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### **Summary prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21**

#### **Slovakia\***

The present report is a summary of 10 stakeholders' submissions<sup>1</sup> to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. 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), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. As provided for in Resolution 16/21 of the Human Rights Council, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

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\* The present document was not edited before being sent to United Nations translation services.

## **Information provided by other stakeholders**

### **A. Background and framework**

#### **Institutional and human rights infrastructure and policy measures**

1. In 2009, the European Commission against Racism and Intolerance of the Council of Europe (CoE-ECRI) recommended that the authorities strengthen the role of the Slovak National Centre for Human Rights as an anti-discrimination body by ensuring that: it is perceived as being fully independent in practice; it has the power to represent victims of racial discrimination in court; and it receives sufficient human and financial resources. As to the implementation of this recommendation CoE-ECRI, in 2012, noted that there was still no specialised body for combating racism and racial discrimination, and that, that its recommendation had not been implemented.<sup>2</sup>

2. The Commissioner for Human Rights of the Council of Europe (CoE-Commissioner) noted that so far the authorities had neither established independent mechanisms to promote and monitor the implementation of the CRPD nor a focal point nor co-ordination mechanism for matters relating to the implementation of the CRPD, as required respectively by Article 33.2 and 33.1 of the Convention.<sup>3</sup> European Union Agency for Fundamental Rights (EU-FRA) noted that Slovakia has been in the process of establishing such monitoring mechanism.<sup>4</sup>

3. The European Roma Rights Centre (ERRC) stated that the Government adopted the “Strategy of the Slovak Republic for the Integration of Roma until 2020” in January 2012. However, the new Government, which was elected in April 2012, decided not to implement the existing strategy. Instead it prepared the “Roma Reform Programme - The Right Way”. Although the measures were called the “Roma Reform”, its authors referred to the target group as to “socially inadaptable citizens”.<sup>5</sup>

### **B. Cooperation with human rights mechanisms**

N/A

### **C. Implementation of international human rights obligations**

#### **1. Equality and non-discrimination**

4. ERRC stated that the 2013 amendment of the Anti-Discrimination Act broadened the definition of indirect discrimination and covered not only seemingly neutral laws, decisions and practices, which disadvantage a person compared to another but also those which “potentially disadvantage”. Furthermore, the main feature of the new amendment was the reintroduction of temporary compensatory (positive) measures with the aim to eradicate disadvantages originating from one’s racial, national or ethnic background, gender and health disability in order to secure equality. However, ERRC stated that the protection of equal treatment in the field of housing was not sufficiently formulated.<sup>6</sup>

5. CoE-Commissioner noted that the Anti-Discrimination Act was reported to remain largely under-implemented due to several factors, including the limited role played so far by the Slovak National Centre for Human Rights, which was mandated inter alia to assist in the implementation of the Act.<sup>7</sup>

6. CoE-Commissioner encouraged Slovakia to ensure that an adequate legal and institutional framework is in place to challenge racial discrimination, including against Roma. He noted that it is particularly important to ensure that an independent and adequately resourced equality body is entrusted with assisting the implementation of the anti-discrimination legislation.<sup>8</sup>

7. CoE-Commissioner stated that many of the members of the Roma remained caught in a spiral of exclusion and discrimination that affected their daily lives across a range of areas, from housing to education, employment and personal safety to name just a few.<sup>9</sup> The Committee of Ministers of the Council of Europe (CoE-CM) further noted that the Roma were also affected to a much greater extent than the rest of the population by poverty and social exclusion.<sup>10</sup>

8. CoE-CM stated that negative attitudes and prejudice against persons belonging to national minorities, in particular the Roma, persisted. Hostile discourse by some politicians continued to be reported.<sup>11</sup> CoE-Commissioner made similar observations.<sup>12</sup>

9. The Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (OSCE/ODIHR) stated that the 2010 Parliamentary Elections campaign was marked by inflammatory and offensive language using ethnic stereotypes. It noted with regret that election campaigning by some parties contained intolerant rhetoric, exploiting negative stereotypes about minorities.<sup>13</sup>

10. CoE-Commissioner stated that anti-Gypsyism often surfaced in the broadcasting and print media, with newspapers being reported for instance to regularly stereotype Roma as people who refused to work or pay rent, steal and were violent.<sup>14</sup>

11. As noted by CoE, CoE-CM recommended that Slovakia take more resolute measures to combat intolerance based on ethnic origin and take further steps to promote mutual understanding and respect between persons belonging to various groups; increase efforts to fight against and effectively sanction discrimination and take resolute steps to design and implement positive measures, accompanied by adequate awareness-raising.<sup>15</sup>

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

12. CoE referred to the findings of the visit of the Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CoE-CPT) indicating that there had been an improvement in the treatment of persons deprived of their liberty by law enforcement officials, as compared to the situation found during previous visits to Slovakia by the CoE-CPT. However, the delegation received several allegations of physical ill-treatment of detained persons by police officers, which concerned mainly excessive use of force during apprehension. In this respect, CoE-CPT recommended that the authorities improve the effectiveness and independence of such investigations.<sup>16</sup>

13. ERRC noted a growing number of violent verbal and physical attacks against the members of the Roma. In many cases, there had been no successful prosecutions of offenders. It referred to the monitored incidents, including 19 violent attacks, including the police violence against Roma since May 2009. It noted that the monitored incidents were, however, a minimum number as most of the hate crimes went unreported and that official data were not collected.<sup>17</sup> CoE-Commissioner found it paramount that the authorities consistently and unequivocally state publicly that attacks against Roma and other minorities are not acceptable whenever an incident occurs.<sup>18</sup>

14. CoE-Commissioner stated that instances of police misconduct vis-à-vis Roma continued to be reported. He noted that mistrust towards the police was reported to be rather high amongst the Roma.<sup>19</sup> ERRC referred to a number of raids that were carried out by the police in Roma settlements in 2012 and 2013. It highlighted that: allegedly no arrest

warrants or search warrants were shown and the police entered houses situated in settlements and searched them; and some residents were physically and verbally abused. ERRC also referred to the case of murder of three members of the Roma minority by an off-duty police officer in 2012.<sup>20</sup> ERRC recommended that Slovakia strengthen its efforts to combat racist attacks committed by law enforcement personnel, particularly against the Roma.<sup>21</sup>

15. As noted by CoE, the European Social Charter (CoE-ESC) concluded that not all forms of corporal punishment of children were explicitly prohibited in the home.<sup>22</sup> The Global Initiative to End All Corporal Punishment of Children (GIECPC) stated that despite the Government's acceptance of the recommendation made during the 2009 review, legislation did not prohibit corporal punishment of children in the home.<sup>23</sup>

16. The Joint Submission (JS) 3 stated that the adoption of the Programme of Support and Protection of Victims of Trafficking in Human Beings was an important achievement and that among main goals of the Programme was successful re-integration of victims. JS3 noted, however, that according to this Programme, only those victims who took part in the Programme could receive assistance from NGOs. JS3 recommended that Slovakia ensure that the assistance is provided to all victims of human trafficking and that those victims who do not want to enter the Programme must be offered an alternative way of getting services from NGOs.<sup>24</sup>

17. The Group of Experts on Action against Trafficking in Human Beings of the Council of Europe (CoE-GRETA) considered that the authorities should step up their efforts to reintegrate victims of human trafficking into society. In particular, the authorities should devise specific programmes aiming at the reintegration of victims of human trafficking into the labour market and/or education system and be able to verify the results of these programmes.<sup>25</sup> JS3 made similar observations.<sup>26</sup>

18. Furthermore, CoE-GRETA considered that more systematic and robust economic, social and educational measures should be taken by the authorities vis-à-vis groups vulnerable to human trafficking based on the identified structural causes of human trafficking (economic and social conditions, poverty, inadequate education, absence of employment opportunities, etc.) and should consist of actions aiming to eliminate these causes.<sup>27</sup>

19. CoE-GRETA urged the authorities to ensure that the identification of victims of human trafficking be improved, in particular by setting up a coherent national mechanism for the identification and referral of victims of human trafficking.<sup>28</sup> JS3 recommended that Slovakia ensure close cooperation between the police and NGOs providing assistance to victims for more efficient identification of victims.<sup>29</sup>

### **3. Administration of justice, including impunity, and the rule of law**

20. CoE-CPT called upon Slovakia to ensure that the right of access to a lawyer is fully effective in practice as from the very outset of the deprivation of liberty. It also recommended that further efforts be made to ensure that the system of legal aid for persons in police custody operates effectively.<sup>30</sup>

21. CoE-CPT recommended that Slovakia ensure that the right of all detained persons to notify a third party of their choice as from the outset of the deprivation of liberty is recognised in law and applied in practice. Any exceptions to this right should be clearly defined and strictly limited in time and be accompanied by appropriate safeguards.<sup>31</sup>

22. CoE-CPT stated that detained persons did not have a right of access to a doctor, let alone a doctor of his/her own choice, from the outset of deprivation of liberty, despite CPT's previous recommendations. It called upon Slovakia to introduce without further

delay a right of access to a doctor, including to one of the detained person's own choice, from the outset of the deprivation of liberty; and that the exercise of this right should not be subject to any filtering by a police officer.<sup>32</sup>

23. By expressing concerns relating to the use of dogs and strip-searches in prisons, CoE-CPT recommended that Slovakia put an immediate stop to the practice of collective strip searches and ensure that any resort to strip searching of prisoners is based on an individual assessment and is carried out in such a way as to respect, as far as possible, the dignity of the prisoners concerned. Moreover, dogs should no longer be used for routine prison duties involving inmates, nor should they be employed when prisoners are strip-searched, concluded CoE-CPT.<sup>33</sup>

24. ERRC recommended that Slovakia investigate and prosecute all perpetrators of violence and hate crimes against Roma.<sup>34</sup> Furthermore, it recommended that Slovakia amend the Criminal Code to make punishments for racially motivated crimes committed by police officers more severe and ensure proper investigation and prosecution of alleged unlawful police actions with a racial motive.<sup>35</sup> CoE-Commissioner made similar recommendations.<sup>36</sup>

25. CoE-GRETA stated that the authorities should take legislative and practical measures to ensure that compensation is made available to all victims of human trafficking, irrespective of their nationality and residence status.<sup>37</sup>

#### **4. Right to privacy, marriage and family life**

26. CoE-Commissioner was concerned at the disproportionate representation of Roma children among children placed in institutional care. According to legislation, poverty and material conditions cannot serve as grounds for the removal of children from their families. He noted, however, that those grounds were reported to be the most common reason for child removal. CoE-Commissioner called on Slovakia to ensure that no child is placed in institutional care solely on grounds relating to the poor housing conditions or financial situation of his or her family.<sup>38</sup>

#### **5. Freedom of peaceful assembly, and right to participate in public and political life**

27. OSCE/ODIHR stated that the Law on the Right to Assembly provided that the organizer of a public assembly must ensure the presence of the necessary number of stewards. It appeared that, in relation to the 2010 Pride event, this provision might have been interpreted as shifting the duty to protect the assembly from the State to the organizers. OSCE/ODIHR recommended that Slovakia ensure that a requirement to have assembly stewards present during a gathering, is only imposed on a case-by-case basis, when justified by the size or nature of the assembly and that the role of assembly stewards, in law and in practice, is clearly defined as the role of facilitators assisting organizers in managing events. It stated that assembly stewards should not be tasked with government functions that directly pertain to the maintenance of public order during assemblies.<sup>39</sup>

28. Furthermore, OSCE/ODIHR recommended that the authorities protect the safety and security of all assembly participants, demonstrators and counter-demonstrators alike and ensure that members of minority and vulnerable groups, in exercising their freedom of peaceful assembly without State interference, are also protected against violent attacks.<sup>40</sup>

29. OSCE/ODIHR noted that the National Gender Equality Strategy for the period 2009-2013 aimed to incorporate the gender aspect in the design and implementation of policies at all levels. However, the legal framework did not provide for specific measures to promote participation of women in decision-making, thus leaving the advancement of women in politics principally an internal matter for political parties. OSCE/ODIHR stated that 22.8 per cent out of all candidates on election ballots during the 2010 parliamentary

elections were women and that few women were placed on the ballots in positions likely to be elected. As a result, 23 women candidates out of total of 150 deputies (15.3 per cent) were elected to the parliament.<sup>41</sup>

30. CoE-CM stated that the employment of persons belonging to national minorities, in particular the numerically-smaller ones and the Roma, in public administration and law-enforcement agencies appeared to be limited and that there was a lack of data available in this context.<sup>42</sup>

31. The Advisory Committee on the Framework Convention for the Protection of National Minorities (CoE-ACFC) stated that persons belonging to national minorities were generally well-represented in elected bodies at the local level. At the same time, the participation of the Roma minority in the Parliament was unsatisfactory.<sup>43</sup> OSCE/ODIHR stated that in the 2010 Parliamentary Elections some ten candidates identifying themselves as Roma were running on the candidate lists of four mainstream parties, however, none in winning positions. No Roma candidate was elected to the parliament in 2010.<sup>44</sup>

32. CoE-CM recommended that Slovakia step up efforts to ensure the participation of persons belonging to national minorities, including numerically smaller minorities, in public administration and law-enforcement agencies, and promote increased participation of persons belonging to the Roma minority in elected bodies, in particular at the central level.<sup>45</sup>

33. OSCE/ODIHR stated that due to poor socio-economic conditions, often low level of education and widely experienced social exclusion, a considerable number of Roma voters was particularly vulnerable constituting an easy target for electoral manipulations. It referred to concerns raised about undue influence over Roma voters, notably vote buying.<sup>46</sup> As noted in the 2012 Needs Assessment Mission Report of OSCE/ODIHR, the Criminal Code had been amended to criminalize vote-buying. However, OSCE/ODIHR referred to the concern that Roma voters continued to be linked to allegations of vote-buying.<sup>47</sup>

34. Furthermore, JS2 stated that persons with disabilities under guardianship could not exercise their right to vote. Legal provisions denying persons under guardianship the right to vote were in violation of international human rights standards.<sup>48</sup> JS2 recommended that Slovakia amend legislation to ensure that persons with disabilities, including those who are under guardianship, have the right to vote and stand for election.<sup>49</sup>

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

35. As CoE noted, CoE-ESC concluded that: the Labour Code permitted daily working time of up to 16 hours in certain types of work; the minimum wage was manifestly unfair and time off to compensate overtime work was not sufficiently long.<sup>50</sup>

## **7. Right to health**

36. JS1 stated that although contraceptives might be formally available to women, they continued to be inaccessible for many women due to their high cost. The use of hormonal contraceptives remained low and the public health insurance scheme did not cover contraceptives (except for sterilization on health grounds).<sup>51</sup> JS1 stated that the Ministry of Health introduced a new law in 2011 that explicitly prohibited coverage of contraceptives used solely for pregnancy prevention under public health insurance. JS1 explained that the new law did not change the existing practice of funding for contraceptives since public health insurance coverage for contraceptives was never implemented. By adopting this law the state re-affirmed its long-term approach to contraceptives as “life-style drugs”, which contradicted the World Health Organisation’s standards defining contraceptives as essential medicines and the ICESCR.<sup>52</sup>

37. JS1 stated that the lack of accurate and comprehensive information on contraceptive methods further inhibited women's and adolescent girls' access to modern contraceptives. In many schools, sexuality education was either absent altogether or was inadequate, focusing primarily on reproductive organs and anatomy.<sup>53</sup>

38. JS1 recommended that Slovakia: increase access to affordable contraceptive methods for all women by including the costs of modern contraceptive methods in the public health insurance scheme; establish sexuality education as a mandatory subject in schools and revise teaching materials to ensure sexuality education free of stereotypes.<sup>54</sup> It further recommended that Slovakia adopt a comprehensive program on sexual and reproductive health and rights, and allocate sufficient financial and human resources for its implementation.<sup>55</sup>

39. JS1 stated that legislation permitted abortion on request without a need to specify a reason in the first 12 weeks of pregnancy, and thereafter, if woman's life was in danger or in cases of fatal impairment. However, women's access to abortions was de facto restricted in several ways, including the lack of affordable abortion services and widespread practice of conscientious objection in reproductive health care settings.<sup>56</sup>

40. JS1 recommended that Slovakia: improve access to affordable abortion services by lowering their cost; ensure that access to reproductive health services is not limited by health professionals' exercise of conscientious objection and amend existing regulations to appropriately balance the exercise of conscientious objection with professional responsibility.<sup>57</sup>

41. CoE-Commissioner stated that cases of forced sterilisation of Roma women, especially in eastern Slovakia, had been reported for several years. He noted that no acknowledgment or apologies for practices of forced sterilisation had been issued by the government.<sup>58</sup> CoE-CM and CoE-ACFC noted that the legislative guarantees against sterilisation without prior free and informed consent had been strengthened through amendments to the Healthcare Law which, as a result, prohibited sterilisation performed in the absence of a written request and informed written consent of the individuals concerned or their legal representatives.<sup>59</sup> CoE-Commissioner, while noting the amendment of the relevant legislation as a positive step, stated that some shortcomings in the implementation of this legislation continued to be reported, notably linked to the lack of guidelines to standardised procedures that the medical personnel must follow to obtain such consent. CoE-Commissioner referred to civil society organisations indicating that each hospital had tended to develop their own procedures.<sup>60</sup>

42. CoE-Commissioner urged Slovakia to ensure that all allegations of forced sterilisations of Roma women are investigated promptly, impartially, thoroughly and effectively, and that the perpetrators are prosecuted and punished. Allegations of sterilisations of minors without parental consent must be investigated with the utmost seriousness. He stressed that adequate, effective and prompt reparation, including compensation, should be made available to women who have been sterilised without their full and informed consent, and should also be proportional to the gravity of the violations and the harm suffered. Domestic statutes of limitations, including time limitations applicable to civil claims, should not be unduly restrictive.<sup>61</sup>

## **8. Cultural rights**

43. CoE-CM recommended that Slovakia pursue the policy of support for the preservation and development of the cultures of national minorities, through transparent procedures and in consultation with those concerned, and consider the adoption of laws on the financing of minority cultural activities.<sup>62</sup>

44. CoE-CM recommended that Slovakia ensure that textbooks pay adequate attention to the cultures and identity of national minorities, including numerically-smaller ones.<sup>63</sup>

## 9. Persons with disabilities

45. JS2 stated that according to the Education Act, the education of children with intellectual and psycho-social disabilities could be provided in three different ways: in special schools; in special classes of mainstream schools; and in mainstream classes. It stated that even if a child with a disability was accepted into a mainstream school, the school had no obligation to provide him or her with reasonable accommodations and individualised support measures. It concluded that in contradiction with the international human rights standards, education was provided for the majority of children with disabilities in special schools, which were segregated from mainstream educational systems and facilities. As JS1 noted, the Education Act and the practice of special education did not reflect an inclusive education paradigm but rather upheld the paradigm of segregated and isolated education of children with disabilities.<sup>64</sup> CoE-Commissioner made similar observations.<sup>65</sup>

46. CoE-Commissioner stated that the authorities should consider changing to the existing legal and regulatory framework that would facilitate the enforcement of inclusive education in practice, notably by developing the obligation on schools to reasonably accommodate children with special educational needs.<sup>66</sup> JS2 recommended that Slovakia develop an action plan to prioritise inclusive education for all children in mainstream educational settings and ensure that schools and curricula are adaptable and accessible to all children with disabilities.<sup>67</sup>

47. CoE-Commissioner stated that people with psycho-social or intellectual disabilities could be totally or partially deprived of their legal capacity and placed under guardianship and that deprivation and restriction of legal capacity resulted in plenary or partial guardianship and led to an automatic presumption of incompetence in, inter alia, family matters (marrying and parental rights); consenting to medical treatment; contractual matters; and political participation.<sup>68</sup> JS2 made similar observations.<sup>69</sup> CoE-Commissioner encouraged Slovakia to establish a system of supported decision-making for persons with psycho-social or intellectual disabilities, in accordance with Article 12 of the CRDP and the Council of Europe's 2006-2015 Action Plan.<sup>70</sup>

48. CoE-Commissioner stated that many persons with disabilities continued to live in large institutions separated from the rest of society. Although community-based services were available, in some cases to help those persons to reside in living arrangements of their choice, the enjoyment of the right to live independently and be included in the community was out of reach for the majority of persons with disabilities. CoE-Commissioner referred to information pointing out that the focus had been more on improving material conditions in large institutions for persons with intellectual disabilities than on progressively replacing these institutions with community-based alternatives (de-institutionalisation).<sup>71</sup> JS2 made similar observations.<sup>72</sup> JS2 recommended that Slovakia ensure that adopted policies on deinstitutionalisation are implemented, and transform institutional settings into community based social services within a reasonable time.<sup>73</sup>

49. JS2 stated that many people with disabilities were subject to detention, either through involuntary hospitalisation in psychiatric hospitals or long-term detention in social care institutions. Persons with disabilities in these situations were vulnerable to abuse and suffered grave and unwarranted restrictions in the exercise of their rights. JS2 stated that the legal system did not distinguish between consent to hospitalisation and consent to treatment under involuntary commitment procedures. In practice, once the court decided on the lawfulness of detention, persons with disabilities were stripped of their right to give informed consent on the treatment. Persons with disabilities who had been involuntarily



hospitalised were subject to forced treatment including the use of physical restraints or isolation, and the administration of anti-psychotic drugs as a form of restraint.<sup>74</sup>

50. CoE-Commissioner encouraged Slovakia to adopt a strategy for the protection of the human rights of persons with disabilities. In order to ensure the implementation of this strategy and secure concrete advances in the enjoyment by persons with disabilities of their rights, CoE-Commissioner called on the authorities to establish without delay an independent mechanism to promote and monitor the implementation of the rights of persons with disabilities and a government focal point or co-ordination mechanism for these subject matters.<sup>75</sup>

## **10. Minorities and indigenous peoples**

51. CoE-CM recommended that Slovakia encourage access to and participation in the media of persons belonging to national minorities, including the Roma and increase support to minority media as well as to the production of quality programmes designed for persons belonging to national minorities.<sup>76</sup>

52. Forum Minority Research Institute (FORUM) stated that the use of the Hungarian language was unsatisfactory.<sup>77</sup> CoE-CM recommended that Slovakia review the requirement that minority language speakers should represent at least 20 per cent of the municipal population for the undertakings in the field of administration to be operational.<sup>78</sup> It also recommended that Slovakia adopt more comprehensive legislation on minority languages in order to ensure an appropriate balance between the legitimate promotion of the state language and the right to use minority languages.<sup>79</sup>

53. CoE-ACFC noted that children belonging to the Hungarian minority did not have adequate opportunities to learn the Hungarian language in schools with instruction in the Slovak language located in ethnically-mixed areas. In addition, Roma language teaching had not been sufficiently developed.<sup>80</sup>

54. FORUM stated that the schools with Hungarian as the language of instruction were less developed than schools with Slovak as the language of instruction.<sup>81</sup> CoE-CM recommended that Slovakia continue efforts to provide for the teaching of all minority languages at all appropriate levels and improve teacher-training, and set up a body in charge of monitoring the measures taken and progress achieved in minority language education.<sup>82</sup>

55. CoE-Commissioner was concerned that many Roma children continued to receive education of lower quality than their non-Roma peers due to policies and practices resulting in segregation. He noted that there were two main ways in which segregation manifested itself: the disproportionate placement of Roma children in special schools or classes for children with mild mental disabilities; and the assignment of Roma children to Roma-only mainstream schools or classes. CoE-Commissioner stated that in segregated mainstream schools or classes, Roma children ended up receiving a lower standard of education. Teachers in Roma-only classes were reported to often have lower expectations of their students and fewer resources and poorer quality infrastructures at their disposal.<sup>83</sup>

56. In this respect, Amnesty International (AI) regretted the rejection of the recommendations made during the first cycle of the universal periodic review to implement measures to end discrimination of Roma in education and considered that the government had so far failed to effectively address this problem. While AI appreciated that Slovakia made a commitment to increase access by all pupils to inclusive education, specific measures to put this commitment into practice had so far been lacking. As a result, Roma pupils continued to experience discrimination in access to education and continued to be overrepresented in special education and/or in segregated Roma-only education.<sup>84</sup> ERRC stated that government failed to adopt and implement a sound legal framework and

appropriate policies to address and combat the disproportionate numbers of Roma children in special and segregated education.<sup>85</sup> AI made a similar observation.<sup>86</sup>

57. Furthermore, AI referred to a 2012 decision of the Regional Court in Prešov, which ruled that by placing Romani pupils in separate classes, the elementary school in the village of Šarišské Michaľany had violated the equal treatment principle enshrined in the Anti-Discrimination Act and the Schools Act. The school was requested to change the arrangements. AI noted with concern that the government had so far failed to take measures to ensure that the Court's definition of ethnic segregation in education was disseminated and promoted so that it was understood by the relevant authorities responsible for its implementation, both at national and local levels.<sup>87</sup>

58. AI was also concerned that schools lacked the necessary support to address existing cases of segregation and that some authorities such as the State School Inspectorate lacked the ability, power, resources and will to effectively monitor occurrence of ethnic segregation in schools.<sup>88</sup>

59. As CoE noted, CoE-ECRI, in 2009, recommended that in order to combat the de facto segregation of Roma children the authorities provide incentives, including financial ones, to local authorities to draw up and implement action plans to desegregate schools in their areas. In respect to this recommendation CoE-ECRI, in 2012, stated that the situation of the Roma in the school system remained unchanged and concluded that its recommendation had not been implemented.<sup>89</sup>

60. CoE-CM and CoE-ACFC recommended that Slovakia take resolute measures to put an end, without further delay, to the continuing segregation of Roma children at school and their unjustified assignment to "special" schools; and strengthen efforts to ensure adequate inclusion of Roma children into mainstream education.<sup>90</sup> AI recommended that Slovakia effectively implement the prohibition of discrimination as enshrined in the Anti-Discrimination Act and the Schools Act; adopt and operationalize a definition of what acts amount to "segregation" in education, utilizing the definition of segregation provided by the case law of the European Court of Human Rights and of the Prešov Court; and disseminate and promote it in all relevant education and monitoring authorities.<sup>91</sup>

61. CoE-Commissioner stated that the enjoyment of the right to housing by many Roma was reported to be hampered by a number of interconnected problems, including sub-standard material conditions, segregation, lack of security of tenure and difficulties accessing social housing, with discrimination underpinning all these aspects. Conditions of security, peace and dignity, which are integral parts of the right to housing, were in particular out of reach for many Roma who lived in marginalised communities, including segregated settlements in rural areas or on the outskirts of towns, and Roma-majority neighbourhoods in urban areas. CoE-Commissioner stated that material conditions in most of these settlements were seriously sub-standard, especially in eastern Slovakia and the southern districts of central Slovakia.<sup>92</sup>

62. CoE-Commissioner stated that a relatively new tendency enhancing segregation appeared to be the building of walls to separate Roma from non-Roma areas.<sup>93</sup> ERRC stated that most of the walls were either directly commissioned by a municipality or the municipality financially contributed to the residents wishing to build the walls.<sup>94</sup>

63. CoE-Commissioner highlighted the fact that the lack of secure tenure of land, housing and property was a crucial problem which exposed many Roma to other violations of their right to adequate housing and increased their vulnerability to forced evictions.<sup>95</sup> ERRC made a similar observation.<sup>96</sup> CoE-Commissioner stated that the authorities should ensure formal tenure at the current location or relocation to adequate alternative housing in integrated communities.<sup>97</sup> ERRC recommended that Slovakia stop forced evictions of Roma

and ensure that evictions are a means of last resort, and are carried out in accordance with both national and international law.<sup>98</sup>

64. CoE-Commissioner urged Slovakia to step up its efforts to counter the segregation of Roma in housing. He considered that the main focus should be on investing in the development of safe and affordable housing solutions for Roma in integrated communities. Housing programmes and practices that resulted in segregated Roma communities should be avoided. He also stated that improvements in the material conditions prevailing in many Roma settlements were urgent.<sup>99</sup>

## Notes

- <sup>1</sup> The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: [www.ohchr.org](http://www.ohchr.org).

*Individual Submissions*

AI	Amnesty International, London, United Kingdom;
ERRC	European Roma Rights Centre, Budapest, Hungary;
GIECPC	Global Initiative to End All Corporal Punishment of Children, London, United Kingdom;
FORUM	Forum Minority Research Institute, Šamorín, Slovakia.

*Joint Submissions*

JS1	Joint Submission by Center for Reproductive Rights (United States of America); Citizen, Democracy and Accountability (Slovakia) and Freedom of Choice (Slovakia);
JS2	Joint Submission by Mental Disability Advocacy Center (Hungary), and Slovak Disability Council (NROZP), ZPMPvSR, ODOS, Slovak Down Syndrome Society (SDS) Platform For Community Services and SOCIA – Foundation for Social Changes (Slovakia)
JS3	Joint Submission by the Christian Organisation Against Trafficking in Human Beings (Vatican City State); Caritas Internationals (Italy) and Dominicans for Justice and Peace (Switzerland).

*Regional intergovernmental organization*

EU-FRA	European Union Agency for Fundamental Rights, Vienna (Austria)
CoE	The Council of Europe, Strasbourg (France); Attachments: (CoE-ACFC) Advisory Committee on The Framework Convention For The Protection Of National Minorities, Strasbourg, 18 January, 2011 ACFC/OP/III (2010) 004. (CoE-Commissioner) Report by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, following his visit to Slovakia from 26 to 27 September 2011, Strasbourg, 20 December 2011, CommDH (2011) 42. (CoE-ECRI) European Commission against Racism and Intolerance conclusions on the implementation of the recommendations in respect of Slovakia subject to interim follow-up, adopted on 21 March 2012, CRI (2012) 29. (CoE-ECRI) European Commission against Racism and Intolerance report on Slovakia, adopted in December 2008 and published in May 2009, CRI (2009)20. (CoE-CPT) Report to the Government of the Slovak Republic on the visit to the Republic of Slovakia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment from 24 March to 2 April, 2008, which was published on 11 February 2010, CPT/Inf (2010)1. (CoE-GRETA) – Group of Experts on Action against Trafficking in Human Beings, Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Slovak Republic, First Evaluation Report, Strasbourg, 19 September, 2011; GRETA (2011)9. (CoM: Resolution) Resolution of the Committee of Ministers on the implementation of the Framework Convention for the Protection of National Minorities by the Slovak Republic, adopted at the 1118 <sup>th</sup> meeting of the Ministers' Deputies. (CoM: Recommendation) Recommendation of the Committee of Ministers on the application of the European Charter for Regional or

- OSCE/ODIHR
- Minority Languages by the Slovak Republic, adopted at the 1160<sup>th</sup> meeting of the Ministers' Deputies.
- Office for Democratic Institutions and Human Rights of the Organisation for Security and Co-operation in Europe
- Attachments
- Report on Monitoring of Freedom of Peaceful Assembly in Selected OSCE Participating States (May 2011 – June 2012), OSCE/ODIHR, Warsaw, 9 November 2012 Slovak Republic Parliamentary Elections, 12 June 2010, OSCE/ODIHR Election Assessment Mission Final Report Slovak Republic Early Parliamentary Elections, 10 March 2012, OSCE/ODIHR Needs Assessment Mission Report.
- <sup>2</sup> CoE, p. 3, CoE-ECRI report 2009, p. 9 and CoE-ECRI report 2012, p. 6.
- <sup>3</sup> CoE-Commissioner, para. 86.
- <sup>4</sup> EU-FRA, p. 2.
- <sup>5</sup> ERRC, p. 2.
- <sup>6</sup> ERRC, pp. 1-2. See also CoE-CM Resolution in 2011, para. 1 (a), CoE-ACFC, para. 14 and EU-FRA, p. 2.
- <sup>7</sup> CoE-Commissioner, para. 14.
- <sup>8</sup> CoE-Commissioner, para. 19.
- <sup>9</sup> CoE-Commissioner, paras. 6 and 19.
- <sup>10</sup> CoE-CM Resolution, para. 1(b). See also CoE-ACFC, para. 19.
- <sup>11</sup> CoE-CM Resolution, para. 1 (b). See also CoE-ACFC, para. 17.
- <sup>12</sup> CoE-Commissioner, para.22.
- <sup>13</sup> OSCE/ODIHR 2010 report, p. 1 and see also p. 17.
- <sup>14</sup> CoE-Commissioner, para.23.
- <sup>15</sup> CoE-CM Resolution, para. 2. See also CoE-ACFC, p.3.
- <sup>16</sup> CoE, p. 1 and CoE-CPT, para. 19.
- <sup>17</sup> ERRC, p. 6.
- <sup>18</sup> CoE-Commissioner, para. 35.
- <sup>19</sup> CoE-Commissioner, para. 36. See also CoE-ACFC, para. 17.
- <sup>20</sup> ERRC, p. 6.
- <sup>21</sup> ERRC, p. 8.
- <sup>22</sup> CoE, p. 12.
- <sup>23</sup> GIECPC, pp. 2-3.
- <sup>24</sup> JS3, paras. 6, 9 and 14.
- <sup>25</sup> CoE-GRETA, para. 126.
- <sup>26</sup> JS3, paras. 10, 11 and 14.
- <sup>27</sup> CoE-GRETA, para. 67.
- <sup>28</sup> CoE-GRETA, para. 88.
- <sup>29</sup> JS3, para. 14.
- <sup>30</sup> CoE-CPT, para. 28.
- <sup>31</sup> CoE-CPT, para. 30.
- <sup>32</sup> CoE-CPT, para. 29.
- <sup>33</sup> CoE-CPT, para. 59.
- <sup>34</sup> ERRC, p. 8.
- <sup>35</sup> ERRC, p. 8.
- <sup>36</sup> CoE-Commissioner, para. 40.
- <sup>37</sup> CoE-GRETA, p. 6.
- <sup>38</sup> CoE-Commissioner, paras. 80, 81 and 82.
- <sup>39</sup> OSCE/ODIHR, p.5.
- <sup>40</sup> OSCE/ODIHR, p.6.
- <sup>41</sup> OSCE/ODIHR, Slovak Republic Parliamentary Elections, 12 June 2010, OSCE/ODIHR Election Assessment Mission Final Report, p.15.
- <sup>42</sup> CoE-CM Resolution, para. 1 (b). See also CoE-ACFC, p. 2 and para. 28.
- <sup>43</sup> CoE-ACFC, para. 26.

- 44 OSCE/ODIHR, Slovak Republic Parliamentary Elections, 12 June 2010, OSCE/ODIHR Election Assessment Mission Final Report , p. 8.
- 45 CoE-CM Resolution, para. 2.
- 46 OSCE/ODIHR, Slovak Republic Parliamentary Elections, 12 June 2010, OSCE/ODIHR Election Assessment Mission Final Report, p. 16.
- 47 OSCE/ODIHR, Slovak Republic Early Parliamentary Elections, 10 March 2012, OSCE/ODIHR Needs Assessment Mission Report, p. 8.
- 48 JS2, para. 28.
- 49 JS2, Appendix 1.
- 50 CoE, pp. 10 and 11.
- 51 JS1, para. 7, p. 4.
- 52 JS1, paras 8-9, pp. 4-5.
- 53 JS1, para. 11, p.5.
- 54 JS1, pp. 9-10.
- 55 JS1, p.9.
- 56 JS1, para. 14. See also paras. 17,18, 19, 20, 21, 22, and 23.
- 57 JS1, p. 10.
- 58 CoE-Commissioner, paras. 69 and 72.
- 59 CoE-CM Resolution, para 1 (a) and CoE-ACFC, para.15.
- 60 CoE-Commissioner, para.74.
- 61 CoE-Commissioner, paras. 77 and 78.
- 62 CoE-CM Resolution, para. 2.
- 63 CoE-CM Resolution, para. 2.
- 64 JS2,paras. 10, 13 and 21.
- 65 CoE-Commissioner, paras. 95- 96.
- 66 CoE-Commissioner, para. 98.
- 67 JS2, Appendix 1.
- 68 CoE-Commissioner, paras. 100 – 101.
- 69 JS2, paras. 2 and 4.
- 70 CoE-Commissioner, para.104.
- 71 CoE-Commissioner, paras. 90 and 91.
- 72 JS2, paras. 29 and 34.
- 73 JS2, Appendix 1.
- 74 JS2, paras. 35 and 36. See also EU-FRA, p. 18.
- 75 CoE-Commissioner, paras. 88 and 89.
- 76 CoE-CM Resolution, para. 2.
- 77 FORUM, p. 1.
- 78 CoE-CM Recommendations; recommendations no. 1.
- 79 CoE-CM Resolution, para. 2.
- 80 CoE-ACFC, paras. 24-25. See also CoE-CM Resolution, para. 1 (b).
- 81 FORUM, p.3.
- 82 CoE-CM Recommendations ; recommendations nos. 2 and 3. See also CoE-CM Resolution, para. 2.
- 83 CoE-Commissioner, paras. 42-49. See also EU-FRA.
- 84 AI, p. 1.
- 85 ERRC, p. 5.
- 86 AI, pp. 2-3.
- 87 AI, pp. 1-2. See also ERRC, p. 5 and EU-FRA, pp.5-16.
- 88 AI, pp. 2-3.
- 89 CoE, p. 3, CoE-ECRI report 2009, p. 10 and CoE-ECRI report 2012, p. 7.
- 90 CoE-CM Resolution, para. 1 and CoE-ACFC, p.3. See also CoE-CM Recommendations; recommendation no. 5.
- 91 AI, p. 3.
- 92 CoE-Commissioner, paras. 57-58. See also EU-FRA, p. 5.
- 93 CoE-Commissioner, para. 60.
- 94 ERRC, p 5.
- 95 CoE-Commissioner, para. 61.

<sup>96</sup> ERRC, pp. 3 and 4.

<sup>97</sup> CoE-Commissioner, para. 65.

<sup>98</sup> ERRC, p. 7.

<sup>99</sup> CoE-Commissioner, paras. 63-64.

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