



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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Excellency,

In our capacity as Chair and co-Rapporteurs for follow up to concluding observations of the Committee on Economic, Social and Cultural Rights, we have the honour to refer to the examination of the third periodic report of Slovakia at the Committee's sixty-sixth session, held in 2019. In the concluding observations (E/C.12/SVK/CO/3), the Committee requested Slovakia to provide, within 24 months, written information on the steps undertaken to implement the recommendations contained in paragraphs 13, 45 and 51 of the concluding observations.

The Committee welcomes the follow-up report (E/C.12/SVK/FCO/3) received in October 2021 under its follow-up procedure. The Committee examined the report at its seventy-first session, held from 14 February to 4 March 2022, and wishes to communicate the following assessment:

Paragraph 13 (a-d): Non-discrimination – Overall assessment: Partial progress.

Para. 13 (a) Revision of the Anti-Discrimination Act – Assessment: Partial progress. The Committee notes that the revision of the Anti-Discrimination Act of 2004 is included in both the National Program for the Development of Living Conditions of Persons with Disabilities for the years 2021-2030 and the National Strategy for Equality between Women and Men and Equal Opportunities in the Slovak Republic for the years 2021–2027 with a focus on disability-based discrimination and domestic violence. The State party has indicated that the Slovak National Centre for Human Rights, as part of the implementation of the Action Plan for the Prevention of All Forms of Discrimination for the years 2016-2019, carried out an analysis to identify necessary changes in anti-discrimination legislation as well as educational activities in public administration. It has also stated that the results of the analysis would be possibly reflected in the preparation of a draft amendment to the Anti-Discrimination Act according to the National Action Plan for the Development of Living Conditions of Persons with Disabilities.”

His Excellency

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The Committee is of the view that that the State party has taken some gradual steps to revise the Anti-Discrimination Act but it is yet to be confirmed by the State party whether the revised Act will provide for the prohibition of all direct, indirect and intersectional forms of discrimination.

Paras. 13 (b) and (c) Effective judicial remedy – Assessment: Sufficient progress. The State party, in its follow-up report, has indicated that Article 46 of the Constitution guarantees the right to judicial and other legal protection and that the practical implementation of this right is ensured by the Slovak National Centre for Human Rights (SNCHR). The SNCHR, the Equality Body of the State party, is mandated to provide free legal aid to victims of discrimination. The Committee notes with appreciation that the State party has constantly increased the budget allocated to the SNCHR in recent years.

The State party has indicated that the Ministry of Justice provides annual support for the projects raising awareness and providing legal advice to victims of discrimination, especially for those who are at higher risk of discrimination such as women, migrants and asylum seekers and persons with disabilities. The Committee notes some education and training provided by the Ministry and the Judicial Academy for legal professionals on the prevention and elimination of all forms of discrimination, which aimed at strengthening the capacity of legal professionals to apply and implement the anti-discrimination legislation. The State party has also indicated training provided by the Slovak Bar Association for paralegals and lawyers, focused on the protection of victims of crime and gender-based violence.

While noting the need for continuing efforts to be made to ensure effective judicial remedy for victims of discrimination, the Committee is of the view that the State party has taken sufficient measures to implement the recommendations.

Para. 13 (d) National action plan on discrimination – Assessment: No progress.

The State party has indicated that the Action Plan for the Prevention of All Forms of Discrimination was intended only for the period 2016–2019 and fulfilled its purpose and that separate action plans have been developed to prevent discrimination for certain disadvantaged groups. Regrettably, the State party has failed to provide information demonstrating that the purpose of the Action Plan for the period 2016-2019 has been fully achieved and detailed information on the separate action plans adopted after the lapse of the Action Plan. From its follow-up report, it appears that the State party has not taken any step to develop a new national action plan. The Committee thus assesses that there has been no progress in response to this recommendation.

In conclusion, the Committee assesses the recommendation (a) as partial progress, (b) and (c) as sufficient progress and (d) as no progress. Therefore, the overall assessment of the recommendations contained in paragraph 13 is partial progress. The Committee requests the State party to provide in its next periodic report information on the measures taken to implement the recommendations contained in paragraph 13 and the progress made thereby.

Paragraph 45 (a - c): Sexual and reproductive health of Roma women – Overall assessment: Partial progress.

Para. 45 (a) Complete prohibition of the practice of segregation of Roma women in maternity wards and verbal, physical and psychological violence against the Roma women seeking maternal healthcare – Assessment: Partial progress

The Committee notes that the State party has established the Healthy Regions, the contributory organization of the Ministry of Health, to improve the situation of Roma in excluded communities and develop temporary compensatory health measures. It also notes that the core work of this organization is primarily carried out by health promotion assistants, who are deployed in 266 municipalities where marginalized Roma communities are present and that the health promotion assistants in the hospital environment (HPAH) have been deployed since 2017 to make routine health services more available to Roma residents in marginalized communities. HPAHs work in gynecological, obstetric and neonatal wards in eight (8) hospitals in selected districts. Trained HPAHs with knowledge of the Roma language and the living conditions of Roma assist Roma patients during their stay in hospital facilities, primarily in gynecological and obstetric and pediatric wards.

The State party, in its follow-up report, has indicated that the topic of segregated/separate rooms is complex and it cannot be completely ruled out in practice, particularly because Roma women naturally tend to other Roma women, and women from the majority population are willing to pay extra for above-standard, separate rooms in most cases. The Committee notes that the priority of the State party is to ensure equal access to quality healthcare to all citizens, including marginalized Roma communities, as indicated as a goal in the Strategy for Equality, Inclusion and Roma Participation until 2030.

The Committee is, thus, of the view that the State party has taken some measures in response to the recommendation, however, it has not demonstrated whether or to what extent they have been effective to address the concerns. Thus, the committee assesses this recommendation as partial progress.

Paras. 45 (b) and (c) Forced sterilization of Roma: Assessment – Partial progress

The State party, in its follow-up report, has indicated, “All past cases of alleged involuntary sterilization of Roma women were properly investigated by law enforcement authorities following applicable legislation. The investigation gathered all the available evidence necessary to fully determine the facts of the case and to clarify the facts relevant to the decision.” It has also clarified that “[t]he results of the investigation showed no forced sterilizations or other attacks on the reproductive freedom of Roma in Slovakia, and no sterilization was performed with the intention of preventing the birth of children in the Roma ethnic group in Slovakia.” Regrettably, the Committee notes that the information provided by the State party is overly general and the State party has failed to provide detailed account of the investigations carried out to support its conclusion that there was no case of forced sterilization. Furthermore, the State party has declared that there have been no recorded cases of involuntary sterilization of Roma women based on the over ten years of experience of the Healthy Regions. The Committee, however, regrets

the lack of detailed information as to how systematically the State party has been collecting information on such cases.

The Committee notes with appreciation the detailed information provided by the State party on the legislative, institutional and other measures taken to prevent illegal sterilization. They are to ensure that the sterilization is performed with prior written informed consent, to investigate the cases of sterilization carried out without consent and to provide remedies to victims. The State part has informed that sterilization is contingent upon a written request submitted to the sterilization provider. The written informed consent follows prior instruction from either a person fully competent to take legal actions or the statutory representative of an individual unable to give informed consent, or based on a court decision upon request from such statutory representative. The Committee also notes that the State party has supported the education of doctors on the need for such instruction and for obtaining informed consent before sterilization of a person in the national language and the languages of national minorities. The State party has also specified legal entitlements of victims to report and claim for compensation for the sterilization performed without consent through criminal and civil proceedings.

Accordingly, the Committee assesses that there has been partial progress in relation to the recommendation.

In conclusion, the Committee assesses that there has been partial progress in implementing the recommendations contained paragraph 45 and requests the State party to provide in its next periodic report detailed information on further measures taken to implement the recommendations and the progress made thereby.

Paragraph 51: Educational segregation of Roma – Assessment: Partial progress.

The Committee notes with appreciation the adoption of Act No. 381/2019 Coll. amending the Act on Education by adjusting the scope of teacher's assistant or social pedagogue in primary school and introducing compulsory pre-primary education for five-year-old children with effect from 1 January 2021. It also notes several activities conducted and materials developed to improve the competencies of pedagogical and professional staff to address the specific educational needs of students from marginalized Roma communities and socially disadvantaged backgrounds as well as the projects developed to facilitate the sound transition of those students from the primary to the secondary education. The State party has also informed that it has subsidized public universities to provide continuous education for teachers on Roma language and literature, and the reality of their situation.

The State party has indicated that the prevention, mitigation and elimination of manifestations of segregation in the educational process at all levels of the education system is one of the goals of the Strategy for Equality, Inclusion and Roma Participation until 2030. It has also mentioned about the negotiation between the Office of the Plenipotentiary for Roma Communities and the organizations under the Ministry of Education to increase the accessibility of those children to mainstream education by supporting the transformation of the special stream of education. The State party has emphasized the need for inter-ministerial and multi-sectoral cooperation and engagement with all relevant stakeholders throughout the process, including monitoring and evaluation, for the successful implementation of the Strategy.

The Committee notes that the Office of the Plenipotentiary for Roma Communities implements the National Project Monitoring and Evaluation of Public Policies, through the support of the European and Structural Investment Funds. It also notes that the Strategy includes, as a priority area, combating discrimination and anti-Roma racism, reducing prejudice and stereotypes about Roma, strengthening human rights education and education for tolerance and strengthening Roma participation at all levels. The Office is currently preparing an Action Plan for the strategy for 2022–2024 in accordance with the recommendations, definitions and documents of international organizations, both the Council of Europe and the IHRA.

While acknowledging the measures taken by the State party, the Committee notes with regret that the lack of information on the actual impact of such measures in integrating Roma children in mainstream education as well as in preventing and eliminating the discrimination faced by Roma children in school life. The Committee thus assesses that there has been partial progress in response to the recommendations contained in paragraph 51 and requests that the State party provide in its next periodic report information on the measures further taken and the progress made thereby.

The Committee looks forward to continuing its constructive dialogue with the State party, with a view to providing it with guidance in its efforts to ensure the effective implementation of the Covenant.

Please accept, Excellency, the assurances of our highest consideration.



Asraf Caunhye

Co-Rapporteurs for follow-up
Committee on Economic, Social
and Cultural Rights



Mikel Mancisidor



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Chair
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