



General Assembly

Distr.
GENERAL

A/HRC/WG.6/5/SVK/2
16 March 2009

Original: ENGLISH

HUMAN RIGHTS COUNCIL
Working Group on the Universal Periodic Review
Fifth session
Geneva, 4-15 May 2009

**COMPILATION PREPARED BY THE OFFICE OF THE HIGH COMMISSIONER FOR
HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15(B) OF THE ANNEX
TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1***

Slovakia

The present report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review. In the absence of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.

*Late submission.

I. BACKGROUND AND FRAMEWORK

A. Scope of international obligations¹

<i>Core universal human rights treaties²</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>
ICERD	28 May 1993	None	Individual complaints (article 14): Yes
ICESCR	28 May 1993	None	-
ICCPR	28 May 1993	Yes (art. 28) ³	Inter-State complaints (article 41): Yes
ICCPR-OP 1	28 May 1993	None	-
ICCPR-OP 2	22 June 1999	None	-
CEDAW	28 May 1993	None	-
OP-CEDAW	17 Nov. 2000	None	Inquiry procedure (articles 8 and 9): Yes
CAT	28 May 1993	None	Inter-State complaints (article 21): Yes Individual complaints (article 22): Yes Inquiry procedure (article 20): Yes
CRC	28 May 1993	Yes (art 7. para. 1) ⁴	-
OP-CRC-AC	7 July 2006	Binding declaration under article 3: 18 years ⁵	-
OP-CRC-SC	25 June 2004	None	-
<i>Core treaties to which Slovakia is not a party: OP-ICESCR,⁶ OP-CAT, ICRMW, CRPD (signature only, 2007), CRPD-OP (signature only, 2007), CED (signature only, 2007).</i>			

<i>Other main relevant international instruments</i>	<i>Ratification, accession or succession</i>
Convention on the Prevention and Punishment of the Crime of Genocide	Yes
Rome Statute of the International Criminal Court	Yes
Palermo Protocol ⁷	Yes
Refugees and stateless persons ⁸	Yes
Geneva Conventions of 12 August 1949 and Additional Protocols thereto ⁹	Yes
ILO fundamental conventions ¹⁰	Yes
UNESCO Convention against Discrimination in Education	Yes

1. The Committee on the Elimination of Discrimination against Women (CEDAW) encouraged Slovakia to consider ratifying ICRMW, CED and CRPD.¹¹ The Committee on the Rights of the Child (CRC) also recommended that Slovakia consider signing and ratifying CRPD and its Optional Protocol,¹² which Slovakia subsequently signed on 26 September 2007. In 2008, Slovakia pledged to complete the ratification process related to CED and CRPD.¹³

B. Constitutional and legislative framework

2. The Committee against Torture (CAT) welcomed the inclusion of extensive human rights protections in the Constitution, the enactment of a Charter of Fundamental Rights and Freedoms, and the amendment to the Constitution establishing the supremacy of international treaties.¹⁴ The Committee on Economic, Social and Cultural Rights (CESCR) also welcomed the amendment to article 7, paragraph 5, of the Constitution, pursuant to which the Covenant takes precedence over domestic law and may be invoked before the courts.¹⁵

3. The Committee on the Elimination of Racial Discrimination (CERD) welcomed the amendment to article 127 of the Constitution introducing a constitutional complaint procedure.¹⁶

C. Institutional and human rights infrastructure

4. The Slovak National Centre for Human Rights was granted “B” status by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) in 2007.¹⁷

5. While welcoming efforts of the Office of the Public Defender of Rights in the area of protection of children’s rights, CRC was nevertheless concerned that monitoring of all areas of concern covered under the Convention was not adequate and coordinated, and recommended that Slovakia expedite the establishment of an independent mechanism for monitoring and implementation of the Convention in accordance with the Paris Principles.¹⁸

6. While welcoming the establishment of the Council of Government for Gender Equality, CEDAW remained concerned at the lack of clarity with respect to the mandates and responsibilities of the various components of the national machinery for the advancement of women and its limited capacity to ensure the coordination of gender mainstreaming in all areas and at all levels.¹⁹

D. Policy measures

7. CEDAW welcomed the adoption of the National Strategy for the Prevention and Elimination of Violence Committed against Women and in Families, in 2004, and the National Action Plan for Combating Trafficking in Persons, in 2006.²⁰ It encouraged Slovakia to proceed expeditiously with the formulation and subsequent adoption of the new National Strategy for Gender Equality for 2009-2013 with the involvement of all sectors of Government and in consultation with relevant NGOs.²¹

8. CRC recommended that Slovakia adopt a new time-bound national plan of action for children, covering at least a five-year period, and that this plan of action be based on a solid assessment of the implementation of the 2002-2004 Plan and cover in a comprehensive manner the rights of the child enshrined in the Convention.²²

9. In 2008, the ILO Committee of Experts on the Application of Conventions and Recommendations took note of the Framework Agreement on Roma communities, aimed at securing real impact of the demand-driven projects on the improvement of the socio-economic status of Roma communities, and the Sectoral Operational Programme Human Resources, incorporating provisions regarding the Roma communities’ development.²³

II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

A. Cooperation with human rights mechanisms

1. Cooperation with treaty bodies

<i>Treaty body²⁴</i>	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CERD	2003	August 2004	-	Combined sixth, seventh and eighth reports received in July 2008, scheduled for consideration in 2009
CESCR	2001	December 2002	-	Second report overdue since 2008

<i>Treaty body²⁴</i>	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
HR Committee	2002	August 2003	Overdue since 2004	Third report overdue since 2007
CEDAW	2007	July 2008	Due in 2009	Combined fifth and sixth reports due in 2014
CAT	-	May 2001	-	Second report submitted in 2007, scheduled for consideration in 2009
CRC	2001	July 2007	-	Combined third, fourth and fifth report due in 2013
OP-CRC- AC	-	-	-	Initial report overdue since 2008
OP-CRC- SC	-	-	-	Initial report overdue since 2006

2. Cooperation with special procedures

<i>Standing invitation issued</i>	Yes
<i>Latest visits or mission reports</i>	Special Rapporteur on the independence of judges and lawyers (27-29 November 2000) ²⁵
<i>Visits agreed upon in principle</i>	-
<i>Visits requested and not yet agreed upon</i>	-
<i>Facilitation/cooperation during missions</i>	-
<i>Follow-up to visits</i>	-
<i>Responses to letters of allegations and urgent appeals</i>	A total of four communications were sent during the period under review. In addition to communications sent for particular groups, 1 male individual was covered by these communications. During the period under review, the Government replied to three communications (75 per cent of communications sent).
<i>Responses to questionnaires on thematic issues²⁶</i>	Slovakia responded to two of the 13 questionnaires sent by special procedures mandate holders during the period under review, ²⁷ within the deadlines. ²⁸

B. Implementation of international human rights obligations

1. Equality and non-discrimination

10. CEDAW, while noting the measures taken to achieve equality between women and men, was concerned at the limited scope of the existing legislation to eliminate discrimination which did not fully reflect the principle of substantive equality embodied in the Convention.²⁹

11. While acknowledging the measures taken under the Decade of Roma inclusion 2005–2015, CEDAW was concerned that Roma women and girls remain in vulnerable and marginalized situations and are victims of multiple discrimination. It urged Slovakia to take effective measures, including temporary special measures, to eliminate the multiple forms of discrimination against Roma women and girls and enhance respect for their human rights. It also called on Slovakia to strengthen the coordination among all agencies working on Roma, non-discrimination and gender equality issues, particularly in the areas of health, education, employment and participation in public life. CEDAW urged Slovakia to undertake concrete steps to change the traditional perception of Roma by the majority population, including through awareness and sensitization programmes.³⁰ CERD made similar recommendations in 2004.³¹ In

2008, the ILO Committee of Experts noted that the overall situation of the Roma minority seems to remain extremely serious and prejudices continue to be reported. The Committee observed that many Roma still face severe difficulties and discrimination in a number of areas, including access to employment and education.³²

12. In 2003, the Human Rights Committee (HR Committee) was concerned about discrimination against the Roma and recommended that Slovakia take all necessary measures to eliminate discriminations against Roma, and to enhance the practical enjoyment of their rights under the Covenant.³³

13. CERD remained concerned about the occurrence of racially motivated crimes and incidents in the country. It encouraged Slovakia to combat the negative consequences of such tendencies. It also recommended that Slovakia intensify efforts to ensure to everyone within its jurisdiction effective protection against any act of racial discrimination, as well as the right to seek just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination. In this respect, Slovakia should ensure that victims of racist crimes are afforded wider access to free legal assistance.³⁴ In 2003, the HR Committee raised similar concerns and recommended that Slovakia 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.³⁵

14. CRC urged Slovakia to ensure full protection under the Anti-Discrimination Law and to strengthen its awareness-raising and other preventive activities against discrimination and, if necessary, to take affirmative actions for the benefit of certain vulnerable groups of children, especially the Roma.³⁶ In 2008, the ILO Committee of Experts noted the different retirement ages for men and women which under the Anti-Discrimination Law are not deemed to be discriminatory. It expressed concern and reiterated its request that the Government indicate the reasons for this provision and whether the different retirement ages would be optional or compulsory.³⁷

2. Right to life, liberty and security of the person

15. In 2007, CRC welcomed the creation of the Commission for Coordinating Action in the Elimination of Racially Motivated Crime and Slovakia's efforts to improve cooperation between the police and Roma communities. Nevertheless, it remained concerned at the continuing incidents of excessive use of force by police personnel, including police brutality against the Roma community and other vulnerable groups. CRC reiterated its previous recommendations to expand State preventive programmes to curb racially motivated violence.³⁸ In 2004, CERD also expressed concern about allegations of discriminatory behaviour by the police towards members of minority groups, in particular Roma, including acts of ill-treatment and violence.³⁹ It recommended that Slovakia intensify its action to halt this phenomenon and set up an independent monitoring mechanism to carry out investigations into allegations of police misconduct.⁴⁰

16. CEDAW was concerned at the high rate of violence against women and girls, including homicides resulting from domestic violence. CEDAW urged Slovakia to place high priority on the introduction of comprehensive and holistic measures to address all forms of violence against women in the family and in society. It called upon Slovakia to ensure that such violence is prosecuted and punished with the required seriousness and speed, and that women victims of violence have immediate means of redress and protection. It requested Slovakia to ensure that

legislation on violence against women is specific and comprehensive, encompassing all forms of violence.⁴¹ HR Committee in 2003 expressed similar concerns.⁴²

17. CRC also raised concerns about domestic violence and recommended that Slovakia introduce mandatory reporting of abuse of children, including sexual abuse, and that it take the necessary measures to ensure that child victims of abuse and other forms of violence are not victimized once again during legal proceedings.⁴³

18. CEDAW expressed concern about the fact that corporal punishment in the home is lawful and constitutes a form of violence against children, including the girl child.⁴⁴ CRC also expressed concern that, to date, corporal punishment within the home remained lawful and recommended that corporal punishment be explicitly prohibited by law in all settings, including the home.⁴⁵

19. In 2003, the HR Committee expressed concern at the continuing use of cage-beds as a measure of restraint in social care homes or psychiatric institutions. It recommended that cage beds should cease to be used.⁴⁶

20. CRC was concerned at the high level of rape of children between the ages of 7 and 18, even in protective environments such as families and schools. It was also concerned at the fact that the Slovak legislation and practice did not explicitly penalize sexual exploitation of children. CRC was further concerned that despite its legal prohibition, child prostitution remains a problem in Roma settlements with the worst living conditions. It recommended that Slovakia take adequate legislative measures to ensure the explicit prohibition of sexual exploitation and abuse of children under criminal law; ensure that child victims are not criminalized or penalized; implement appropriate policies and programmes for the prevention, recovery and social reintegration of child victims; and carry out gender awareness-raising campaigns to combat sexual exploitation.⁴⁷

21. Both the HR Committee⁴⁸ and CESCR⁴⁹ expressed concerns about sexual exploitation and trafficking. The HR Committee noted, *inter alia*, that Slovakia should strengthen programmes aimed at providing assistance to women in difficult circumstances, particularly those coming from other countries and who are brought into its territory for the purpose of prostitution.⁵⁰ CESCR urged Slovakia to adopt effective measures, including through regional cooperation, to combat trafficking in women and to adopt preventive programmes to combat the sexual exploitation of women, adolescents and children.⁵¹

22. CRC noted the Government's efforts to implement and enforce the Labour Code and policies to protect children from exploitation in the workplace. However, CRC was concerned about reports indicating that such practices still occur and that child labour, primarily in the form of begging, was a problem in some communities. It urged Slovakia to intensify its efforts to implement and enforce laws and policies protecting children from economic exploitation, including child labour and begging.⁵²

3. Administration of justice and the rule of law

23. In 2003, the HR Committee was concerned about the persistent allegations of police harassment and ill-treatment during police investigations, particularly of the Roma minority.⁵³ In 2001, CAT expressed concern about allegations that law enforcement officials had ill-treated detainees during detention and in police custody, particularly in lock-ups and police cells.⁵⁴ It

also expressed concern at the failure on the part of the authorities to carry out prompt, impartial and thorough investigations and to punish those responsible.⁵⁵ The HR Committee recommended that Slovakia take measures to eradicate all forms of police harassment and ill-treatment of Roma during police investigations, including prompt investigations, prosecutions of perpetrators and the provision of effective remedies to the victims.⁵⁶

24. CRC urged Slovakia to ensure that juvenile justice standards are fully implemented. In particular, it recommended that Slovakia take all necessary measures to ensure that children are held in detention only as a last resort and for as short a time as possible, and that such detention is in compliance with the law and respects the rights of the child; ensure regular review of detention; set up a programme to train specialized judges for children; and take all necessary measures to ensure that children are not ill-treated in detention and their rights not violated, and that cases involving juveniles are promptly brought to trial.⁵⁷

4. Right to privacy, marriage and family life

25. CEDAW was concerned that, as a result of the rising number of divorces, the number of single mothers had significantly increased in Slovakia. It was further concerned that the current legislative framework did not adequately provide for an equal distribution of marital property upon divorce. CEDAW called upon Slovakia to adopt legislative measures that would ensure a fair sharing between spouses of all assets acquired by either or both partners during marriage.⁵⁸

26. CRC noted with concern that the Family Act allowed a parent who is a minor to act before the court in cases of paternity determination only upon consent of the minor's parents. It urged Slovakia to modify the provisions of the Family Act in order to allow a minor parent to bring a motion before the court regarding the determination of paternity, without the necessity for parental consent.⁵⁹

27. CRC urged Slovakia to reform the incubator programme, which gives parents the possibility to abandon their new born children in incubators outside hospitals, in order to provide families with psychosocial and economic support to avoid the separation of children from their families. It recommended that Slovakia take measures to ensure that material poverty alone is not used as a justification for the separation of a child from his/her family.⁶⁰ Furthermore, CRC noted with concern the difficulties in finding foster or adoptive families for children of Roma origin within Slovakia. It recommended that Slovakia establish programmes to reduce misconceptions related to the adoption of Roma children.⁶¹

5. Freedom of religion, expression and right to participate in public and political life

28. The Special Rapporteur on the right to freedom of opinion and expression expressed concern at a draft of the Criminal Code presented to the Slovak Parliament in 2005. The Special Rapporteur remained concerned about the possibility of imprisonment for defamation and reiterated the principle that States should not resort to criminal law and punishments for media related offences which should preferably be dealt with under civil law.⁶²

29. In 2004, the Special Representative of the Secretary-General on the situation human rights defenders sent communications regarding the alleged criminal prosecution of human rights defenders for their report denouncing involuntary and forced sterilization of Roma women in Slovakia. The Special Representative urged the Government to take appropriate measures to ensure that the right to freedom of expression is protected in the future and that human rights

defenders are not deterred from carrying out independent research and publish results.⁶³ In 2001, CAT recommended that Slovakia protect human rights defenders from harassment and threats.⁶⁴

30. CEDAW was concerned that women are underrepresented in decision-making and political bodies and in public life, including academia, and at the lack of understanding by Slovakia of the importance of equal participation of women and men at all levels of decision-making. It encouraged Slovakia to take sustained measures, including temporary special measures, and to accelerate the increase in the representation of women in elected and appointed bodies in all areas of political and public life, and at all levels, and to monitor their achievement. CEDAW also recommended efforts to increase the number of women in appointed decision-making positions in public administration.⁶⁵

6. Right to work and to just and favourable conditions of work

31. In 2008, the ILO Committee of Experts noted the Government's statement that an amended version of section 119(3) of the Labour Code will guarantee "equal wage of men and women for equal work or for work of equal value". It noted also that the new Labour Code has been promulgated and came into force in September 2007 and expressed hope that the new Labour Code will now fully reflect the principle of the ILO Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value.⁶⁶ The Committee noted that data show that a significant gap between women's and men's wages still exists.⁶⁷

32. CEDAW expressed particular concern at the highly segregated labour market, the wide gap in pay between women and men, and the difficulties women experience in reconciling work and family life. It recommended that efforts be strengthened to eliminate occupational segregation, to adopt measures to narrow and close the wage gap by enacting equal pay for work of equal value legislation, and to fully sensitize men to their equal participation in family tasks and responsibilities.⁶⁸

33. CESCR also urged Slovakia to ensure that the minimum wage enables all workers to secure a decent standard of living, and to effectively implement measures to ensure equal pay for work of equal value, and to reduce the wage gap between men and women.⁶⁹

34. CERD was alarmed by de facto discrimination against Roma as well as by the very high rate of unemployment among members of the Roma community. It recommended that the legislation prohibiting discrimination in employment and all discriminatory practices in the labour market be fully implemented in practice and that further measures be taken to reduce unemployment among the Roma community.⁷⁰

7. Right to social security and to an adequate standard of living

35. CRC noted with appreciation that measures have been adopted to improve the living conditions of Roma children living in segregated Roma settlements, and that funds have been allocated to municipalities to build centres of personal hygiene and laundry rooms. It remained concerned, however, that some Roma communities live in substandard, racially segregated slum settlements. CRC recommended that Slovakia take all necessary measures to ensure that all communities, including Roma communities, are given equal access to adequate housing, sanitation and infrastructure, are protected from environmental hazards, and given access to clean air, land and water.⁷¹

36. CERD was also concerned about the isolation of the Roma community in ghetto-like neighbourhoods and their critical situation in respect of housing conditions. It recommended that Slovakia effectively implement policies and projects aimed at avoiding segregation of Roma communities in housing and involve Roma communities and associations as partners in housing construction, rehabilitation and maintenance projects.⁷²

37. The Special Rapporteur on the question of torture and the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living transmitted allegations in 2004 concerning forced eviction, attacks of violence and intimidation by local public officials to Roma families.⁷³ The Government informed that on the basis of criminal complaints filed by the victims and in one case also on the initiative of the police, a number of criminal cases have been commenced.⁷⁴ However, following the eviction, the members of the Roma community tried to relocate. Reportedly, they have been denied housing and adequate living conditions meeting the most fundamental international standards.⁷⁵ CERD has also found violations in cases brought to it against Slovakia.⁷⁶ Violations related to discrimination against Roma regarding the freedom of movement and residence and the provision of low-cost housing. Slovakia has provided several responses on these cases and the dialogue with CERD remains open.

38. A 2005 UNFPA report informed that Slovakia passed laws on access to voluntary family planning and guaranteed the right to informed consent regarding surgical contraception.⁷⁷ While noting the measures taken to facilitate women's access to health care, CEDAW, in 2008, was deeply concerned about the insufficient regulation of the exercise of conscientious objection by health professionals with regard to sexual and reproductive health. CEDAW was also concerned at the persisting high rate of abortion and also at the difficulties women belonging to vulnerable communities experience in accessing health care due to the cost of related services.⁷⁸ CEDAW recommended that Slovakia adequately regulate the invocation of conscientious objection by health professionals so as to ensure that women's access to health and reproductive health is not limited. CEDAW urged Slovakia to take measures to increase the access of women and adolescent girls to affordable health-care services, including reproductive health care, and to increase access to information and affordable means of family planning. CEDAW further recommended that the Government fully implement a life-cycle approach to women's health.⁷⁹

39. CRC recommended that Slovakia increase considerably both human and financial resources to develop an effective infrastructure of mental health services for children and families at risk. It also recommended that Slovakia take all necessary measures to improve access to health services by the Roma population. Slovakia should also take the necessary steps to end segregation in hospital facilities and to raise awareness of the population about the necessity and benefits of immunization of children.⁸⁰ It also urged Slovakia to take measures to decrease the overall rate of HIV/AIDS infection in its territory.⁸¹

40. CERD was also alarmed at the critical health situation of some Roma communities and recommended that Slovakia continue to implement programmes and projects in the field of health for Roma, bearing in mind their disadvantaged situation resulting from extreme poverty and low levels of education. To this end, it encouraged Slovakia to take further measures to address the issues of drinking water supplies and sewage disposal systems in Roma settlements.⁸²

8. Right to education and to participate in the cultural life of the community

41. A 2007 UNDP report informed that 35 per cent of all members of the Roma population above school age had not finished their primary education.⁸³ A 2006 UNDP report indicated that less than 5 per cent of the Roma complete secondary school.⁸⁴ CRC recommended that Slovakia, inter alia, take all necessary measures to ensure that children, particularly Roma children, have equal opportunities for access to schools, including the possibility to receive education in their mother tongue; and to take steps to ensure that the educational curriculum and teaching material take into account the culture and history of children belonging to different minority groups, particularly the Roma.⁸⁵

9. Minorities and indigenous peoples

42. CRC urged Slovakia to recognize the rights of persons, including children, belonging to minority groups and to consider adopting a comprehensive legal act providing protection of the rights of such persons. It urged Slovakia to ensure that children belonging to minority groups have equal access to education, health and other services.⁸⁶

43. In 2004, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance sent a communication concerning the statement made by the Head of the European Commission delegation to Slovakia on the occasion of the enlargement of the European Union, proposing the forced separation of Roma children from their parents to solve the “Roma problem” and suggesting to offer parents a financial incentive to overcome their resistance. The Government has not replied to this communication.⁸⁷

44. CEDAW remained concerned at information received in respect of Roma women who report to have been sterilized without prior and informed consent. It recommended that Slovakia monitor public and private health centres, including hospitals and clinics, so as to ensure that the patient is able to provide fully informed consent before any sterilization procedure is carried out, with appropriate sanctions being available and implemented in the event of a breach. CEDAW further recommended that Slovakia ensure that the complaints filed by Roma women on grounds of coerced sterilization are duly acknowledged and that victims of such practices are granted effective remedies.⁸⁸ CERD and the HR Committee also expressed concern on this issue.⁸⁹

45. The Special Rapporteur on contemporary forms of racism, the Special Rapporteur on violence against women and the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health were also concerned with regard to Roma women who had been subjected to forced sterilization.⁹⁰ The Special Rapporteur on contemporary forms of racism acknowledged the response of the Government which stated that action has been taken on this matter but drew the attention of the Government to the urgency of the need to further develop strict and enforced policies concerning sterilization of women.⁹¹

46. CERD continued to express concern at de facto segregation of Roma children in special schools, including special remedial classes for mentally disabled children.⁹² It recommended that Slovakia prevent and avoid the segregation of Roma children, while keeping open the possibility of bilingual or mother-tongue education. It further recommended that Slovakia intensify its efforts to raise the level of achievement in school by Roma children, recruit additional school personnel from among members of Roma communities and promote intercultural education.⁹³

47. HR Committee noted that Slovakia should 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.⁹⁴

10. Migrants, refugees and asylum-seekers

48. In 2007, the Special Rapporteur on the question of torture in his summary of information, including individual cases, transmitted to Governments and replies received, included the case of the detention of a foreign national seeking asylum in Slovakia and the decision of the authorities to deport him to his country where he is wanted as a terrorist suspect. The Government sent an initial response indicating that the case was being considered by an independent court.⁹⁵

49. A 2004 UNHCR report noted that Slovakia registered a remarkable increase, in asylum applications (88 per cent), from over 3,300 applicants in 2003 to some 6,300 in 2004.⁹⁶

III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS

50. A 2006 UNDP report noted that Slovakia has yet to fully come to terms with the challenges of integrating Roma minorities, and that the overwhelming majority of Roma households in Slovakia (85 per cent) live below the national income poverty line.⁹⁷ According to data of a 2002 UNDP/ ILO survey, the percentage of Roma dwellings without running water varied from 32 to 34 per cent. The proportion of Roma households lacking sewage treatment facilities was 46 per cent.⁹⁸ UNDP also noted that Slovakia has declared addressing Roma development challenges as a priority policy concern.⁹⁹

IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS

A. Pledges by the State

51. In 2008, Slovakia pledged inter alia to fully cooperate with the Human Rights Council and its bodies, as well as with OHCHR and the United Nations treaty bodies. It committed to further develop its institutional framework and specific national policies focused on the protection of human rights and fundamental freedoms; continue implementing its Action Plan for the Prevention of All Forms of Discrimination, Racism, Xenophobia and Intolerance in order to prevent discrimination in all forms; strengthen the institutional and actual protection of the rights of children and women; and to build effective mechanisms to prevent and suppress human trafficking. Furthermore, it also committed to increase the volume of its official development assistance provided to priority countries, and support activities of independent institutions, in particular the Public Defender of Rights and the National Centre for Human Rights.¹⁰⁰

B. Specific recommendations for follow-up

52. CEDAW requested Slovakia to provide, within one year, written information on the steps taken to implement the recommendations regarding sterilization of women and reproductive health.¹⁰¹ The follow-up report to CEDAW is due in 2009.

53. In 2003, HR Committee requested Slovakia to provide within one year relevant information on the implementation of the Committee's recommendations regarding police harassment and ill-treatment during police investigations, forced or coerced sterilization, results

of policies adopted to eradicate discrimination and to combat racial violence and incitement.¹⁰² The follow-up report to HR Committee, due in 2004, has not been received.

V. CAPACITY-BUILDING AND TECHNICAL ASSISTANCE

54. CRC recommended that Slovakia seek further cooperation with OHCHR, UNICEF and the World Health Organization (WHO) regarding violence against children,¹⁰³ with UNICEF and WHO regarding access to health services,¹⁰⁴ and the United Nations Interagency Panel on Juvenile Justice to ensure that juvenile justice standards are fully implemented.¹⁰⁵

55. A 2008 UNHCR report noted that a tripartite agreement on border monitoring was signed between the Office of the Aliens and Border Police of the Ministry of the Interior, UNHCR and the Human Rights League which created a framework for coordination to support access to the territory and asylum procedures.¹⁰⁶

Notes

¹ Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 2006* (ST/LEG/SER.E.25), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>.

In a letter dated 19 May 1993 and also accompanied by a list of multilateral treaties deposited with the Secretary-General, received by the Secretary-General on 28 May 1993, the Government of the Slovak Republic notified that: "In accordance with the relevant principles and rules of international law and to the extent defined by it, the Slovak Republic, as a successor State, born from the dissolution of the Czech and Slovak Federal Republic, considers itself bound, as of January 1, 1993, i.e., the date on which the Slovak Republic assumed responsibility for its international relations, by multilateral treaties to which the Czech and Slovak Federal Republic was a party as of 31 December 1992, including reservations and declarations made earlier by Czechoslovakia, as well as objections by Czechoslovakia to reservations formulated by other treaty-parties."

² The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to Convention on the Rights of Persons with Disabilities
CED	International Convention for the Protection of All Persons from Enforced Disappearance

³ Declaration: [The Czech and Slovak Federal Republic] recognizes the competence of the Human Rights Committee established on the basis of article 28 of the Covenant.

⁴ Declaration: Czechoslovakia signed and ratified the Convention on 30 September 1990 and 7 January 1991, respectively, with the following declaration in respect of article 7 (1): "In cases of irrevocable adoptions, which are based on the principle of anonymity of such adoptions, and of artificial fertilization, where the physician charged with the operation is required to ensure that the husband and wife on one hand and the donor on the other hand remain unknown to each other, the non-communication of a natural parent's name or natural parents' names to the child is not in contradiction with this provision."

⁵ Declaration: "the Slovak Republic declares that according to its legislation, the minimum age at which voluntary recruitment into its national armed forces is permitted, is regulated by Act No. 570/2005 on the Conscription Obligation and on Amendment of certain Acts section 6, which stipulates that a person can voluntarily accept the conscription obligation as of 1st January of the calendar year in which he/she reaches the age of 19 years; and Act No. 346/2005 on the State Service of the Professional Soldiers of the Armed Forces of the Slovak Republic and on Amendment of certain Acts section 13, which stipulates reaching the age of 18 years as the requirement for admission to the state service of the professional soldier. The fact, that the recruitment can be performed exclusively on the basis of a law in accordance with the Constitution of the Slovak Republic, is the sufficient safeguard to ensure that such recruitment is not forced or coerced."

⁶ Adopted by the General Assembly in its resolution 63/117 of 10 December 2008, in which the General Assembly recommended that a signing ceremony be organized in 2009. Article 17, para. 1, of OP-ICESCR states that "The present Protocol is open for signature by any State that has signed, ratified or acceded to the Covenant".

⁷ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

⁸ 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

⁹ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Convention relative to the Treatment of Prisoners of War (Third Convention); Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.

¹⁰ International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour, Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize; Convention No. 98 concerning the Application of the Principles of the Right to Organize and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

¹¹ CEDAW/C/SVK/CO/4, para. 39

¹² CRC/C/SVK/CO/2, para. 48 (e)

¹³ Pledges and commitments undertaken by Slovakia before the Human Rights Council, as contained in the letter dated 4 March 2008 sent by the Permanent Mission of Slovakia to the United Nations addressed to the President of the General Assembly (A/62/747).

¹⁴ A/56/44, para. 102 (d)

¹⁵ E/C.12/1/Add.81, para. 4

¹⁶ CERD/C/65/CO/7, para. 4 (a)

¹⁷ For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/10/55, annex I.

¹⁸ CRC/C/SVK/CO/2, paras. 15 and 16.

¹⁹ CEDAW/C/SVK/CO/4, paras. 14 and 15.

²⁰ Ibid., para. 6.

²¹ Ibid., para. 17.

²² CRC/C/SVK/CO/2, para. 14.

²³ ILO, Committee of Experts on the Application of Convention and Recommendations, ILOLEX Doc. No. 062008SVK111, para. 3.

²⁴ The following abbreviations have been used for this document:

CERD	Committee on the Elimination of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights
HR Committee	Human Rights Committee
CEDAW	Committee on the Elimination of Discrimination against Women
CAT	Committee against Torture
CRC	Committee on the Rights of the Child

²⁵ E/CN.4/2001/65/Add.3.

²⁶ The questionnaires included in this section are those which have been reflected in an official report by a special procedure mandate holder.

²⁷ See (a) report of the Special Rapporteur on the right to education (A/HRC/4/29), questionnaire on the right to education of persons with disabilities sent in 2006; (b) report of the Special Rapporteur on the human rights of migrants (A/HRC/4/24), questionnaire on the impact of certain laws and administrative measures on migrants sent in 2006; (c) report of the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/4/23), questionnaire on issues related to forced marriages and trafficking in persons sent in 2006; (d) report of the Special Representative of the Secretary-General on human rights defenders (E/CN.4/2006/95 and Add.5), questionnaire on the implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms sent in June 2005; (e) report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (A/HRC/6/15), questionnaire on the human rights of indigenous people sent in August 2007; (f) report of the Special Rapporteur on trafficking in persons, especially in women and children (E/CN.4/2006/62) and the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2006/67), joint questionnaire on the relationship between trafficking and the demand for commercial sexual exploitation sent in July 2005; (g) report of the Special Rapporteur on the right to education (E/CN.4/2006/45), questionnaire on the right to education for girls sent in 2005; (h) report of the Working Group on mercenaries (A/61/341), questionnaire concerning its mandate and activities sent in November 2005; (i) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/4/31), questionnaire on the sale of children's organs sent on July 2006; (j) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2005/78), questionnaire on child pornography on the Internet sent in July 2004; (k) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/7/8), questionnaire on assistance and rehabilitation programmes for child victims of sexual exploitation sent in July 2007; (l) report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises (A/HRC/4/35/Add.3), questionnaire on human rights policies and management practices; (m) report of the Special Rapporteur on the right to education (A/HRC/8/10), questionnaire on the right to education in emergency situations sent in 2007.

²⁸ Questionnaire on the implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (E/CN.4/2006/95 and Add.5) sent in June 2005, and questionnaire on assistance and rehabilitation programmes for child victims of sexual exploitation (A/HRC/7/8), sent in July 2007.

²⁹ CEDAW/C/SVK/CO/4, para. 8.

³⁰ Ibid., paras. 22 and 23.

- ³¹ CERD/C/65/CO/7, para. 6.
- ³² ILO, Committee of Experts on the Application of Convention and Recommendations, op.cit., para. 3.
- ³³ CCPR/CO/78/SVK, para. 16.
- ³⁴ CERD/C/65/CO/7, paras. 5 and 6.
- ³⁵ CCPR/CO/78/SVK, para. 17.
- ³⁶ CRC/C/SVK/CO/2, paras. 27 and 28.
- ³⁷ ILO, Committee of Experts on the Application of Convention and Recommendations, ILOLEX Doc. No. 092008SVK111, para. 1.
- ³⁸ CRC/C/SVK/CO/2, paras. 34 and 35.
- ³⁹ CERD/C/65/CO/7, para. 7.
- ⁴⁰ Ibid., para. 7.
- ⁴¹ CEDAW/C/SVK/CO/4, paras. 20 and 21.
- ⁴² CCPR/CO/78/SVK, para. 9.
- ⁴³ CRC/C/SVK/CO/2, paras 38 and 39.
- ⁴⁴ CEDAW/C/SVK/CO/4, para. 20.
- ⁴⁵ CRC/C/SVK/CO/2, paras 36 and 37.
- ⁴⁶ CCPR/CO/78/SVK, para. 13.
- ⁴⁷ CRC/C/SVK/CO/2, paras. 63 and 64.
- ⁴⁸ CCPR/CO/78/SVK, para. 10.
- ⁴⁹ E/C.12/1/Add.81, paras. 16 and 30.
- ⁵⁰ CCPR/CO/78/SVK, para. 10.
- ⁵¹ E/C.12/1/Add.81, paras. 16 and 30.
- ⁵² CRC/C/SVK/CO/2, paras. 61 and 62.
- ⁵³ CCPR/CO/78/SVK, para. 11.
- ⁵⁴ A/56/44, para. 104 (e).
- ⁵⁵ Ibid., para. 104 (d).
- ⁵⁶ CCPR/CO/78/SVK, para. 11.
- ⁵⁷ CRC/C/SVK/CO/2, paras. 67 and 68.
- ⁵⁸ CEDAW/C/SVK/CO/4, paras. 32 and 33.
- ⁵⁹ CRC/C/SVK/CO/2, paras. 25 and 26.
- ⁶⁰ Ibid., paras. 41 and 42.
- ⁶¹ Ibid., paras. 45 and 46.
- ⁶² E/CN.4/2006/55/Add.1, paras. 891-893.
- ⁶³ E/CN.4/2006/95/Add.5, paras. 1464 -1466.
- ⁶⁴ A/56/44, paras. 104 (f) (g) and 105 (e) (h).
- ⁶⁵ CEDAW/C/SVK/CO/4, paras. 38-39.
- ⁶⁶ ILO, Committee of Experts on the Application of Convention and Recommendations, ILOLEX Doc. No. 062008SVK100, para. 1.
- ⁶⁷ Ibid., para. 2.

⁶⁸ CEDAW/C/SVK/CO/4, paras. 26 and 27.

⁶⁹ E/C.12/1/Add.81, paras. 25 - 26.

⁷⁰ CERD/C/65/CO/7, para. 9.

⁷¹ CRC/C/SVK/CO/2, paras. 55 – 56.

⁷² CERD/C/65/CO/7, para. 10.

⁷³ E/CN.4/2005/62/Add.1, para. 1462, and E/CN.4/2005/48/Add.1, paras. 31 – 33.

⁷⁴ E/CN.4/2006/6/Add.1, para. 411.

⁷⁵ E/CN.4/2005/48/Add.1, para. 32.

⁷⁶ Communication No. 13/1998, Anna Koptova, Opinion adopted on 8 August 2000, and Communication No. 31/2003, L.R. et al., Opinion adopted on 7 March 2005.

⁷⁷ UNFPA, State of the World Population Report 2005, p. 25, available at http://www.unfpa.org/upload/lib_pub_file/493_filename_en_swp05.pdf.

⁷⁸ CEDAW/C/SVK/CO/4, paras. 28.

⁷⁹ Ibid., para. 29.

⁸⁰ CRC/C/SVK/CO/2, paras. 49 – 50.

⁸¹ Ibid., paras. 53 – 54.

⁸² CERD/C/65/CO/7, para. 11.

⁸³ UNDP, *Report on the living conditions of Roma in Slovakia*, Bratislava, 2007, p.62, available at <http://europeandcis.undp.org/home/show/2A5FACD7-F203-1EE9-B9D24B3ABF4BE773>.

⁸⁴ UNDP, *Europe and the CIS Regional MDG Report*, Bratislava, 2006, p. 28, available at <http://europeandcis.undp.org/home/show/EAB43C00-F203-1EE9-B6945B73B400C40F>.

⁸⁵ CRC/C/SVK/CO/2, paras. 57 and 58.

⁸⁶ Ibid., paras. 59 and 60.

⁸⁷ E/CN.4/2005/18/Add.1, paras. 48 and 50.

⁸⁸ CEDAW/C/SVK/CO/4, paras. 30 and 31.

⁸⁹ CERD/C/65/CO/7, para. 12; CCPR/CO/78/SVK, para. 12.

⁹⁰ E/CN.4/2005/51/Add.1, paras. 60-61 and E/CN.4/2005/18/Add.1, para. 45.

⁹¹ E/CN.4/2005/18/Add.1, para. 49.

⁹² CERD had expressed similar concerns in its previous concluding observations (see CERD/C/65/CO/7, para 11).

⁹³ CERD/C/65/CO/7, para. 8.

⁹⁴ CCPR/CO/78/SVK, para. 16.

⁹⁵ A/HRC/7/3/Add.1, para. 200.

⁹⁶ UNHCR, *Global Appeal Report 2005, Strategies and Programmes*, p. 288, available at: <http://www.unhcr.org/static/publ/ga2005/ga2005toc.htm>.

⁹⁷ UNDP, *Europe and the CIS Regional MDG Report*, op. cit., pp. 10 and 30.

⁹⁸ Ibid., p. 27.

⁹⁹ UNDP, *At Risk: Roma and the Displaced in Southeast Europe*, Bratislava, 2006, p. 2, available at: http://europeandcis.undp.org/uploads/public/File/rbec_web/vgr/vuln_rep_all.pdf

¹⁰⁰ Pledges and commitments undertaken by Slovakia before the Human Rights Council, op.cit.

¹⁰¹ CEDAW/C/SVK/CO/4, para. 41.

¹⁰² CCPR/CO/78/SVK, para. 21.

¹⁰³ CRC/C/SVK/CO/2, para. 40.

¹⁰⁴ Ibid., para. 50.

¹⁰⁵ Ibid., para. 68.

¹⁰⁶ UNHCR, *Global Report 2007*, p. 425, available at: <http://www.unhcr.org/gr07/index.html>.
