



REFERENCE:GH/fup-131

15 April 2021

Excellency,

In my capacity as Special Rapporteur for Follow-up to Concluding Observations of the Human Rights Committee, I have the honour to refer to the follow-up to the recommendations contained in paragraphs 13, 25 and 33 of the concluding observations on the report submitted by Slovakia ([CCPR/C/SVK/CO/4](#)), adopted by the Committee at its 118th session in October 2016.

On 18 October 2017, the Committee received the reply of the State party. At its 131st session (1 to 26 March 2021), the Committee evaluated this information. The assessment of the Committee and the additional information requested from the State party are reflected in the Addendum 2 ([CCPR/C/131/2/Add.2](#)) to the Report on follow-up to concluding observations (see [CCPR/C/131/2](#)). I hereby include a copy of the Addendum 2 (advance unedited version).

The Committee considered that the recommendations selected for the follow-up procedure have not been fully implemented and decided to request additional information on their implementation. Given that the State party accepted the simplified reporting procedure (LOIPR), the requests for additional information will be included, as appropriate, in the list of issues prior to submission of the fifth periodic report of the State party.

The Committee looks forward to pursuing its constructive dialogue with the State party on the implementation of the Covenant.

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

Marcia V.J. KRAN

Special Rapporteur for Follow-up to Concluding Observations
Human Rights Committee

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Report on follow-up to the concluding observations of the Human Rights Committee*

Addendum

Evaluation of the information on follow-up to the concluding observations on Slovakia

Concluding observations (118th session): [CCPR/C/SVK/CO/4](#), 31 October 2016

Follow-up paragraphs: 13, 25 and 33

Follow-up reply: [CCPR/C/SVK/CO/4/Add.1](#), 18 October 2017

Committee's evaluation: Additional information required on paragraphs 13[B], 25[B][C] and 33[B][C][C]

Paragraph 13: Hate crime, hate speech and increasing radicalization in political discourse and in the media

The State party should: (a) take measures to promote tolerance and an environment inclusive of persons belonging to ethnic, national, racial, religious and other minorities; (b) use legislative, policy and educational measures, including sensitization and awareness-raising, to counter stigmatization of Roma, Muslim and other minorities; (c) take measures to prevent racist attacks and to ensure that the alleged perpetrators are thoroughly investigated and prosecuted and, if convicted, punished with appropriate sanctions, and that the victims have access to adequate compensation; and (d) prohibit any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.

Summary of the State party's reply

(a) The Ministry of the Interior coordinates the Committee for the Prevention and Eradication of Racism, Xenophobia, Anti-Semitism and Other Forms of Intolerance. That committee has implemented training activities and participated in the legislative task force set up to revise the Criminal Code.

(b) The Ministry of the Interior has organized "XYZ Generation" concerts to raise high school students' awareness about the historical context of intolerance towards minority groups. The Ministry has also created an education tool on the Holocaust, which compliments the Holocaust Museum in Sered. The Ministry of Education, Science, Research and Sport provided funds for inclusion projects in schools.

(c) Act No. 316/2016 Coll. amended the Criminal Code. The amended version was enacted on 1 January 2017 and contained provisions in section 140 designed to make it easier to prosecute racially motivated hate crimes. The Committee for the Prevention and Eradication of Racism, Xenophobia, Anti-Semitism and Other Forms of Intolerance has implemented an education programme designed to enhance the capacity of law enforcement officers to identify and investigate racially motivated crimes. Training workshops for judges and prosecutors were planned in 2017 and 2018.

(d) The amended Criminal Code contained provisions criminalizing incitement to national, racial and ethnic hatred.

* Adopted by the Committee at its 131st session (1 – 26 March 2021).



Committee's evaluation

[B]: (a), (b), (c) and (d)

The Committee welcomes information provided about sensitization and awareness-raising activities, including the “XYZ Generation” concerts and projects aimed at the inclusion of minorities, administered by the Ministry of Education, Science, Research and Sport. It requests more detailed information about these activities, including when they took place, the number of individuals who participated during the reporting period and any available data on their substantive impact. The Committee also seeks information about whether further awareness-raising activities are planned in the future, and about any broader measures taken within the reporting period to promote tolerance and an environment inclusive of persons belonging to ethnic, national, racial, religious and other minorities.

The Committee welcomes information about revisions to the Criminal Code and training activities designed to improve the prosecution of racially motivated crimes. Nevertheless, it requests further information on the timing of these training activities, the number of people trained and the impact of the training. It also requests data on the number of investigations and prosecutions for racist attacks perpetrated during the reporting period, and details of the sanctions imposed on perpetrators and the reparations provided to victims in cases of racist attacks.

The Committee welcomes the revisions to section 424 of the Criminal Code that criminalize incitement to hatred on multiple grounds. It requests information about measures that have been taken after the revisions to ensure the effective implementation of these revised legal standards.

Paragraph 25: Violence against women, including domestic violence

The State party should: (a) ensure that women victims of violence have adequate access to protection and assistance; (b) ensure that perpetrators of violence against women are prosecuted and, if convicted, punished with appropriate sanctions; (c) expedite the enactment of the law on the prevention and elimination of violence against women and domestic violence; (d) ensure that all women have non-discriminatory access to medical treatment, including to reproductive health care; and (e) consider ratifying the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention).

Summary of the State party's reply

(a) In 2015, the General Prosecutor's Office set up a toll-free line for victims of abuse, including domestic violence. The Act on Victims of Crime, which was enacted on 1 January 2018, mandates the Ministry of Labour, Social Affairs and Family to coordinate a system of domestic violence prevention.

(b) The Act on Victims of Crime modified the Criminal Code allowing for higher penalties for crimes with aggravating factors, including sexual violence. The General Prosecutor's Office has taken a range of measures to ensure the prosecution of violence against women, including participating in evaluations of relevant legal provisions, developing and implementing national actions plans and participating in the preparation of the Act on Victims of Crime.

(c) The Act on Victims of Crime defines victims of crime and includes domestic violence offences. It also revises the statute of limitations for offences such as human trafficking, sexual abuse, child pornography and rape and provides for an extension from 3 years after the victim reaches the age of 18 to 15 years after that date, and entitles victims of crime to legal aid.

(d) Act No. 567/2004 Coll. on health care provides that everyone is entitled to health care without discrimination.



(e) While no specific impediments to ratifying the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention) are foreseen, more consultation is needed with civil society and the National Council.

Committee's evaluation

[B]: (a), (b) and (c)

The Committee notes that the Act on Victims of Crime mandates the Ministry of Labour, Social Affairs and Family to coordinate a system of domestic violence prevention. Nevertheless, it requests further information about the specific measures taken by the Ministry to ensure this system of coordination. The Committee also takes note of the information provided on the availability of a hotline for victims of abuse and requests data on the use of this service by victims of all types of violence against women during the reporting period. The Committee also requests information on the impact of all the protection measures described, and on any broader efforts to provide comprehensive protection and assistance to victims of all forms of violence against women.

The Committee welcomes the measures taken to ensure the prosecution of perpetrators of violence against women, including the legislative changes allowing for the application of increased penalties for various forms of violence against women and the increased statute of limitations for many forms of violence against women and girls. It notes the entitlement of victims of crimes, including those involving violence against women, to legal aid under the Act on Victims of Crime. It requests information on the current legal status of that Act and the impact of the reforms, including statistical information on the number of investigations, prosecutions and convictions of cases of sexual and gender-based violence, and the sanctions imposed.

[C]: (d) and (e)

The Committee regrets the lack of specific information on measures taken within the reporting period to ensure the provision of health-care services, including reproductive health care, to all women and reiterates its recommendation in this regard.

The Committee notes the information provided on the absence of legal obstacles foreseen to ratifying the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention) and the need to consult with different stakeholders. Nevertheless, the Committee regrets the lack of information provided on steps taken to initiate such consultative activities and reiterates its recommendation.

Paragraph 33: Unaccompanied minors

The State party should: (a) ensure that unaccompanied minors receive appropriate protection and, as a matter of urgency, establish a register of disappeared unaccompanied children and conduct search operations for those children, in cooperation with other States, as necessary; (b) remove the presumption of majority from the Act on Residence of Foreigners (No. 404/2011 Coll.) and ensure that age assessment procedures are conducted only by experts in that field and only in cases of reasonable doubt about the age of the person concerned, with a view to the best interest of the child; and (c) ensure that child asylum seekers, in particular unaccompanied children, have access to education, social and psychological services and legal aid, and are provided with a legal representative and/or guardian without delay.

Summary of the State party's reply

(a) The police force has responsibility for missing persons under Act no. 171/1993. Personal data on missing children is entered in the PATROS information system, which is shared among countries that are part of the Schengen area, so a register of disappeared unaccompanied children is not necessary.



(b) On 1 May 2017, Act No. 82/2017 amended Act No. 404/2011 on the residence of aliens. Section 111 of the updated law provides that third-country unaccompanied minors have to undergo age verification procedures only when there is a suspicion that they might have reached the age of majority. Physicians undertake age verification procedures.

(c) Unaccompanied children are protected under the Act on the residence of aliens, which makes it illegal to arrest or expel a child. An amendment to the Act on the social protection of children and social guardianship introduced an obligation for unaccompanied minors to have access to legal advice and assistance. Act No. 327/2005 provides for free legal assistance for asylum seekers. According to the national legal framework, including Act No. 245/2008 Coll. on education and training and Act No. 596/2003 Coll. on State administration in the school system and school self-regulation, asylum-seeking children are provided with education and training under the same conditions as Slovak citizens. Child psychologists and cultural mediators increasingly provide support to unaccompanied asylum-seeking children. The Act on the social protection of children and social guardianship outlines legal processes for the urgent appointment of a guardian for unaccompanied minors.

Committee's evaluation

[B] (b): The Committee welcomes amendments to the Act on the residence of aliens that allow for age verification processes only in cases of reasonable doubt about the age of the individual concerned. The Committee requests information on the measures taken to ensure the effective implementation of these legislative changes and their practical effect. The Committee also requests information on measures in place to ensure the expertise of physicians undertaking such procedures, and on how the principle of the best interests of the child has been considered in the overall development of age verification procedures.

[C] (a): The Committee takes note of the information on the competence of the police force in the matter of missing persons, but regrets the lack of specific information on measures taken within the reporting period to address cases of unaccompanied migrant children who have gone missing from foster care in Slovakia, and reiterates its recommendation. It requests information on search efforts for children who are missing, including the number of children located in the reporting period and the protection measures taken to prevent more cases in the future. The Committee regrets the lack of information about the urgent establishment of a specific register of disappeared unaccompanied children. It reiterates its recommendation in this regard.

[C] (c): The Committee notes the information on the provision of support services to unaccompanied migrant children. It requests information on particular measures taken to address barriers to education among asylum-seeking children, including further details of any specific provisions within the legal standards that guarantee educational access to those children. It also requests additional information on the timing and content of the amendments to the Act on the social protection of children and social guardianship, and data on the number of cases of unaccompanied minors in which child psychologists and cultural mediators are deployed. The Committee welcomes the introduction of legal provisions for the urgent appointment of a guardian for unaccompanied minors; it requests additional information demonstrating their effective implementation and substantive impact.

Recommended action: A letter should be sent informing the State party of the discontinuation of the follow-up procedure. The information requested should be included in the State party's next periodic report.

Next periodic report due: 2024 (country review in 2025, in accordance with the predictable review cycle. See www.ohchr.org/EN/HRBodies/CCPR/Pages/PredictableReviewCycle.aspx).