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*Permanent Mission of the Slovak Republic
Geneva*

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The Permanent Mission of the Slovak Republic to the Office of the United Nations and other International Organisations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights, the Secretariat of the Human Rights Committee and has the honour to attach an Additional information of the Slovak Republic to the follow-up information on paragraphs 7, 8 and 13 of the concluding observations following the consideration of the Third Periodic Report of the Slovak Republic to the International Covenant on Civil and Political Rights.

The Permanent Mission of the Slovak Republic avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights, the Secretariat of the Human Rights Committee the assurances of its highest consideration.

Geneva, 29 April 2013



Office of the High Commissioner for Human Rights
the Secretariat of the Human Rights Committee
Palais Wilson
Geneva

Annex 4 pages

Additional information of the Slovak Republic to the follow-up information on paragraphs 7, 8 and 13 of the concluding observations following the consideration of the Third Periodic Report of the Slovak Republic to the International Covenant on Civil and Political Rights

7. *While the Committee appreciates the State party's efforts to develop a bill that seeks to confer the power on the Constitutional Court to rule on the compatibility of domestic legislation with international treaties, the Committee notes that this bill has not been enacted into law (art. 2).*

The State party is encouraged to ensure that such a bill is enacted into law to provide a remedy to persons who allege an infringement of their rights arising from the incompatibility of provisions of national law with international treaties that the State party has ratified.

Responsible body for the implementation at national level: Ministry of Justice of the Slovak Republic (responsible: Directorate of Legislation)

Co-responsible body/bodies: General Prosecution Office of Slovak Republic

Proposed measures: Adoption of the amendment to the Act of the National Council of the Slovak Republic No. 38/1993 Coll. on the Organisation of the Constitutional Court of the Slovak Republic, on its procedures and the position of its judges, as amended, and the Constitution of the Slovak Republic following carrying out legal analysis.

Information:

The Human Rights Committee appreciated efforts of the Slovak Republic to adopt this law, however, it also noted that the draft law has not yet been approved in form of the law and recommended to pass such an act in order to provide effective remedy to persons who claim violation of their rights due to incompatibility of national legislation with international treaties ratified by the Slovak Republic.

Possible solution, through introducing what is referred to as "an individual control of constitutionality" when an applicant according to Article 127 of the Constitution of SR can call for proceedings about the compliance of legal regulations, is not allowed from the legal point of view. This issue can only be solved only through a direct amendment to the Constitution of SR.

On 27 August 2009 the Ministry of Justice of SR submitted for inter-ministerial consultation process draft amendment to the Act of the National Council of the Slovak Republic No. 38/1993 Coll. on the Organisation of the Constitutional Court of the Slovak Republic, on its procedures and the position of its judges, as amended. The core of this proposal was the implementation of individual control of constitutionality. Taking into account objection raised, the Ministry of Justice of SR abandoned the aim to continue the legislative process, since this aim could not be realised without amending the Constitution of SR. Hence, the Slovak Republic is not in a position to agree with this recommendation following an additional analysis based on the position of the affected state authorities of the Slovak Republic.

8. *While welcoming the State party's efforts to prosecute law enforcement officers who perpetrate racist attacks, particularly against the Roma, the Committee is aware of the continued reports of racist attacks and lack of adequate compensation for the victims (arts. 2 and 27).*

The State party should strengthen its efforts to combat racist attacks committed by law enforcement personnel, particularly against the Roma, by, inter alia, providing special training to law enforcement personnel aimed at promoting respect for human rights and tolerance for diversity. The State party should also strengthen its efforts to ensure that police officers suspected of committing such offences are thoroughly investigated and prosecuted, and if convicted, punished with appropriate sanctions, and that the victims are adequately compensated.

Responsible body for the implementation at national level: Ministry of Interior of the Slovak Republic (including Presidium of the Police Corps and Academy of the Police Corps)

Co-responsible body (bodies): General Prosecution Office of the Slovak Republic, Ministry of Justice of the Slovak Republic (responsible: Directorate of Legislation)

Proposed measures: Amendment of legislation related to compensation of victims of violent crimes following carrying out legal analysis.

Information:

In line with Section 128 (1) of the Criminal Code, a public official shall be considered for the purposes of this Act, inter alia, person in service, thus also member of the Police Corps (police officer) or member of the Corps of Prison and Court Guard. Legal responsibility and public official protection according to provisions of this Act requires that a crime be committed in connection within its powers and responsibility. Committing an extremist crime or racially motivated crime by a public official is the qualified subject-matter of the crime, and a reason for applying a stricter criminal sanction. In addition, the Criminal Code in its special part stipulates special subject-matter of crimes such as abuse of powers of a public official and obstruction (misuse) of the performance of a public official.

The Act on Compensation of Victims of Violent Crimes (No. 215/2006 Coll. as amended by Act No. 79/2008 Coll.) enables financial compensation to victims of violent crimes without any discrimination, including racial discrimination, discrimination due to skin colour or any other grounds. National legislation currently in force complies with international obligations of the Slovak Republic stemming from relevant international convention on human rights and fundamental freedoms.

The law enforcement authority is obliged to provide to victim in a written form information about his/her rights in criminal proceedings as well as about organisations providing assistance to victims during the first contact. The organisation providing assistance to victims shall be understood for the purposes of the Criminal Code as a non-governmental organisation established according to a special act providing free aid to victims. If a victim was deprived of his or her legal capacity, or in case the legal capacity was restricted, his or her rights shall be exercised by the legal representative. A legal representative can authorise an organisation to provide assistance to victims of crimes to represent the victim. In cases when the legal representative of the victim cannot exercise the rights and there is a risk of delay, the chairman of the senate and in pre-trial at the proposal of the persecutor the pre-trial judge, shall appoint a custodian to the victim to exercise these rights. In the case of crimes committed against a close or entrusted person, if the victim is a minor, a state authority or an

authorised representative of an organisation providing assistance to victims shall be appointed for a custodian. A complaint can be submitted against the decision concerning the appointment of a custodian.

This recommendation is being fulfilled on an on-going basis, and it is not necessary to take legislative or other measures when it comes to the part concerning the powers of the Ministry of Justice of Slovak Republic.

With respect to criminal acts of members of the Police Force, it is investigated by the Control and Inspection Service Section of the Ministry of Interior of the Slovak Republic (hereinafter referred to as "SKIS MV SR"). In these cases, police investigator or authorised officer of the Police Force integrated into inspection service department of the inspection service bureau of the SKIS MV SR acts in the criminal process in compliance with the Act No. 301/2005 Coll. Code of Criminal Procedure as amended.

Supervision over compliance with law prior to the prosecution and in pre-trial proceedings is exercised by prosecutor, in line with Act No 153/2002 Coll. on Prosecution as amended. All decisions on the merits of the case issued by a police investigator or authorised officer of the Police Force are reviewed by a competent prosecutor's office.

13. While welcoming the investigation into the forced sterilisation of Roma women and the adoption of Act No. 576/2004 Coll. on healthcare and services, which introduces the notion of informed consent, the Committee is concerned at the narrow focus of the investigation and the lack of information on concrete measures to eliminate forced sterilisation, which, allegedly, continues to take place (arts. 7 and 26).

The State party should take the necessary measures to monitor the implementation of Act No. 576/2004 Coll. to ensure that all procedures are followed in obtaining the full and informed consent of women, particularly Roma women, who seek sterilisation services at health facilities. In this regard, the State party should introduce special training for health personnel aimed at raising awareness about the harmful effects of forced sterilisation.

Based on the report of Council of Europe Commissioner for Human Rights, Mr. Thomas Hammarberg, published on 20 December 2011, draft law was prepared in order to implement fundamental human rights standards and to unify practice of healthcare facilities upon performing sterilizations. Mentioned draft law is law amending law 576/2004 Coll. on healthcare as amended, in which Ministry of Health of the Slovak Republic amended enabling provision for publishing generally binding regulation which will modify details in procedures for creating conditions guaranteeing provision of informed consent to perform sterilization in compliance with the Directive adopted by International Federation of Gynaecology and Obstetrics. It also modified the specimen forms of informed consent in state language and minority languages.

Currently, a draft decree of the Ministry of Health is being prepared detailing guidance preceding an informed consent prior performing sterilization and specimen forms of informed consent prior sterilization in state language and in minority languages, which is expected to become operational as of 1 April 2013.

The Ministry of Health provides at the Slovak Medical University trainings for health professionals in relation to forced sterilizations of Roma women via Program on Prevention and Elimination of Violence against Women. Systematic education of health professionals is focused primarily on those who have an influence in their profession on the prevention and elimination of violence against women. This topic is included in the syllabuses of the following fields of study in which students acquire competence to practice individual health related professions according to "Governmental Regulation No. 296/2012 of Coll. on professional competence to practice health related profession etc.": professional ethics, public health, community medicine, social determinants of health, gynaecology and obstetrics, medical law, nursing, gynaecological nursing, midwifery, nursing in community, urgent healthcare, multicultural nursing, social work etc. With this topic it is dealt with systematically also within the qualification specialization study focused on nursing in surgery, intensive nursing care for adults, intense nursing in gynaecology and obstetrics, midwifery and care of women in the family and community and nursing in community. It is also dealt with within degree course focused on management and organization of healthcare called Master of Public Health.