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HUMAN RIGHTS COMMITTEE
Seventy-eighth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT

Concluding observations of the Human Rights Committee

Slovakia

1. The Committee examined the 2nd periodic report submitted by Slovakia (CCPR/C/SVK/2003/2) at its 2107th and 2108th meetings, held on 17 and 18 July 2003, and adopted the following concluding observations at its 2121st meeting, held on 28 July 2003.

A. Introduction

2. The Committee has examined the detailed and comprehensive report of Slovakia. The Committee is grateful to the delegation of Slovakia for supplying it with a great deal of information about the implementation of the Covenant in Slovakia

B. Positive Aspects

3. The Committee commends the State party for its commitment to following-up on the concluding observations of the Committee, in particular through the adoption by the Government of resolution No. 519/1998, tasking individual ministries to follow-up on recommendations of the Committee, and consistent references to the previous concluding observations, both in the 2nd periodic report as well as in the replies to the list of issues.

4. The Committee welcomes progress made in various areas, since the review of the first periodic report in 1997, and in particular the continuing process of bringing the State party's

legislation into harmony with its international obligations. This includes Constitutional Statute No. 90/2001, amending and supplementing the Constitution of the Slovak Republic; the amendment of the criminal code eliminating the crime of defamation of the Republic and its representatives; the amendment of the labour code to include non-discrimination principles, including in the area of sexual orientation; and the amendments to the Criminal Code to improve protection of the victim in domestic violence cases.

5. The Committee welcomes the fact that Slovakia has ratified the Second Optional Protocol to the Covenant.

6. The Committee welcomes the explanation provided in the report and confirmed by the delegation that the State party interprets succession to mean the continuity of its obligations under the Covenant, including in relation to any cases submitted under the Optional Protocol, irrespective of the date of deposition of the instrument of succession by the State party following the dissolution of Czechoslovakia and the creation of the Slovak Republic.

C. Principal Subjects of Concern and Recommendations

7. While welcoming the creation of the institution of Ombudsman and the election of an Ombudsman, the Committee regrets that it has received insufficient information on the nature of the complaints submitted to and processed by the Ombudsman, so as to assess the scope and effectiveness of the activities of this new institution.

The State party should ensure the effectiveness of the Ombudsman, as an independent monitoring mechanism for the implementation of Covenant rights, particularly in the area of discrimination. It requests the State party to provide the Committee with the annual reports of the Ombudsman when submitting the third periodic report.

8. The Committee observes that the proposed draft equal treatment law has not been adopted. While noting the information provided by the delegation that existing anti-discrimination laws enable the addressing of possible instances of discrimination, the Committee regrets that the delegation did not provide any statistics on the number of complaints launched, the grounds for the complaints, as well as the outcomes.

The State party should continue with further measures to ensure the effectiveness of legislation against discrimination. It should also adopt further legislation in fields not covered by the current legislation in order to ensure full compliance with articles 2, 3 and 26 of the Covenant. The Committee urges the State party to establish adequate monitoring and redress mechanisms which provide ready access to individuals, in particular from vulnerable groups.

9. The Committee is concerned at reports of high rates of domestic violence and regrets that the statistics provided by the State party were inconclusive. While noting some positive steps taken by the State party in the area of legislation, the Committee regrets that the adoption of the National Strategy for the Prevention and Elimination of Violence Committed against Women and in Families has been delayed (arts. 3, 9, 26).

The State party should adopt the necessary policy and legal framework to combat domestic violence; specifically, it should provide a framework for the protection of a spouse who is

subjected to violence or threats of violence. The Committee recommends that the Government of Slovakia establish crisis centre hotlines and victim support centres equipped with medical, psychological, legal and emotional support; In order to raise public awareness, it should disseminate information on this issue through the media.

10. The Committee notes the efforts made by the State party to address the situation regarding trafficking in women, in particular by adopting a preventive strategy by providing information to potential victims and through international cooperation. However, the Committee notes that it has received only limited statistical information from the State party. It notes that trafficking is an international crime and therefore not only concerns women trafficked out of Slovakia, but also those being trafficked into Slovakia from neighbouring countries (arts. 3, 8).

The State party should strengthen programmes aimed at providing assistance to women in difficult circumstances, particularly those coming from other countries who are brought into its territory for the purpose of prostitution. Measures should be taken to prevent this form of trafficking and to impose sanctions on those who exploit women in this way. Protection should be extended to women who are the victims of this kind of trafficking so that they may have a place of refuge and an opportunity to give evidence against the persons responsible in criminal or civil proceedings. The Committee encourages Slovakia to continue its cooperative efforts with border states to eliminate trafficking across national borders.

11. The Committee is concerned about the persistent allegations of police harassment and ill-treatment during police investigations, particularly of the Roma minority, which the delegation described as resulting from psychological failure to handle the situation rather than to problems with legislation or police incompetence (arts. 2, 7, 9, 26).

The State party should take measures to eradicate all forms of police harassment and ill-treatment during police investigations of the Roma, including prompt investigations, prosecutions of perpetrators and the provision of effective remedies to the victims.

12. Despite the oral and written answers provided by the delegation, the Committee remains concerned at reports of forced or coerced sterilization of Roma women. In particular, the Committee regrets that in its written answers submitted after the oral consideration of the report, the State party does not clearly deny or admit breaches of the principle of full and informed consent but asserts that an investigation related to maternity wards and gynecology departments of 12 hospitals did not result in findings of infringements of “medical indication” of sterilization. The reference made, in the same submission, to “the fact that not all administrative acts were fulfilled in every case” appears to amount to an implicit admission of breaches of the requirement of informed consent (art. 7, 26).

The State party should adopt all necessary measures to investigate all alleged cases of coerced or forced sterilization, publicize the findings, provide effective remedies to victims and prevent any instances of sterilization without full and informed consent.

13. The Committee is concerned at the continuing use of cage-beds as a measure of restraint in social care homes or psychiatric institutions (art.10).

Cage-beds should cease to be used.

14. The Committee reiterates its concern, expressed in its previous concluding observations, over the fact that civilians may be tried by military courts, albeit in fewer situations than earlier (art. 14)

The State party should continue to revise its laws to the effect of excluding military courts' jurisdiction over civilians.

15. The Committee is concerned about the threat by governmental authorities of criminal prosecution of the authors of the publication "Body and Soul" under article 199 of the Criminal Code, for "spreading false rumours". While having been assured by the delegation that the Office of the Prosecutor General has dismissed the charges against the authors, the Committee is nevertheless concerned at the impact of the case on the exercise of the right to freedom of opinion and expression, particularly by human rights defenders (art.19).

The State party should ensure that provisions of the criminal code are not used in such a way as to deter individuals from exercising their right to freedom of expression, and in particular for human rights defenders to carry out independent research and publish the results.

16. The Committee is concerned about discrimination against the Roma. The Committee notes that the delegation acknowledged the problem and has stated that the situation of the Roma is a short term and long term priority of the Government. The Committee takes note of the measures aimed at ameliorating the situation of Roma in various areas such as employment, health care, housing and education. The Committee also welcomes educational campaigns to reduce stereotypes amongst the general public. However, the steps taken by the State party to improve the socio-economic condition of the Roma and to change attitudes of society vis-à-vis the Roma do not appear to be sufficient to address the situation, and de facto discrimination persists (arts. 2, 26).

The State party should take all necessary measures to eliminate discrimination against the Roma, and to enhance the practical enjoyment of their rights under the Covenant. The State party should also make greater efforts to provide opportunities for Roma to use their language in official communications, to provide readily accessible social services, to provide training to Roma in order to equip them for employment, and to create job opportunities for them. The Committee would like to receive full details on policies adopted and their results in practice.

17. The Committee reiterates the concern expressed in its previous concluding observations, about reports that Roma are often victims of racist attacks, without receiving adequate protection from law enforcement officers. It further notes continued reports of statements by prominent politicians reflecting discriminatory attitudes vis-à-vis the Roma (arts. 2, 20, 26).

The State party should take all necessary measures to combat racial violence and incitement, provide proper protection to Roma, and establish adequate mechanisms to receive complaints from victims and ensure adequate investigation and prosecution of cases of racial violence and incitement to racial hatred.

18. The Committee notes the introduction of programmes such as pre-school grades at elementary schools, the inclusion of Romani language education, and positions of teacher's assistants for Roma pupils. However, the Committee is concerned about the grossly disproportionate number of Roma

children assigned to special schools designed for mentally disabled children, which causes a discriminatory effect, in contravention of article 26 of the Covenant.

The State party should take immediate and decisive steps to eradicate the segregation of Roma children in its educational system by ensuring that any differentiation within education is aimed at securing attendance in non-segregated schools and classes. Where needed, the State party should also provide special training to Roma children to secure, through positive measures, their access to education without segregation.

19. The Committee has taken note of the position of the delegation as to the reasons for the lack of statistical data with regard to the situation of Roma as well as women. However, the Committee emphasizes the importance of data to assess the situation in the State party and to address possible inequalities and patterns of discrimination. Furthermore, the Committee is concerned at the large discrepancy between official census figures and data provided by NGOs as to the size of the Roma population in the State party. Such underreporting may have a significant impact on the position of Roma in public life, including the exercise of certain rights, for instance under the Minority Language Law (arts. 2, 3 and 26).

While appreciating the complex nature of gathering such data, the Committee urges the State party to take steps to gather, through methods compatible with principles of data protection, statistical data reflecting the current size of the Roma population, as well as the position of minorities and women in society, including in the workplace, both in the public and the private sector.

20. The State party should disseminate widely the text of its second periodic report the replies provided to the Committee's list of issues, and the present concluding observations.

21. In accordance with article 70, paragraph 5, of the Committee's rules of procedure, the State party should provide within one year relevant information on the implementation of the Committee's recommendations regarding police harassment and ill-treatment during police investigations (para.11), forced or coerced sterilization (para.12), results of policies adopted to eradicate discrimination and to combat racial violence and incitement (para. 16 to 19). The Committee requests the State party to provide information on the other recommendations made and on the implementation of the Covenant as a whole in its final periodic report to be submitted by 1 August 2007.

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