**Questionnaire of the Special Rapporteur on the promotion and protection of human rights while countering terrorism – replies of the Slovak Republic**

The protection of human rights and the fight against terrorism is a very broad issue with many aspects.

The main tasks of The Counter Terrorism Unit of the National Crime Agency (CTU NCA), as the legitimate authority of a democratic state, are the prevention and repression of terrorist and extremist crimes. In performing of tasks their officers act on the basis and within the limits of the law. The basic legislation, which allows the realization of these tasks, consists from: the Constitution of the Slovak Republic, the Criminal Code no. 300/2005, Act on the Police Force no. 171/1993 and binding legal international regulations.

The security situation in the Slovak Republic is generally stable from the point of view of terrorist threats. No terrorist attacks have been reported so far and we can say that the Slovak Republic is not the primary target of terrorists. However, in recent years, there has been an increase in the number of successfully carried out terrorist attacks and individual violent incidents on the territory of EU countries, mainly by members or supporters of jihadist groups. The current security threat to Europe poses the phenomenon of foreign terrorist fighters, it means citizens of EU Member States, fighting abroad and subsequently returning to their homeland or to the third countries, where they can continue to conduct extremist and violent crimes using acquired knowledges on combat, tactics, explosives and recruit new followers.

The Slovak Republic has ratified all thirteen international treaties on the fight against terrorism. The Slovak Republic supports the adoption of the General Convention on Terrorism with the universal definition of terrorism. It also considers essential to address the status of terrorists and their human rights and obligations. It is important to determine the responsibility of the state for terrorism, in relation to the population, captured terrorists and non-state actors.

The Slovak Republic fulfills its obligations arising from international agreements and implements UN sanctions decisions with an emphasis on the fight against terrorism. The central moment is the implementation of the basic anti-terrorist resolution of the UN Security Council no. 1373 (2001). The implementation of an international sanctions in our conditions is regulated by Act no. 289/2016 Coll.

The EU strategy is taken into account in the National Action Plan to Combat Terrorism for 2019-2022 (NAP). The NAP creates a platform for solving the legislative, institutional and executive matters of the fight against terrorism, as well as for the strengthening coordination and cooperation between the key actors in the fight against terrorism within the Slovak Republic and suitable conditions for consistent implementation of international treaties and obligations.

The adoption of universal definition of terrorism, tackling the issue of legal status of terrorists and their rights and obligations in particular with regard to human rights belong to the main challenges. It is debatable whether terrorism can be subordinated to existing institutes of international law or whether it constitutes a separate action that must be regulated specifically from applicable international standards.

In the Slovak Republic, there is no specific law regulation for the fight against terrorism, which would restrict the observance of human rights in the case of persons investigated for suspicion or the commission of a crime related to terrorism. The definition of the crime of terrorism, with the relevant criminal rates, is included in the existing Criminal Code, it means all rights are the same as those of persons suspected of having committed or committed other criminal offenses.

The Slovak Republic perceives the existence of problems in the field of respect for human rights in the context of the fight against terrorism in some countries abroad, therefore it supports the activity of the UN Special Rapporteur.

The Slovak non-government and non-profit organizations, civil society and national institutions for human rights protection deal with this issue in an indirect way preferably through the point of discrimination based on race, ethnical affiliation or religious persuasion, inform about particular examples of the individuals whose rights have been broken because of racial or religious prejudice associated with terrorism, and also observe the compliance of anti-terrorist legislative measures with national and international human-rights documents:

**a.** Amnesty International (AI) – in the beginning of 2016, AI pointed out the adoption of anti-terrorist measures through accelerated legislative procedure (in response to Paris terrorist attacks) including prolonging the maximum time limit for detention of persons suspected of terrorism for the period of up to 96 hours which might be in contradiction to their right to freedom.

(https://www.amnesty.sk/eu-protiteroristicke-zakony-ako-z-dielne-orwella-obmedzuju-prava-pod-zamienkou-ich-ochrany/)

**b.** Amnesty International – in the Amnesty International State of the World´s Human Rights Report 2016-17, they informed about statements by top representatives of the Government associating the Moslems and the people on the run with terrorism and using anti-migrant rhetoric in order to adopt amendatory Act on Registration of Religious Groups which might disadvantage minor religious groups, and this was in contradiction to the right of their followers to freedom of belief or religion. (<https://www.amnesty.sk/wp-content/uploads/2017/02/Amnesty-International_Vyrocna-sprava-2016_17_SK.pdf>)

**c.** Slovak National Center for Human Rights (SNSLP) – In 2016, SNSLP paid attention to the case of a Bratislava hostel that refused to accommodate three Turkish students on the grounds of the policy of “non-accepting the people from Turkey or from Arabian countries because of security reasons”.(page 5, <http://www.snslp.sk/CCMS/files/1Spr%C3%A1va_xenof%C3%B3bia,_rasizmus,_antisemitizmus_2016_-_fin%C3%A1lna_verzia.pdf>)

**d.** GLOBSEC – as an independent, non-government organization, GLOBSEC endeavors to shape global discussion on foreign and security policy. As of 2005, they annually organize GLOBSEC Bratislava Global Security Forum, Tatra Summit conference on European affairs or Chateau Béla Central European Strategic Forum. Their think tank called GLOBSEC Policy Institute covers a wide-range research area focused on political studies and analyses of various issues in the area of international politics and security https://www.globsec.org/ .

**e.** GLOBSEC – In response to the threats following the Paris and Brussels attacks in 2015 and 2016 respectively, GLOBSEC worked out a research project under the title of “From Criminals to Terrorists and Back” https://www.globsec.org/projects/criminals-terrorists-back/, focused on addressing the “crime-terrorism” problem in Europe.

**f.** Strategic Policy Institute (STRATPOL) – STRATPOL is an independent think-tank founded to carry out research of international relations and security policy. It is preferably focused on European security, trans-Atlantic relations, European neighbors´ co-living, global affairs, and contributes to collegiate discussion, forming public opinions through issuing recommendations for decision-makers in relation to foreign and security policy https://stratpol.sk/ .