Bratislava, 18 May 2023

**INPUT OF THE SLOVAK NATIONAL CENTRE FOR HUMAN RIGHTS – REPORT OF THE SECREATRY-GENERAL TO THE HUMAN RIGHTS COUNCIL ON HUMAN RIGHTS CHALLENGES IN ADDRESSING AND COUNTERING ALL ASPECTS OF THE WORLD DRUG PROBLEM**

*About the Slovak National Centre for Human Rights:*

*The Slovak National Centre for Human Rights (hereinafter the “Centre”) is a national human rights institution established in the Slovak Republic, accredited with status B by the Global Alliance of National Human Rights Institutions (GANHRI). As an NHRI, the Centre is a member of the European Network of NHRIs (ENNHRI). The Centre was established by the Act of Slovak National Council No. 308/1993 Coll. on the Establishment of Slovak National Centre for Human Rights. Pursuant to the Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and on Protection from Discrimination, as amended (the Anti-Discrimination Act), the Centre also acts as the only Slovak equality body. As an NHRI and equality body, the Centre performs a wide range of tasks in the field of protection and promotion of human rights and fundamental freedoms including the observance of the principle of equal treatment.*

*The Centre among other powers:*

*1) monitors and evaluates the observance of human rights and the observance of equal treatment principle;*

*2) gathers and, upon request, provides information on racism, xenophobia and antisemitism in the Slovak Republic;*

*3) conducts research and surveys to provide data in the field of human rights; gathers and distributes information in this area;*

*4) prepares educational activities and participates in information campaigns aimed at increasing tolerance of the society;*

*5) provides legal assistance to victims of discrimination and manifestations of intolerance;*

*6) issues expert opinions on matters concerning the observance of the equal treatment principle;*

*7) performs independent inquiries related to discrimination;*

*8) prepares and publishes reports and recommendations on issues related to discrimination; and provides library services and other services in the field of human rights.*

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***Right to health and discrimination in access to healthcare***

As underlined in the Human Rights Council Resolution 52/24 (A/HRC/RES/52/24), the operational recommendation outlined in the outcome document of the thirtieth special session of the General Assembly the need to ensure, amongst others, non-discriminatory access to health, care and social services, including to persons in prison or pretrial detention.

Regarding this issue, in 2021, the Centre issued an expert opinion[[1]](#footnote-1) to an NGO submission objecting discrimination of people who use drugs in Slovakia in access to healthcare, specifically treatment of chronic hepatitis type C. The submission stated that the Ministry of Healthcare of the Slovak Republic conditions the covering of the treatment of the chronic hepatitis type C for people living with drug addiction by a proof of at least 1 year of drug abstinence. Therefore, people in need of medical treatment by antivirotics had to wait at least 12 months to have access to healthcare, without any existing alternatives for effective and safe treatment. After examining the issue, the Centre concluded that the Ministry of Healthcare of the Slovak Republic violated the constitutional prohibition of discrimination, in conjunction with constitutional right to health and free healthcare.

Access to harm reduction services is crucial to minimize negative personal and societal impacts of drug abuse, including on right to health, but fail to be systematically and sustainably supported by the state. Harm reduction services in Slovakia encounter lack of financial and personnel capacities - since 2013, the number of these services lowered from 6 to 3 and their financial coverage was reduced as well. Currently the people in need of support have access to harm reduction services only in the Western regions of Slovakia. Civil society organizations providing harm reduction also often face stigmatization and hateful attacks, including from some political representatives.

***Use of* *disproportionate punishment***

The Centre notes para. 4 of the Human Rights Council Recommendation 52/24 calling upon Member States to consider alternatives to incarceration, conviction and punishment in accordance with international drug conventions, noting alternatives in appropriate cases of minor nature. With regards to this issue, the Center notes that in Slovakia, penalties for drug law offences are highest in the European Union.[[2]](#footnote-2) A large percentage of persons sentenced for drug crimes in Slovakia are persons sentenced for drug possession for personal consumption – f.e. in 2022, there were 1 213 people sentenced for drug crimes, out of which 550 were people sentenced for drug possession for personal consumption.[[3]](#footnote-3) According to Eurostat, in 2020, Slovakia also had the highest number of incarcerated people per number of inhabitants in the EU.[[4]](#footnote-4)

Currently, a draft amendment to Criminal Code[[5]](#footnote-5) responds to the long-standing application problems, including disproportionately high prison sentences, including distinction between possession of drugs and their production or trafficking. The Centre however notes that current legislative proposals do not sufficiently reflect the shift in the scientific and social knowledge and international human rights standards in the area of drug policy regulation. The proposed drug policies also do not fundamentally change the framework of incarceration and punishment and lack connected support for adequate and sustainable social services. Possibility of cumulative punishment of incarceration and compulsory drug treatment in Slovakia may also amount to double punishment.

A submission to the Constitutional Court of the Slovak Republic was lodged in October 2022 arguing the length of detention of 10-15 years for cannabis possession as disproportionate punishment.[[6]](#footnote-6)

***Stigmatization of drug users***

With respect to the prevention of social marginalization and promotion of non-stigmatizing attitudes, the Centre notes that the current understanding of drug policies and criminal law framework with regards to use of illegal drugs in Slovakia is based on the doctrine of “war against drugs”, following the wording of the 1961 Single Convention on Narcotic Drugs, understanding drug abuse as “evil to prevent and combat”, framing the issue in terms of morality, rather than a public health and human rights issue. Policies and legislation covering drug use yet fail to adequately include human rights standards and promotion of non-stigmatizing attitudes of people who use drugs and promote harm reduction and alternatives to punishment and incarceration.

In order to counter non-stigmatizing attitudes and identify negative impacts of current drug policies and laws in Slovakia on human rights, in May 2021, the Centre organized a roundtable with representatives of public administration, local government, judiciary and civil society. Participants identified a number of challenges, including treatment without informed consent, lack of predictability and reasonability in criminal proceedings and lack of accessibility of harm reduction programmes in Central and Eastern Slovakia.

As stated by the Committee on Economic, Social and Cultural Rights, the fear of stigmatisation and discrimination prevents people who use drugs from seeking lifesaving health care and treatment[[7]](#footnote-7) and enjoying their right to health on an equal basis with others.[[8]](#footnote-8) The Committee has also expressed concern about the high rate of HIV among people who use drugs, while noting that fear of stigma keeps many people from seeking antiretroviral treatment.[[9]](#footnote-9)

With regards to stigmatization, Slovak NGO Prima, who provides harm reduction services in the capital region reported on a number of human rights challenges they encounter during their work with clients. These include strengthening of polarization (“us” versus “them” discourse); social exclusion of individuals or whole groups of people; interconnected lack of access to housing, labour market, education and healthcare; silencing and lack of participation in decision-making; and increase in crime.[[10]](#footnote-10)

1. Available in Slovak at <https://www.snslp.sk/wp-content/uploads/OS-Diskriminacia-drogovo-zavislych-pacientov-pri-vykone-prava-na-bezplatnu-zdravotnu-starostlivost.pdf> [↑](#footnote-ref-1)
2. European Monitoring Centre for Drugs and Drug Addiction: „Penalties at Glance“, available at <https://www.emcdda.europa.eu/publications/topic-overviews/content/drug-law-penalties-at-a-glance_en>. Under the Slovak Criminal Code (Act No. 300/2005 Coll.) drug use is not considered a criminal offence. Drug possession, distribution or other drug related conduct under the Criminal Code are considered criminal offences and are sanctionable by up to 25 years of imprisonment and seizure of property. [↑](#footnote-ref-2)
3. General Prosecutors Office of the Slovak Republic: *Overview of prosecuted and charged persons, 2022*, available in Slovak at <https://www.genpro.gov.sk/statistiky/statisticky-prehlad-trestnej-a-netrestnej-cinnosti-za-rok-2022-3b03.html> [↑](#footnote-ref-3)
4. Eurostat: „Prison statistics“, available at <https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Prison_statistics> [↑](#footnote-ref-4)
5. Governmental Proposal of the Act amending Act No. 300/2005 Coll. the Criminal Code and on the amendment of certain laws, as amended, available in Slovak at <https://www.nrsr.sk/web/Dynamic/DocumentPreview.aspx?DocID=527157>. [↑](#footnote-ref-5)
6. Constitutional Court of the Slovak Republic, Application under file registration number 2255/2022, 04 October 2022. [↑](#footnote-ref-6)
7. Committee on Economic, Social and Cultural Rights, *Concluding Observations: Bulgaria*, E/C.12/BGR/CO/6 (2019), paras. 46. In: International Guidelines on Human Rights and Drug Policy, available at <https://www.humanrights-drugpolicy.org/guidelines/foundational-principles/right-to-equality-and-non-discrimination/#cite_23>. [↑](#footnote-ref-7)
8. Committee on Economic, Social and Cultural Rights, *Concluding Observations: Senegal,* E/C.12/SEN/CO/3 (2019), para. 40. In: International Guidelines on Human Rights and Drug Policy, available at <https://www.humanrights-drugpolicy.org/guidelines/foundational-principles/right-to-equality-and-non-discrimination/#cite_23>. [↑](#footnote-ref-8)
9. Committee on Economic, Social and Cultural Rights, *Concluding Observations: Estonia*, E/C.12/EST/CO/3 (2019), para. 46; Committee on Economic, Social and Cultural Rights, *Concluding Observations Mauritius*, E/C.12/MUS/CO/5 (2019), para. 53(b). In: International Guidelines on Human Rights and Drug Policy, available at <https://www.humanrights-drugpolicy.org/guidelines/foundational-principles/right-to-equality-and-non-discrimination/#cite_23>. [↑](#footnote-ref-9)
10. PRIMA: „Stigmatization, part III. – impacts and effects“, 11 November 2022, available at <http://primaoz.sk/stigmatizacia-cast-iii-dopady-a-vplyv/>. [↑](#footnote-ref-10)