



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of the Slovak Republic and welcome the constructive engagement of your Government during the 32nd session of the UPR Working Group in January 2019.

As the final outcome report on the review of Slovakia has been recently adopted by the Human Rights Council at its 41th session, I would like to take this opportunity to follow up on a number of areas raised in the two reports that my Office had prepared for the review of Slovakia – the Compilation of United Nations information and the Summary of Stakeholders' submissions – which I consider in need of particular attention over the next four and a half years, until the next cycle of the UPR. In identifying those areas, I have considered the statements and/or recommendations made by 80 delegations and the presentation made and responses provided by the delegation of Slovakia. I have also considered the actions taken by the Government to implement the 133 recommendations supported during the second cycle of the UPR. The aforementioned areas cover a range of issues, which appear in the annex to this letter.

I note with appreciation the establishment of the Office of the Commissioner for Children and the Office of the Commissioner for Persons with Disabilities. I encourage the authorities of Slovakia to continue their efforts to ensure the effective and independent functioning of those institutions, including by allocating adequate resources to them.

I welcome the adoption of the National Strategy for the Promotion and Protection of Human Rights in 2015 and encourage Slovakia to continue to effectively implement the strategy in order to achieve concrete results in the areas highlighted in the annex to this letter and to facilitate the preparations for Slovakia's fourth cycle of the UPR. In line with my advice to all Member States, the implementation of the strategy should be carried out in close consultation and cooperation with all stakeholders, in particular national human rights institutions and civil society organizations and, where necessary, with the support of international organizations, including the Office of the United Nations High Commissioner for Human Rights (OHCHR).

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H.E. Mr. Miroslav Lajčák
Minister for Foreign and European Affairs
Slovak Republic



I also encourage Slovakia to continue its efforts to strengthen its national mechanism for comprehensive reporting and follow-up in relation to recommendations received from all international and regional human rights mechanisms and to treaty obligations, linking this to the Sustainable Development Goals. I strongly recommend the use of the OHCHR practical guide on this topic, which is available at:

http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf.

Please, kindly note that I am sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting them with the implementation of the recommendations, following the review. An important measure that can contribute positively to follow-up action is voluntary mid-term reporting. Therefore, I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the UPR outcome report. In this regard, I welcome the practice of Slovakia to submit mid-term reports and encourage the Government to do so again on follow-up to the third cycle of the review, by 2021.

As stated by the Secretary-General in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *“The Human Rights Council’s universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council’s recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals.”*

I look forward to discussing with you ways in which my Office may assist Slovakia in relation to the areas identified in this letter and its annex.

Please, accept, Excellency, the assurances of my highest consideration.

Michelle Bachelet
High Commissioner for Human Rights



Annex

Scope of international obligations and cooperation with international human rights mechanisms and bodies

- Ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as well as the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.

National human rights framework

- Strengthening the mandate and independence of the Slovak National Centre for Human Rights, by completing the process of legislative changes to bring it into full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and by providing the Centre with sufficient resources to enable it to effectively carry out its mandate.

Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

Equality and non-discrimination

- Ensuring the effective implementation of a comprehensive anti-discrimination legislation that prohibits all forms of discrimination, including intersectional and multiple forms of discrimination.
- Continuing to implement measures to combat discrimination against persons belonging to ethnic, national or religious minorities, including Roma, as well as ensuring that all incidents of hate speech and hate crime are effectively investigated and the perpetrators are prosecuted and punished.
- Ensuring that the participation in and financing of organizations that incite and promote racial discrimination are prosecuted and that motives based on race or on skin colour, descent or national or ethnic origin, religion or citizenship, constitute an aggravating circumstance for any offense.
- Combating social stigmatization of homosexuality, bisexuality or transsexuality as well as discrimination and violence against persons based on their sexual orientation, gender identity or expression, and extending the legal provisions on hate speech to cover sexual orientation, gender identity or expression.
- Adopting a legal gender recognition procedure compatible with international human rights standards, including by abolishing the requirement of compulsory medical interventions for transgender persons who wish to obtain legal recognition of their gender as well as ensuring that gender reassignment treatments are made available for transgender persons.



Development, the environment, and business and human rights

- Implementing the United Nations Guiding Principles on Business and Human Rights, including by adopting and implementing a national action plan on business and human rights.

B. Civil and political rights

Right to life, liberty and security of person

- Adopting a definition of torture that covers all elements contained in article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and ensuring that penalties for torture are commensurate with the gravity of the crime.
- Preventing and prohibiting inhuman or degrading treatment through the use of physical, mechanical and chemical restraints and the use of isolation for persons with psychosocial disabilities.
- Ensuring that allegations of excessive use of force and ill-treatment by law enforcement officials, particularly against the Roma, are effectively investigated and that those who commit such violations are brought to justice.

Administration of justice, including impunity, and the rule of law

- Improving the functioning of the judicial system in order to enhance the efficiency of judicial proceedings and to reduce the backlog of cases.
- Revising legislation so as to reduce the duration of pre-trial detention and ensure that it is used as an exception, applied for limited periods of time, clearly regulated and subject to judicial supervision as well as ensuring that non-custodial measures are effectively applied.
- Establishing a national preventive mechanism with adequate capacity and resources to carry out effectively its mandate.
- Establishing specialized juvenile court procedures with adequate resources and specialized judges, and ensuring that special procedures for interrogating children are used for all children up to and including the age of 18 and that children can only be questioned in the presence of their lawyers, parents or other trusted persons.

Fundamental freedoms

- Decriminalizing defamation and ensuring proportional legal limitations of damages in civil libel cases.
- Ensuring the effective protection of the rights and safety of journalists to exercise their profession free from intimidation and attacks, and carrying out prompt and effective investigations into cases of threats and assaults against them.

Prohibition of all forms of slavery

- Strengthening efforts to effectively combat trafficking in human beings, including Roma children and children in residential care, and efforts aimed at the early identification of victims of trafficking and victims' assistance, as well as addressing root causes of human trafficking.



- Ensuring that trafficking-related crimes are effectively investigated, successfully prosecuted and lead to proportionate and dissuasive sanctions, and that victims and witnesses of human trafficking are adequately protected from potential retaliation or intimidation in the course of judicial proceedings.

C. Economic, social and cultural rights

Right to an adequate standard of living

- Implementing social policies to ensure the effective protection against poverty, especially for vulnerable groups of society.

Right to education

- Ensuring access to quality and inclusive education for all, particularly children with disabilities and Roma children, by implementing a plan for the transition from segregated schools to inclusive education at all levels and by assigning and training specialized teachers in integrated classes to provide individual teaching and other assistance.
- Strengthening teaching of human rights education in primary and secondary schools.
- Providing education on sexual and reproductive health and rights as part of the regular school curricula.

D. Rights of specific persons or groups

Women

- Ensuring gender equality, including by facilitating an increase in the representation of women in decision-making positions in the public and private sectors, by eliminating horizontal and vertical segregation between women and men in the labour market, by reducing the gender pay gap, and by promoting the equal sharing of parental responsibilities between women and men.
- Ensuring that women who are victims of violence have adequate access to protection and assistance and that all allegations of gender-based violence against women, including domestic violence are effectively investigated, and the perpetrators prosecuted and punished.
- Ensuring women's effective access to sexual and reproductive health services, including to safe and affordable methods of birth control/family planning of their choice and to legal and safe abortion and post-abortion services.

Children

- Prohibiting explicitly in law corporal punishment in all settings and promoting non-violent forms of discipline as alternatives to corporal punishment.
- Reducing the institutionalisation of children, including by implementing measures to avoid the removal of children from their families and to prevent the abandonment of children after birth, as well as by strengthening the system of foster care for children who cannot not stay with their families.



Persons with disabilities

- Ensuring effective protection of persons with disabilities from discrimination in all areas of life and introducing a human rights-based approach to disability.
- Ensuring that persons with disabilities are recognised as persons with equal standing in courts and can effectively challenge any interference with their right to legal capacity as well as developing a flexible system of supported decision-making.
- Ensuring effective implementation of the deinstitutionalization process, by strengthening community-based services and assistance for persons with disabilities to support their independent living and by allocating necessary financial resources from the national budget to support those services.
- Ensuring that children with special education needs effectively benefit from individual support and reasonable accommodation in mainstream settings.

Minorities

- Facilitating the use of minority languages in public life, including in local administration in areas where the speakers are present in sufficient numbers.
- Strengthening efforts to ensure quality education of children belonging to ethnic/national minorities in their mother tongue or teaching of their languages as a part of school curriculum.
- Stepping up efforts to effectively protect the Roma from discrimination and stigmatization, including by eliminating the structural discrimination affecting Roma, removing all obstacles that prevent their enjoyment of human rights and fundamental freedoms, and by allocating adequate resources for the effective implementation of the Strategy for the Integration of Roma by 2020.
- Stepping up efforts to address the dire housing situation of the Roma, including by ending residential segregation affecting Roma communities and by providing security of tenure, preventing forced evictions and ensuring that evictions are means of last resort and that those affected are provided with adequate alternative accommodation, when evictions cannot be avoided.
- Ensuring that the Roma women have non-discriminatory and effective access to medical treatment and to sexual and reproductive health services.
- Ensuring that Roma children enjoy equal opportunities in access to quality education, including preschool education and their full integration in the education system, by eliminating the overrepresentation of Roma children in specialized classes or schools as well as developing support measures to prevent school drop-out of Roma children.

Migrants, refugees and asylum seekers

- Ensuring the use of alternatives to the detention of asylum seekers and that detention is used only as a measure of last resort, for the shortest appropriate period and that any necessary detention takes place in appropriate and non-punitive facilities.
- Putting an end to the detention of children based on their or their parents' immigration status and ensuring that age assessment procedures are conducted by specialised professionals and only in cases of reasonable doubt about the age of the person concerned.
- Ensuring appropriate protection for unaccompanied minors and that child asylum seekers, particularly unaccompanied children, have access to education, health care, and social and psychological services, and are provided with a legal representative and/or guardian.



- Taking measures to facilitate the enjoyment of social and economic rights of asylum seekers, refugees and beneficiaries of subsidiary protection and promoting their integration in society, including by the provision of state-funded Slovak language courses.

Stateless persons

- Establishing a statelessness determination procedure and strengthening the protection of stateless persons, including through the provision of quality legal assistance.