Human Rights, National Minorities and Gender Equity in its regulation n.37 adopted on 20 February 2012 recommended the Slovak Government to introduce such trainings. |
| CCHR-P: In order to fulfill this recommendation the State Party should introduce long term and systemic training of health care personnel on how to obtain informed consent for any medical intervention including sterilization. The training should focus on the practical aspect of communication between the health care providers and patients when obtaining the informed consent and also on overcoming the prejudice of the health care providers towards Roma and other marginalized groups. | sterilisation of Romani women appears to continue. Slovak authorities have never recognised that forced sterilisation was a systemic issue. In the Czech Republic, the Ombudsman’s office has at least acknowledged that forced sterilisations there were systemic. Slovak authorities have never publicly apologised for the cases of forced sterilisations, or introduced adequate measures to raise awareness of consequences of sterilisations. |

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