



Office for Democratic Institutions and Human Rights

**Information Submitted to the
Office of the United Nations High Commissioner for
Human Rights
as a Stakeholder in the
Universal Periodic Review of
Slovakia**



WARSAW, 24 JUNE 2013

The following information is submitted by the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (OSCE/ODIHR) about an OSCE participating State or Partner for Co-operation under consideration in the Universal Periodic Review process:

Participating/Partner State: Slovakia

UPR Session and Date of Review: 18th Session, January – February 2014

Background

Slovakia has been a participating State in the former Conference for Security and Co-operation in Europe (CSCE) and the present Organization for Security and Co-operation in Europe (OSCE) since 1993 and has thus undertaken and recently reaffirmed a wide range of political commitments in the “human dimension” of security as outlined in relevant OSCE documents.¹ The OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) has been mandated by OSCE participating States, including Slovakia, to assist them in implementing their human dimension commitments. OSCE/ODIHR assistance includes election observation and assessment activities as well as monitoring and providing assessments, advice and recommendations relating to implementation of commitments in the fields of human rights, democracy, tolerance and non-discrimination, and the situation of Roma and Sinti in the OSCE area. The present submission provides publicly available country-specific information that may assist participants in the Universal Periodic Review process in assessing the situation in Slovakia and its implementation of past recommendations, as well as to formulate new recommendations that may be relevant to enhancing the enjoyment of human rights and fundamental freedoms in Slovakia.

Overview of this Submission

Upon invitation, the OSCE/ODIHR deployed an Election Assessment Mission (EAM) for the 12 June 2010 Parliamentary Elections and a Needs Assessment Mission (NAM) prior to the 10 March 2012 early parliamentary elections in Slovakia. Information about the EAM for the 2010 elections and the NAM prior to the 2012 elections is summarized below, and reports from these Missions are annexed.

The OSCE/ODIHR has also compiled information relating to hate crimes and to Roma and Sinti communities in Slovakia which is described below.

Finally, the OSCE/ODIHR monitored a public assembly in Slovakia on 4 June 2011 in connection with a broader project to monitor freedom of assembly in selected OSCE

¹ OSCE Office for Democratic Institutions and Human Rights, *Compendium of OSCE Human Dimension Commitments: Volume 1, Thematic Compilation (third edition)*, <http://www.osce.org/odihr/elections/76894> and *Compendium of OSCE Human Dimension Commitments: Volume 2, Chronological Compilation (third edition)*, 2011, <http://www.osce.org/odihr/76895>; OSCE Summit Meeting, Astana 2010, *Astana Commemorative Declaration: Toward a Security Community*, 3 December 2010, <http://www.osce.org/cio/74985?download=true>

participating States. Excerpts from the report and recommendations concerning Slovakia are included below and the full report is annexed to this submission.

Election-related reports

Parliamentary Elections, 12 June 2010

Following an invitation from Slovakia's Foreign Ministry and based on the recommendation of an OSCE/ODIHR Needs Assessment Mission (NAM), the OSCE/ODIHR deployed an Election Assessment Mission (EAM) to Slovakia for the 12 June 2010 parliamentary elections. The EAM consisted of 10 election experts from nine OSCE participating States.

The report from this EAM noted that *“The election legislation generally provides for the conduct of democratic elections in line with OSCE commitments and other international standards.” The full report, together with its recommendations, is annexed.*²

Early Parliamentary Elections, 10 March 2012

Following an invitation from the Ministry of Foreign Affairs of the Slovak Republic in December 2011 to observe the 10 March early parliamentary elections, ODIHR undertook a NAM to the Slovak Republic. The report noted *“a marked confidence of the majority of its interlocutors in the integrity of the electoral process and in the professionalism and impartiality of the election administration. No significant concerns were expressed relating to the respect for fundamental freedoms, the transparency of the electoral process, candidate registration, media access and election day proceedings.”* Based on its findings, the NAM did not recommend an election-related activity for this election. *The full report is annexed to this submission.*³

Legislation reviewed by the OSCE/ODIHR

Upon request by authorities of a participating State, an OSCE field operation or another OSCE institution, the OSCE/ODIHR reviews draft or enacted legislation of OSCE participating States on topics relating to the human dimension of security for its conformity with OSCE commitments and other international standards. The legal reviews and opinions, often produced in co-operation with the Venice Commission of the Council of Europe, are available at www.legislationline.org. While some basic information about the constitutional system and legislation of Slovakia is available on www.legislationline.org, no requests for legislative reviews have been received from Slovakia.

Tolerance and non-discrimination issues, including incidents of and responses to hate crime

OSCE participating States have made a number of commitments to promote tolerance and non-discrimination and specifically to combat hate crime, and the OSCE/ODIHR supports states in their implementation of those commitments. As of 2011, 55 OSCE participating States including Slovakia had appointed National Points of Contact on Combating Hate

² <http://www.osce.org/odihr/71246>

³ <http://www.osce.org/odihr/elections/Slovakia/88246>

Crimes, to support ODIHR in its task of serving “as a collection point for information and statistics collected by participating States”. In this context, the OSCE/ODIHR produces an annual report on hate crime – *Hate Crimes in the OSCE Region: Incidents and Responses* – to highlight the prevalence of hate crimes and good practices that participating States and civil society have adopted to tackle them. The bulk of information for the report was gathered through the completion of an online questionnaire by National Points of Contact. The questionnaire for 2011 contained questions about the following areas: data-collection methods; legislation; reported hate crime data; and policies and initiative.

For the 2011 report,⁴ the National Point of Contact from Slovakia did not submit the questionnaire to ODIHR, which also sent requests for information on hate crime to non-governmental organizations. One organization, not based in Slovakia, reported that a group of Roma in Slovakia was assaulted by another group while sorting through refuse.

Roma and Sinti issues

The OSCE/ODIHR has a specific mandate to assist participating States in implementing the OSCE Action Plan for Improving the Situation of Roma and Sinti Within the OSCE Area.⁵ A Status Report on implementation of the Action Plan was issued by ODIHR in 2008⁶ which indicated that the Roma population of Slovakia was estimated to be about 350,000 – 520,000 persons and the official number was 89,920 (according to the 2001 census). The Report included the following information about the situation of Roma in Slovakia:

- Challenges with regard to police violence (page 25), housing conditions (page 29 ff.), access to health care services (page 34 ff.).

In the 2011 census, 105,738 persons declared their Roma ethnicity.

A second Status Report is under preparation and will be available before the end of 2013 at www.osce.org/odihr/roma.

In order to promote relations between police and Roma and Sinti, in the year 2010 the OSCE/ODIHR in co-operation with the OSCE Special Police Matters Unit published the manual *Police and Roma and Sinti: Good Practices in Building Trust and Understanding*⁷. Conclusions/Recommendations to serve and protect the rights of one of the largest minority group in the OSCE area apply to all OSCE participating States (page 108 ff.). Slovakia is further mentioned as a country which has developed examples of partnership between police and Roma communities (page 92).

Country-specific ODIHR monitoring and assessment activities (other than elections)

N/A

⁴ <http://tandis.odihr.pl/hcr2011/>

⁵ <http://www.osce.org/odihr/17554>

⁶ <http://www.osce.org/odihr/33500?download=true>

⁷ <http://www.osce.org/odihr/67843>

Other assessments and recommendations contained in ODIHR reports on thematic human dimension issues

Freedom of peaceful assembly

OSCE participating States have committed themselves to guaranteeing freedom of peaceful assembly to every individual without discrimination (Copenhagen 1990, Paris 1990). In light of its mandate to assist participating States in the implementation of their human dimension commitments, the OSCE/ODIHR observed public assemblies in a number of OSCE participating States across the OSCE area in 2011-2012, including the 2011 Rainbow Pride march in Bratislava on 4 June 2011. The observed assembly took place after the 2010 Pride march, which had been characterized by incidents caused by violent counter-protesters.

As noted in the OSCE/ODIHR's first monitoring report on freedom of assembly⁸, published on 9 November 2012:

The Slovak Law on the Right to Assembly provides that the organizer must ensure the presence of the necessary number of stewards (Article 5.a). It appears that, in relation to the 2010 Pride event, this provision may have been interpreted as shifting the duty to protect the assembly from the State to the organizers.⁹ Unlike in 2010, before the 2011 Pride event, police authorities made detailed security preparations for the event while maintaining frequent communication with the organizers (see para. 207).¹⁰

In line with its OSCE commitments, Slovakia facilitated ODIHR's assembly monitoring mission by providing access to assembly locations and official interlocutors, as well as supplying additional information when requested. The OSCE/ODIHR noted, however, that it was unable to hold meetings with the Bratislava City authorities in Slovakia as requested.

Recommendations

The OSCE/ODIHR recommended that the authorities of Slovakia:

- *Ensure that a requirement to have assembly stewards present during a gathering, is only imposed on a case-by-case basis, when justified by the size or nature of the assembly;*
- *Ensure that the role of assembly stewards, in law and in practice, is clearly defined as the role of facilitators assisting organizers in managing events; assembly stewards should not be tasked with government functions that directly pertain to the maintenance of public order during assemblies;*

⁸ Report on Monitoring of Freedom of Peaceful Assembly in Selected OSCE Participating States (May 2011 – June 2012), OSCE/ODIHR, Warsaw, 9 November 2012; available at <http://www.osce.org/odihr/97055>.

⁹ In the aftermath of the 2010 Pride event, the Slovak Minister of Interior was reported as stating that, if the organizers wanted to ensure that security met their standards, "they could have hired a private security firm." See *Financial Times*, "Violence at Gay Pride in Slovakia", 24 May 2010,

<<http://www.ft.com/intl/cms/s/0/5baa4cc8-6689-11df-aeb1-00144feab49a.html#axzz20QAmbuhe>>. This information was also provided to ODIHR by the organizers of the Pride event in an interview (6 June 2011).

¹⁰ However, representatives of the Slovak Police stated in an interview on 6 June 2011 that the overall responsibility for making security arrangements during assemblies lies with the organizers, who may request assistance from the police, if needed.

- *Take adequate measures to protect the safety and security of all assembly participants, demonstrators and counter-demonstrators alike, as well as of onlookers; such measures should place emphasis on keeping opposing groups close to each other, albeit physically separate;*
- *Ensure that members of minority and vulnerable groups, in exercising their freedom of peaceful assembly without State interference, are also protected against violent attacks by onlookers.*