



General Assembly

Distr.
GENERAL

A/HRC/WG.6/5/SVK/1
5 March 2009

Original: ENGLISH

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

**NATIONAL REPORT SUBMITTED IN ACCORDANCE WITH PARAGRAPH 15 (A)
OF THE ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1 ***

Slovakia

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

I. METHODOLOGY FOR THE PREPARATION OF THE NATIONAL REPORT

1. The present report has been prepared in compliance with the guidelines included in Human Rights Council resolution 5/1 and the general guidelines for the preparation of information under the universal periodic review contained in document A/HRC/6/L.24.
2. The Ministry of Foreign Affairs notified competent state authorities of the universal periodic review procedure and initiated the establishment of an informal working group to draft the national report and present it in Geneva.¹
3. The draft national report was presented to NGO representatives through a body for the mutual dialogue between the government and the non-governmental sector – the Council of the Government for Non-Governmental Non-Profit Organisations. Several NGOs made use of the opportunity to comment on the report in writing (see also chapter V). The material was subsequently finalised and passed a standard national approval procedure.

II. NORMATIVE AND INSTITUTIONAL FRAMEWORK FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

A. Constitutional and legislative means for the protection of rights and freedoms

4. Under the Constitution, the Slovak Republic is a sovereign, democratic state governed by the rule of law. It is not bound by any ideology or religion. Its political system is built on a standard model of the separation of powers into a legislature, an executive, and a judiciary.² Pursuant to the Constitution, everyone is permitted to act in a manner that is not forbidden by the law and no one may be forced to do what the law does not enjoin.
5. Following the transition to democracy and the establishment of a sovereign state in 1993, legal guarantees safeguarding the protection of human rights and fundamental freedoms were securely embedded in the Constitution. Norms and standards guaranteeing the rule of law, human rights and freedoms were incorporated into the Slovak legal system.
6. The Constitution defines the universal protection of fundamental rights and freedoms, including political, civil, economic, social and cultural rights, a right to the protection of the environment and cultural heritage, a right to judicial and other legal protection, as well as national and ethnic minority rights. Under Article 12 of the Constitution, fundamental rights and freedoms are guaranteed to everyone regardless of sex, race, colour, language, belief and religion, political affiliation or other conviction, national or social origin, nationality or ethnic origin, property, descent or any other status.
7. The Charter of Fundamental Human Rights and Freedoms³ is part of the Slovak legal system; the Charter is based on international documents, in particular on the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, as well as other international human rights instruments. Pursuant to Article 7(5) of the Constitution, international treaties on human rights and fundamental freedoms, international treaties for whose exercise a law is not necessary, and international treaties which directly confer rights or impose duties on natural persons or legal persons and which were ratified and promulgated in a manner laid down by the law, shall prevail over laws.

B. Institutional structure for the protection of human rights

1. Courts

8. The national institutional framework for the protection of human rights and fundamental freedoms is comprised of general courts and the Constitutional Court. The judicial power is exercised by independent and impartial courts, separated from other state authorities at all levels.⁴

9. Under the Constitution, the judicial power is exercised by the Constitutional Court and general courts. The Constitutional Court is a sovereign judicial body that safeguards the protection of constitutionality. Judicial proceedings are conducted at two stages, where an appeal may be filed against a decision delivered by first-instance courts. Appeals, as ordinary remedies, are referred to a court of higher jurisdiction.⁵

10. Since Slovakia is a party to the Convention for the Protection of Human Rights and Fundamental Freedoms, its citizens have the right, after exhausting all national judicial remedies, to file complaints with the European Court of Human Rights in Strasbourg. If the court finds that rights or commitments have been violated, it delivers a judgment binding upon the Slovak Republic.

2. Public prosecution service

11. Pursuant to the Constitution, the public prosecution “shall protect the rights and interests protected by law of natural and legal persons and of the State” independently from both the executive and judiciary authority.⁶ The public prosecution is obliged to adopt, in the interest of the public, measures to prevent unlawful conduct and remedy unlawfulness, restore rights that have been violated, and impose liability for their violation. The protection of human rights is its top-most priority. If a prosecutor finds out that human rights have been violated, he is entitled and obliged to take necessary measures, including a direct intervention in his own capacity, filing a protest, notice, and/or action with a competent court, or filing a petition by the Attorney General with the Constitutional Court, for example, to initiate proceedings on non-compliance of laws.

12. The existence of a sovereign public prosecution service as a state authority that is independent from the executive and judiciary authorities and is able to identify and respond to human rights violations committed by public administration bodies (both state administration and local authorities) by its own specific means or by petitions submitted to courts has been proven well.

3. Public defender of rights

13. The public defender of rights (ombudsman) represents one of the key components of extrajudicial human rights protection mechanisms. Pursuant to the Constitution, the ombudsman is an independent body whose task is to protect the fundamental rights and freedoms of natural and legal persons in the proceedings before government authorities and other public bodies if their activity, decisions or inactivity contradicts the law.⁷

14. A written petition by a person deprived of personal freedom, or a person whose personal freedom has been restricted, addressed to the public defender of rights is exempt from an administrative review.⁸

15. Over the six years of the existence of the public defender of rights office, more than 14,000 petitions have been submitted; the violation of fundamental rights and freedoms of natural and legal persons was proven in some 800 cases. The ombudsman is elected by the parliament for a seven-year term from among the candidates nominated by at least 15 MPs.

4. Other institutions and mechanisms for the protection of human rights

16. Slovakia has a sufficient institutional framework in place to protect the human rights and fundamental freedoms of all its citizens. At the government level, the human rights issue falls within the responsibility of the deputy prime minister for knowledge society, European affairs, human rights and minorities. The human rights and minorities section of the Office of the Government serves as an advisory and initiative body to the deputy prime minister.⁹

17. With the aim of effectively addressing Roma community issues and problems, the Office of the Plenipotentiary of the Government for Roma Communities was established in 1999 as a governmental advisory body. The Office of the Plenipotentiary, operating through five regional offices, is tasked with improving the status of the Roma community and creating conditions, through policy and structural measures, for their integration into society.

18. As far as law-making is concerned, the human rights issues are dealt with by the Parliamentary Committee for Human Rights, Nationalities and the Status of Women that examines and reviews draft acts, international treaties and some government programmes in terms of their compliance with human and minority rights.

19. The Slovak National Centre for Human Rights was set up in 1993; the Antidiscrimination Act of 2004 extended the powers and competences of the Centre to include legal assistance to victims of discrimination and intolerance among its main tasks. The Centre annually prepares and publishes a report on the observance of human rights in Slovakia for the previous calendar year.¹⁰

20. Dialogue between state authorities and the non-governmental sector is safeguarded mainly by the Council of the Government for Non-Governmental Non-Profit Organisations.¹¹

C. International commitments

21. Slovakia is a party to almost all fundamental human rights conventions and treaties¹²; upon their ratification, it made no reservations to the commitments accepted under these instruments. Slovakia also acceded to other numerous treaties on human rights, international humanitarian and criminal law¹³.

22. Slovakia was among the first countries to extend a standing invitation to the United Nations Special Procedures, as early as in March 2001. In May 2008, Slovakia was elected member of the United Nations Human Rights Council for the first time ever, having not even worked in the former Commission on Human Rights before.

23. In the “voluntary pledges and commitments”¹⁴ submitted as part of its bid for the Human Rights Council, Slovakia emphasised the commitment to actively participate in its activities and facilitate dialogue among its members with the aim of achieving real progress in the protection of human rights in practice.¹⁵

24. In September 2007, Slovakia signed the International Convention for the Protection of All Persons from Enforced Disappearance. At the moment, amendments are being made to the provisions of the Penal Code on the implementation of the Convention. Once the legislative amendments are made, the Convention will be submitted to the Parliament for approval and, subsequently, to the President for ratification.

25. As a follow-up to the signing of the Convention on the Rights of Persons with Disabilities, including its optional protocol, in September 2007, the government adopted a resolution committing the Minister of Labour, Social Affairs and Family, as well as other state administration authorities, to prepare an analysis on the compliance of national regulations with the commitments under the Convention. Draft measures to implement the Convention are expected to be put forward, as well as its subsequent ratification.

III. PROTECTION AND PROMOTION OF HUMAN RIGHTS IN PRACTICE

A. Protection against all forms of discrimination

26. The Antidiscrimination Act came into force in 2004¹⁶ to define the general legal framework for the observance of the principle of equal treatment. Under the Act, “respecting the principle of equal treatment consists of prohibition of discrimination on grounds of gender, religious belief, race, national or ethnic origin, disability, age, sexual orientation, marital or family status, colour of skin, language, political or other views, national or social origin, property or other status”.

27. Pursuant to applicable laws, discrimination is prohibited with respect to employment and similar legal relations, social security, healthcare, provision of goods and services and education. Discrimination does not include such differential treatment that is reasonably justified by the nature of activities performed in a given job or by any circumstances under which such activities are performed, provided that this reason constitutes a real and decisive requirement for the respective job and on the condition that the objective is legitimate and the requirement is reasonable.

28. The second amendment to the Antidiscrimination Act introduced the concept of the so-called temporary compensatory measures (positive action) that may be adopted by state authorities with the aim of eliminating existing forms of social and economic disadvantages and age- and disability-related discrimination, and ensuring equal opportunities in practice. Such measures may only remain in place until the inequality leading to their introduction is removed. Government authorities are required to regularly monitor, evaluate and make public the adopted temporary measures with the aim of re-evaluating their continuation and submit reports to the Slovak National Centre for Human Rights to that effect.

29. With the “Action Plan for the Prevention of all Forms of Discrimination, Racism, Xenophobia, Anti-Semitism and Intolerance” the government introduced a basic systemic instrument to combat and reduce negative phenomena in the society, such as racism, xenophobia, intolerance and discrimination. The Action Plan 2006-08 focused on raising the awareness of human rights within the population, on efficient implementation of anti-discrimination legislation, on the status of migrants, as well as on other activities in the area of prevention of these negative phenomena in the society.¹⁷

B. Freedom of conscience and religion

30. Freedom of conscience and religion is guaranteed under applicable laws and regulations.¹⁸ In addition to defining the status of churches and safeguarding their equality before the law, the existing legislation also specifies requirements for their registration. A church or religious community means a voluntary association of persons with the same religious belief in an organisation formed on grounds of their affiliation to that religious belief based on the internal rules of the members of the church or religious community.

31. Churches and religious communities are legal persons having their own structure, bodies, internal rules and rites. They can form associations, communities, orders, societies and similar partnerships. Churches and religious communities administer their own affairs; in particular, they establish their own internal bodies and clergy and set up monastic and other institutions independent from state authorities. They are free to establish and maintain contacts with members of foreign religious communities and organisations. The registered churches and religious communities are guaranteed a right to, for example, subsidies from the state budget, to religious education at state schools, to entry to public healthcare facilities, to entry to public mass media, etc.

32. The last population census performed in 2001 showed that 84 per cent of the total population belonged to some registered church or religious community. There were 18 churches and religious communities officially registered in Slovakia as of October 2008.

C. Rights of the child

33. As a follow-up to the presentation of its Initial Report before the United Nations Committee on the Rights of the Child in 2000, the government has taken several measures to implement the applicable Convention on the Rights of the Child. In 2001, a Committee for the Rights of the Child was established at the Ministry of Labour, Social Affairs and Family, albeit with limited powers. Another important step was the adoption of several social and family law standards fully incorporating the provisions of the Convention.¹⁹ Family policy objectives aimed, *inter alia*, at protecting the family and its members, including children and youth, are also included in the “Concept of the State Family Policy”.²⁰

34. The National Action Plan for Children, performed by state administration authorities and other stakeholders, represents a strategic document in this respect. The Action Plan has been designed as an open document, updated on a regular basis. As a follow-up to the presentation of the second national report to the Convention and the final recommendations made by the Committee in 2007, the Ministry of Labour, Social Affairs and Family drafted a National Action Plan for Children for 2009-12, adopted by the government in January 2009. With the aim to step up efficiency in the system of children rights protection, the Government established a permanent Ministerial Committee for Children that will be tasked to co-ordinate and initiate activities in the field of the rights of the child. Another important decision adopted recently by the government has been the extension of powers of the Public Defender of Rights, enabling him to act also as an independent mechanism for receiving complaints made by children or on their behalf and dealing with them (ombudsman for the rights of the child).

35. The Labour Code prohibits the employment of a natural person under 15 years of age, or of a natural person over 15 years of age before they complete their compulsory education. Under exceptional circumstances, children may perform only light work. The Penal Code addresses a number of serious criminal offences, including unlawful abortion, trafficking in children,

desertion of a child and child abandonment, failure to pay child maintenance, maltreatment of a close/related person or ward, production and distribution of child pornography, and indecent behaviour.

36. In 2008, the Slovak National Centre for Human Rights produced the first “Situation Report on the Rights of the Child in Slovakia”, which was consulted upon with the general public, as well as experts. The Centre regularly monitors compliance with the Convention based on petitions submitted by organisations and individuals, and provides consultations on problems in this area. Over 80 cases were resolved in 2008, concerning mostly divorce issues, the placing of a child into the care of one of the parents, and contacts with a child.

D. Prohibition of torture and cruel, inhuman or degrading treatment/abolishment of death penalty

37. The basic legal framework that prohibits torture is laid down by the Constitution. No person shall be tortured or subject to cruel, inhuman or degrading treatment or punishment. The definition is also included in the amended Penal Code²¹ which defines torture as any act by which severe pain or physical or mental suffering is inflicted on a person.

38. The Penal Code affords protection from the abuse by means of coercion by the police force as it defines a crime of the abuse of public authority. If an investigator or other police official involved in criminal proceedings receives a complaint on maltreatment, it is always referred to the Police Inspection Service.²²

39. The prosecution is responsible for overseeing that laws are complied with in detention and correctional facilities and other similar institutions, that people are placed and detained in those facilities only based on a decision issued by the courts or other competent state authorities, and that they are not subject to torture or ill-treatment. Prosecutors perform on-site inspections in such facilities.²³

40. The death penalty was abolished in 1990. The Constitution guarantees protection of life by *expressis verbis* prohibiting the death penalty. Slovakia ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights, thus making universal the commitment it had undertaken earlier by acceding to Protocol No. 6 to the Convention for the Protection of Human Rights and Fundamental Freedoms. In spite of the public and expert discussion on this particular issue surfacing from time to time, the death penalty is also prohibited under the amended Penal Code (in force since 1 January 2006), which specifies that a life sentence is the most severe of the 11 types of criminal punishment.

E. Rights of patients

41. The right to healthcare is defined as a right to enjoy the benefits of a healthcare system and healthcare services that are available in the country. Everyone has the right of access to such a healthcare standard that complies with the applicable laws and regulation and the current state of medical science. The patients’ rights may only be subject to such limitations that comply with the Universal Declaration of Human Rights. The right to appropriate quality of healthcare means that health professionals must perform at a high professional level.

42. If a patient thinks that the attending health professional has used inappropriate medical procedures or made a wrong decision, as specified by law²⁴, he is entitled to request that the healthcare provider remedy the situation. If the provider fails to satisfy the request, or fails to

inform the patient of the method of addressing the request within 30 days, the patient is entitled to refer the matter, depending on the type of request, to the Health Care Surveillance Authority or other competent supervisory authority (the Ministry of Health, regional authorities, professional chambers). If patients believe that their right to healthcare has been breached, they are entitled to file a complaint.²⁵

43. The Ministry of Health has distributed “Methodical guidelines on the use of restrictive means in the case of patients placed in mental care facilities” to selected healthcare facilities. The use of restrictive means is permitted under exceptional circumstances only, where, due to acute symptoms of a disease, the life or health of the person with a mental or behavioural disorder and/or the lives or health of other persons are put at risk, but only if the patient’s behaviour poses a threat to the patient himself/herself or to the surroundings. Restrictive means may only be used for the absolutely necessary period of time. The patient must be regularly monitored, and the medical professional is obliged to notify the patient’s attending doctor of any change in the patient’s conditions. The attending doctor must make a note of the use of restrictive means in the patient’s medical records.

F. Rights of vulnerable groups of population (persons with disabilities/elderly people)

44. In 2001, the government adopted the National Programme for the Development of Living Conditions for Persons with Disabilities in all aspects of life. The programme reflects the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities of 1993. The national programme is designed to build a society whose every aspect, including health care and social security, education, access to information, professional, social and cultural realisation, is made available to all without exception, or to make them accessible, in a reasonable manner, and adapt them to the needs of persons with disabilities. In light of new innovative approaches and socio-economic developments, the national programme requires regular updates. A new version of the programme is currently being drafted; its structure will reflect the commitments under the United Nations Convention on the Rights of Person with Disabilities.

45. The disability issue had so far been addressed by a special board serving as an advisory body to the government. The board, however, had no supra-sectoral status. In July 2008, the government agreed to transform this body into a Council of the Government for Persons with Disabilities, and extended its agenda and powers. Another advisory body to the government, the Government Council for Elderly People, will also play an important political and social role. The tasks of both aforementioned advisory bodies include promotion of specific activities to improve the quality of life of elderly people and people with disabilities, making proposals for suitable solutions, cooperation with regional or local authorities, non-governmental organisations, mass media and international institutions.

46. Public media broadcasts regular programmes for people with disabilities on various aspects of life (e.g., sports, news, information campaigns) and in an understandable format (simultaneously interpreted into sign language, closed and open captioning). Programmes aired in understandable formats should be extended and audio description for blind and visually impaired viewers should be put in place; the existing laws already create conditions for such broadcasting. The Health Insurance Act reduced insurance rates for persons with severe disabilities by 50 per cent. Among other benefits, persons with disabilities are entitled to special reduced fares on public transport.

47. One of the major challenges today is increasing the number of barrier-free public buildings and other facilities, which is, however, often limited by available economic means. All affected ministries are aware of their responsibility towards these social groups and will continue in creating a barrier-free environment in all public buildings, roads and other means of communications. A decree by the Ministry of Health on minimum personnel and technical requirements, in force from November 2008, obliges in-patient medical facilities to ensure for patients with limited mobility/visually impaired a barrier-free access to, and movement within, their premises by means of horizontal corridors, ramps and/or lifts. The medical facilities have already commenced work on necessary construction modifications.

G. Right to education

48. The national education system is built on the principles of free-of-charge education provided to children in kindergartens one year prior to the first year of their compulsory education, and free-of-charge education provided in elementary and secondary schools founded by a general government authority for education, central government body or regional/local authority (state schools). Schools and school facilities are equal irrespective of their founder. No differences are made with regard to education obtained at state schools, schools founded by an official church or religious community (church schools) and schools founded by a private natural or legal person (private schools). Children, their parents/legal guardians have a free choice of education, taking into account the expectations and faculties of children and students, in line with the possibilities of the education system; all forms of discrimination, including segregation, are prohibited.

49. Compulsory education has a duration of ten years and usually starts at the beginning of the school year that follows after the day on which a child has attained six years of age and educational capability, and lasts not longer than until the end of that school year in which the child has attained 16 years of age. No one is exempt from compulsory education. Compulsory education is provided at elementary and secondary schools and at schools for students with special educational needs. The legal guardian is obliged to enrol the child into an elementary school within the set deadline prior to the beginning of the school year in which the child must commence its compulsory education.

50. The School Act²⁶, adopted in 2008, defines the forms and organisational structure of the educational process in schools and school facilities, levels of education, admission to and termination of the educational process, duration and performance of compulsory education, national curriculum and individual curricula, the system of schools and school facilities, etc. The Act also commenced a content transformation of the regional education system.

H. Rights of persons belonging to national minorities

51. Slovakia is a multiethnic country. Approximately 14 per cent of its population claim other than Slovak nationality. In addition to the majority Slovak population, there are 12 officially recognised national minorities and ethnic groups (Hungarian, Roma, Bohemian, Ruthenian, Ukrainian, German, Moravian, Russian, Croatian, Jewish, Polish and Bulgarian). The government is engaged in an active dialogue with organisations and associations of national minorities through its advisory body. The Council of the Government for National Minorities and Ethnic Groups serves as a coordinator for the implementation of the tasks arising under the Constitution, international treaties and legislation, and cooperates with state, regional and local authorities, non-governmental, scientific and academic organisations. The Council includes representatives of all 12 minorities nominated by their organisations and associations on the

principle of parity (one for each minority). Only minority representatives enjoy a voting right; invited state representatives and experts have no right to vote.

52. The protection of national minorities builds on the concept of the protection of individual human rights and fundamental freedoms as defined in relevant international treaties. In its Manifesto adopted in 2006, the government undertook not to adopt any measures that could worsen the existing level of national minorities protection.

53. The rights of persons belonging to national minorities are guaranteed by the Constitution and other 30 partial laws and regulations. In 1999, the Act on the Use of Minority Languages was passed, which permits the use of minority languages in official communication. The act specifies the rules for using a minority language in official communication in those municipalities where the persons belonging to a national minority constitute at least 20 per cent of their total population (for the time being in 655 municipalities).

54. The state promotes minority culture and education development through various means available. The Ministry of Culture contributes to the development of minority cultures mainly through the support to periodic and non-periodic press for members of national minorities, live cultural presentations, state theatres staging plays in languages of national minorities, state museums focused on the issue of minorities, civic associations that promote all minority cultures, through activities of the professional folklore ensemble *Iffú Szivek* (Young Hearts), and through programs aired by public media – Slovak Radio and Slovak Television – in languages of national minorities. There are several museums and galleries for national minorities administered by the Ministry of Culture or regional authorities. Four minority theatres, also managed by regional authorities, exist as well.

55. Minority cultures are supported through a grant system of the Ministry of Culture. The goal of grant schemes is to develop, preserve and present minority cultures. The Ministry of Culture allocates funds from two grant schemes, the Culture of National Minorities and the Culture of Marginalised Groups of Population. The Culture of National Minorities scheme is designed to support and develop cultures of national minorities and preserve their identity and language in response to current changes, priorities and cultural needs of individual minorities. A total of EUR 2.91 million was spent on the promotion and development of minority cultures in 2007. In 2008, funds earmarked for this purpose were increased to EUR 3.3 million from the budget of the Ministry of Culture. Their volume is planned to increase each year, depending on Slovakia's economic performance. Further activities are funded from the budgets of the Office of the Government, the Ministry of Education, the Ministry of Labour, Social Affairs and Family, and other state authorities.

56. Access of minority members to media is guaranteed by law and applied in practice. Public broadcasters are obliged by the law²⁷ to air programmes in minority languages that are balanced in terms of their content and regional coverage. Slovak Television regularly broadcasts four basic national programmes, with three of them in Hungarian. In 2008, a total of 116.85 hours of minority TV programmes was aired (50 per cent for the Hungarian minority, 20 per cent for the Roma minority, and 30 per cent for other minorities). Slovak Radio runs a special radio station (Rádio Patria) dedicated to programmes for national minorities and ethnic groups. Slovak Radio aired a total of 3,859 hours of minority programmes in 2006. In 2007, the government earmarked extraordinary budgetary funds in a total amount of some EUR 1.51 million for minority language programmes aired by Slovak Radio.

57. The right to education in national minority languages is embedded in the Constitution and the School Act. In addition to the right to learn the official language, i.e., Slovak, children and students have the right to an education in their native language. Children and students may receive education at elementary and secondary schools with a minority language as a teaching language, or with minority language classes but with Slovak as the teaching language at the discretion of their parents or guardians. Pre-school education and extra-curricular activities respecting the native language of the child are also available. The curricula of elementary and secondary schools with a minority language as the teaching language include compulsory courses in Slovak language and literature to the extent necessary for their students to learn Slovak. Based on its Manifesto of 2006, the government approved the “Concept of Education and Training of National Minorities” and the “Concept of Education and Training for Roma Children and Students, Including the Development of Secondary and Tertiary Education”, and the “Medium-term Concept of Development of the Roma Ethnic Minority for 2008-13”.

58. As for the largest Hungarian minority, education in their native language is provided at all levels, from kindergartens to universities. The Janos Selye University in Komárno was established in 2004, with a majority of subjects taught in Hungarian. The university has three faculties – pedagogical, economic and reformed theological ones. Four universities prepare Hungarian teachers for schools with Hungarian as the teaching language. The Faculty of Central European Studies at the Constantine the Philosopher University in Nitra provides educational and training programmes for teachers at elementary and secondary schools with Hungarian as the teaching language, as well as in other educational and training facilities for the Hungarian minority. At political level, the interests of the Hungarian minority are defended by a parliamentary party – the Hungarian Coalition Party.

IV. CHALLENGES, LIMITATIONS, RESULTS AND GOOD PRACTICES

A. Protection from poverty, social exclusion and discrimination on the labour market

59. The key goal of the social policy pursued by the government is to create a legislative and institutional framework for citizens, adopt and implement measures to safeguard the sustainable development of human, social and cultural rights and resources in order to ensure dignified living conditions for all, and promote gender equality, equal opportunities and elimination of all forms of discrimination.

60. As far as the labour market is concerned, individuals have the right to work, to free choice of employment, and to satisfactory working conditions. They are entitled to the aforementioned rights without any limitation and without direct or indirect discrimination (appropriate legal means of redress are available if discrimination occurs). No one is permitted to misuse these rights and obligations to the detriment of another individual. With respect to the right to access to employment, no person shall be prosecuted or otherwise punished if they file a complaint, action or petition to commence criminal proceedings against another person, office of labour, social affairs and family or employer.

61. The right to protection against poverty and social exclusion is safeguarded through a number of crucial measures, including measures to provide income support schemes (for families with children, in particular), promote access to employment, education and inclusion on the labour market, and access to public services and human resource development. The Act on Employment Services gives an opportunity to take special measures with respect to employing disadvantaged job applicants.

62. Under the Constitution, all persons in material need are entitled to assistance. A number of regulations were adopted for that purpose.²⁸ Pursuant to the Act on Support in Material Need, material need is defined as a situation where the total income of an individual, including the income of natural persons assessed along with that individual, is below the subsistence minimum as defined in the Act on Subsistence Minimum, and the individual and natural persons assessed along with that individual are not self-sufficient in ensuring or increasing their income.

63. The Act on Social Services came into force on 1 January 2009, redefining the criteria for the provision of social services. It replaced the existing legislation on social assistance in the field of social services, which had become incapable of addressing and governing the provision and funding of social services. The Act on Social Services redefines legal relations and conditions for the provision of social services with the aim of promoting social inclusion and accommodating the social needs of persons in less fortunate social situations. The Act is designed to provide for the long desired improvement and modernisation of social services. In order to ensure access to social services, it specifies the right of a natural person to receive social services. Also, having introduced new types of social services and quality and professional requirements on such services, the Act anticipates an increase in the number of jobs, which should also lead to an increase in employment rates on the local, regional and national level.

64. Positive developments in the key macroeconomic indicators in the period from 2003 to 2008 had a positive impact on the situation on the labour market. A more robust economic performance was driven by the growth in labour productivity combined with increased employment. The average rate of registered unemployment improved by 6.8 percentage points in 2007 when compared to 2003; the registered unemployment rate fell by 8.1 percentage points in the case of men, and by 5.2 percentage points in the case of women. The absolute number of the registered unemployed fell by 192,400 persons, or by 43.4 per cent, in the given period. The registered unemployment rate stood at 7.5 per cent at the end of September 2008.

65. Pursuant to the Statistics on Income and Living Conditions (EU SILC) 2007 results, 10.7 per cent of the total population were at risk of poverty in 2006, down by 2.6 percentage points compared to 2004, and down by 0.9 of a percentage point compared to 2005. Even though the poverty line has increased, the decline in the poverty risk rate compared to the previous period is clearly evident. The social groups that face the highest risk of poverty include the unemployed (44 per cent), old-age pensioners (9.5 per cent), children aged 0-15 (15.6 per cent), single-parent families with at least one dependant child (27 per cent), and families with three and more dependant children (25 per cent). Members of the Roma community are traditionally most vulnerable to poverty. Many Roma live in inadequate living conditions without access to heating, water, gas and electricity. Roma settlements are often marginalized from towns and municipalities. These settlements lack the necessary basic transport infrastructure, and even if such infrastructure does exist, many Roma families cannot afford to pay the fare. Partially also due to their poor qualification and skills, the Roma have only limited employment opportunities, and their reliance on state-sponsored social assistance is not only a passing phase in their life, but rather a long-term problem.

B. Gender equality/domestic violence

66. Gender equality is provided for under domestic legislation into which relevant international law instruments have been transposed. The basic strategic document is the Concept of Equal Opportunities for Women and Men, adopted in 2001.

67. Under the provision of the Labour Code, women and men have the right to equal treatment in access to employment, remuneration, career growth and professional training. Women are guaranteed to enjoy such working conditions that respect their physiological capacities and the social significance of their maternity role; in addition, women and men are guaranteed to enjoy such working conditions that respect their family duties related to the upbringing of and caring for children. The government promotes work-life balance measures, encourages employment of people with family responsibilities, elimination of the family-work dilemma risk and improvement in family services. The document entitled “Work-life balance measures”, approved by the government in 2006, is also part of the comprehensive reform efforts in the area of employment and social policy.

68. Experts and non-governmental organisations often point to the relatively lower participation of women in public life as well as to the lingering differences in financial remuneration between men and women in the same professional positions.

69. The institutional framework in the area of gender equality has been strengthened recently. A special department for gender equality and equal opportunities was established at the Ministry of Labour, Social Affairs and Family, managed directly by the Minister. A standing commission for gender equality and equal opportunities was set up within the parliamentary committee for social affairs. The commission for equal opportunities of women and men at the Confederation of Trade Unions has intensified its efforts with respect to the promotion of the equal treatment principle, in particular through information and training activities. Several projects were carried out as part of the European Year of Equal Opportunity for All initiative. Labour inspectorates have intensified their work in the field of gender equality and equal opportunities, and their personal capacities have been strengthened.

70. In January 2008, the Government Council for Gender Equality was set up as an advisory and coordinating body, being chaired by the Minister of Labour, Social Affairs and Family. Its members include ministers, representatives of regions, scientific institutions and other organisations, as well as NGO experts. The Council prepares proposals and recommendations for the government, other central government bodies, regional authorities and other institutions. It is engaged in the preparation of measures to promote gender equality and the implementation of gender equality principles in the preparation of government’s policies. It drafts summary reports on progress made in the area of gender equality, which are submitted to the government and, subsequently, to the parliament. The Council is currently working on the National Gender Equality Strategy for 2009-13, whose objectives will be linked to the promotion of social protection and elimination of social exclusion.

71. The domestic violence issue has been de-tabooed in recent years, thanks also to various campaigns organised by non-governmental organisations. Launched in 2007, a national campaign “Stop Domestic Violence against Women” is the first government-sponsored project that brought together both government and non-governmental organisations. Its objective has been to raise public awareness of gender-based violence.

72. The government first addressed the issue of domestic violence in 2004 when it approved a National Strategy for the Prevention and Elimination of Violence against Women and Domestic Violence. In order to effectively perform under this strategy, the government subsequently adopted a National Action Plan for the Prevention and Elimination of Violence against Women for 2005-08. The action plan understands violence against women as a form of gender-based violence and introduces particular measures for prevention, education, research and coordinated assistance to women subject to violence, including improvements in relevant

legislation. A new National Action Plan will be prepared for the 2009-13 period that should continue in the building of capacities to assist women subject to violence.

C. Combating racism, extremism, anti-Semitism and xenophobia

73. Re-codification of criminal law has recently been completed. As a result, new penal and criminal codes – the Penal Code and the Code of Criminal Procedure²⁹ – were adopted, with their positive effects already being felt in practice.

74. The Penal Code includes detailed classification of racially-motivated crimes and declares unlawful any organisations and any propagandist activities promoting and encouraging race-based discrimination, as well as participation in such organisations. More stringent criminal sentences were introduced for crimes committed against a so-called protected person if motivated by national, ethnic or racial hatred, hatred based on the colour of skin or other special motive, or by acting in a grave manner.

75. Compared to its previous wording, the amended Penal Code extends the elements of crime of supporting and promoting groups aimed at suppressing fundamental rights and freedoms. Criminal penalties were introduced for perpetrators who publicly demonstrate, especially using flags, insignia, uniforms and slogans, their affection towards groups and movements that, using force or under the threat of force, aim at suppressing fundamental rights and freedoms. The code also permits criminal prosecution and punishment of persons who distribute information encouraging hatred against any race, nation or ethnic group or their defamation through the Internet.

76. Criminal proceedings can be initiated against individuals who publicly endorse fascism and other regimes demonstrably aimed at suppressing civil rights and freedoms, as well as those who question, deny, endorse or pardon the Holocaust.

77. Both criminal codes have considerably contributed to identifying and punishing perpetrators of racially motivated criminal activities, as well as all forms of extremism (rightist, leftist and religious). They are especially important for law enforcement authorities and the judiciary in terms of evidence-taking in the case of such forms of criminal activities.

78. In 2007, a total of 155 racially motivated crimes were officially registered; most of them involved the crime of supporting and promoting groups aimed at suppressing fundamental rights and freedoms. One of the most common forms of racial discrimination includes physical and verbal insults motivated by national, ethnic or racial hatred and/or hatred based on the colour of skin. A total of 125 perpetrators were identified; of these, there were 11 minors and 39 juveniles.

79. In order to step up the cooperation between the police and non-governmental organisations and individuals, a committee to coordinate activities to eliminate racially motivated crimes and extremism was set up. The committee gathers information on the occurrence of all forms of intolerance, xenophobia, extremism and racism, and coordinates joint activities in combating them.

80. The concept for combating extremism, adopted by the government in 2006, is the first comprehensive document addressing this issue. The document analyses the existing state of affairs in anti-extremism efforts and provides basic outlines for their further improvement.

81. With the view of eliminating and preventing undesired social phenomena, the government regularly updates and approves, starting from 2000, an “Action Plan for the

Prevention of all Forms of Discrimination, Racism, Xenophobia, Anti-Semitism and Intolerance”. In addition to addressing the most-pressing challenges and problems of society, the action plan also pursues long-term objectives designed to combat the aforementioned negative phenomena in society in order to strengthen tolerance among all its citizens, including foreign nationals. Activities undertaken by the state authorities, as well as non-governmental organisations and other entities to facilitate the dissemination of the values of tolerance, multiculturalism and non-discrimination, are an inherent part of the action plan. Its priorities include, *inter alia*, better combating extremism through preparation and implementation of relevant legislation, more effective identification of and punishment for extremism-related criminal activities, systematic training and opinion-forming activities in relation to professionals and the general public, promotion of cultural and social scientific activities, and efforts to address the issue of disadvantaged (marginalised) population groups.

D. Trafficking in human beings

82. Trafficking in human beings is not too prominent, yet it represents a serious problem. Slovakia is primarily a source country, but several international institutions also refer to it as a transit country. Some specific types of human trafficking have been on the rise lately, namely trafficking in women for the purpose of sexual exploitation and trafficking in men for the purpose of labour exploitation. Trafficking for sexual purposes often involves minors.

83. In April 2008, the government adopted a National Programme to Combat Trafficking in Human Beings for 2008-10, which represents a comprehensive national strategy to combat this phenomenon. The programme also comprises an Action Plan to Combat Trafficking in Human Beings designed to coordinate the activities of all stakeholders engaged in the elimination of risks and preventing human trafficking, as well as in creating conditions for the provision of support and assistance to victim of trafficking and safeguard the protection of human rights and dignity. The material also addresses comprehensive assistance provided to victims of human trafficking.

84. The coordinating mechanism is complemented with an Expert Group on Trafficking in Human Beings chaired by the State Secretary of the Ministry of the Interior as a national coordinator. The expert group is comprised of 22 representatives of state administration, non-governmental sector, regional/local authorities and an IOM representative in Bratislava.

85. Slovakia was among the first member countries of the Council of Europe that ratified its legal instrument to provide assistance to victims of trafficking – the Convention on Action against Trafficking in Human Beings. Slovakia is also a party to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Palermo Protocol). The definition of trafficking in human beings included in the Penal Code fully reflects the definition provided by the Palermo Protocol. Relevant EU resolutions and directives to combat trafficking in human beings have also been transposed into the national human trafficking legislation. Victims of human trafficking are, *inter alia*, exempt from the obligation to pay an administrative fee for a permit for tolerated stay.

86. Anti-trafficking priorities are specified in the National Action Plan. They mainly involve public awareness raising and improving the identification of trafficking victims. The Programme to Assist and Protect Victims of Human Trafficking through Training aims at reinforcing capacities of law enforcement and judiciary authorities, state and other non-state stakeholders. Another, no less important area is the collection and exchange of information on human trafficking, both at the domestic and international level.

E. Protection of rights of foreign national/migrants/asylum-seekers

87. The status of foreign nationals is governed by a separate act,³⁰ which has been amended on several occasions in order to transpose EU directives concerning the status and rights of EU Member States' nationals and their family members, third-country nationals who are long-term residents, and victims of trafficking in human beings.

88. Asylum procedures carried out by the Ministry of the Interior comply with the Convention relating to the Status of Refugees (1951) and the Protocol relating to the Status of Refugees (1967), both reflected in Slovak legislation.³¹ The act was amended several times in order to transpose EU asylum-related legislation. The amendments have, *inter alia*, introduced the obligation of advising asylum-seekers of their rights and obligations during the asylum procedure within 15 days of its commencement; the asylum-seekers are also permitted to enter the labour market once they meet applicable requirements. The Ministry of the Interior provides subsidiary protection to applicants who have not been granted asylum if it can be reasonably assumed that they will be put at real risk of serious injustice upon return to the country of their origin. A European standard most recently transposed into Slovakia's legislation is the EU Directive on minimum standards on procedures in Member States for granting and withdrawing refugee status.

89. The asylum policy, including the issues of legal and illegal migration, is part of a concept of migration policy prepared under the supervision of the Migration Office. The document coordinates the actions of individual stakeholders engaged in resolving migration policy issues until 2010, including the principle of non-discrimination. The policy paper underlines the protection of national interests, as well as the obligation to respect laws and applicable international treaties and conventions, apply common asylum procedures within the EU, and ensure equal rights for all third-country nationals legally residing in the territory of Slovakia, as well as providing room for updates to the existing migration policy measures.

90. The relative isolation of the country in the not-so-distant past has caused that, even though Slovaks say they are willing to provide help to foreign nationals (most of them, however, do not distinguish between legal and illegal migrants), when it comes to a long-term particular commitment of the country to provide such help, they tend to disapprove of it, viewing it as a burden on the financial and social system. Different age groups also have different attitudes towards migrants; older people are more afraid of them than younger ones. Research done so far (by UNHCR in cooperation with the FOCUS agency, Eurobarometer, etc.) has showed that negative feelings about migrants prevail in certain groups of the majority population.

91. The current situation reflects a decline in the number of asylum applicants and is similar to the situation in other EU Member States. A total of 2,643 persons applied for asylum in 2007. However, it was only granted to a very small number of applicants, mainly due to their failure to meet certain requirements that represent basic criteria for the granting of asylum. Another reason is the termination of an asylum procedure because asylum seekers leave the country before a decision is delivered, as well as quite frequent misuse of the asylum system, especially by the so-called economic migrants.

F. Human rights education

92. Education on human rights and the principles of multiculturalism is addressed by the National Plan for Human Rights Education for 2005-14, prepared by the Ministry of Education. The national plan concentrates on further training of pedagogical staff, publication of

methodology papers and training materials, as well as on the monitoring and evaluation of the scope and quality of human rights education. The Ministry of Education monitors the fulfilment of adopted tasks and, subsequently, prepares a plan of activities for the following year, including necessary financial resources. The Concept of Migration Policy adapted for conditions in the education sector was developed as a follow-up to the National Plan.

G. Strategies for the development of the Roma community

93. Since 1991, the Roma population has been officially recognised as a national minority in Slovakia. Based on the results of the Sociographic Mapping of Roma Communities (2004), the size of the Roma population living in Slovakia is estimated at some 320,000 – 3.5 times more than the figures given in official statistics. Approximately half of the Roma population live integrated among the majority population. The rest of the Roma live in marginalised communities, classified as isolated (in municipalities) and concentrated (in towns). It is this environment where the specific problem of social exclusion is most prominent; the *majority* of the Roma population is subject to social exclusion. The most problematic is the housing issue with respect to the part of the Roma that live in settlements where housing conditions are far below the standards of the majority population. For the most part, the Roma live in very simple dwellings that do not comply with technical and hygienic standards, are built outside official building procedures, and ownership titles to the respective lands are not settled. Their access to communal amenities and public services is very limited.

94. The solution of the problems of the Roma ethnic group is one of the key policy priorities of the Slovak government. In cooperation with the international community and the NGO sector, various initiatives are endorsed in order to, *inter alia*, eliminate the number of school classes missed by Roma students and early termination of compulsory education, improve access to employment, and remove discrimination of the Roma minority in various areas of public life.

95. From 1999 to 2008, the government adopted several substantial strategic and policy documents addressing Roma affairs. The Office of the Plenipotentiary of the Government for Roma Communities was established as a special expert advisory body for the performance of tasks pertaining to the implementation of systemic measures to improve the situation of Roma communities. The Office of Plenipotentiary allocates each year approximately EUR 1.43 million as a complementary grant scheme for the Roma.

96. The key objectives and priorities for the solution of Roma problems in Slovakia are specified in the “Medium-Term Concept of Development of the Roma Ethnic Minority in Slovakia SOLIDARITY-INTEGRITY-INCLUSION 2008-13”, approved by the government on the basis of its Manifesto in 2008. The aim of the concept is to create a model for the shaping of a more favourable environment for marginalised Roma communities in terms of sustainable social development, development of community and social services, and integration focused on social change. Taking into account current regional needs, the medium-term concept defines four basic priority areas: education, health, employment and housing. Cross-sectoral (horizontal) areas include Roma culture and identity, increasing public sensitivity to Roma problems, creating a wider social mandate for the fulfilment of this task through mass media, and other socialising factors through awareness-raising and cultural activities. The concept puts forward measures designed to improve education and knowledge among the Roma population and to provide better social conditions.

97. The EU Structural Funds are also one of the important means for the financing of activities to eliminate problems of the Roma community in Slovakia. The “Marginalised Roma

Communities” is one of the four horizontal priorities under the so-called EU National Strategic Reference Framework. Its goal is to increase employment and the education level of the Roma community, reinforce cooperation, and improve coordination of the activities and funds aimed at improving the living conditions of the Roma through inclusion measures. The support for marginalised Roma communities is built around four priority areas – education, employment, health and housing – and three interconnected themes – poverty, discrimination and gender equality. As part of the priority planning and implementation, all operational programmes will adjust and coordinate their priorities and promote activities in such a way so as to facilitate solution of the aforementioned themes.

98. The coordination and implementation of the horizontal priority is supervised by the Office of the Plenipotentiary of the Government for Roma Communities, department for the coordination of the “Marginalised Roma Communities” priority, which is a part of the Office of the Government. The comprehensive approach will combine a number of projects into a development strategy for a particular locality in such a way that individual activities are interlinked and contribute to sustainable and measurable social inclusion of the marginalised Roma community. The comprehensive approach emphasises mutual links among the activities and an active participation of the local community in the project implementation. Slovakia is the only EU Member State to have defined its efforts to resolve the problems of a part of the Roma population in such a detailed manner and, at the same time, earmarked funds to finance those efforts.³²

99. Slovakia is a member country of the “Decade of Roma Inclusion 2005-15” programme. The programme should provide room for international dialogue to shape national policies to address critical issues in the life of the Roma. The Decade is a political commitment by governments to eliminate differences in key results of economic development and improvement in the living conditions of the Roma through the implementation of political reforms and programmes. The priority areas under the Decade of Roma Inclusion programme, i.e., housing, employment, education and health, overlap with the priorities included in the government-approved policy paper through which Slovakia declared its commitment to find objective solutions to this issue.

100. Slovakia elaborated on these priorities in its Decade National Action Plan. Under its resolution of January 2005, the government committed the Deputy Prime Minister for European Integration, Human Rights and Minorities to coordinate the performance of the action plan in cooperation with the Minister of Education, Minister of Labour, Social Affairs and Family, Minister of Health, and Minister of Construction and Regional Development. Slovakia will hold the Decade Presidency in 2009-10.

101. The Ministry of Labour, Social Affairs and Family is a coordinating body for the Supporting programme for community-based social work development within municipalities, financed from the European Social Fund since 2008. Field social work is carried out under this programme, especially within communities consisting of Roma citizens in material need. Individual offices of labour, social affairs and family implemented a number of projects in the 2003-2007 period which helped to improve employment of the Roma. The project of field social workers is an example of such activities; its goal is to improve Roma knowledge and their cooperation with local authorities and state and public administration. The aim of the Roma teacher assistant project was to help Roma students to master school curricula. The new School Act specifies the status and activities of assistant teachers in more detail; also, the so-called “zero” year at elementary schools remains part of the education system. Community health education assistants have been introduced under a similar project implemented in the area of

health. In 2007, the government approved the “Health Development Programme for Marginalised Communities, Stage I Solution – Health Development Programme for Marginalised Roma Community for 2007-08” to improve health of the Roma community which is generally worse than that of the majority population.

102. In order to improve cooperation between the police and the Roma minority, a programme of police specialists working with Roma communities was launched in 2004. The police officers analyse situations that lead to unlawful activities and search for best practices to resolve existing problems (truancy, drug prevention, etc.). The number of the police specialists, deployed in all regions, increased to 118 in 2007. Their duties include active participation in the activities to raise legal awareness of the Roma, provision of consultancy services and, last but not least, safeguarding that the police respect the human rights of the Roma. Their engagement should remove the barrier of distrust between the police and Roma citizens. The project was highly appreciated in localities with a higher share of Roma population where the citizens became more trustful towards the police.

103. Education of Roma children still requires special attention. In April 2008, the government approved a new draft of the “Concept of Education and Training for Roma Children and Students, Including the Development of Secondary and Tertiary Education”, prepared in line with current needs and practices. One of the much-discussed issues is the non-existence of a uniform education consultancy system, which causes problems mainly with respect to admitting Roma children to special schools. The interpretation of the term “special educational need” results in problems with distinguishing among children and students with different special education needs, which may lead to discrimination of certain children and students in some cases.

104. Under the supervision of the Office of the Plenipotentiary of the Government for Roma Communities, the Roma language was officially standardised in June 2008 to serve as the basis for the provision of education in the Roma language – introduction of the Roma language as a non-compulsory subject, compulsory optional subject (e.g., as a second foreign language), or as part of extracurricular activities. Following the verification of the effectiveness of the curricula for the Roma language and Roma literature classes and for the “facts about Roma” classes on selected elementary and secondary schools, the training of pedagogues for the respective classes will commence. At the university level, the Roma language is taught at the Constantine the Philosopher University in Nitra, Faculty of Social Sciences and Health Care – Institute of Romology Studies. The mission of the Institute is to train educated Roma and non-Roma intelligentsia whose knowledge will contribute to creating better conditions for effective integration and socialisation of the Roma population.

V. COMMENTS TO THE REPORT BY SLOVAK NON-GOVERNMENTAL ORGANISATIONS

105. The draft report was presented to NGO representatives at a meeting of the Government Council for Non-Governmental Non-Profit Organisations, held on 18 December 2008. They were offered the chance to submit their written comments on the draft report; several standpoints were presented. These comments were then subject to consultations between competent government authorities and NGO representatives. The discussions were conducted in a constructive manner; a number of comments were included in the report. In addition, the NGOs highlighted some specific areas where they believe there is still room for improvement:

(a) Strategies for the development of the Roma community – the NGOs endorse more effective legislative and executive measures to solve the problems of the Roma minority. Some

existing strategies are rather too general, according to the NGOs, and lack effective monitoring and evaluation mechanisms. Elimination of the social exclusion of the Roma minority requires clearly defined objectives and sufficient funds for the implementation of relevant programmes.

(b) Right to education – the NGOs emphasise the need to reduce the number of Roma children attending special schools and increase their participation in the system of integrated education. Existing laws do not provide the Roma with sufficient protection from discrimination in education. For example, the amended School Act still includes the category of “children from a socially disadvantaged environment” on the list of those who require special education.

(c) Rights of patients – several NGOs believe the quality of the healthcare system is good, comparable to advanced countries, in terms of professional care (treatment). But the quality of nursing, in particular with respect to immobile patients, does not comply with the current standard requirements in many hospitals.

(d) Rights of persons with disabilities – in addition to the functioning education of children with disabilities at special schools, the NGOs highlight the need to improve their inclusion into “healthy” population. This is limited by the poor quality of assistance services for students, parents and teachers. Also, efforts to remove barriers in schools and other public facilities should intensify. Some NGOs have noted the need to strengthen the participation of disabled persons in decision-making processes of the Council of the Government for Persons with Disabilities. It is necessary to define more precise control mechanisms to evaluate the fulfilment of tasks under the National Programme for the Development of Living Conditions for Persons with Disabilities, since the deadlines set in the programme are often not complied with. Some NGOs have stressed the need for better implementation of the existing legislation pertaining to persons with hearing impairments, including the use of sign language in practice.

(e) Social assistance – the NGOs have expressed their objections to some aspects of the new Act on Social Services (in force from 1 January 2009) which they believe significantly limit applicants’ freedom to choose a social services provider. Access to social services was limited in the past mainly due to the lack of such services. The new act allegedly limits the access of a number of applicants to social services, as it prefers public providers (municipalities) and discriminates against non-public providers (such as church charities). A new act on financial contributions to compensate severe disabilities discourages, according to the NGOs, employment of people reliant on personal assistants due to the method of examining income in order to determine their entitlement to a compensatory payment for personal assistants.

(f) Human rights education – in addition to school activities, the NGOs say more focus should be put on educational activities for adults, in particular vulnerable groups, including persons with disabilities, elderly people, etc. Suitable conditions should be created for NGOs to provide training activities to such population groups.

Notes

¹ Besides the Ministry of Foreign Affairs, the working group includes a further ten national institutions – the Office of the Government, the Ministry of the Interior, the Ministry of Justice, the General Prosecutor’s Office, the Ministry of Culture, the Ministry of Health, the Ministry of Labour, Social Affairs and Family, the Ministry of Education, the Office of the Plenipotentiary of the Government for Roma Communities, and the Slovak National Centre for Human Rights.

² Under the Constitution, state power derives from its citizens, who shall exercise it through their elected representatives or directly. The National Council (the parliament) is the sole constitutional and legislative body, elected to represent the sovereignty of the state and its people. The parliament consists of 150 MPs elected by universal, equal and direct suffrage by secret ballot. It discusses and approves the Constitution, constitutional laws and other regulations, and supervises their implementation. Parliamentary committees, MPs and the government are vested with the right to legislative initiative. Laws are approved by the parliament in a three-reading legislative procedure.

³ Constitutional Act No. 23/1991 Coll., which introduces the Charter of Fundamental Rights and Freedoms as a constitutional act of the Federal Assembly of the Czech and Slovak Federative Republic.

⁴ Judges are independent in the performance of their function, and in decision-making are bound by the Constitution, constitutional laws, legally binding international treaties, acts of the European Union and national regulations.

⁵ The system of general courts includes the Supreme Court, 54 district courts, 8 regional courts and the Special Court having the capacity of a regional court, as well as military courts-martial. The courts decide in civil and criminal matters and conduct a judicial review of the lawfulness of decisions issued by public administration bodies, as well as of the lawfulness of decisions, measures and other acts of public authorities, if required by the law. There are currently 1,463 active judges.

⁶ Its jurisdiction includes not only criminal prosecution of persons suspected of criminal violations, but it also oversees the compliance with the laws by the police and other authorities prior to and during pre-trial criminal proceedings, the compliance with the laws in relation to detained persons and persons whose personal liberty was restricted by a court or other competent state authority, and, within the scope specified by the law, the compliance with the laws by public administration bodies in general.

⁷ When reviewing a petition, the ombudsman establishes which fundamental right has been infringed upon, and whether this infringement is attributable to a public authority. The ombudsman acts on the basis of a petition filed by a natural or legal person, or of his own initiative. All public authorities are obliged to cooperate with the ombudsman.

⁸ If the petitioner asks the ombudsman to keep his/her identity confidential, the complaint is handled solely on the basis of a copy of the petition and no personal data is disclosed. All parties to the proceedings who know the petitioner's identity must keep it confidential. The ombudsman is not authorised to intervene in the decision-making process of courts and has no right to resolve disputes between natural persons.

⁹ The section also functions as the secretariat for the Council of the Government for National and Ethnic Minorities and the Council of the Government for Non-Governmental Non-Profit Organisations. The human rights and minorities section co-authored the anti-discrimination laws and is engaged in its implementation both on the national and European levels. Specialised human rights departments have also been established within other executive bodies (Foreign Affairs Ministry and Justice Ministry); some ministries have set up departments specialised in a specific category of human rights, such as national and ethnic minority rights (Culture Ministry, Education Ministry).

¹⁰ As an independent legal person operating seven regional offices, the Centre plays an essential role in the protection of human rights and fundamental freedoms, including the rights of the child and the equal treatment principle. In 2008, the powers of the Centre, having the status of a national equality body within the European Union, were extended to include the right to conduct independent inquiries into matters related to the violation of the equal treatment principle, as well as to prepare and publish reports and recommendations on discrimination-related issues.

¹¹ The Council serves as a coordination and advisory body to the government for the promotion of activities performed by organisations engaged in community activities, especially in the area of humanitarian and charity work, care of children, youth and sport, education, human rights protection, healthcare, culture, environmental protection and regional development. Council members include representatives of NGOs, ministries and other central government bodies.

¹² International Covenant on Civil and Political Rights and its two Optional Protocols; International Covenant on Economic, Social and Cultural Rights; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; International Convention on the Elimination of All Forms of Racial Discrimination; Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol; Convention on the Rights of the Child and its two Optional Protocols.

¹³ The Rome Statute of the International Criminal Court, four Geneva Conventions and their three Protocols, as well as conventions of the Council of Europe, International Labour Organisation and other specialised organisations. As for the international humanitarian and criminal law, Slovakia actively cooperates with international criminal judicial bodies, in particular with the International Criminal Tribunal for the former Yugoslavia (ICTY) within the extent

specified under the Agreement between the Slovak Government and the United Nations concerning the execution of sentences imposed by the International Criminal Tribunal for the former Yugoslavia of 7 April 2008 (the Agreement came into force on 3 November 2008).

¹⁴ http://www.un.org/ga/search/view_doc.asp?symbol=A/62/747&Lang=E

¹⁵ Slovakia stressed the intention to promote the principle of equality in civil and political rights and economic, cultural and social rights, including the right to development. Further, it undertook to observe the highest human rights standards, to contribute to the activities of the Office of the High Commissioner for Human Rights, and to promote universal ratification of human rights treaties.

¹⁶ Act No. 365/2004 Coll. on equal treatment in certain areas and on protection against discrimination and on amendments to certain acts (the Antidiscrimination Act), as amended.

¹⁷ On the occasion of the European Year of Equal Opportunities for All (2007), a nation-wide anti-discrimination, information and media campaign under the motto “Discrimination Is Illegal”, was carried out, as well as eight projects by non-governmental organisations. In 2008, Slovakia joined the “Community Programme for Employment and Social Solidarity – PROGRESS”, by means of a project submitted by the *Občan a demokracia* (The Citizen and Democracy) civic association. The project amounting to EUR 414,147, was accompanied by a media campaign called “Towards Equal Treatment”.

¹⁸ Constitution of the Slovak Republic, the Charter of Fundamental Rights and Freedoms, and Act No. 308/1991 Coll. on religious freedom and the status of churches and religious societies, as amended. The applicable legislation guarantees that all churches and religious communities are equal before the law. The relationship between the state and registered churches builds on the acknowledgment of their social and legal status of “*sui generis*” entities; the state takes a specific approach to, and cooperates with them, on the principles of partnership cooperation.

¹⁹ Act No. 305/2005 Coll. on the social and legal protection of children and the social custody and on amendments to certain acts, and Act No. 36/2005 Coll. on Family and on amendments to certain acts, as amended.

²⁰ One of the crucial tasks performed by the offices of labour, social affairs and family, in connection with new legislative amendments concerning the performance and conditions of institutional care, was to examine the situation of all children where courts have ordered their placement in children’s homes, special boarding schools, re-educational facilities, crisis centres and social service facilities for children. Based on this examination, it was proposed to release 326 children from institutional care. In 2006, 158 children were released.

²¹ Act No. 300/2005 Coll., the Penal Code. The perpetrator being a person vested with the power to exercise public authority, the crime must be committed in connection with the exercise of that authority. The elements of crime have been extended to also include ill-treatment, which is defined as any act that adversely affects the physical or mental aspects of an individual. In addition, more severe prison sentences have been introduced for the aforementioned crimes.

²² The Police Inspection Service annually submits to the Ministry of the Interior a report on the criminal activities of the police. Since 2002, the Interior Minister has presented annual reports on this matter to the government. The statistics for previous years imply that the number of complaints registered by the Police Inspection Service has a downward trend. Crimes committed by military police officers are monitored by a specialised department of the military police directorate. Several military police officers have been prosecuted for the misuse of public authority; these cases involved, for the most part, inappropriate behaviour during interrogations.

²³ Prosecutors are entitled to immediately issue written release orders when they find out that a person is kept in such a facility unlawfully and to cancel decisions made by respective managing authorities if they are in conflict with the law. However, cases where reasons exist for such interventions by a prosecutor are very rare (three cases per year on average). They usually involve delayed court decisions to extend detention, decisions to place a person in a healthcare facility (court-ordered therapy) without consent from the person concerned, or cases where a court has failed to release a person after the statutory limited period for detention/custody expired.

²⁴ Act No. 576/2004 Coll. on Healthcare and Related Services.

²⁵ Act No. 152/1998 Coll. on Complaints.

²⁶ Act No. 245/2008 Coll. on Education and Training and on amendments to certain acts.

²⁷ Act No. 16/2004 Coll. on Slovak Television as amended, and Act No. 619/2003 on Slovak Radio as amended.

²⁸ Act No. 599/2003 Coll. on Support in Material Need, government regulation No. 336/2008 Coll. which modifies the amounts of material need allowances and housing benefit, Act No. 448/2008 Coll. on Social Services and on

amendments to Act No. 455/1991 Coll. on Licensed Trade, Act No. 447/2008 Coll. on financial contributions to compensate severe disabilities, Act No. 601/2003 Coll. on Subsistence Minimum, measure of the Ministry of Labour, Social Affairs and Family No. 225/2008 Coll. on changes in the amounts of subsistence minimum.

²⁹ Act No. 300/2005 Coll., the Penal Code, and Act No. 301/2005 Coll., the Code of Criminal Procedure.

³⁰ Act No. 48/2002 Coll. on the Stay of Aliens and on amendments to certain acts, as amended.

³¹ Act No. 480/2002 Coll. on Asylum and on amendments to certain acts, as amended.

³² Indicative allocations under individual operational programmes for the implementation of the comprehensive approach are as follows:

<i>Operational programme</i>	<i>Funds in EUR</i>
Regional operational programme	85,000,000.00
OP Environment	22,937,163.00
OP Competitiveness and economic growth	14,000,000.00
OP Health care	10,000,000.00
OP Education	17,000,000.00
OP Employment and social inclusion	26,500,000.00
Total	175,437,163.00
