**HRC Resolution 39/11**

**Input from Slovakia**

1. **Respect for basic principles underpinning the effective implementation of the right to participate in public affairs**

**Paragraph 19:** Public participation in the creation of legal acts is regulated by Act no. 400/2015 Coll. on the creation of legal regulations and on the Collection of Laws of the Slovak Republic and Legislative Rules of the Government of the Slovak Republic, according to which one of the conditions for the preparation of legal regulations is public participation in their creation. At the same time, two new institutions ensuring public participation were introduced into the Slovak legislative order, namely "Preliminary information" and "Report on public participation in drafting legislation".

Preliminary information

The purpose of preliminary information is to inform the public and public administration bodies about the intention of the submitter to start creating a draft legal regulation. Preliminary information needs to be published well in advance of the start of legislative procedure.

In particular, the preliminary information should briefly state:

• principal objectives and theses of the draft legislation,

• assessment of the current situation,

• how to involve the public in drafting the legislation,

• the expected date of commencement of the comment procedure.

For preliminary information, the public can send comments on the proposal via the Slov-Lex portal, which the submitter must address and evaluate in the report on public participation in the drafting of legislation.

Following the publication of preliminary information, the public may also express an interest in participating in the drafting of legislation, for example by expressing an interest in participating in a working group, ad-hoc consultation, or otherwise. A useful tool in this regard, both for the submitter and the public, is the guidance material Rules for Public Involvement in Public Policy Making.

Report on public participation in drafting legislation

The aim is to indicate how the public has been involved in drafting legislation. In the report on public participation, the submitter declares that they created the legislation with public participation. The report on public participation also maps whether the recommended steps leading to a fair and effective dialogue with the public have been followed during the drafting of the legislation.

The material Rules of Public Involvement in the Creation of Public Policies recommends four levels of public involvement:

1. The public shall be informed of the drafting of legislation.

2. The public shall take part in the debate on legislation.

3. The public participates in the drafting of legislation.

4. The public participates in the drafting of legislation on an equal footing with the legislator.

National project - Support for partnership and dialogue in the field of participatory public policymaking

The pilot scheme for participatory public policymaking was a practical part of the project, covering twelve pilot projects. On the basis of twelve memorandums on cooperation between the Office of the Plenipotentiary of the Government of the Slovak Republic for the Development of Civil Society, a public administration entity and a specific non-governmental organization, twelve participatory public policies were created, ready for implementation. Pilot projects tested various participatory scenarios and tools for public involvement in public policymaking at 4 levels (national, regional, micro-regional, local). The focus of public policies presented a wide range of topics: social inclusion, open data, sustainable mobility, children and youth, inter-municipal cooperation, use of public spaces, waste management, environmental education and training.

Analytical-methodological-legislative support for the implementation of participatory public policy-making in practice represented the theoretical part of the project, which focused on analytical, methodological, legislative activities and capacity building in the public administration environment. Based on it, a publicly available knowledge base and a final analysis of the state and possibilities of participation in the Slovak Republic were built, as well as proposals for legislative changes increasing public participation in the process of preparation, creation, implementation, monitoring and revision of public policies. A separate block of activities was the creation and testing of a new educational program called "Participatory policymaking in the public environment" aimed at strengthening the knowledge, skills and attitudes needed to implement participation in public administration, as well as activities aimed at the capacity building to support the introduction of participation.

Within the implementation of the project, several publications dealing with public participation in public policy-making were created, not only in general but also with a focus on the participation of vulnerable groups, minorities and youth. All these publications are available on the website of the Office of the Government Plenipotentiary for the Development of Civil Society.

**Paragraph 20** : Slovak Republic guarantees the **right to equality and non-discrimination** in enjoyment of human rights, including right to participate on political and public life, in its **Constitution**. Apart from the constitutional guarantee, the Constitution further states that international human rights treaties, which the Slovak Republic ratified, are an inherent part of the Slovak legal system and can be directly applied and invoked. Further, the Slovak Republic adopted a **Non-discrimination Act** of 2004 which combats discrimination in specific areas: employment, healthcare, education, social benefits and provision of goods and services including commercial housing. The non-discrimination Act does not directly define multiple or intersecting forms of discrimination, but does not prohibit claims of discrimination on multiple grounds either.

**Protection against discrimination** in the Constitution and other acts is provided based **on an open list of grounds**, which includes age, disability, sex, origin, race, nationality, etc.

The Non-Discrimination Act provides for the opportunity of state and non-state actors to use **Temporary Balancing Measures** to combat inequality based on race, ethnicity, national minority status, gender or sex, age or disability. This measures are evaluated by the **national Equality Body – the Slovak National Centre for Human Rights**.

**Paragraph 21**: The Slovak Republic guarantees an equal **access to justice** for everyone under the Constitution. It is available to any natural or legal person including civil society actors. As the **right to participate in public affairs** is guaranteed by the Constitution as a fundamental right, its breach can be subject to a constitutional complaint. Further details on realisation of the right to justice and remedies for violation of the right to participate in public affairs are laid down by law. A functional system of legal aid for those in need is available through the network of Centres of Legal Aid located country-wide. As regards quality and efficiency of justice, the Slovak Republic supports development of its justice system to the highest quality standards and with this aim cooperates with international organisations such as the Council of Europe and its Venice Commission or CEPEJ.

Information on the procedures regarding access to justice and redress procedures is published on the governmental as well as court websites. Regular training programmes for members of judiciary are being delivered including in international human rights area.

**Paragraph 22**: The Slovak Republic guarantees **right of** **access to information** together with the freedom of expression by its Constitution. The right to seek and disseminate information can be limited only by law when this is necessary as a measure of protection of rights and freedoms of other persons, state security, protection of public health and morality. The Constitution obliges public authorities to disclose information on their activities, details are laid down by law. The Slovak Republic has joined the Open Government Initiative in 2011 and since then has been developing two-year national OGP Action Plans in cooperation with the civil society. Action plans are approved by the Slovakian government, their central idea being securing the free access to information and cooperation with the civil society. The Office of the Plenipotentiary for the Development of the Civil Society has been established in 2011 with aim of promoting awareness of mechanisms of civil participation and fostering the participation of citizens in public affairs.

The right of access to information is further rendered effective by national legislation. Under the Law on Free Access to Information this right benefits everyone, i.e. equal access is guaranteed to any person. The legislation prescribes type of information, publication of which is mandatory for public authorities. The type of classified information and other obstacles to disclosure of information comply with international standards and include information that is subject to intellectual property protection, criminal investigation, commercial confidentiality and similar and they are also laid down by law. The access to information legislation meets needs of hearing and visually impaired persons and members of national minorities. Slovakian national legislation complies with the EU standards set by EU regulation in the field of access to information and its disclosure by public authorities (addressed by several EU directives).

As a general rule the information is disclosed free of charge and any eventual fee should not exceed the material costs of the realisation of copies of the information to a requested form (e.g. CD) and cost of its delivery to the requesting person (e.g. postage). Mechanism for review of any refused request for information are included in the law. Mechanisms of redress include court proceedings as well as constitutional complaint.

**Paragraph 23:** The Slovak Republic has been a member of the International Open Government Initiative since 2011. The Office of the Plenipotentiary of the Government of the Slovak Republic for the Development of Civil Society is responsible for fulfilling the obligations arising from this membership. Since 2011, four action plans have been developed and adopted by the Government of the Slovak Republic. The action plans were developed in a participatory way, with the participation of the general public. All the action plans, as well as independent evaluation reports on their implementation, are available on the website of the Office of the Plenipotentiary of the Government of the Slovak Republic for the Development of Civil Society.

The draft of the fifth Action Plan of the Open Governance Initiative for the period 2022 - 2024 will be prepared in a participatory manner in cooperation with representatives of state administration and civil society through the so-called multistakeholder forum. The coordinator of the participatory preparation process will be the Office of the Plenipotentiary of the Government of the Slovak Republic for the Development of Civil Society. The process of preparing the draft Fifth Action Plan will take place from autumn 2021 to spring 2022.

**Paragraph 24:** The Office of the Plenipotentiary of the Government of the Slovak Republic for the Development of Civil Society in cooperation with the Faculty of Law of University of Trnava teaches the subject “Department of Civil Society”, within which a part is devoted to public participation in public policymaking.

1. **Participation for election**

In 2014, the National Council of the Slovak Republic adopted a new electoral code - Act no. 180/2014 Coll. on the Conditions for the Exercise of the Right to Vote (hereinafter the “Electoral Act”), which regulates the electoral process for all types of elections and also regulates certain aspects related to the topics set out in the HRC recommendations.

**Paragraph 38:** The obstacle to the right to vote for the person with limited legal capacity, which was established in the Electoral Act, was abolished in 2016 by the Constitutional Court of the Slovak Republic. Thus, all persons with limited legal capacity also have the right to vote, except for those to whom the court has explicitly restricted their ability to vote by its decision.

**Paragraph 39:** The Electoral Act stipulates that mayors of municipalities have to take into account that disabled voters need to have the easiest possible access to polling stations when determining them. The Electoral Act also allows assisting voters who, due to a disability, cannot fill in a ballot paper or throw a ballot envelope into the ballot box. This assistance may be provided by any person except the member of the electoral commission. If the disability does not allow the voter to appear in the polling station, they have the right to ask their municipality or electoral commission to deliver a portable ballot box to their home or to the medical facility in which they are located.

**Paragraphs 41 – 43:** Concerning persons who are detained or serving a custodial sentence, we state that their detention or imprisonment is not an obstacle to the right to vote under the electoral law. In addition, the Electoral Act stipulates the obligation of institutions for the execution of detention or imprisonment to inform accused and convicted persons about the conduct of elections and to instruct them on the manner and their right to vote.

**Paragraph 44:** About independent scrutiny at voting and counting venues, we state that the Electoral Act allows for independent observation of the voting process as well as the counting of votes for, in principle, any person interested in observing, including representatives of independent candidates, international observers, but also ordinary voters. The Electoral Act does not set any special conditions for election observation, and no registration process is required. However, observers shall not disturb the conduct of votes and the counting of votes.

**Paragraph 48:** In the elections to the bodies of local self-government, all foreigners who have a permanent residence in the relevant municipality or self-governing region have the right to vote under the same conditions as citizens.

**Paragraph 34:** In 2014 Act no. 181/2014 on the election campaign and on the amendment of Act No. 85/2005 Coll. on political parties and political movements, was adopted, which, among other things, regulated the conditions for the broadcasting of public service media so that all candidates have equal space in them.

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