

*Permanent Mission of the Slovak Republic
Geneva*

1646/2008

The Permanent Mission of the Slovak Republic to the Office of the United Nations and other International Organisations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and with the reference to the latter's Note No. 255.sa.mdp dated 17 January 2008, has the honour to submit the completed questionnaire in accordance with the decision PC.1/10 of the Preparatory Committee of the Durban Review Conference.

The Permanent Mission of the Slovak Republic avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.

Annex: 6 pages

Geneva, 10 March 2008



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Question 1: Can you assess the implementation of the Durban Declaration and Programme of Action in your country?

Slovakia was among those who actively participated in the negotiations at the Durban World Conference in 2001. Since then Slovakia has focused its efforts on the full implementation of the agreed principles and operational recommendations of the Durban Programme of Action (DPA). Slovakia considers the DPA even 7 years after its adoption a complex basis for future actions, which should be furthermore effectively implemented. The review conference should thus concentrate on reviewing the implementation of the DPA, sharing good practices and identification of the major challenges.

In connection with the implementation of the Durban Declaration and Programme of Action it should be noted that since its entry to the European Union on 1 May 2004 the Slovak Republic has pursued the EU human rights policy, including the prohibition of discrimination and elimination of all forms of intolerance, through harmonisation of its national laws and implementation of wide-ranging programmes and other mainstreaming activities of the European Union.

The EU has its own strategy to combat racism and two principle directives on racial equality and employment equality, which entered into force in 2004. These are applicable in all Member States and tackle discrimination on the ground of race, ethnic origin, religion, disability, age and sexual orientation. A monitoring network of legal experts has been set up to provide information and assist Member States with the implementation of the Racial Equality Directive.

Under the Constitution of the Slovak Republic, all people are free and equal in their dignity and rights. The fundamental rights and freedoms are guaranteed in Slovakia to all individuals irrespective of their different status specified under the Constitution. No one shall be aggrieved, discriminated against or favoured on any of these grounds. Racism, racial discrimination, xenophobia and related intolerance are in clear contravention with this principle that is why the Slovak Republic is fully committed to the fight against these phenomena.

Question 2: Can you assess contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance as well as initiatives in this regard with a view to eliminating them in your country?

In its 2002 manifesto, the Government of the Slovak Republic made a commitment to "guarantee civil freedoms and universal development of human rights" and to "combat all forms of intolerance".

The rise in particular form of discrimination is extremely worrying. However, in the context of Durban Declaration and Programme of action, the International Community has found a universal and broadly consensual strategy to combat racism, racial discrimination, xenophobia and related intolerance, which should not be undermined. The Durban Declaration and Programme of action already covered all manifestations of racism and intolerance observed in one way or another.

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Question 3: Please specify concrete actions and initiatives to combat and eliminate racism, racial discrimination, xenophobia and related intolerance adopted in order to effectively implement the Durban Declaration and Programme of Action.

The Antidiscrimination Act

The so-called Antidiscrimination Act¹ has been in force in Slovakia since July 2004. The act is a general regulation pertaining to the application of the principle of equal treatment, and is complemented by separate regulations which contain provisions on the "equal treatment principle". The Antidiscrimination Act particularises the content of the provisions on equality and non-discrimination embedded in the Constitution of the Slovak Republic, national laws and international treaties. The Act stems from the need to ensure protection against all forms of discrimination based on as large a (open) number of grounds as possible, which provides victims with the possibility to seek adequate and effective judicial protection, including damages and compensation of non-pecuniary (moral) damage.

The Antidiscrimination Act transposed several EU directives² into Slovak legislation, thereby introducing some new legal concepts that had not previously been addressed by Slovak laws in the area of the prohibition of discrimination. These included, for example, definitions of individual forms of discrimination applicable to a broader area of legal relationships, the extending of the list of reasons on the grounds of which discrimination is prohibited, as well as the introduction of some new procedural practices.

The Action Plan for the Prevention of All Forms of Discrimination, Racism, Xenophobia and Intolerance

The Action Plan for the Prevention of All Forms of Discrimination, Racism, Xenophobia and Intolerance was prepared for the first time in 2000 and has been regularly updated since then. It represents the fundamental systematic instrument of the Slovak government in the area of the prevention and elimination of such negative social phenomena as discrimination, racism, xenophobia, and other forms of intolerance. The objective of the Action Plan is to implement both domestic and international requirements concerning the building up of a tolerant and democratic state, the development of a multicultural society, promotion of tolerance in society and prevention of all forms of discrimination through various actions and initiatives adopted and performed by relevant ministries, non-governmental organisations and other stakeholders. To illustrate this, we present the list of priorities of the 2006-2008 Action Plan, based on activities successfully performed in the previous years:

¹ Act No. 365/2004 Coll. on equal treatment in certain areas and on protection against discrimination and on amendments to certain acts (the Antidiscrimination Act) as amended

² Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (Official Journal L 180, 19/07/2000).

- Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (Official Journal L 303, 02/12/2000).

- Directive 2002/73/EC of the European Parliament and of the Council of 23 September 2002 amending Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions (Official Journal L 269, 05/10/2002).

- Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services (Official Journal L 373, 21/12/2004, p. 37).

- Council Directive 86/378/EEC of 24 July 1986 on the implementation of the principle of equal treatment for men and women in occupational social security schemes (Official Journal L 225, 12/08/1986) as amended by Council Directive 96/97/EC of 20 December 1996 (OJ L 46, 17/2/1997).

1. Systematic training provided to members of professions that in their work have an effect on the prevention of all forms of discrimination, racism, xenophobia, anti-Semitism and other forms of intolerance.
2. Systematic training and opinion-forming activities on the prevention of discrimination against migrants designed for groups of professionals and the public.
3. A more intensive fight against extremism through preparation and application of relevant legislation, increasing the effectiveness of the discovery, investigation, gathering of evidence and eventual sanction of criminal activities motivated by racial and other intolerance through systematic training and opinion-forming activities regarding the prevention of extremism.
4. Intensified monitoring, systematic training and opinion-forming activities on the prevention of anti-Semitism.
5. Implementation of activities designed to solve the issue of disadvantaged groups of population.
6. Promotion of cultural and social science activities on human rights and the prevention of all forms of discrimination, racism, xenophobia, anti-Semitism and other forms of intolerance.
7. Activities by the Inter-ministerial Group for the implementation of the Action Plan for the Prevention of All Forms of Discrimination, Racism, Xenophobia, Anti-Semitism and Intolerance for the 2006-2008 period.

The Slovak National Centre for Human Rights

Based on an agreement between the Slovak Government and the UN, the Slovak National Centre for Human Rights (hereinafter the "Centre") was established by law³ in 1994 as an independent national institution for the protection of human rights and fundamental freedoms, including the rights of the child. In connection with the transposition of the EU antidiscrimination legislation, the competence of the Centre was extended in 2004 by Act No. 365/2004 Coll. on equal treatment in certain areas and on protection against discrimination and on amendments to certain acts (the 'Antidiscrimination Act') as amended, and the Centre became a national institution for the implementation of antidiscrimination legislation. The capacities of the Centre were strengthened in April 2007 through a project supported by the EU Transition Facility, designed to increase the Centre's administrative capacities through seven regional offices⁴ whose staff, along with external experts, should form an advisory and monitoring network at the regional level.

In performing its fundamental tasks, the Centre focuses on the following key areas:

- monitoring and assessment of the observance of human rights and equal treatment principle pursuant to the Antidiscrimination Act;
- collection and provision, upon request, of information on racism, xenophobia and anti-Semitism in the Slovak Republic;
- research and surveys in human rights and fundamental freedoms, including the rights of the child; collection and dissemination of information on this issue;
- preparation of educational and training activities, participation in information campaigns in order to increase tolerance in society;
- legal assistance, including mediation, to victims of discrimination and intolerance;

³ Act No. 308/1993 Coll. on the establishment of the Slovak National Centre for Human Rights as amended.

⁴ Regional offices in Rimavská Sobota, Humenné, Kežmarok, Dolný Kubín, Kysucké Nové Mesto, Zvolen and Nové Zámky.

- publishing, when requested by natural or legal persons or at its own initiative, of expert opinions on compliance with the equal treatment principle, pursuant to a separate regulation;
- library services and
- services in the area of human rights.

As part of its monitoring and research activities, the Centre have conducted several probes and surveys concerning the issue of discrimination, e.g. the placement of Roma children in special schools, children of foreign nationals living in Slovakia, and a representative survey of adult Slovaks regarding their perception of human rights and the equal treatment principle.

Question 4: How would you, on behalf of your Government, assess the effectiveness of the existing mechanisms adopted on the basis of the Durban Declaration as well as other mechanisms under UN supervision concerning racism, racial discrimination, xenophobia and related intolerance, in order to improve their effectiveness?

By adopting the DPA the international community provided itself with a complex basis for all actions needed to tackle the issue of racism, racial discrimination, xenophobia and related intolerance. The review conference should thus serve to evaluate the work done including by the existing Durban follow-up mechanisms. Slovakia considers that the multiplication of mechanisms dedicated to racism and racial discrimination at the UN level could undermine their visibility and risks an overlap and duplication of their activities. The review conference provides good opportunity to decide on the rationalization with a view to enhance the effectiveness of these mechanisms.

Though racism, racial discrimination, xenophobia and other forms of intolerance are still present in our society, we are witness to a considerable shift in terms of the understanding of the importance of fundamental human rights and related values by the entire society which is becoming increasingly sensitive to such issues as the need to eliminate all forms of intolerance. This has been achieved both as a result of the measures and actions taken by the Slovak Government (legislative measures, programmes and policies adopted) and indispensable numerous activities performed in this area by the third sector, and their mutual cooperation in meeting the set community targets.

Question 5: What measures did your Government take in order to ratify and/or implement the International Convention on the Elimination of All Forms of Discrimination and to what extent did it implement the recommendations presented by the Committee on the Elimination of Racial Discrimination?

The Slovak Republic has been a state party to the International Convention on the Elimination of All Forms of Racial Discrimination of 21 December 1965 (hereinafter the "Convention") since 1 January 1993.

Pursuant to Article 9 of the Convention, in 1999 the Slovak Republic submitted the initial, second and third periodic implementation reports (CERD/C/328/Add.1); these were assessed by the Committee on the Elimination of Racial Discrimination at its meeting in August 2000 when it also adopted its concluding observations (CERD/C/304/Add.1).

On 9-10 August 2004, the Committee on the Elimination of Racial Discrimination assessed the fourth and fifth periodic reports by the Slovak Republic on the implementation of the

International Convention on the Elimination of All Forms of Racial Discrimination (CERD/C/419/Add.2).

In line with the Committee's latest recommendations, the Slovak Republic will submit its sixth, seventh and eight periodic reports by 28 May 2008. These reports will address all points raised in the Committee's concluding observations, CERD/C/65/CO/7 of August 2004.

In the context of the implementation of the Convention, the re-codification of criminal and penal codes may be considered a significant achievement made in the recent years. Act No. 300/2005 Coll., the Criminal Code, as amended was adopted on 20 May 2005 and became effective on 1 January 2006. The Criminal Code has enacted criminal sanctions for activities which lead to the infringement of human rights and fundamental freedoms in relation to racial discrimination (Title XII of the separate part of the Criminal Code: "crimes against peace, against humanity and war crimes"). §140(d) of the Criminal Code includes national, ethnic or racial hatred or hatred based on the colour of skin among the defining criteria of a special motive for the commitment of a crime.

In order to comprehensively improve the effectiveness of the protection provided to crime victims, Act No. 215/2006 Coll. on compensation to violent crime victims was adopted on 15 March 2006 and became effective on 1 May 2006. The act regulates one-off financial compensations to those who have suffered harm as a result of deliberate violent criminal acts.

The application of the equal treatment principle and the means of legal protection available where the principle has been breached are governed by Act No. 365/2004 Coll. on equal treatment in certain areas and on protection against discrimination and on amendments to certain acts as amended (the Antidiscrimination Act) which entered into force on 1 July 2004.

Convention is a living document. Through its work, the Committee on the Elimination of Racial Discrimination has demonstrated the pertinence and usefulness of the Convention to address new and contemporary forms of discrimination, xenophobia and intolerance.

Question 6: Please specify good practices to combat racism, racial discrimination, xenophobia and related intolerance used in your country.

The analysis of the measures taken to eliminate all forms of discrimination clearly implies that success in combating discrimination depends on preventive actions and increasing public knowledge of practical steps and achievements made in suppressing various forms of intolerance.

The Government of the Slovak Republic fully recognises its commitments and recommendations under international documents regarding the struggle against racism, discrimination, xenophobia and other forms of intolerance. In addition to the necessary legislative measures, the government employ a wide range of strategic instruments, including financial programmes and initiatives, to meet those commitments and recommendations. Many of them have been initiated as part of EU actions, e.g. "The 2007 European Year of Equal Opportunities for All".

Eight implemented projects have initiated a broad public discussion on discrimination-related issues, improved the awareness of citizens about antidiscrimination legislation, and presented the multiple benefits of diversity in the life of society. The programme objective was also met

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thanks to active participation of civil society representatives, social partners and other organisations and institutions directly concerned with the combat against discrimination. The observance of the European Year of Equal Opportunities also provided new possibilities to address continuing discrimination on grounds of gender, ethnic or racial origin, age, sexual orientation, disability, religion or belief in all aspects of our life. The European Commission has acknowledged Slovakia's action plan for the implementation of the 2007 European Year of Equal Opportunities as one of the best prepared.