

Committee against Torture

REFERENCE: CAT/Follow-up - Slovakia

3 January 2025

Excellency,

In my capacity as Rapporteur for Follow-up to Concluding Observations of the Committee against Torture, I have the honour to refer to the follow-up to the examination of the fourth periodic report of Slovakia, in accordance with the Guidelines for follow-up to concluding observations (CAT/C/55/3).

At the end of its 76th session, held from 17 April to 12 May 2023, the Committee transmitted its concluding observations to your Permanent Mission. The Committee's concluding observations (CAT/C/SVK/CO/4, para. 39) requested the State party to provide within one year further information on the specific areas of concern identified in paragraphs 8, 12, 24 and 38 of the concluding observations.

On behalf of the Committee, allow me to express appreciation for your letter of 10 May 2024 providing your Government's response to the above-mentioned paragraphs (CAT/C/SVK/FCO/4) and to make the following comments:

Definition of torture (para. 8 of the Committee's concluding observations)

The Committee takes note of the information provided by the State party regarding the legislative process related to the ratification of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and the establishment of the national preventive mechanism. While commending the State party on its ratification of the Optional Protocol on 19 October 2023, the Committee reiterates that a comprehensive definition of torture, explicitly laid out in legislation and combined with penalties which take into account the gravity of the offence, must form the basis of all efforts to prevent torture and combat impunity. In this regard, the Committee regrets that the State party has neither taken steps to date to adopt a definition of torture that covers all elements contained in article 1 of the Convention, nor to establish penalties in its domestic legislation which are commensurate with the gravity of this crime.

The Committee also regrets that no information was provided by the State party regarding the criminalization of acts of cruel, inhuman or degrading treatment that occur as a result of negligence (2/C).

.../...

H. E. Mr. Dušan Matulay
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National human rights institution (para. 12 of the Committee's concluding observations)

The Committee notes the information provided by the State party indicating that amendments regarding the issuance of independent reports and recommendations by the State party's national human rights institution were approved in March 2023 in connection with European Union Pilot no. 4446/13/JUST, however it regrets that in spite of the recommendations issued by the Committee, the State party has not yet acted to strengthen the mandate and independence of the Slovak National Centre for Human Rights. Although the Committee takes note of the State party's intentions to commit to wider reform of the institution in line with forecasted directives of the European Union, it emphasizes that the obligations of the State party under the Convention are neither subject to, nor dependent on, the existence of regional legislation in this regard (2/C).

Involuntary sterilization of Roma (para. 24 of the Committee's concluding observations)

The Committee notes the information provided by the State party regarding the outcome of the draft law submitted in April 2023 pertaining to compensation for victims of forced sterilization between 1 July 1966 and 31 December 2024, and expresses its regret that no legislative proposal was adopted regarding compensation for victims since the issuance of Committee's concluding observations.

Notwithstanding the absence of specific legislation establishing a targeted compensation scheme for victims of forced sterilization, the Committee is concerned that, according to the information provided, no steps have been taken to conduct a proactive analysis in order to identify all individuals who may have suffered forced sterilization and provide them with compensation and as full a means of rehabilitation as possible. In a similar vein, no information was provided by the State party regarding awareness-raising initiatives targeted towards Roma women and medical personnel regarding the requirement of free, prior, and informed consent as a prerequisite for the performance of sterilization procedures (1/C).

Corporal punishment (para. 38 of the Committee's concluding observations)

The Committee notes the reiteration by the State party of details of its domestic legislation regarding the prohibition of corporal punishment, including the provisions of Act no. 372/1990 Coll. on misdemeanors. However, it regrets that the State party has not taken steps to introduce an unambiguous ban on the use of corporal punishment by parents in the exercise of their parental rights and obligations.

The Committee also notes information provided regarding the medium-term policy priorities of the Programme Statement of the Government of the Slovak Republic, but regrets that no information was provided by the State party regarding awareness-raising and educational campaigns for the general public to inform them of the prohibition of the use of corporal punishment against children and its consequences (2/C).

Implementation plan

The Committee appreciates the information submitted by the State party addressing a number of other recommendations included in the concluding observations and looks forward to continuing to monitor and review their further implementation (B).

The Government of Slovakia is encouraged to provide additional information, if there is any, which would further contribute to the Committee's analysis of the progress made regarding the specific issues of concern cited above. This additional information may be provided in any

subsequent report by the State party pursuant to the Committee's request in its concluding observations on the fourth periodic report of Slovakia or other future periodic reports.

The Committee looks forward to a continued constructive dialogue with the authorities of Slovakia on the implementation of the Convention.

Accept, Excellency, the assurances of my highest consideration.



Bakhtiyar Tuzmukhamedov
Rapporteur for Follow-up to Concluding Observations
Committee against Torture