Council of Europe contribution for the 46th UPR session (April-May 2024) regarding Slovakia

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Prevention of torture (CPT)

Report on the visit to the Slovak Republic carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 19 to 28 March 2018

CPT report:

CPT_Inf_2019_20_Report_Slovak Rep.pdf

Government response: CPT/Inf (2019) 21]

CPT_Inf_2019_21_gov resp_Slovak Rep.pdf

Publication news flash

Council of Europe Commissioner for Human Rights

On 12 June 2023, the Commissioner published her letter to the Slovak Parliament in relation to a bill that would establish a compensation mechanism for **victims of forced sterilisation**. She welcomed efforts to deliver justice to victims. She noted, however, that any mechanism should effectively meet victims' needs. To this end, she set out a number of observations to assist in the strengthening of the proposal. She noted, for example, that the proposed amount of compensation fell significantly short of that awarded to victims by the European Court of Human Rights and Slovak courts in relevant cases. She also highlighted the need for clear rules on evidence in proceedings for compensation, including avoiding an over-reliance on medical records and preventing the burden of proof being disproportionately borne by the victims. She suggested steps to make the application process more accessible to victims and underscored that the authorities responsible for assessing compensation claims should have sufficient expertise and capacity to carry out this task. The Commissioner also stressed the importance of close engagement with victims during the legislative process, to ensure that the resulting compensation mechanism is strong, accessible, and effective.

Eventually, the bill was not passed, as the Parliament ran out of time to do so, in view of early elections.

CommHR(2023)19_letter to the National Co

On 25 April 2023, the Commissioner published her letter to the Slovak Parliament calling on members to reject a bill undermining trans people's human rights and to ensure equality for **LGBTI people**. The Commissioner highlighted that a bill that would effectively prevent trans people from having their gender identity legally recognised, if passed, would put the Slovak Republic in conflict with its obligations under the European Convention on Human Rights. She also noted that the previous year's deadly attack on the Tepláreň bar in Bratislava should have triggered a process of addressing long-standing concerns about intolerance towards LGBTI people, but that since then the human rights of LGBTI people in the Slovak Republic have only become more at risk. She expressed concern that recent steps to end the practice of requiring sterilisation for legal gender recognition,

which violates human rights, might be rolled back. The Commissioner also highlighted the lack of a legal framework allowing same-sex couples to be granted adequate recognition and protection of their relationship. She called on parliamentarians to refrain from promoting narratives that mischaracterise the struggle for the equality of LGBTI people as 'gender ideology' or 'LGBTI ideology', and to ensure that there is no place for hate speech in the Parliament.

The bill to prevent legal gender recognition was not adopted, as the Parliament ran out of time to consider it, in view of early elections.

CommHR(2023)12_let
ter to National Counc

On 24 March 2022, the Commissioner issued a statement following a series of monitoring missions to member states at the forefront of receiving **persons fleeing the war in Ukraine**, including the Slovak Republic. In the Slovak Republic, the mission visited key border crossing points), places where initial assistance was provided and where registration was carried out, and reception facilities. The Commissioner also met with national and municipal authorities. The Commissioner urged all Council of Europe member states to strengthen support to countries like the Slovak Republic, to improve coordination and to scale up the response to the humanitarian and human rights needs of people fleeing the war. She also highlighted the need for medium and long-term measures in receiving countries as regards housing, employment, financial aid, education and overall integration. She noted that most reception centres were competently managed but not suitable for longer-term stay. Special attention should be paid to the protection of specific groups, such as those at risk of trafficking in human beings, unaccompanied children, Roma, persons of African descent and LGBTI people.

On 19 October 2021, the Commissioner wrote a letter calling on the Slovak Parliament to reject a bill that would restrict access to **safe and legal abortion services**. The proposal intended to extend the mandatory waiting period of 48 hours to 96 hours, covering any abortion except when a woman's health or life is at immediate risk. A proposed ban on 'advertising' of abortion could prevent health care professionals from publicly providing information on safe abortion services. The Commissioner expressed concern that repeated attempts to introduce restrictions on access to safe and legal abortion were indicative of an alarming trend towards the undermining of women's sexual and reproductive health and rights in the Slovak Republic and deplored that this created a hostile environment for human rights defenders working in this area.

The proposal was not adopted in the end.

CommDH(2021)30_Le
tter to National Coun

On 19 July 2021, the Commissioner published her letter to the Prime Minister and the Minister of Justice of the Slovak Republic, calling on the government to deliver justice to **victims of forced sterilisation** through the establishment of a compensation mechanism that would ensure prompt and effective access to reparations. The Commissioner noted that the lack of effective access to reparations was a long-standing shortcoming that had still not been fully remedied. The Commissioner found, in particular, that existing mechanisms, in the form of domestic civil claims, have not provided an effective means of redress for this serious human rights violation, owing to the many obstacles the victims face.

At the time of writing (September 2023) no compensation mechanism has been established (also see last item below).

CommDH(2021)24_Le
tter to PM and MoJ o

On 10 September 2020, the Commissioner published a letter to the Slovak Parliament in response to a renewed attempt to restrict women's **access to sexual and reproductive health and rights**. In her letter, the Commissioner refers to two proposals in particular. Firstly, the proposal to extend the mandatory waiting period from 48 to 96 hours, and to expand its application to all situations except when a woman's health is at immediate risk. Secondly, the proposal to introduce a new authorisation requirement for performing abortions on health grounds, that would require two medical certificates attesting to such grounds, rather than one as is currently the case, except in the case of urgent care provision.

The proposal to introduce restrictions did not pass.

CommDH(2020)18_Le
tter to Parliament Slo

On 26 November 2019, Commissioner Dunja Mijatović published her letter to the National Council of the Slovak Republic (Slovak Parliament), in which she called on members to reject retrogressive measures on **access to safe and legal abortion care**. This letter was in response to a proposal to introduce a number of requirements that run counter to the principle of non-retrogression, including subjecting women seeking an abortion to mandatory ultrasounds and requiring them to view and receive images obtained through such an ultrasound. The Commissioner noted that abortion counselling should never be mandatory, biased or directive, and stressed that a proposed prohibition on "advertising" of abortion services could prevent health care professionals from providing necessary public information on safe abortion care, and impede women's access to freely available, evidence-based and unbiased information on their sexual and reproductive health and rights.

The proposal to introduce restrictions did not pass.

CommDH(2019)30 -
Letter to Parliament S

On 16 March 2018, the then-Commissioner for Human Rights, Nils Muižnieks, published a press release following a visit to the Slovak Republic. The visit focused on **inclusive education of children with disabilities and Roma children.** As it took place shortly after the murder of investigative journalist Ján Kuciak and his fiancée Martina Kušnírová, the Commissioner also met with representatives of the media to discuss the **safety of journalists**. Concerning inclusive education, the Commissioner found that little meaningful progress has been achieved in this field since his visit in June 2015. The Commissioner called for a clear roadmap to desegregation at the national, regional or local levels, and to address the non-enforcement of legal obligations in the field of inclusion, among other steps to tackle this issue. Concerning the safety of journalists, the Commissioner called for a prompt and effective investigation into the murder of Ján Kuciak and Martina Kušnírová in order to identify and punish the perpetrators, but especially those who ordered the murders. He also called for an urgent public discussion about media freedom and the safety of journalists, focusing in particular on political discourse. Furthermore, these broader discussions should focus on

ensuring good cooperation between the police and journalists, who should be able to rely on effective responses if they are threatened.

Fight against racism and intolerance (ECRI)

Conclusions on the Slovak Republic (adopted on 7 December 2022 / published on 10 March 2023)

ECRI_Conclusions_Slovak Republic_Decem

Sixth report on the Slovak Republic and government comments (adopted on 1 October 2020 / published on 8 December 2020)

ECRI_Report_Slovak Republic_6th monitor

Protection of minorities

Framework Convention for the Protection of National Minorities

The Advisory Committee on the Framework Convention adopted its 5th Opinion on Slovakia on 2 February 2022.

FCNM_5th opinion_Slovak Reput

The CM/ResCMN(2022)8 on the implementation of the Framework Convention for the Protection on National Minorities by Slovakia was adopted by the Committee of Ministers on 3 November 2022 at the 1447th meeting of the Ministers' Deputies.

Resolution CM_ResCMN_2022_8

European Charter for Regional or Minority Languages

The Committee of Experts adopted its fifth evaluation report on Slovakia on 22 March 2019.

European Charter for Regional or Minority l

The Committee of Ministers adopted Recommendation CM/RecChL(2019)5 on the application of the European Charter for Regional or Minority Languages by Slovakia on 5 November 2019 at the 1359th meeting of the Ministers' Deputies.

Recommendation CM_RecChL_2019_5 (

The evaluation by the Committee of Experts of the implementation of the recommendations for immediate action contained in the Committee of Experts' fifth evaluation report on the Slovak Republic was adopted on 29 March 2021.

MIN_LANG_Slovak Republic_2021.pdf

Action against trafficking in human beings (GRETA)

GRETA evaluation report (3rd round)

GRETA_3rd evaluation report_Slo

Press release

Preventing and combating violence against women and domestic violence (GREVIO)

The Slovak Republic signed the Istanbul Convention in May 2011. Slovakia has not ratified the convention. Opposition to ratification is on the increase, including since the EU became a Party in June 2023.

On 30 September, early parliamentary elections were held in Slovakia, resulting in an unexpectedly strong win for Robert Fico's SMER party, which secured 22.9% of the vote. During the lead-up to the election, SMER was engaged in 'gender ideology' rhetoric with the Istanbul Convention as a flashpoint. The results could mean drastic cuts to spending, or even de-funding of institutions focused on violence against women and domestic violence.

Protection of children against sexual abuse (Lanzarote Convention)

The Slovak Republic ratified the Lanzarote Convention on 12 February 2015 and it entered into force in its respect on 1 June 2015.

Since the Slovak Republic became a Party to the Convention after the launching of the 1st monitoring round, the Lanzarote Committee did not assess the situation in its respect on the "Protection of children against sexual abuse in the circle of trust" back then. It will do so in the context of its new monitoring work on this theme. A questionnaire to gather information on the legal frameworks to protect children against sexual abuse in the circle of trust was adopted by the Lanzarote Committee at its 38th meeting (30 May-2 June 2023). The Slovak Republic submitted its replies by 20 September 2023.

Urgent monitoring round: Protecting children affected by the refugee crisis from sexual exploitation and sexual abuse

To respond to the urgent migrant and refugee situation in Europe, the Lanzarote Committee decided in 2016 to address the protection of children affected by the refugee crisis from sexual exploitation and sexual abuse through an urgent monitoring round. This resulted in a special report published in March 2017 covering 41 state parties. The information submitted by the Slovak Republic in the context of this round is accessible here. To follow-up on the Special report and its monitoring findings, the Committee carried out a compliance procedure to assess the conformity of Parties with the recommendations urging them to act (the "urge" recommendations), as well as those considering that they should act (the "consider" recommendations), in 2021 and 2022.

Lanzarote Committee_special re

T_ES_2016_RFG_Slovakia.pdf

The recommendations still requiring the Slovak Republic to take steps to implement the Lanzarote Convention effectively in the context of this urgent monitoring round are as follows:

Lanzarote Committee_Slovakia .

2nd thematic monitoring round: Protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs).

This monitoring round was launched in October 2017 and led to the adoption of an implementation report in March 2022 covering 43 state parties. The information submitted by the Slovak Republic in the context of the 2nd monitoring round is available here.

Lanzarote Committee_T_ES_202

Lanzarote Committee_replies to

The recommendations requiring the Slovak Republic to take steps to implement the Lanzarote Convention effectively in the context of this monitoring round are as follows:

Lanzarote Committee_Slovakia 2

Fight against corruption (GRECO)

Slovakia was evaluated in 2018 under the Fifth Evaluation Round on "Preventing corruption and promoting integrity in central governments (top executive functions) and law enforcement agencies". The corresponding 5th Round Evaluation Report was adopted by GRECO Plenary and made public in 2019. GRECO's 5th Round Compliance Report, assessing the implementation of the recommendations, was published in 2022. Additional information from the authorities was due by 31 March 2023. A Second Compliance Report is under preparation and scheduled for adoption at GRECO's next Plenary Meeting (27 November – 1 December 2023).

GRECO_5th Evaluation report_Slo

GRECO_5th Compliance report_Sl

Concerning the Fourth Evaluation Round on "Prevention of corruption in respect of members of parliament, judges and prosecutors" the 4th Round Second Addendum to the Second Compliance Report was published in 2021 and terminated the compliance procedure in respect of Slovakia.

GRECO_4th Evaluation round_Slo

Execution of judgments and decisions of the European Court of Human Rights

CoE_UPR_46th_Appendix_Execution of Jud

Social and Economic Rights (ECSR)

SlovakRepublic_September2023_en_.pdf

Venice Commission

Opinion on two questions regarding the organisation of the legal profession in the Slovak Republic and the role of the Supreme Administrative Court in the disciplinary proceedings against barristers, adopted by the Venice Commission at its 128th Plenary Session (15-16 October 2021)

CDL-AD(2021)042_Slovakia.pdf