



## International Covenant on Civil and Political Rights

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### Human Rights Committee

#### List of issues in relation to the fourth periodic report of Slovakia\*

##### **Constitutional and legal framework within which the Covenant is implemented (art. 2)**

1. Please provide examples of cases in which the provisions of the Covenant have been referred to by national courts. Please also indicate what procedures are in place for the implementation of the Committee's Views under the Optional Protocol.
2. In view of the failure to adopt a law that would have conferred power on the Constitutional Court to rule on the compatibility of domestic legislation with international treaties (see CCPR/C/SVK/4, para. 22, and CCPR/C/109/2, p. 9), please explain what avenues for judicial remedy are available to persons alleging an infringement of their rights arising from the incompatibility of provisions of national law with the rights protected under the Covenant.
3. Please report on measures taken to ensure the full independence of the Slovak National Centre for Human Rights in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), in particular by addressing the issues of its limited mandate, lack of transparency of its recruitment procedure and lack of diversity of its staff, and by providing the Centre with adequate financial and human resources.

##### **Non-discrimination and prohibition of advocacy of national, racial or religious hatred (arts. 2, 3, 20 and 26)**

4. Please indicate whether the Anti-Discrimination Act is fully operational, provide information on the number of complaints lodged and specify whether financial or other reparation has been awarded to victims of discrimination on the basis of the law. Please provide information on measures taken to disseminate information about legal remedies and legal aid available to victims of racial discrimination. Please explain the reasons for lengthy court proceedings for victims of racial discrimination, measures taken to address the problem and the results achieved.
5. Please provide statistical data, disaggregated by age, sex and national or ethnic origin of victims, on the number and nature of racist, ethnically motivated and

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\* Adopted by the Committee at its 116th session (7-31 March 2016).



discriminatory acts. Please provide information on measures taken to effectively address these incidents and their root causes, and to combat the increasing radicalization of extremist groups in the country. Please report on: (a) the monitoring of incidents; (b) the investigation of attacks against minority groups, including the Roma, and the prosecution, conviction and sanctioning of those responsible; and (c) the compensation awarded to victims. Please provide information on the training of judges, prosecutors and law enforcement officers to ensure effective investigation of these crimes and prosecution of perpetrators.

6. Please comment on reports of an increase in hate speech in the political discourse, in the media and on the Internet targeting in particular ethnic minorities, including Roma, and non-citizens. Please describe the measures taken to combat incitement to hatred and racist propaganda, clarify if the legislation banning political parties openly hostile to human rights is fully implemented and provide data on complaints, inquiries conducted and proceedings brought as a result of advocacy of hate speech, including national, racial or religious hatred, and indicate the outcome. Please indicate whether the State party envisages criminalizing acts of a racist and xenophobic nature committed on the Internet.

7. Please provide statistical data on cases of violence against persons on the basis of their actual or perceived sexual orientation, gender identity or expression. Please comment on reports of hostile discourse by political figures, in the media and on the Internet, against these persons, and indicate whether the State party envisages extending the scope of its hate speech legislation to cover sexual orientation, gender identity and gender expression.

8. Please provide information on the steps taken to guarantee the access of Roma to education, employment, housing, health and political participation. Please indicate in particular the measures taken to stop the forced evictions and demolitions of Roma settlements without prior notice and without offering adequate alternative housing solutions for them, and the steps taken to eradicate residential segregation. Please report on results achieved in eradicating the discrimination and segregation of Roma children in the education system and on measures taken to prevent the incorrect placement of Roma children in special needs classes or schools. Explain how the placement of so-called “container schools” in Romani settlements complies with the prohibition of discrimination. Provide an update on the evaluation of the implementation of the National Roma Integration Strategy and the revised National Action Plan for the Decade of Roma Inclusion and assess the progress made in the integration of Roma.

9. Please provide information on measures taken to: (a) address discrimination against, and social exclusion of, persons with disabilities, in particular the limited access to inclusive education in practice due to the lack of obligation on schools to reasonably accommodate children with special needs; (b) expand the deinstitutionalization process for persons with disabilities and community-based alternatives; (c) ensure that persons with disabilities enjoy legal capacity on an equal basis with others; (d) ensure that citizens with disabilities have the right to vote, to take part in public life and to marry on the same basis as others, considering the provisions of Act No. 180/2014 Coll. on the Conditions of the Right to Vote and section 12 of the Family Act; and (e) ensure that persons with disabilities placed in psychiatric hospitals or social-care institutions have the right and the possibility to give informed consent to their treatment.

10. Please provide information on measures taken, including temporary special measures, and the progress made: (a) to increase the representation of women in legislative and executive bodies, including in Parliament, in the Government and in the diplomatic service, especially in decision-making positions; (b) to increase the employment rate of women in the public and private sectors, including in executive positions; and (c) to reduce the wage gap between men and women.

**Violence against women, including domestic violence (arts. 2, 3, 7 and 26)**

11. Please report on measures taken to increase awareness of and to prevent and combat all forms of violence against women, including domestic violence, sexual violence and rape. Please provide information on measures taken to: (a) ensure the effective investigation of these acts, as well as the prosecution and sanctioning of perpetrators and adequate remedies to victims (please provide relevant statistics); and (b) provide sufficient safe and adequately funded shelters and suitable support services. Please indicate whether steps are being taken: (a) to enact the law on the prevention and elimination of violence against women and domestic violence; (b) to define and introduce domestic violence, including sexual violence and marital rape, as specific offences in the Criminal Code; and (c) to adopt a targeted programme to eliminate gender-based violence and harmful practices against Roma women and girls, including sale of women and forced marriages.

12. Please provide information on mechanisms in place to monitor implementation of the legal safeguards prohibiting illegal sterilizations in health facilities and of the procedures to ensure the free, prior and informed consent of the woman concerned before performing sterilization. Please also indicate whether training is provided on appropriate means of obtaining free and informed consent before carrying out sterilization and if measures have been taken to raise awareness among Roma women on their rights and on ways to seek redress in cases of violation. Please also report on investigations of allegations of involuntary sterilization of women, prosecutions of those responsible, as well as reparation, including compensation, awarded to victims.

**Prohibition of torture and other cruel, inhuman or degrading punishment (arts. 2, 7 and 26)**

13. Please provide statistical data on ill-treatment and excessive use of force by the police, and information on the investigations and prosecutions carried out over the past five years against police officers following charges of ill-treatment, in particular of Roma, including children. Please indicate the penalties for those convicted and the compensation awarded to victims. Please clarify whether a protocol for the investigation and prosecution of racist or discriminatory conduct on the part of law enforcement officials exists and if alleged incidents are investigated by an independent body. Please also provide detailed information on relevant human rights training programmes for law enforcement officers, their frequency and their evaluation, and indicate whether the programmes integrate the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol).

14. Please clarify whether all detained persons are afforded, in law and in practice, fundamental safeguards from the very outset of detention, including the right of access to a lawyer and an independent medical doctor, as well as the right to inform a relative, to be informed of their rights and be promptly presented to a judge. Please also clarify at what stage of the detention process the detained persons can exercise these rights in practice and whether minors undergo initial questioning without the presence of their lawyers, parents or other trusted persons.

15. Please provide information on measures taken to: (a) ensure strict compliance with the principle of non-refoulement in practice; (b) repeal the exceptions to non-refoulement with regard to persons considered as a threat to national security and those who have been sentenced for a particularly serious crime; and (c) revisit the policy of reliance on diplomatic assurances to justify the return of foreign nationals to countries where they may face a real risk of torture or ill-treatment.

**Liberty, security of person and treatment of persons deprived of their liberty (arts. 7, 9 and 10)**

16. Please indicate whether the State party considers amending its legislation with a view to reducing the duration of pretrial detention and replacing pretrial detention with non-custodial measures. Please provide information on measures taken to reduce overcrowding, to provide persons deprived of their liberty access to a regime of organized and purposeful out-of-cell activities, and to integrate prisoners serving life sentences into the general prison population. Please indicate whether an independent body can undertake unannounced visits to all places of deprivation of liberty in the State party, including police stations, pretrial detention facilities and psychiatric institutions, and whether such a mechanism can receive complaints of inmates and provide follow-up.

**Right to a fair trial and independence of the judiciary (art. 14)**

17. Please provide information on measures taken to ensure the full independence of the judiciary, to fight corruption and to improve the functioning of the judicial system with a view to enhancing the speed and efficiency of judicial proceedings and reducing the backlog of cases in its courts, as recommended by the Committee against Torture (see CAT/C/SVK/CO/3, para. 13).

**Elimination of slavery and servitude (art. 8)**

18. Please provide disaggregated data on the number of investigations, prosecutions and sentences handed down during the reporting period with regard to perpetrators of human trafficking, and on the provision of effective redress to victims. Please report on measures taken to: (a) improve the identification of victims of trafficking, including foreign victims, and provide them with legal advice and representation during proceedings; (b) ensure the prosecution and adequate punishment of perpetrators of trafficking; and (c) provide sufficient State-funded shelters and longer-term rehabilitation to victims of trafficking.

**Treatment of aliens, including refugees and asylum seekers (arts. 7 and 24)**

19. Please provide information on the number of families with children who are minors detained during the reporting period, the length of their detention, the type of facility, the services provided and the conditions therein. Please also provide statistics on the use of alternatives to detention prescribed in section 89 of the Act on Residence of Foreigners, and indicate measures taken to ensure that detention of families with children is used only as a measure of last resort. Please provide information on the conditions for the use of handcuffs and other coercive measures on detained migrants, including women and children. Please further provide information on the reasons for the police interventions against migrants detained in the detention centre in the summer of 2015 and whether investigations into allegations of ill-treatment have been initiated and those found responsible punished.

20. Please indicate whether the State party envisages enhancing and simplifying family reunification procedures, including by extending the deadline for submitting a request for family reunification.

21. Please explain if unaccompanied minors are immediately appointed a guardian or a caregiver upon their placement in foster homes. Please provide data on the number of unaccompanied minors who disappeared from foster homes since the previous report and explain the measures taken to find them and the results achieved.

**Violence against children (arts. 7 and 24)**

22. Please report on practical steps taken to put an end to corporal punishment in all settings, including the home, and to encourage non-violent forms of discipline as alternatives to corporal punishment. Please also explain if the State party envisages

amending the Family Act, which provides for the right to use “adequate upbringing measures” with a view to introducing a zero tolerance principle.

**Freedom of conscience and religious belief (art. 18)**

23. Please provide updated information on the implementation of the Committee’s previous recommendation (see CCPR/C/SVK/CO/3, para. 15) on the right to conscientious objection to military service, and indicate in particular if the law clearly stipulates that individuals retain the right to exercise conscientious objection even during the performance of military service.

**Right to participate in public life and minority rights (arts. 25 and 27)**

24. Please provide statistical data on and indicate measures taken to promote the equitable representation of persons belonging to ethnic, national or linguistic minorities, in particular Roma, within Parliament, Government, the judiciary and other positions in the public service. Please also provide further information on how the State party monitors the representation of minorities in political and public life, in the absence of data disaggregated by ethnic background.

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