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Concluding observations on the fourth report of Slovakia

1. The Committee considered the fourth periodic report of Slovakia (CCPR/C/SVK/4) at its 3305th and 3307th meetings (see CCPR/C/SR.3305 and 3307), held on 17 and 18 October 2016. At its 3329th meeting, held on 31 October 2016, it adopted the present concluding observations.

A. Introduction

2. The Committee welcomes the submission of the fourth periodic report of Slovakia and the information presented therein. It expresses appreciation for the opportunity to renew its constructive dialogue with the State party’s delegation on the measures taken during the reporting period to implement the provisions of the Covenant. The Committee is grateful to the State party for its written replies (CCPR/C/SVK/Q/4/Add.1) to the list of issues (CCPR/C/SVK/Q/4), which were supplemented by the oral responses provided by the delegation and for the supplementary information provided to it in writing.

B. Positive aspects

3. The Committee welcomes, in particular, the following institutional and policy measures taken by the State party:

(a) The adoption of the National Strategy for the Protection and Promotion of Human Rights, on 18 February 2015;

(b) The adoption of the Strategy for Roma Community Integration by 2020, in January 2012, and of the national action plan for the Decade of Roma Inclusion for the years 2011 - 2015;

(c) The adoption of the National Action Plan for Prevention and Elimination of Violence against Women for the period 2014 – 2019, on 18 December 2013;

4. The Committee welcomes the adoption by the State party of the following legislative measures:

1. The amendment to Act No. 365/2004 Coll., on Equal Treatment in Certain Areas and on Protection against Discrimination, extending the definition of indirect discrimination, in 2013;
2. The amendment of the Act on Compensation of Victims of Violent Crimes, according to which victims of the crime of rape, sexual violence and sexual abuse are entitled to compensation, in 2013;
3. The Decree of the Ministry of Health No. 56/2014 providing details on informed consent before performance of sterilisation, in April 2014.

5. The Committee also welcomes the ratification of, or accession to, the following international instruments by the State party:

(a) The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, on 7 March 2012;

(b) The Optional Protocol to the Convention on the Rights of the Child on a communications procedure, on 3 December 2013;

(c) The International Convention for the Protection of All Persons from Enforced Disappearance, on 15 December 2014.

C. Principal matters of concern and recommendations

Views under the Optional Protocol

6. While welcoming the examples of cases in which the provisions of the Covenant have been referred to by national courts, the Committee is concerned about the lack of clear indication as to what mechanisms and procedures are in place for the effective implementation of the Committee’s recommendations and Views. (art. 2)

7. **The State party should: (a) Continue to take appropriate measures to raise awareness of the Covenant among legal practitioners such as judges, lawyers and prosecutors so that the Covenant's provisions may be taken into account before the national courts; and (b) Consider establishing a mechanism to ensure that the Committee’s recommendations and Views are widely disseminated, and implemented.**

National human rights institution

8. While noting the commitment of the State party to amend the Act that established the National Centre for Human Rights (NCHR), the Committee is concerned that the NCHR has a limited mandate, lacks independence, transparency of its recruitment procedures as well as diversity in its members and staff, and has not been provided with adequate resources to carry out its functions.(art. 2)

9. **The State party should (a) Amend the Act that established the National Centre for Human Rights so as to expand the scope of its mandate and competence to effectively promote and monitor the protection of human rights, including through reporting on national human rights issues to the legislature; and (b) Take concrete measures to ensure that the NCHR is provided with adequate financial and human resources in line with the Paris Principles**

**Enforcement of the Anti-Discrimination Act**

10. While the Committee takes note of the 2012 and 2013 amendments of the Anti-Discrimination Act concerning affirmative action and accessing legal aid, it notes that the Act lacks an explicit reference and definition of multiple discrimination. It is concerned that the duration of the court proceedings in relation to the right to equal treatment and protection against discrimination are excessively lengthy. It is also concerned about the low number of disputes being settled and the low number of cases in which compensation has been awarded to the victims of discrimination. (arts. 2, 3, and 26)

**11. The State party should (a) Adopt measures to adequately address the issue of multiple discrimination as a form of discrimination;** (b) **Enforce the Act and disseminate information on it to the public, informing them of all legal remedies when facing discrimination; (c) Address the problem of lengthy court proceedings for victims of discrimination by ensuring, inter alia, that the amendment to the legislation on legal aid facilitates their access to justice; and (d) Undertake an analysis of the low number of complaints and take measures to address the problem, including by organising training on non-discrimination for judges and law enforcement officials.**

**Hate crime, hate speech, increasing radicalisation in political discourse and in media**

12. The Committee is concerned that, despite the State party’s efforts to combat extremism, incidents of hate crimes, and hate speech in political discourse, in the media and on the Internet, which targets, ethnic minorities, notably Roma, Muslims, and non-citizens, remain prevalent in the State party. (arts.2, 20 and 27)

**13. The State party should (a) Take measures to promote tolerance and an inclusive environment towards persons belonging to ethnic, national, racial, religious and other minorities; (b) Use legislative, policy and educational measures, including sensitization and awareness-raising, to counter stigmatisation of Roma, Muslim, and other minorities; (c) Take measures to prevent racist attacks and to ensure that the alleged perpetrators are thoroughly investigated and prosecuted, and if convicted, punished with appropriate sanctions, and that the victims have access to adequate compensation; and (d) Prohibit any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.**

**Discrimination of LGBT persons**

14. While the Committee welcomes the amendment in the Criminal Code introducing sexual orientation among the aggravating grounds of a criminal offence, it notes that hate speech legislation does not cover sexual orientation and gender identity. It is concerned about the increasingly hostile environment against persons on the basis of their actual or perceived sexual orientation, gender identity or expression contributed to by hostile discourse of political figures. It is concerned that sterilisation for both transgender women and men is a requirement for legal gender recognition. (arts. 2, 17 and 26)

**15. The State party should (a) Adopt measures to tackle hate speech on the ground of sexual orientation and gender identity; (b) Take measures to eradicate all form of social stigmatization of homosexuality, bisexuality or transsexuality, discrimination or violence against persons based on their sexual orientation or gender identity; and (c) Develop and implement a procedure for legal gender recognition that is compatible with the provisions of the Covenant.**

**Roma exclusion**

16. While noting the adoption of various strategies and programmes to improve the situation of the Roma community, the Committee reiterates its concern that Roma continue to suffer from discrimination, widespread unemployment, forced evictions, without adequate alternative housing solutions, and residential segregation. (arts. 2, 26 and 27)

**17. The State party should strengthen its efforts (a) To adopt measures to promote non-discriminatory access to opportunities and services in all fields and at all levels for members of the Roma community; (b) To ensure that evictions from public lands are a means of last resort, and that when they cannot be avoided, they include access to adequate alternative accommodation, due process and legal remedies, including compensation; and (c) Ensure that local authorities are made accountable for any segregation policies and actions.**

**Discrimination of Roma children in education**

18. While the Committee welcomes the 2015 amendments to the Schools Act introducing a number of measures aimed at promoting desegregation, it is concerned that: Roma children continue to suffer from de facto segregation in the State party’s school system, being taught in Roma-only classes or attending classes in separate school pavilions, and often being provided with inferior education and; the number of Roma children placed in schools for children with mild disabilities continues to be disproportionately high. (arts. 2, 26 and 27)

**19. The State party should fully implement the Schools Act, adopt measures to effectively monitor and eradicate the practice of segregation, ensure that appropriate training is provided to experts assessing children as disabled and that education is provided to Roma children on a non-discriminatory basis with other children.**

**Persons with disabilities**

20. The Committee is concerned that many persons with disabilities continue to live in large institutions separated from the rest of the society and that the practice of physical and mechanical (netted cage beds) restraints continues. (art. 7, 10 and 26)

**21. The State party should take measures to (a) Continue and expedite the deinstitutionalisation process in relation to all types of institutions in accordance with General Comment no. 35; and (b) Abolish the use of netted cage beds and other forms of restraint in psychiatric and related institutions.**

**Representation of women**

22. While welcoming the adoption of the National Strategy and Action Plan for Gender Equality (2014 - 2019) and the data on women’s representation in the public and private sectors, the Committee is concerned that women remain underrepresented in both the public and private sectors, particularly in decision-making positions. It notes the low representation of women in high-level and managerial positions and on boards of private enterprises. (arts. 2, 3, and 26)

**23. The State party should strengthen its efforts to increase the participation of women in public and private sector, and if necessary, through appropriate temporary special measures, to give effect to the provisions of the Covenant. The State party is encouraged to further support the participation of women in high-level and managerial positions and on boards of private enterprises, including through enhanced cooperation and dialogue with partners in the private sector.**

**Violence against women, including domestic violence**

24. The Committee is concerned about the persistence of domestic violence in the State party, the underreporting of violence against women, the lack of a coordinated system for preventive measures and victim assistance (shelters, legal, medical and psychological assistance), including medical reproductive health treatments that may amount to inhuman and degrading treatment , as well as discriminatory medical assistance on reproductive health , and delays in adopting a law on the prevention and elimination of violence against women and domestic violence. (arts. 2, 3, 7, 17 and 26)

**25. The State party should: (a) Ensure that women victims of violence have adequate access to protection and assistance; (b) Ensure that perpetrators of violence against women are prosecuted and, if convicted, punished with appropriate sanctions; and (c) Expedite the enactment of the law on the prevention and elimination of violence against women and domestic violence; and (d) Ensure that all women have non-discriminatory access to medical treatment, including to reproductive health care; and (e) Consider ratifying the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention).**

**Sterilisation of Roma Women**

26. The Committee is concerned that the State Party has still not acknowledged responsibility for the past practice of forced sterilization of Roma women, nor has it provided compensation for the victims, except in one case. (arts. 2, 3, 7, 17 and 26)

**27. The State Party should (a) Establish an independent body to investigate the full extent of the practice of sterilization without informed consent and to provide financial and other reparations to the victims; (b) Provide ongoing training for healthcare personnel on how to ensure that informed consent is obtained; and (c) Monitor healthcare providers’ implementation of legislation on informed consent in situations of sterilization and ensure that appropriate sanctions are applied if breaches occur.**

**Prohibition of torture and cruel, inhuman or degrading treatment, excessive use of force**

28. The Committee is concerned about: reports alleging cases of excessive use of force by law enforcement officials, including ill-treatment and torture; at the low number of prosecutions and convictions in such cases; and that the investigations into allegations of ill-treatment by police officers are carried out by the Control and Inspection Service Department of the Ministry of the Interior, which is not sufficiently independent. (arts. 7 and 10).

**29. The State party should (a) Ensure that prompt, impartial, thorough and effective investigations into all allegations of excessive use of force, including torture and ill-treatment, are carried out by law-enforcement officers; (b) Take appropriate measures to strengthen the Inspection Service Department of the Section of Control and Inspection Service to ensure its independence to carry out investigations of alleged misconduct by police officers and (c) Ensure that that law enforcement personnel continue to receive training on torture and ill-treatment by integrating the Istanbul Protocol of 1999 (Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment) in all training programmes for law enforcement officials.**

**Treatment of aliens, including refugees and asylum seekers**

30. The Committee is concerned that asylum-seeking families with children are being systematically detained for lengthy periods in unsuitable conditions, and alternatives to detention are often not available to them. (arts. 7, 9 and 24)

**31. The State party should ensure that (a) the detention of asylum seekers must be justified as reasonable, necessary and proportionate in the light of the circumstances and reassessed as it extends in time; (b) children are not deprived of liberty, except as a measure of last resort and for the shortest appropriate period of time, taking into account their best interests; and (c) any necessary detention should take place in appropriate, sanitary, non-punitive facilities and should not take place in prisons.**

**Unaccompanied minors**

32. The Committee is concerned about reports of unaccompanied minors who have gone missing from foster homes and the inefficiency in locating them. It is also concerned that Article 127 of the Act on Residence of Foreigners (No. 404/2011 Coll.) provides under the presumption of majority that a person claiming to be an unaccompanied child shall be considered an adult until the results of the medical age assessment examination prove the contrary and such results cannot be appealed. As a consequence, no guardian is appointed to that person in the interim period. (arts. 24 )

**33. The State party should (a) Ensure that unaccompanied minors receive appropriate protection and, as a matter of urgency, establish a register of disappeared unaccompanied children and conduct search operations for those children, in cooperation with other States as necessary; (b) Remove the presumption of majority from the Act on Residence of Foreigners and ensure that age assessment procedures are undertaken only in cases of reasonable doubt about the age of the person concerned, and with a view to the best interest of a child and are conducted by experts in that field; and (c) Ensure that child asylum seekers, in particular, unaccompanied children, have access to education, social and psychological services and legal aid, and are provided with a legal representative and/or guardian without delay..**

**Corporal punishment**

34. The Committee remains concerned that the State party’s legislation does not explicitly include the prohibition of corporal punishment in the home environment. (arts. 7 and 24)

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

D. Dissemination and follow-up

36. The State party should widely disseminate the Covenant, its two Optional Protocols, its fourth periodic report, the written replies to the Committee’s list of issues and the present concludingobservations with a view to raising awareness of the rights enshrined in the Covenant among the judicial, legislative and administrativeauthorities, civil society and non-governmental organizations operating in the country, and the general public. The State party should ensure that the report and the present concluding observations are translated into the official language(s) of the State party.

37. In accordance with rule 71, paragraph 5, of the Committee’s rules of procedure, the State party is requested to provide, within one year of the adoption of the present concluding observations, information on the implementation of the recommendations made by the Committee in paragraphs 13 (hate crime, hate speech, increasing radicalisation in political discourse and in media), 25 (violence against women, including domestic violence ) and 33 (unaccompanied minors) above.

38. The Committee requests the State party to submit its next periodic report by 4 November 2021 and to include in that report specific up-to-date information on the implementation of the recommendations made in the present concluding observations and of the Covenant as a whole. The Committee also requests the State party, in preparing the report, to broadly consult civil society and non-governmental organizations operating in the country. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words. Alternatively, the Committee invites the State party to agree, by 4 November 2017, to use its simplified reporting procedure, whereby the Committee transmits a list of issues to the State party prior to the submission of its periodic report. The State party’s response to this list of issues will then constitute the next periodic report to be submitted under article 40 of the Covenant.