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Committee on Economic, Social and Cultural Rights

Forty-eighth session

Geneva, 30 April–18 May 2012

Consideration of reports submitted by States parties in accordance with articles 16 and 17 of the Covenant

Concluding observations of the Committee on Economic, Social and Cultural Rights

Slovakia

1. The Committee on Economic, Social and Cultural Rights considered the second periodic report of Slovakia on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/C.12/SVK/2) at its 3rd, 4th and 5th meetings (E/C.12/2012/SR.3-5), held on 1 and 2 May 2012, and adopted the following concluding observations at its 18th meeting, held on 18 May 2012.

A. Introduction

2. The Committee takes note with satisfaction of the submission by Slovakia of its second periodic report, which is in conformity with the Committee's reporting guidelines and reflects the State party's effort to provide an account of the steps taken to implement the recommendations made by the Committee in its preceding concluding observations. The Committee also takes note with satisfaction of the detailed written replies which it received to its list of issues (E/C.12/SVK/Q/2/Add.1).

3. The Committee welcomes the constructive dialogue held with the State party's delegation, which was composed of representatives of a number of different ministerial departments.

B. Positive aspects

4. The Committee welcomes the State party's ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, on 7 March 2012, and its ratification of the following instruments:

(a) The Convention on the Rights of Persons with Disabilities and its Optional Protocol, on 26 May 2010;

(b) The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, on 7 August 2006;

(c) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, on 25 July 2004.

5. The Committee takes note with appreciation of the State party's efforts to promote the implementation of economic, social and cultural rights, which have included:

(a) The adoption of Act No. 365/2004 on Equal Treatment in Certain Areas and on Protection against Discrimination, which amends and supplements other relevant legislation (the Anti-Discrimination Act) and which entered into force on 1 July 2004;

(b) The amendment of Act No. 5/2004 on Employment Services, which modifies and supplements other laws, introduces a new definition of the right to access to employment and entered into force on 1 May 2008;

(c) The adoption of Minimum Wage Act No. 663/2007;

(d) The adoption of Act No. 103/2007 on Tripartite Consultations at the National Level, which amends and supplements other relevant legislation (the Tripartite Act);

(e) The adoption of Social Insurance Act No. 461/2003, which entered into force on 1 January 2004;

(f) The establishment of the Government Council for Human Rights, National Minorities and Gender Equality;

(g) The adoption of the National Strategy on the Prevention and Elimination of Violence against Women and Domestic Violence in 2004.

C. Principal subjects of concern and recommendations

6. The Committee regrets the fact that, although the Covenant takes precedence over domestic laws, the State party has not provided information on cases where the Covenant has been applied by domestic courts.

The Committee recommends that the State party take the appropriate steps to increase judges', lawyers' and prosecutors' familiarity with the Covenant in order to ensure that its provisions are taken into account in domestic court decisions. The Committee also recommends that the State party adopt suitable measures to raise awareness of the Covenant and of the justiciability of economic, social and cultural rights among members of the judicial branch and the general public. It also draws the State party's attention to its general comment No. 9 (1998) on the domestic application of the Covenant.

7. The Committee is concerned by the fact that the scope and independence of the Slovak National Centre for Human Rights are limited. It is also concerned by the insufficiency of the financial and human resources placed at the Centre's disposal.

The Committee recommends that the State party amend its legislation in order to increase the scope and independence of the Slovak National Centre for Human Rights and to endow it with the financial and human resources it needs in order to function in full conformity with the Paris Principles.

8. The Committee recommends that the State party ensure that the status, mandate, powers and areas of responsibility of the two plenipotentiaries who are to be appointed are not inferior to those of the Deputy Prime Minister for Human Rights and National Minorities. The Committee also recommends that the State party take

steps to avert any overlap between different agencies and to improve the coordination of its policies regarding human rights, including those of women.

9. The Committee is concerned by the fact that the Roma continue to be the victims of discrimination, particularly in the areas of education, employment, health and housing. The Committee regrets that the State party has not furnished it with statistics on this subject (arts. 2, 6, 11, 12 and 13).

The Committee recommends that the State party strengthen the preventive and protective measures in place to combat social and societal discrimination against the Roma in all domains, in particular by ensuring full enforcement of the Anti-Discrimination Act. The Committee also recommends that the State party undertake steps to promote the rights of the Roma, with regard to access to employment, education, housing and health. The State party should pass the bill on marginalized communities, enforce that law once it has been passed, implement its Roma integration strategy up to 2020 which it adopted on 11 January 2012 and report to the Committee on the results of those steps.

10. The Committee is concerned by the fact that homosexual couples are not legally recognized and by the absence of a legal framework for the protection of the rights of such couples (art. 2).

The Committee recommends that the State party consider adopting legislation that would grant legal recognition to homosexual couples and regulate the financial effects of such relationships.

11. The Committee remains concerned by persistent inequalities between men and women in the State party, in particular with regard to their representation at different levels in the public sector, in decision-making bodies and in political parties (art. 3).

The Committee recommends that the State party expedite its implementation of the measures adopted to ensure equality for men and women, to evaluate their implementation and to ensure that effective oversight mechanisms are in place. The Committee also recommends that the State party adopt special measures for the advancement of women, in view of their underrepresentation, in various sectors of public life, in decision-making bodies and in political parties. The Committee further recommends that the State party adopt the updated version of the National Strategy for Gender Equality. In that regard, the Committee draws the State party's attention to its general comment No. 16 (2005).

12. The Committee is concerned by the high rate of unemployment in the State party and especially by the persistence of long-term unemployment and by the major disparities between some regions, despite the efforts undertaken by the State party. It is particularly concerned by the unemployment rate among women and the alarmingly high unemployment rate among young people (art. 6).

The Committee recommends that the State party step up its efforts to reduce unemployment, particularly long-term unemployment, as well as the major regional disparities that exist in the State party. The Committee also recommends that the State party adopt appropriate measures to improve employment among women and to facilitate young people's entry to the labour market. The Committee draws the State party's attention to its general comment No. 18 (2005) on the right to work.

13. The Committee is concerned by the high rate of unemployment among disadvantaged and marginalized groups of the population, particularly among the Roma and persons with disabilities and by the absence of data on the impact of steps taken to reduce unemployment among the Roma and persons with disabilities. The Committee is equally

concerned by the fact that asylum seekers must wait for one year before they can obtain a work permit (art. 6).

The Committee recommends that the State party intensify its efforts to facilitate the Roma's access to the labour market, in particular by ensuring the effective implementation of its Roma integration strategy and related plans of action. It also recommends that the State party take the appropriate steps to amend its legislation to allow asylum seekers to obtain a work permit within a year. In that connection, the Committee recommends that the State party accord recognition to the academic qualifications and work experience of asylum seekers without discrimination. The Committee further recommends that the State party ensure the effective enforcement of legislation under which companies are subject to a quota for the employment of persons with disabilities.

14. The Committee remains concerned by the wage gaps between men and women who perform equal work or work of equal value and by the fact that these wage gaps have continued to widen in the State party at a very rapid rate (art. 7).

The Committee recommends that the State party redouble its efforts to eliminate the wide wage gaps that persist between men and women who perform equal work or work of equal value, in particular by ensuring the effective enforcement of existing laws, including the Labour Code and the Anti-Discrimination Act, by carrying out more inspections and by applying the penalties established for that purpose.

15. The Committee is concerned by the fact that the minimum wage set in the State party is not sufficient to ensure a decent standard of living for workers and their families, despite the State party's efforts in this regard (art. 7).

The Committee reiterates its earlier recommendation that the State party set the minimum wage at a sufficient level to ensure a decent standard of living for recipients and their families.

16. The Committee is concerned by the very high incidence of sexual harassment, usually of women, in the State party, despite the legislative and awareness-raising measures undertaken by the State party to prevent such harassment (art. 7).

The Committee recommends that the State party ensure that the laws against sexual harassment are effectively enforced and that it adopt additional preventive and protective measures to combat the sexual harassment of women in the workplace.

17. The Committee is concerned by the excessive legal restrictions applying to the right of certain categories of civil servants to strike (art. 8).

The Committee recommends that the State party revise its legislation in order to permit those categories of civil servants to exercise their right to strike more fully, in particular Act No. 2 of 1991.

18. The Committee remains concerned by the persistence of domestic violence, particularly against women. The Committee is also concerned by the fact that domestic violence does not constitute an offence (art. 10).

The Committee recommends that the State party amend its legislation in order to make domestic violence an offence and intensify its efforts to prevent and combat domestic violence, particularly violence against women.

19. The Committee observes with concern that human trafficking, particularly of women and girls, for purposes such as sexual exploitation, still persists throughout the State party (art. 10).

The Committee urges the State party to strengthen its preventive and protective measures for combating trafficking in women and girls, for purposes such as sexual exploitation, in particular by ensuring effective law enforcement and training law enforcement and migration officers. It recommends that the State party continue with its public awareness-raising campaigns, increase the measures in place for assisting and rehabilitating victims, facilitate the submission of complaints, and prosecute and punish traffickers. The Committee further recommends that the State party pursue cooperative efforts with neighbouring States to prevent and combat human trafficking.

20. The Committee is concerned by the fact that a significant proportion of the population still live beneath the poverty threshold, and that the proportion remains very high among the most disadvantaged and marginalized groups within its population, including the Roma (art. 11).

The Committee strongly urges the State party to intensify its efforts to combat poverty, especially among the most disadvantaged and marginalized members of the population, including the Roma, and to reduce disparities between regions. In that respect, it would draw the State party's attention to its statement concerning poverty and the International Covenant on Economic, Social and Cultural Rights (E/C.12/2001/10).

21. The Committee is concerned by the fact that access to adequate, safe water is still not available to all sectors of the population in the State party, especially the most disadvantaged and marginalized groups and members of the rural population (art. 11).

The Committee recommends that the State party take the necessary steps to provide all members of its population, including those living in rural areas, with adequate, safe water and sanitation services. The Committee further encourages the State party to pursue the pilot projects already undertaken to that effect, in conformity with its general comment No. 15 (2002) on the right to water, and to provide information in its next report on the progress it has achieved.

22. The Committee is concerned by the fact that some groups within the State party's population, especially its most disadvantaged and most marginalized members, including the Roma, still do not have access to adequate housing. It is also concerned by reports of numerous forced evictions of Roma (art. 11).

The Committee recommends that the State party ensure that the 2010 Act encouraging low-cost housing construction is implemented and that it pursue its social housing construction programme, giving priority in the assignment of such dwellings to disadvantaged and marginalized groups, particularly the Roma. The Committee draws the State party's attention to its general comment No. 4 on the right to adequate housing. It also recommends that the State party avoid allowing any forced evictions of Roma to take place until these have been consulted and offered alternative accommodations. The Committee further draws the State party's attention to its general comment No. 7 (1997) on forced evictions.

23. The Committee remains concerned by the high rate of tobacco use in the State party and the health implications thereof, especially for young people despite the State party's many legislative initiatives and awareness-raising campaigns aimed at combating tobacco use (art. 12).

The Committee strongly recommends that the State party step up its efforts to combat tobacco use and to address the implications thereof, especially for young people. The Committee urges the State party to ensure the effective application of its anti-tobacco legislation and to intensify its awareness-raising campaigns in that respect. The

Committee also recommends that the State party adopt a comprehensive national plan or strategy to combat tobacco use and that these include health-care provisions.

24. The Committee is concerned by the fact that the new law on social security adopted in September 2011 has reduced coverage in terms of reproductive and sexual health services, in particular the prescription of contraceptives, including the most up-to-date. The Committee is also concerned by the fact that the confidentiality of the personal data of patients undergoing abortion is not guaranteed. The Committee is, in addition, concerned at the rising cost of abortion services (art. 12).

The Committee recommends that the State party expand the public insurance scheme to cover reproductive and sexual health services, allowing the prescription of contraceptives, including the most up-to-date. The Committee also recommends that the State party ensure that the personal data of patients undergoing abortion remain confidential. Lastly it recommends that the State party lower the cost of abortion services.

25. The Committee is concerned by reports that sexual and reproductive health education is not included in school curricula, which means that students are left uninformed about the risks of early pregnancy and sexually transmitted diseases (arts. 12 and 13).

The Committee recommends that the State party take all appropriate steps to ensure that students receive sexual and reproductive health education at school in order to avert the risks associated with early pregnancy and sexually transmitted diseases.

26. The Committee is concerned by reports that Roma children continue to be the victims of segregation in the State party's school system by being refused the right to attend regular classes in some areas and being taught in special classes, notwithstanding the existing provisions of the Anti-Discrimination Act and the School Act. The Committee is also concerned by the low enrolment rate among Roma children and their persistently high school dropout rate. The Committee is equally concerned by discrimination in schools against children with disabilities (art. 13).

The Committee recommends that the State party put in place a national strategy and plan of action in order to raise the enrolment rate and lower the school dropout rate among Roma children. The Committee recommends that the State party conduct campaigns to raise awareness among Roma families and continue to offer the incentives in these respects that have already been established. The Committee also recommends that the State party combat the segregation of Roma children in schools by ensuring the effective enforcement of the Anti-Discrimination Act and the School Act and by raising teachers' and the general public's awareness of these laws. It further recommends that the State party adopt and apply an inclusive approach to the education of children with disabilities. The Committee directs the State party's attention to its general comment No. 13 (1999) on the right to education.

27. The Committee is concerned about shortcomings in the implementation of the law dealing with the official State language and the law governing minority languages, under which all citizens belonging to minority groups are allowed to use their minority language in their dealings with the public administration, despite the measures adopted by the State party to facilitate the use of such languages (art. 15).

The Committee recommends that the State party take steps, including the imposition of penalties, to ensure that the law dealing with the use of minority languages be effectively enforced in the municipal governments concerned. In that connection, the Committee directs the State party's attention to its general comment No. 21 (2009) on the right of everyone to take part in cultural life.

28. The Committee requests the State party to disseminate these concluding observations widely at all levels of society, and particularly among public officials, judicial authorities and civil society organizations, and to inform the Committee in its next periodic report on the steps taken to implement them. It also encourages the State party to continue to engage civil society organizations in the discussions to be held at the national level prior to the submission of its next periodic report.

29. The Committee invites the State party to update its core document in accordance with the harmonized guidelines on reporting under the international human rights treaties.

30. The Committee requests the State party to submit its next periodic report in accordance with the guidelines adopted by the Committee in 2008 (E/C.12/2008/2) by 18 May 2017.
