

STATEMENT
UPR Pre-session on Slovakia
Geneva, 14 December 2018
Delivered by: Slovak National Centre for Human Rights

1 – Presentation of the Organisation

This statement is delivered on behalf of the **Slovak National Centre for Human Rights** (the Centre), a national human rights institution (NHRI) and equality body established by law. It fulfils a broad range of tasks in the area of human rights and equal treatment in Slovakia. The Centre has also submitted its written Individual submission to the UN Human Rights Council for the purposes of the third cycle.

2 – National consultations for the drafting of the national report

The Situation Report on the Protection of Human Rights in the Slovak Republic for the Purposes of the 3rd Cycle of Universal Periodic Review by the UN Human Rights Council was coordinated by the Ministry of Foreign and European Affairs of the Slovak Republic. The public consultations were allowed through the inter-resort comment procedure (held between 1 and 14 June 2018). It provided for mandatory reviews from relevant state actors and voluntary public review. Only a handful of comments were received. Further consultation was possible when the report was reviewed by the Governmental Council for Human Rights, National Minorities and Gender Equality (an advisory body to the government composed of experts, members of civil society and other relevant stakeholders).

3 – Plan of the Statement

This statement addresses three human rights issues: (i) strengthening of the national human rights institution in line with the Paris Principles (ii) adoption of national policies in the area of business and human rights, (iii) equality and non-discrimination of Roma communities in Slovakia.

4 – Statement

I. Strengthening of the national human rights institution in line with the Paris Principles

A. Follow-up to the second review

Several countries addressed Slovakia recommendations concerning its NHRI (Slovak National Centre for Human Rights). Slovakia was recommended to take necessary measures ensuring that the NHRI was brought fully in line with the Paris Principles and that its independence and mandate were strengthened. Slovakia was also recommended to provide the NHRI with adequate financial resources.

B. New developments since the second review

In 2014, Slovak National Centre for Human Rights regained accreditation as a B- status NHRI. Despite limited financial and human resources and the pertaining need to ensure compliance of the establishing law with the Paris Principles, the Centre actively fulfils its broad NHRI and equality body mandate.

In 2017, the Ministry of Justice re-opened the reform process. There were initiatives to transfer the Centre's NHRI mandate to the Public Defender of Rights and transform the Centre to a single-mandated equality body. These were not supported within the inter-resort comment procedure. Thus, the ministry prepared a new draft bill aiming to strengthen the Centre both as NHRI and equality body and bring it to full compliance with the Paris Principles. The draft bill was subject to the inter-resort comment procedure in September/October 2018. It now needs to be passed by the government and adopted by the parliament.

C. Recommendations

It is crucial that the new bill is prepared and adopted in a due time to ensure that the Slovak NHRI would be able to function fully in line with the Paris Principles. We recommend that the Slovak Government:

- a. Without further delay, complete the ongoing legislative procedure and ensure that the Slovak NHRI is fully compliant with the Paris Principles and provide the Slovak NHRI with sufficient financial, technical and material resources to be able to carry out its broad mandate effectively and independently.

II. Adoption of national policies in the area of business and human rights

A. Follow-up to the second review

There was no specific recommendation given to Slovakia to address human rights violations by businesses in the second cycle. Responsibility of businesses to respect human rights and the role of states in ensuring protection from business-related human rights violations are increasingly debated at international fora. Meanwhile, states have been actively implementing the UN Guiding Principles on Business and Human Rights (UNGPs) endorsed by resolution of the UN HRC 17/4 of 16 June 2011.

B. New developments since the second review

Apart from undeniable positive impacts, activities of international and local businesses operating in Slovakia also cause negative impacts on the enjoyment of human rights. The most searing business-related human rights issues are discrimination of vulnerable groups (e.g. women, Roma, the elderly), working conditions in the production sector, treatment of migrant workers, environmental harms, land rights or corruption.

Among more than 300 national action plans, programmes and strategies adopted by Slovakia, some slightly touch upon the issues of business and human rights. However, the UNGPs have not been comprehensively implemented in the country.

C. Recommendations

States must protect against human rights abuse within their territory and jurisdiction by business enterprises. It requires taking appropriate steps to prevent, investigate, punish and redress such abuse through effective policies and regulations. We recommend that the Government of the Slovak Republic:

- a. Start actively monitoring negative impacts of businesses on the enjoyment of human rights in Slovakia with special focus on vulnerable groups.
- b. Initiate implementation of the UN Guiding Principles on Business and Human Rights without undue delay and adopt a national action plan on business and human rights by the 4th UPR cycle.

III. Equality and non-discrimination of Roma communities in Slovakia (selected aspects)

A. Follow-up to the second review

Roma are one of the most vulnerable groups of population in Slovakia and face discrimination in many areas of their life, including education, housing and employment. The government has introduced several policies to address the situation but intensified and more comprehensive approach is necessary to achieve tangible progress.

In the second cycle, Slovakia received numerous recommendations concerning the rights of Roma people. These addressed, *inter alia*, the right to education, particularly access to education and segregation (e.g. to introduce a clear duty on all schools to desegregate education and end discrimination against Romani

children or to strengthen efforts to include Roma children in mainstream education). Another recommendations addressed the right to housing (e.g. to ensure that housing policies are motivated by the integration of Roma and other marginalized and vulnerable groups and that they avoid all forms of exclusion or forced segregation).

B. New developments since the second review

Despite visible efforts of the government to address the recommendations by adoption of specific policy documents, education and housing remain areas with human rights challenges for Roma.

In April 2015, the European Commission initiated infringement proceedings against Slovakia for breaching the prohibition of discrimination in education under the EU Race Equality Directive. In response, an amendment to the School Act adopted in June 2015 introduced two measures against segregation in education: (i) prohibition of segregation of children from socially disadvantaged environments and (ii) prohibition of placement of pupils in special schools or special classes of elementary schools solely due to their descent from socially disadvantaged environment.

Concerns prevail about real impacts and positive changes seen. One of the persisting problems is inadequate diagnosis of children prior enrolment into elementary schools or the need of ongoing re-diagnostics. Consequently, Roma pupils are over-represented in special schools. The educational process therein is not individualised and the curricula are not adapted for pupils with exceptional results. Although parents can request re-diagnostics, they are poorly informed about this option. From 2014 to 2017, the Centre in cooperation with State School Inspection monitored 14 elementary schools, which were reportedly implementing segregation practices.

In 2017, new legislation was adopted to address housing situation of Roma by facilitating lands settlement under the dwellings in Roma communities. Landowners and co-owners can opt for settlement in the form of new lands, lands under the settlement or in a form of monetary reimbursement. On the other hand, access to adequate housing remains problematic. A significant part of the Roma population lives in settlements, large parts of their dwellings do not meet basic technical and hygienic standards: no access to drinking water, electricity, gas, sewage, missing roads and public lighting.

In urban areas, trend of building the so-called “anti-Roma walls” is alarming. Walls or fences in build-up areas of villages and towns segregate areas inhabited by Roma communities from those mainly inhabited by majority population. From 2014 to 2017, the Centre monitored 13 towns, of which 9 built and kept “anti-Roma walls”, 1 removed its anti-Roma wall and 3 refused the accusations of constructing such walls.

C. Recommendations

Policies and legislation aiming to improve human rights situation of Roma people need to bring real results. We recommend that the Government of the Slovak Republic:

- a. Immediately suppress any remaining segregation practices in education and ensure equal access to all levels of education for every child without any discrimination based on ethnicity.
- b. Undertake additional measures to reduce Roma residential segregation and develop clear housing policies to eliminate segregation and discrimination in housing.
- c. Implement programmes increasing awareness of affected Roma communities on the right to adequate housing and on accessible remedies for its protection.
- d. Ensure that all “anti-Roma walls” in Slovakia are removed immediately and support integration of the affected communities.

Thank you for your attention.

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