



**SLOVAK NATIONAL CENTRE
FOR HUMAN RIGHTS**

Laurinská 18, 811 01 Bratislava, Slovakia
phone: +421 2 208 501 11, fax: +421 2 208 501 35
e-mail: info@snslp.sk, www.snslp.sk

Observations
of the Slovak National Centre for Human Rights
on the Third Periodic Report of the Slovak Republic
to the UN Committee against Torture

The Slovak National Centre for Human Rights (SNCHR) is a national human rights institution established in the Slovak Republic, accredited with status B by the International Coordinating Committee of National Human Rights Institutions. As an NHRI, the SNCHR is a member of the European Network of NHRIs (ENNHRI). The SNCHR was established by the Act of the Slovak National Council No. 308/1993 Coll. on the Establishment of the Slovak National Centre for Human Rights. Pursuant to Act No. 365/2004 Coll. on Equal Treatment in Some Areas and on Protection from Discrimination, and on amendments and supplements of certain acts, as amended (the Anti-discrimination Act) SNCHR acts also as the only Slovak equality body. As an NHRI and Equality Body, SNCHR performs a wide range of tasks in the area of human rights and fundamental freedoms including the rights of the child and observance of the principle of equal treatment. SNCHR among other powers:

- 1) monitors and evaluates the observance of human rights and the observance of the equal treatment principle;
- 2) conducts research and surveys to provide data in the area of human rights; gathers and distributes information in this area;
- 3) prepares educational activities and participating in information campaigns aimed at increasing tolerance of the society;
- 4) provides legal assistance to victims of discrimination a manifestations of intolerance;
- 5) issues expert opinions on matters of the observance of the equal treatment principle;
- 6) performs independent inquiries related to discrimination;
- 7) prepares and publishes reports and recommendations on issues related to discrimination;
- 8) provides library services and services in the area of human rights.

Contact Person:

Zuzana Pavlíčková, Legal Expert for External Relations, Slovak National Centre for Human Rights, Laurinská 18, 811 01 Bratislava, Slovakia, pavlickova@snslp.sk, +421 2 208 501 22



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Introduction

1. SNCHR welcomes the opportunity to submit its observations to the Committee on compliance of the Slovak Republic with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). This NHRI report seeks to underline the key achievements and remaining significant challenges for the implementation of CAT in the Slovak Republic as perceived by SNCHR.
2. SNCHR welcomes the efforts made by the Slovak Republic during the monitoring period, which led to several significant achievements advancing the protection against torture and other cruel, inhuman or degrading treatment or punishment as defined under CAT in Slovakia. These developments include *inter alia*:
 - The adoption of the new Act No. 78/2015 of Coll. on Execution of Certain Rulings by Technical Means, which focuses on creation of controlling mechanism of inmates by technical means in cases of alternative sentences.
 - The adoption of the National Action Plan for the Prevention and Elimination of Violence against Women for the years 2014-2019, which aims to create, implement and coordinate a comprehensive national policy. SNCHR also welcomes establishment of a non-stop free helpline for women in every age who experienced violence, which is founded by the state as this commitment has been declared for a long period of time.
 - The adoption of National Strategy of Protection of Children against Violence, which defines five strategic goals on a national level so that the results manifest at local levels. In order to ensure the implementation of this strategy the National Coordination Centre for addressing the issues related to violence against children was established at the Ministry of Labour, Social Affairs and Family of the Slovak Republic.
3. SNCHR is, however, concerned about several areas, where a significant scope for improvement remains. The remaining problems in advancing the observance of CAT in Slovakia, further elaborated on in this NHRI report, include:
 - Overcrowding in prisons;
 - Violence against women;
 - Violence against children;
 - Violence against Roma;
 - Human Trafficking;
 - Ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
 - Lack of an independent body empowered to undertake unannounced visits to all places of deprivation of liberty.
4. SNCHR is ready to provide any further information, clarification and assistance to the Committee any time before, during or after the session within which the state report of the Slovak Republic is to be reviewed.

Overcrowding in Prisons (Art. 11)

5. SNCHR underpins the impact that overcrowding of prisons and over-incarceration have on human rights of individuals. In terms of legislation, the Act No. 221/2006 Coll. on Serving Detention and the Act No. 68/2014 on Serving the Sentence of Imprisonment regulate accommodation of charged/imprisoned persons. A charged person is accommodated in cells while an area for one person placed in cell is at least 3,5 m². In case a number of charged or convicted persons rises excessively, the minimum area can be temporarily set lower (until it is necessary in order to accommodate every convicted and charged person).
6. In practice, the overall capacity of prison and detention facilities in Slovakia is currently 11 318 places. The available statistics show that by the end of May 2015, there were 10 146 detained and imprisoned persons in Slovakia. This number means that the capacity of the prison facilities and facilities for serving detention were used at 89,6%. Several facilities have exceeded 100% usage of their capacities.
7. SNCHR believes that in order to diminish the negative impact of detention and imprisonment on human rights of individuals, possibilities of applying alternative forms of punishment should be carefully assessed in all individual cases.
8. In terms of alternative forms of punishment, SNCHR welcomes the adoption of the new Act No. 78/2015 of Coll. on Execution of Certain Rulings by Technical Means, which focuses on creation of controlling mechanism of inmates by technical means in cases of alternative sentences.
9. The Act brings technology of a creditworthy and reliable control of execution of alternative sentence. The sentence of a house arrest is legislatively grounded in Slovakia from January 2006. However, the number of such convicts is still very small (for the years 2006-2012 it was executed with regards to 222 convicts), as compared to about 2 500 inmates, who are currently serving their sentence in prisons and who could, with regards to the nature and seriousness of the crimes, serve a sentence under the house arrest.
10. The Ministry of Justice of the Slovak Republic launched a project of Electronic monitoring system of detainees and convicts in 2013. The project is funded by the European Union from the European Regional Development Fund through the Operational programme Information society. Expansion of alternative sentences is intended to strengthen the principle that an unconditional custodial sentences is *ultima ratio* to be applied only when other, less serious means combating crime, including penalties without custodial sentence, have failed.
11. Indisputably, the project, as it includes effective execution of other types of court decisions, will also benefit to prevention of domestic violence and stadium criminality by more effective control of the sentence of ban of participation in public events and other forms of limits including the ban to approach a specific person as well as banning a violent person to enter house.
12. SNCHR welcomes the introduction of electronic bracelets and believes that the number of convicts sentenced with alternative sentences would respectively increase in order to decrease

the number of persons in prisons, prevent overcrowding of prisons and in the long-term aspect also save public resources that can be spent in improving standards in prisons.

Recommendation 1:

That the Committee recommends the Slovak Republic promote the use of alternative sentences in appropriate cases in order to prevent over-incarceration and overcrowding of prisons and hence eliminate its impacts on human rights of individuals.

Violence against Women (Art. 16)

13. The Slovak Republic was one of the first states to sign the Council of Europe's Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention) on 11 May 2011. The National Action Plan for Elimination and Prevention of Violence against Women in the Slovak Republic for the Years 2014-2019 declares that the ratification of the Istanbul Convention should be done by the end of the year 2013. This Convention is, however, still not ratified by the Slovak Republic. Pursuant to the available information, the ratification was postponed until 2016.
14. One of the declared reasons for non-ratification of the Istanbul Convention is need for the harmonisation of domestic legislation with the obligations under the Istanbul Convention. The Slovak Republic is in the process of drafting of the Act on prevention of gender-based violence and domestic violence and on protection from gender-based violence and domestic violence. SNCHR hopes that after the adoption of this act, the ratification of the Istanbul Convention will no longer be postponed.

Recommendation 2:

That the Committee recommends the Slovak Republic fully ratify and implement the Istanbul Convention without undue delay.

15. Ratification of the Istanbul Convention is in the Slovak Republic opposed by some groups of civil society (including their representative NGOs) which consider gender equality as a threat to traditionalism. As a result they refer to the term "rodová ideológia" (gender ideology). The word ideology is in the Slovak society generally understood as something unrealistic, mostly connected with the wrong ideas. Due to this, they seek to block policy documents mentioning gender equality or gender mainstreaming as the Istanbul Conventions does.
16. SNCHR believes that a way to overcome the misrepresentation and misunderstandings related to gender equality and its mainstreaming would be a nationwide campaign explaining these concepts in order to eliminate stereotypes about dangerousness of gender equality and mainstreaming.

Recommendation 3:

That the Committee recommends the Slovak Republic increase awareness–raising activities aiming to tackle misinterpretation of the concept of gender equality.

17. As mentioned in the third periodic report of the Slovak Republic on the implementation of the Convention there are currently 52 subjects providing social services to victims of domestic violence in the Slovak Republic. SNCHR perceives this number insufficient in comparison with given standards of the Council of Europe. Slovakia still does not have enough shelters for women who experienced domestic violence. The Slovak Republic is trying to increase this number as well as the standards of such shelters; unfortunately the efforts do not have any significant effects.
18. Another problem with shelters for women is connected with unawareness of citizens concerning violence against women. In 2014, in one district of the Slovak city of Prešov citizens signed a petition against an opening of a shelter for women and children who experienced violence. According to the initiators of the petition, the main reason to oppose the establishment of the shelter was a fear from a crime increase and/or occurrence of various social groups in the district.

Recommendation 4:

That the Committee recommends the Slovak Republic allocate adequate financial resources to improve and establish more shelters for women victims of domestic violence.

Recommendation 5:

That the Committee recommends the Slovak Republic intensify awareness–raising activities on violence against women in order to prevent and eliminate its occurrence in the society.

19. Most women who experienced violence from their partners, ex-partners or other men tend not to report this kind of behavior to police or relevant institutions/organizations. In March 2015, the Ministry of Labour, Social Affairs and Family of the Slovak Republic established a free nonstop helpline funded by the state for women who are experiencing violence. SNCHR welcomes the establishment of the helpline also due to increase of awareness on violence against women, not only through the medialization which followed this establishment.
20. SNCHR, however, remains concerned about the persistence of underreporting of violence against women in the Slovak Republic. Accordingly, motivation of women who are experiencing violence by showing positive and successful cases of reporting of such violence seems necessary.

Recommendation 6:

That the Committee recommends the Slovak Republic increase awareness-raising activities, campaigns and educational activities to tackle underreporting of violence against women.

Violence against Children and Corporal Punishment of Children (Art. 16)

21. On 15 January 2014, the Government of the Slovak Republic adopted by a Resolution No. 24 a National Strategy for the Protection of Children against Violence and the establishment of a National Coordination Centre for Addressing the Issues Related to Violence against Children as organisational part of the Ministry of Labour, Social Affairs and Family of the Slovak Republic. The Strategy aims to achieve qualitative changes in perception of and addressing violence against children by thoroughly interacting and integrating partial politics into an effective mechanism complexly dealing with the issue. SNCHR itself has, pursuant to the governmental resolution, nominated a contact person for the National Coordination Centre for Addressing the Issues Related to Violence against Children, who regularly participates in meetings concerning the rights of the child.
22. SNCHR has repeatedly underpinned the need to establish an institution that would comprehensively deal with the rights of children, monitor their observance and realisation in practice in compliance with national legislation and international treaties. Hence, SNCHR welcomes and supports all activities leading to the establishment of the Commissioner for the Rights of the Child but also activities addressing the issue of violence against children, which requires particular attention due to the vulnerability of children to become victims of such human rights abuse.

Recommendation 7:

That the Committee recommends the Slovak Republic continue with its efforts to comprehensively approach and tackle the issue of violence against children.

23. Corporal punishment of children is unlawful in the Slovak Republic almost in all settings, leaving the prohibition in the home the last, but very important, area to be subjected to zero tolerance. As proclaimed, the Slovak Republic is considering the introduction of prohibition of corporal punishment of children by parents in the new Civil Code.
24. The current legislation continues to lack the explicit prohibition of corporal punishment of children in the provisions of family law. Concerning the home settings, the Act No. 36/2005 Coll. the Family Act does not explicitly include total prohibition of corporal punishment and leaves the choice of upbringing means and methods to the parents. The choice is limited by the boundaries of adequacy. Under Article 30(3) of the Family Act, parents are given the right to educate children according to their own religious and philosophical beliefs and also the right to use suitable educational procedures, unless the child's health, dignity, mental, physical and emotional development are endangered.
25. In line with the General Comment No. 8(2008), SNCHR highlights that the right to use suitable or appropriate educational procedures and forms of disciplining shall not be interpreted as

leaving room for justification of violent, cruel or degrading forms of discipline. While it is undoubtedly not only a parental right but also a responsibility for raising a child, SNCHR underpins that parental direction and guidance shall be free from any forms of violence.

26. Despite the protection established by the Act No. 305/2005 Coll. on Social and Legal Protection of Children and Social Curatorship, it is difficult and many times impossible to see behind the doors of households. Hence, it seems desirable to encompass the zero tolerance principle into the Family Act. It is also important to give a child a chance to protect itself when violent, cruel or degrading forms of discipline are used. Thus, it is also necessary for the child to have a chance to express his/her opinions and experiences before the court.
27. Definition and the illegality of corporal punishment of children shall be also explicitly included into the Act No. 300/2005 Coll. Criminal Code by incorporating specific provisions enabling to solve the problem of corporal punishment before courts in order to impose strict disciplinary actions.

Recommendation 8:

That the Committee recommends the Slovak Republic explicitly prohibit by law corporal punishment of children in all settings, including home.

28. SNCHR believes that the adoption of necessary legislative measures as described above needs to be in practice supported by effective reporting and referral mechanisms. Effective response to all actions incompatible with the prohibition of corporal punishment in the home is required in order to enhance children's rights and to prevent reoccurrences of similar cases in future.
29. While it seems reasonable to apply the so called *de minimus* principle, according to which minor assaults only appear before court in very exceptional circumstances, it is desirable that parents use other forms of disciplinary or educating measures than corporal punishments even if minor. SNCHR believes that awareness raising campaigns represent an effective tool to motivate the parents and change their mindset in this regard. Moreover, the importance to talk not only about the danger of punishments but also about the necessity to reward good behavior of children must also be highlighted.

Recommendation 9:

That the Committee recommends the Slovak Republic intensify awareness-raising campaigns promoting the use of alternative non-violent forms of discipline.

Violence against Roma (Art. 16)

30. Extremism is one of the most dangerous anti-social phenomenon of modern democratic society. Slovakia addresses the need to combat extremism in the Strategy for the Fight against Extremism for 2015-2019, which follows the Strategy adopted for the years 2011-2014. The

Strategy defines the priorities of the Slovak Republic in prevention and elimination of radicalization, extremism and associated anti-social activities, which threaten fundamental rights and freedoms. SNCHR considers the Strategy as the sign of long-term effort to remove this unwanted social phenomenon from our society.

31. According to the Report on Implementation of the Strategy for Roma Integration up to 2020 and the reviewed National Action Plan for the Decade of Roma Inclusion for the Years 2011-2015 and the Strategy for the Fight against Extremism for the Years 2011-2014, new working groups for evaluation of the achieved results were established. SNCHR considers areas to be evaluated by the working groups as important for improving situation of Roma in Slovakia. Unfortunately, the Report does not address the issue of violence against Roma people, because of their ethnicity.
32. Violence against Roma is caused by several factors, including their marginalization in the society, prejudice, stereotypes and negative perception of Roma by members of the majority society. One of the major challenges in tackling violence against Roma is also underreporting of cases by Roma, who often do not trust authorities. It is therefore crucial that the issue is addressed comprehensively from the perspective of tackling discrimination, stereotypes, marginalization of Roma as well as extremism as such. Particular focus should be put on use of force by police in Roma communities.

Recommendation 10:

That the Committee recommends the Slovak Republic adopt effective measures to prevent violence against Roma people, mainly by training, educational and awareness-raising activities.

Recommendation 11:

That the Committee recommends the Slovak Republic improve cooperation and communication in communities between the subjects concerned with an aim to integrate Roma people. Moreover, a long term strategy for coexistence in municipalities in terms of Roma inclusion in parallel with mutual active non-confrontational communication regarding the current problems shall be implemented with the utmost seriousness.

33. SNCHR welcomes activities associated with creations of Roma civil guards in marginalized Roma communities. The aim of establishing Roma civil guards in municipalities is to enhance local activism in support of community development, reducing the number of antisocial acts, maintaining public order and standard grade of environment in the localities inhabited by marginalized Roma communities.
34. In terms of violent acts against Roma it is very important to emphasise a crucial role of each member of Roma civil guards in preventing escalation of tension between Roma and police. The main objectives of creating Roma civil guards include improving communication and cooperation between the Police Forces of the Slovak Republic, municipal police, self-government, state administration, local healthcare centres and other helping professions (such

as community workers, social workers, teaching assistants and community workers in healthcare education) and those living in marginalized Roma communities.

35. SNCHR believes that, once successfully established, Roma civil guards could communicate their good practices and challenges faced when working in Roma communities to the state police. Hence, they have a potential to serve as bridges between Roma communities and police authorities and contribute to elimination of Roma distrust in authorities and prejudice at both sides.

Recommendation 12:

That the Committee recommends the Slovak Republic continue with creation of Roma civil guards in order to support, *inter alia*, efforts in combating violence against Roma people based on ethnicity.

36. SNCHR considers the realisation of trainings of Roma civil guards as one of the most important task in order to adequately and effectively exercise their duties in the communities. They shall be trained in the area of monitoring criminality and violence in municipalities. It is also crucial that they receive human rights training, particularly with regards to the fulfilment of their duties.
37. In terms of improving cooperation and communication between the Police Forces, municipal police and Roma it is also crucial that both members of Roma civil guards and Police Forces receive regular training, including human rights based training, on addressing tense situations between Roma and police as well as acts of violence against Roma.

Recommendation 13:

That the Committee recommends the Slovak Republic, in case it continues with creating Roma civil guards, allocate adequate resources to provide trainings for Roma civil guards especially in the area of monitoring criminality and violence in municipalities as well as human rights trainings.

38. The existing legislative framework seems sufficient to address the issue of violence against Roma. It must be, however, emphasised that there is a need for its careful application in cases of violence against Roma people based on their ethnicity. It is necessary that the Ministry of Interior of the Slovak Republic effectively monitors and prosecutes all incidents of violence against Roma people. Undoubtedly, effective investigation of reported cases would also enhance trust of Roma people towards authorities, which is traditionally very low.

Recommendation 14:

That the Committee recommends the Slovak Republic thoroughly investigate and address cases of violence against Roma based on their ethnicity.

Human Trafficking (*Art. 16*)

39. SNCHR considers existing measures embodied in the Act No. 300/2005 Coll. on the Criminal Code as amended and in the Act No. 301/2005 Coll. on the Code of Criminal Procedure as amended, as sufficient for ensuring effective investigations and prosecutions of human trafficking in the Slovak Republic.
40. Article 179(1) of the Criminal Code has been amended as of 1 July 2013 to include new forms of punishable conduct of trafficking in human beings. The legislation has been further supplemented by the Act No. 204/2013 Coll. of 25 June 2013, which entered into force on 1 August 2013. This amendment expands body of crime by definition of new punishable conduct manners. It includes recruiting, transporting, harboring, transmission or adoption of a child, even with child's consent, for the purpose of child prostitution or other forms of sexual exploitation, including child pornography, forced labor or services, including begging, slavery or practices similar to slavery, serfdom, forced marriage, misuse for committing criminal actions, illegal adoptions, organs, tissues or cells removal or other forms of exploitation.
41. The Slovak Republic also adopted a new National Programme of Fight against Human Trafficking for 2015-2018. This programme is continuation of the previous National Programme for 2011-2014, implementation of which meant progress in society-wide fight against human trafficking. All recommendations of the Group of Experts on Action against Trafficking in Human Beings (GRETA) were fully implemented as one of the main task of the National Programme for 2011-2014. It shall be noted in terms of the previous National Programme that the Order No. 126/2012 of the Ministry of Interior of the Slovak Republic established an Expert Group on Fighting against Human Trafficking.
42. Increasing percentage of clarified cases is the evidence of an effective legal procedures against perpetrators of human trafficking. The statistics of the Ministry of Interior of the Slovak Republic reveals the following:

Cases clear-up rate in the Slovak Republic – Human trafficking						
Year	2009	2010	2011	2012	2013	2014
Detected offenses	9	9	19	23	11	15
Clear-up rate	3	1	1	2	1	10
i.e. %	33,33	11,11	5,26	8,7	9,09	66,67

In 2009 there were clarified 2 more cases subsequently, in 2010- 2 cases, in 2011- 4 cases, in 2012- 6 cases, in 2013- 4 cases and in 2014- 6 cases.

Data on persons prosecuted and investigated in the Slovak Republic						
Year	2009	2010	2011	2012	2013	2014
Total number of persons (male/female)	6 (5/1)	5 (3/2)	14 (12/2)	16 (12/4)	12 (10/2)	29 (25/4)
Primary education	4	3	5	11	3	25
Secondary education	1	-	-	-	4	1
Higher education	-	-	-	-	-	2
Alien	-	-	-	-	-	1
Recidivist	4	2	4	7	4	-
Unemployed	1	2	1	5	2	15
Entrepreneur	-	-	4	1	-	1
Workman	-	-	-	-	-	1
Operation worker	-	-	-	-	-	-

Data on victims of human trafficking included in the Programme for support and protection of human trafficking victims						
Year	2009	2010	2011	2012	2013	2014
Number of included victims – total	25	28	31	22	30	34
Female	15	13	17	13	19	22
Male	9	13	13	6	9	12
Children	1	2	1	3	2	-
Purpose of exploitation	SE – 16 FL – 7 FB – 2	FL – 11 SE – 11 FB – 2 EE – 4	SE – 12 FL – 12 EE – 6 FC – 4 FM – 2 FB – 2	SE – 15 FB – 5 FL – 3 FM – 3	SE – 15 FL – 10 FM – 7 FB – 2	SE – 13 FL – 12 FM – 9 FB – 6 FC – 1 S – 1

Explanatory notes: SE- sexual exploitation, FL- forced labour, FB- forced begging, EE- economic exploitation, FC- forced criminality, FM- forced marriage, S- slavery or practices similar to slavery

43. The legislative and policy measures for combating human trafficking adopted by the Slovak government are indeed important tools for preventing its occurrence and protecting victims. It is crucial that they are effectively implemented in practice and all possible challenges are adequately addressed. However, further practical measures need to be implemented in order to

give sufficient protection to the potential victims and give them access to appropriate assistance, and particularly to those who are members of the most vulnerable groups (e.g. Roma, children and women).

Recommendation 15:

That the Committee recommends the Slovak Republic continue with its efforts to tackle and prevent human trafficking and protect its potential victims.

Recommendation 16:

That the Committee recommends the Slovak Republic cooperate with social workers, medical social workers and other stakeholders directly involved in fighting against human trafficking with an aim to prevent human trafficking and protect its potential victims.

44. There are several ground activities being implemented and efforts put in work towards protection of victims of human trafficking, which SNCHR would like to highlight as examples of good practice.
45. With regards Roma, as one of the most vulnerable groups of the Slovak society, the Ministry of Interior of the Slovak Republic responded to the call for proposals "Human trafficking and Action grants 2011" under the "Prevention of and Fight against Crime" and submitted to the European Commission a request for a grant for implementation- Project (of 24 October 2011) "*Strengthening joint action in the prevention of forced labor of Roma community and the development of the reference mechanism*". In May 2012, the project was approved by the European Commission. Implementation of activities started in January 2013. The Project aimed to, through strengthening of existing national reference mechanism, ensure targeted prevention for the highest-risk population groups, especially the marginalized Roma communities from their exploitation, in particular forced labour, as well as other forms of exploitation. Various project activities try to create new tools in relation with targeted prevention.
46. Being concerned by the importance of prevention and awareness raising in the most vulnerable communities, SNCHR has issued official leaflets on human trafficking with recommended steps to follow in order to prevent becoming a victim. These leaflets were primarily distributed within the trainings organized by SNCHR at the end of 2014 and beginning of 2015 in Roma communities.
47. SNCHR appreciates activities of the International Organization for Migration in the Slovak Republic (IOM) on education of law enforcement officials focused on identification of potential victims of human trafficking, with whom they come into contact in their scope of work. IOM also operated a National Help Desk for Victims of Human Trafficking from 1 July 2008 to 15 December 2014. Now the help desk is operated by the Slovak Crisis Centre Dotyk. IOM continues to provide preventive information in helping people to protect themselves against human trafficking.

Recommendation 17:

That the Committee recommends the Slovak Republic intensify awareness-raising activities concerning human trafficking in order to prevent and eliminate its occurrence in the society as well as to strengthen effectiveness of detecting human trafficking by law enforcement officials.

Recommendation 18:

That the Committee recommends the Slovak Republic allocate adequate financial resources to improve situation of victims of human trafficking seeking rehabilitation and reintegration.

OP CAT (*Other issues*)

48. The Slovak Republic has neither signed nor ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Consequently, it does not have sufficient mechanisms to perform unannounced periodic checks where people are deprived of their liberty, which could help to monitor, prevent, or report misconducts under the CAT.
49. When asked about the ratification of OP CAT within UPR, the Slovak Republic stated that it was analysing the OP CAT to identify necessary legislative changes required for its ratification. However, when collecting information for the Report on the Observance of the Human Rights including Principle of Equal Treatment and the Rights of the Child in the Slovak Republic for the year 2013, SNCHR inquired the Ministry of Interior (a guarantor of the ratification) whether there were any changes in the attitude of the Slovak Republic towards ratification of OP CAT. The Ministry stated that a possible ratification of OP CAT remained under consideration and that the Slovak Republic did not, in the material time, intend to become a signatory party.

Recommendation 19:

That the Committee recommends the Slovak Republic sign and ratify OP CAT without undue delay.

50. With regards the preventive mechanisms the need to sign and ratify OP CAT needs to be further highlighted. The current legislation provides for the following. The Public Defender of Rights of the Slovak Republic is, under Article 17(1d) of the Act No. 564/2001 Coll. on the Public Defender of Rights, allowed to speak also in the absence of other persons to persons detained at places of custody, imprisonment, disciplinary sanctions of soldiers, protective treatment, protective reform, institutional treatment or institutional reform, or in a police detention cell. A prosecutor, under the law, conducts inspections of compliance with the law in places where persons are deprived of their liberty.



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51. Nevertheless, none of the mentioned bodies has been designated to be a national preventive mechanism under Article 17 of OPCAT. Their independence and establishment pursuant to the Paris Principles are one of the obstacles.

Recommendation 20:

That the Committee recommends the Slovak Republic establish or support existing national independent institution/organization, which would regularly conduct unannounced visits and help to monitor, prevent or report misconducts under CAT.

List of Recommendations

The SNCHR advises that the Committee should recommend that the Slovak Republic:

- 1. promote the use of alternative sentences in appropriate cases in order to prevent over-incarceration and overcrowding of prisons and hence eliminate its impacts on human rights of individuals;**
- 2. fully ratify and implement the Istanbul Convention without undue delay;**
- 3. increase awareness-raising activities aiming to tackle misinterpretation of the concept of gender equality;**
- 4. allocate adequate financial resources to improve and establish more shelters for women victims of domestic violence;**
- 5. intensify awareness-raising activities on violence against women in order to prevent and eliminate its occurrence in the society;**
- 6. increase awareness-raising activities, campaigns and educational activities to tackle underreporting of violence against women;**
- 7. continue with its efforts to comprehensively approach and tackle the issue of violence against children;**
- 8. explicitly prohibit by law corporal punishment of children in all settings, including home;**
- 9. intensify awareness-raising campaigns promoting the use of alternative non-violent forms of discipline;**
- 10. adopt effective measures to prevent violence against Roma people, mainly by training, educational and awareness-raising activities;**
- 11. improve cooperation and communication in communities between the subjects concerned with an aim to integrate Roma people. Moreover, a long term strategy for coexistence in municipalities in terms of Roma inclusion in parallel with mutual active non-confrontational communication regarding the current problems shall be implemented with the utmost seriousness;**
- 12. continue with creation of Roma civil guards in order to support, *inter alia*, efforts in combating violence against Roma people based on ethnicity;**
- 13. in case it continues with creating Roma civil guards, allocate adequate resources to provide trainings for Roma civil guards especially in the area of monitoring criminality and violence in municipalities as well as human rights trainings;**

- 14. thoroughly investigate and address cases of violence against Roma based on their ethnicity;**
- 15. continue with its efforts to tackle and prevent human trafficking and protect its potential victims;**
- 16. cooperate with social workers, medical social workers and other stakeholders directly involved in fighting against human trafficking with an aim to prevent human trafficking and protect its potential victims;**
- 17. intensify awareness-raising activities concerning human trafficking in order to prevent and eliminate its occurrence in the society as well as to strengthen effectiveness of detecting human trafficking by law enforcement officials;**
- 18. allocate adequate financial resources to improve situation of victims of human trafficking seeking rehabilitation and reintegration;**
- 19. sign and ratify OP CAT without undue delay;**
- 20. establish or support existing national independent institution/organization, which would regularly conduct unannounced visits and help to monitor, prevent or report misconducts under CAT.**

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