

STATEMENT
by the Head of the Delegation of the Slovak Republic

Ms. Diana ŠTROFOVÁ
State Secretary
Ministry of Foreign Affairs of the Slovak Republic

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*Mr President,
Esteemed members, observers and friends of the Human Rights Council,*

It is my honour to present to you today the first report of the Slovak Republic under the Universal Periodic Review. After my presentation and presentation by the Plenipotentiary of the Slovak Government for Roma Communities, other representatives of the relevant ministries and the Office of the Government of the Slovak Republic will stand ready for answering your questions.

Mr. President,

The Universal Periodic Review provides each and every Member State of the United Nations with an unique and very essential opportunity to learn how the others view and asses the achieved standards of protection and promotion of human rights in the State under review, which policies and tools are being considered as beneficial and useful and which areas have to be addressed.

The UPR has yet another advantage. When preparing the national report, the state under review is obliged to take stock of the implementation of its international commitments and of the recommendations worked out by different treaty bodies. The UPR encourages the authorities of the state under review to conduct a frank and constructive dialogue with the civil society.

Therefore the draft national report of Slovakia was consulted with NGOs representatives NGOs presented their viewpoints thereto and also submitted written comments. A number of these are included in the report.

At this stage, let me express thanks to Argentina, the Czech Republic, Denmark, Germany, Sweden, the Netherlands and the United Kingdom, for their advanced questions that I will try to answer, together with the Plenipotentiary for Roma Communities, in our presentations.

Mr. President,

The national report of Slovakia contains many detailed information on the legislation and organizational structure of state institutions dealing with human rights issues. Allow me to briefly highlight the main features that determine the implementation of protection and promotion of human rights in my country.

Following the transition to democracy and the establishment of a sovereign state in 1993, legal guarantees safeguarding the protection of human rights and fundamental freedoms were enshrined in the Constitution of the Slovak Republic. The Charter of Fundamental Human Rights and Freedoms based on international documents, in particular on the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights as well as other international human rights instruments, is part of the Slovak legal system. Pursuant to Article 7(5) of the Constitution, international treaties on human rights and fundamental freedoms shall prevail over national laws.

Slovakia ratified the European Convention for the Protection of Human Rights and Fundamental Freedoms. Slovak citizens have thus the right, after exhausting all national judicial remedies, to file a complaint with the European Court of Human Rights in Strasbourg. The judgments of this court are binding upon the Slovak Republic.

The Slovak Republic is a party to almost all fundamental UN human rights conventions and treaties. Upon their ratification no reservations were made to the commitments accepted under these instruments.

Currently amendments are being made to the provisions of the Penal Code on the implementation of the Convention for the Protection of All Persons from Enforced Disappearance in order to ratify it. Measures are likewise being taken to ratify the Convention on the Rights of Persons with Disabilities including its Optional protocol.

In response to the advanced questions concerning ratification of the Optional Protocol to the Convention against Torture, let me inform you that the Slovak Republic is currently conducting analysis of the provisions of the Optional Protocol with the aim to identify the necessary legislative amendments in respective national law, as well as its conformity with other international law instruments covering this issues. *(note: response to the advance question posed by the Czech Republic and Denmark)*

The Slovak Republic submits regular reports to relevant UN committees on measures taken to implement the respective rights and the progress achieved. It strives for a timely submission of national periodic reports concerning those treaties by which it is bound. Being a small country with limited capacities we would nevertheless welcome a streamlined and rationalized reporting system. Let me inform you, that all our reports that are overdue shall be submitted to the relevant committees by the end of this year.

The Slovak Republic is no exception to the rule that no country has a perfect human rights record. Therefore, judicial and non-judicial mechanisms are set in place in order to protect the human rights and fundamental freedoms of all individuals. A key component of the latter is the public defender of rights (ombudsman), an independent body tasked to protect the fundamental rights and freedoms of natural and legal persons in the proceedings before government authorities and other public bodies if their activity, decisions or inactivity contradicts the law. Another institution of this kind is the Slovak National Centre for Human Rights set up in 1993. One of its tasks is providing legal assistance to victims of discrimination and intolerance.

At the Governmental level, human rights issues fall within the competence of the Deputy Prime Minister for the Knowledge-Based Society, European Affairs, Human Rights and Minorities. Several bodies were created to advise the Government, inter alia on national minority policy issues, issues of elderly persons, persons with disabilities or gender equality.

In order to establish an effective institutional framework to address problems of the Roma minority, the position of the Governmental Plenipotentiary for Roma Communities was created in 1999. At the parliamentary level, human rights issues are addressed by the Parliamentary Committee for Human Rights, Nationalities and Status of Women, which, among other things, reviews the compliance of draft legislation with constitutional provisions and international commitments.

Mr. President,

Fight against discrimination and racism

At the very basis of the Slovak human rights policy there is the effort to ensure that each and every individual enjoys his or her rights. The general legal framework for the observance of the principle of equal treatment is provided for by the Antidiscrimination Act of 2004 as amended in 2008. The Act prohibits discrimination on grounds of sex, religious belief, race, nationality or ethnic origin, disability, age, sexual orientation, marital or family status, colour of skin, language, political or other affiliation or other conviction, national or social origin, property, lineage or other status. (*note: response to the advance question posed by the Netherlands*)

The government further elaborates, on periodical bases, a systemic instrument to combat and reduce negative phenomena in the society, such as racism, xenophobia, intolerance and discrimination. The new Action Plan for a period 2009 – 2011 has been adopted just today. The main new feature of this Action plan is to find ways for gathering statistical information and data, disaggregated on the basis of age, gender, ethnicity or sexual orientation, while preserving the maximum level of protection of personal information. Another step towards combating racism was the re-codification of criminal law in 2005 and I am pleased to inform you that the positive effects of the new Penal Code and the Code of Criminal Procedure are already being felt in practice.

National minorities

In addition to the majority Slovak population, approximately 14 per cent of the population of Slovakia claims other than the Slovak nationality. There are 12 officially recognised national minorities and ethnic groups (*Hungarian, Roma, Czech, Ruthenian, Ukrainian, German, Moravian, Russian, Croatian, Jewish, Polish and Bulgarian*). In Slovakia, the system of protection of national minorities is based on the concept of the protection of individual human rights and fundamental freedoms as defined in relevant international treaties.

The Slovak Republic is well aware of the fact that every national minority has specific cultural needs, whose satisfaction requires a systematic approach and continuous development and improvement. The state promotes minority culture and education development through various means available. The language rights of members of minorities are defined in a number of legal regulations, whereby the 1999 Act on the Use of Minority Languages permits the use of minority languages in official communication in those municipalities, where persons belonging to a minority constitute at least 20% of the total population. In addition to the right to learn the official language, i.e. Slovak, children and students have the right to education in their mother tongue.

Responding to the advanced question allow me to add that according to the Act on Employment Services of 2004, the Slovak government does not foresee any special measures with respect to the position of minorities on the labour market. The Act is founded on the principle of citizenship and respects the principle of non-discrimination. Auxiliary measures are defined only in relation to a pre-defined group of disadvantaged applicants. However, special projects, including projects under the European Cohesion Fund, are implemented in order to avoid disproportionate effects of the economic crisis on any minority.

Excessive use of force by police authorities

In reaction to the recent case of the excessive use of force by the police against Roma children in Košice, I would like to stress that the behavior of the policemen was incompatible with their service, authorization and moral code of policeman; hence both preventive and repressive measures have been taken by the Ministry of Interior. Without going into details allow me to assure you that prompt and impartial investigation of this case has been initiated.. The concerned policemen were immediately dismissed from the police service and they face prosecution.

In order to prevent and eradicate all forms of police harassment, measures for enhanced psychological care of policemen are taken and new educational programs are being prepared for special police schools. In relevant education moduls and subjects, human rights training, observance of the rule of law and performance of the police service will be strengthened and broadened. Special accent will be put on the procedure in contact of policeman with minorities or minority communities. *(note: response to the advance question posed by the UK, the Czech Republic and Denmark)*

Rights of women and children

Slovakia pays special attention also to the promotion and protection of women's and children's rights. However, still many challenges remain in this area.

In order to address them, as a follow-up to the recommendations by the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination against Women, the Government has been further improving the implementation of the respective conventions.

With the aim to step up the efficiency in the system of children rights protection, the Government established a permanent Ministerial Committee for Children and has the intention to extend the powers of the Public Defender of Rights to enable him to act as an ombudsman for the rights of the child. Children's rights have been monitored also by the Slovak National Centre for Human Rights.

Domestic violence against women and children is of significant concern. However, thanks to various campaigns organised by non-governmental organisations and the Government, the issue has been de-tabooed in recent years. In this context I would like to mention the amendment of the Police act that entered into force in December 2008 and that allows to ban the perpetrator of domestic violence from the house up to 48 hours. Health and life protection takes thus precedent above the right to protection of habitation. In cases where also children are affected, a copy of the police record is sent in addition to the social protection authority. *(note: response to the advance question posed by Denmark, Sweden and Argentina)*

We are of the opinion that sufficient legislative and other measures have been taken in order to support victims of violent crimes. The recent deposit of the instrument of ratification to the European Convention on the Compensation of Victims of Violent Crimes further documents the efforts of the Slovak Republic to fight the scourge of violence. For the purpose of better-targeted intervention programmes, we are also trying to find ways of gathering statistical information and data on violence against various categories of persons.

In order to eliminate the still existing gender stereotypes in education and employment, the Slovak Government adopted an updated National Strategy for Gender Equality for 2009 – 2013 in April this year and is finalizing the National Action Plan for the Prevention and Elimination of Violence against Women for 2009 – 2012.

Women and men have the right to equal treatment in access to employment, remuneration, career growth and professional training. As a part of the comprehensive reform efforts in the area of employment and social policy, the government increasingly promotes work-life balance measures, encourages employment of people with family responsibilities, elimination of the family-work dilemma risk and improvement in family services.

I would also like to address *concerns* about the access of women and adolescent girls to affordable health-care services, including reproductive health care. Over the recent years progress has been made with regard to the sexual behavior of partners and rising responsibility on their part. At present a national programme of healthcare for women is under discussion. Furthermore, Slovakia passed laws on access to voluntary family planning and guaranteed the right to informed consent regarding surgical contraception. Principles and rules of informed consent, including in cases of sterilisation, are covered by the Act on Public Healthcare.

In this context, let me state that forced sterilisation of Roma women have never been an official state policy of the Slovak Republic nor officially endorsed practice. Rights of human rights defenders, in particular freedom of expression, and of all persons involved in this case have been guaranteed by legislative measures adopted in conformity with the principles of the rule of law. No criminal prosecution has been conducted against human rights defenders and let me assure you that in the Slovak Republic freedom of expression is a fundamental pillar to the democracy. (*note: response to the advance question posed by Argentina*)

Last but not least, I would like to mention the issue of trafficking in human beings. Even if it is not too prominent, yet it represents a serious problem. In April 2008 the Government adopted a National Program to Combat Trafficking in Human Beings for 2008-2010. The document also comprises an Action Plan designed to coordinate the activities of all stakeholders engaged in the elimination of risks and preventing human trafficking as well as in creating conditions for the provision of support and assistance to the victims.

Now, I would like to give the floor to Ms. Anina Botošová, Plenipotentiary of the Government for Roma Communities who will inform you about the steps taken to improve the situation of Roma communities and respond to the related questions.