



Economic and Social Council

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Committee on Economic, Social and Cultural Rights

Concluding observations on the third periodic report of Slovakia**

1. The Committee considered the third periodic report of Slovakia (E/C.12/SVK/3) at its forty-sixth and forty-seventh meetings (see E/C.12/2019/SR.46 and E/C.12/2019/SR.47), held on 9 and 10 October 2019, and adopted the present concluding observations at its sixtieth meeting, held on 18 October 2019.

A. Introduction

2. The Committee welcomes the submission of the third periodic report by the State party and the supplementary information provided in the replies to the list of issues (E/C.12/SVK/Q/3/Add.1). The Committee appreciates the constructive dialogue held with the State party's delegation.

B. Positive aspects

3. The Committee welcomes the legislative, institutional and policy measures taken by the State party to enhance the realization of economic, social and cultural rights, as referred to in the present concluding observations. It notes, in particular, efforts to amend the act on the Slovak National Centre for Human Rights to bring the Centre further in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), and policies contributing to the continued low levels of inequality within the country throughout the reporting period.

C. Principal subjects of concern and recommendations

Domestic application

4. The Committee regrets that, although the Covenant takes precedence over domestic laws, examples of cases in which the Covenant has been applied by domestic courts are so far limited (art. 2 (1)).

5. **The Committee reiterates its recommendation of 2012 (E/C.12/SVK/CO/2, para. 6) that the State party take the appropriate steps to increase judges', lawyers' and prosecutors' knowledge of the Covenant in order to ensure that its provisions are taken into account in domestic court decisions. The Committee also recommends that the State party adopt suitable measures to raise awareness of the Covenant and of the justiciability of economic, social and cultural rights among members of the judicial**

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** Adopted by the Committee at its sixty-sixth session (30 September–18 October 2019).



branch and the general public. It also draws the State party's attention to its general comment No. 9 (1998) on the domestic application of the Covenant.

National human rights institution

6. While noting efforts by the State party to strengthen its national human rights institution, the Slovak National Centre for Human Rights, the Committee regrets that, despite the State party being a high-income country that is party to all the core international human rights instruments, the Centre retains its B status. The Committee is concerned by reports of inadequate funding to the Centre, and its lack of full independence and transparent appointment processes (art. 2 (1)).

7. In accordance with its general comment No. 10 (1998) on the role of national human rights institutions in the protection of economic, social and cultural rights, the Committee recommends that the State party:

(a) **Expand efforts to increase funding to the Slovak National Centre for Human Rights;**

(b) **Improve the independence of the Centre in accordance with the Paris Principles;**

(c) **Take all necessary steps to ensure fully transparent recruitment processes for all staff members;**

(d) **Ensure that all institutions overseeing the promotion and protection of human rights, including the Centre, the Public Defender of Rights, the commissioner for persons with disabilities and the commissioner for children, work together under a comprehensive framework.**

Corruption

8. While recognizing the State party's efforts to tackle corruption, including the recent adoption of Act No. 315/2016 Coll. on the Register of Public Sector Partners, the protection of whistle-blowers and the conviction of some high-ranking officers, the Committee remains concerned by the continued levels of corruption in the State party and regrets that information on investigations, prosecutions and convictions reflecting the cross-cutting impact of corruption on human rights is so far limited (art. 2 (1)).

9. The Committee recommends that the State party further increase investigations, prosecutions and convictions for corruption, including in cases of gross corruption by high-level officials, and take robust measures to prevent future incidences of corruption.

Development assistance

10. The Committee welcomes the State party's plans to increase official development assistance, but remains concerned that its current level remains low (art. 2 (1)).

11. The Committee recommends that the State party increase its level of official development assistance in order to meet the target for high-income countries to provide 0.7 per cent of gross national income.

Non-discrimination

12. The Committee acknowledges the State party's anti-discrimination legislation, in the form of the Anti-Discrimination Act of 2004, and recognizes that the State party has developed the Action Plan for Preventing All Forms of Discrimination (2016–2019). However, the Committee remains concerned by the lack of effective judicial recourse for victims, including among groups that commonly face discrimination, such as Roma, migrants and asylum seekers and persons with disabilities, and regrets the lack of legal recognition of intersectionality. The Committee is also concerned that the State party's legislation defines only the failure to provide reasonable accommodation as discrimination against persons with disabilities in the context of employment (art. 2 (2)).

13. The Committee recommends that the State party:

(a) **Amend the Anti-Discrimination Act of 2004 to ensure clear legal prohibition of all direct, indirect and intersectional forms of discrimination and include formal and unequivocal recognition that denial of reasonable accommodation constitutes discrimination;**

(b) **Remove barriers to effective judicial remedy for victims of discrimination under the Act, including by undertaking awareness-raising activities among minority groups, women, migrants and asylum seekers and persons with disabilities about their rights and the available complaint mechanisms;**

(c) **Continue training of the judiciary on legal standards relating to non-discrimination and extend such training to other legal professionals and government officials;**

(d) **Ensure that a national action plan on discrimination remains in place, addresses economic, social and cultural rights issues and is allocated the adequate financial and technical resources to ensure its effective implementation throughout the State party.**

Discrimination based on sexual orientation and gender identity

14. The Committee is concerned about discrimination based on gender identity and sexual orientation and regrets that, in the absence of the recognition of same-sex marriage, there exists no legal institution, such as registered partnerships or civil unions, that provides protection equivalent to marriage to those in same-sex relationships (art. 2 (2)).

15. **The Committee recommends that the State party develop and implement dedicated legal provisions, policies and programmes to ensure protection from discrimination based on gender identity and sexual orientation. Furthermore, it recommends that the State party initiate societal awareness-raising and consultations to overcome discrimination based on sexual orientation, and develop a legal institution, such as registered partnerships or civil unions, that provides protection equivalent to marriage to those in same-sex relationships.**

Deinstitutionalization of persons with disabilities

16. The Committee is concerned that the State party's overall approach to disability has not been effective at removing structural discrimination and exclusion. It regrets that support for independent living is not available for the majority of adults and children with disabilities and that they experience high levels of institutionalization (art. 2).

17. **The Committee recommends that the State party accelerate progress towards the deinstitutionalization of persons with disabilities and develop comprehensive assessment and support services to facilitate independent living, tailored to individual capacities and needs.**

Equal rights of men and women

18. While recognizing the State party's efforts and achievements with regard to addressing inequality between men and women, including the national strategy and action plans on gender equality, some improvements in women's representation in political leadership positions and an increase in the number of men taking paternity leave, the Committee is concerned by the slow overall progress towards the achievement of full equality. The Committee is particularly concerned that limited advancements in significantly improving women's leadership across different political, social and economic institutions and addressing the highly unequal distribution of unpaid domestic and care responsibilities between women and men are significant barriers to equality. It is also concerned about the persistence of stereotypes about women and their role in society and the family (arts. 3 and 7).

19. **The Committee recommends that the State party:**

(a) **Review and amend all existing laws, regulations, norms and practices that are discriminatory against women, and develop policies and programmes,**

including temporary special measures, to achieve substantive gender equality in all areas of economic, social and cultural rights;

(b) Take comprehensive measures to eliminate strong gender-role stereotypes, including through media campaigns and consultation with opinion leaders, and through awareness-raising among the general public on the equal sharing of rights and responsibilities between men and women in family and society;

(c) Continue efforts to increase the number of men taking paternity leave;

(d) Recognize and value unpaid care work and address its impact on women's employment, as outlined in paragraph 23 below.

Unemployment

20. Noting the State party's efforts and achievements to address unemployment, the Committee remains concerned that long-term unemployment is still persistent, particularly among minority groups. Youth unemployment and significant regional disparities in the labour market need additional attention. Furthermore, it is concerned that migrants, refugees and asylum seekers face barriers to the labour market (art. 6 (1)).

21. The Committee recommends that the State party continue to address all forms of unemployment, taking into consideration the need to mitigate regional labour market differences. It should, without delay, abolish the requirement that refugees and asylum seekers wait nine months before seeking employment. In this regard, the Committee refers the State party to its statement of 2017 on the duties of States towards refugees and migrants under the Covenant.

Gender-based employment discrimination

22. The Committee regrets the persistence of many barriers to women's full and equal participation in the workforce, including unequal distribution of domestic and care responsibilities preventing labour market participation. The Committee is concerned about horizontal segregation, wage discrimination, and the absence of fair and transparent promotion practices that disproportionately disadvantage women (arts. 3 and 7).

23. The Committee recommends that the State party:

(a) Develop and implement legislation, policies and programmes to tackle all barriers to women's equality within employment;

(b) Ensure that labour market and relevant social policies recognize and value unpaid care work and address its impact on women's employment;

(c) Increase awareness among the labour inspectorate about violations of women's rights;

(d) Facilitate women's access to effective remedies for all identified labour violations.

Right to just and favourable conditions of work

24. The Committee acknowledges steps taken by the State party to ensure just and favourable conditions of work, such as the increase in wages, improvements in the labour inspectorate and the programme to better combine family and work. Nevertheless, the Committee remains concerned about labour rights violations, including non-payment of wages and wage discrimination, and their disproportionate impact on migrant workers, asylum seekers and refugees, particularly those recruited through employment agencies. The Committee is concerned that there are workers that are paid less than the minimum wage, including among low-skilled and migrant workers, and women (arts. 2, 3 and 7).

25. The Committee recommends that the State party:

(a) Ensure full geographical and sectoral coverage of the labour inspectorate and provide adequate financial and technical resources to ensure continuing increases in inspections;

- (b) **Provide effective and accessible remedies to all victims of labour rights violations, ensuring compensation and guarantee of non-repetition;**
- (c) **Continue efforts to regulate and supervise the activities of employment agencies;**
- (d) **Continue to ensure the realistic calculation of and increases in the minimum wage;**
- (e) **Remove all disincentives to unionization and ensure full respect for all workers' rights in this regard.**

Poverty

26. While noting the improvements achieved in the proportion of persons suffering serious material deprivation and those at risk of poverty, the Committee is still concerned by levels of extreme poverty that are above the average for the European Union and the disproportionate impact of overall poverty levels on minority groups, particularly Roma (arts. 2, 9 and 11).

27. **The Committee recommends that the State party increase its efforts to combat poverty, especially extreme poverty, by adopting a national anti-poverty action plan based upon a human rights-based approach. It further recommends that the State party ensure that social security benefits provide adequate protection against all forms of poverty and are specifically tailored to the needs of those most at risk.**

Violence against women

28. The Committee notes with concern the information about the high incidence of violence against women, including sexual harassment, stalking and domestic violence, in the State party. It is further concerned that there is no dedicated law addressing violence against women and that the State party has not yet ratified the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) (arts. 3, 10 and 12).

29. **The Committee recommends that the State party:**

- (a) **Develop dedicated legislation addressing violence against women;**
- (b) **Ratify the Istanbul Convention;**
- (c) **Provide victims of violence against women with full protection;**
- (d) **Systematically collect disaggregated data to better understand the nature and scope of violence against women in the State party;**
- (e) **Improve women's access to justice for all forms of violence against women.**

Right to adequate housing

30. The Committee is concerned by reports that Roma face multiple barriers to the realization of their right to an adequate standard of living. These barriers include forced eviction from Roma settlements, a lack of provision of alternative accommodation in some cases of eviction, and housing for Roma that is segregated from other parts of society. Accommodation provided is sometimes of a substandard quality and lacks proximity to crucial infrastructure and employment opportunities. The Committee is also concerned that the State party does not collect information about the extent of homelessness and that there is a lack of accessible social housing (arts. 2 and 11).

31. **The Committee recommends that the State party:**

- (a) **Prevent forced eviction from Roma settlements, including the enforcement of criminal sanctions following convictions for illegal eviction;**
- (b) **If eviction does take place, with adequate procedural safeguards, provide alternative accommodation to all victims;**

- (c) **Ensure that all housing for Roma is integrated into communities, is of adequate quality and allows access to infrastructure and employment opportunities;**
- (d) **Provide adequate and affordable social housing;**
- (e) **Ensure that the national strategy to prevent and resolve homelessness includes the development of statistics to monitor the extent of homelessness and target social housing solutions accordingly.**

32. The Committee refers the State party to its general comment No. 7 (1997) on forced evictions.

Access to water

33. The Committee is concerned by the lack of progress in the provision of water for all following its recommendation of 2012 on this issue (E/C.12/SVK/CO/2, para. 21). It is deeply concerned that in a high-income country, large numbers of Roma people, particularly those in segregated communities, lack permanent access to clean water (arts. 2, 11 (1) and 12 (1)).

34. **The Committee reiterates its previous recommendation that the State party take the necessary steps to provide all members of its population, including those living in rural areas, with adequate and safe water and sanitation services. It draws the State party's attention to its general comment No. 15 (2002) on the right to water.**

Access to health care

35. The Committee is concerned that there are systemic weaknesses in health-care provisions. These include infrastructure of a poor quality due to a lack of investment, limited screening facilities, gaps in geographical coverage of some health-care services and low numbers of doctors and nurses in some regions (art. 12).

36. **The Committee recommends that the State party continue and strengthen efforts to invest in the health-care system to ensure provision of the highest attainable standard of health for all members of its population.**

Obesity and drug and alcohol use

37. While acknowledging measures to encourage healthy lifestyles, the Committee is concerned by reports that obesity and drug and alcohol abuse remain high in the State party, as do diseases with related behavioural risk factors. Additionally, the Committee observes that not enough is being done to encourage healthy lifestyles and regulate the marketing of alcohol, or that of food and beverages to children. It is also concerned that there is a significant gap between the health outcomes of those with and without a university education (art. 12).

38. **The Committee recommends that the State party invest in preventive public health campaigns and take measures targeted towards groups and persons that have substantial health problems and risks. The State party should also improve the regulation of the marketing of alcohol, and that of food and beverages to children consistent with the World Health Organization's set of recommendations on the marketing of foods and non-alcoholic beverages to children (2010).**

Mental health

39. While noting assurances by the State party that ending the practice of using cage beds as a form of restraint is a priority, the Committee is concerned by reports that they still are used within mental health-care institutions, including among children. It is also concerned that the broad exceptions to the prohibition of such practices in the Social Services Act of 2009 meant that patients in such institutions were left vulnerable to the risk of violations of their right to the highest attainable standard of health care (art. 12).

40. **The Committee recommends that the State party take all necessary steps to effectively implement its commitment to finding alternatives to the use of cage beds in**

mental health-care institutions. The State party should revise the Social Services Act of 2009 with a view to eliminating the exceptions to the prohibition.

Sexual and reproductive health

41. The Committee is deeply concerned that women in the State party face multiple barriers to sexual and reproductive health services, including access to safe abortions and contraceptives, and will be subjected to further restrictions of their rights in this regard if legislative proposals recently presented to the parliament are passed into law (arts. 2 and 12).

42. **The Committee recommends that the State party:**

(a) **Ensure that a range of contraceptive methods and abortion, under all circumstances, are accessible through the national health insurance;**

(b) **Prohibit any exposure of women to biased or medically unsound information on the risks of abortion that impedes their access to sexual and reproductive health services;**

(c) **Provide human rights training to all medical professionals on the reproductive rights of women, including on those of Roma women;**

(d) **Ensure the comprehensive protection of women's privacy throughout the abortion process;**

(e) **Avoid any further retrogression in relation to women's sexual and reproductive health rights;**

(f) **Introduce compulsory and age-appropriate sexual and reproductive health education at all levels.**

43. **In this regard, the Committee draws the attention of the State party to its general comment No. 22 (2016) on the right to sexual and reproductive health.**

Sexual and reproductive health of Roma women

44. The Committee is deeply concerned about reports that Roma women seeking maternal health care face segregation in maternity wards, harassment and humiliation, neglect, physical restraint and abuse during childbirth and violations of the obligation to obtain their informed consent with regard to medical treatment. The Committee is further concerned that forced sterilization of Roma women has taken place in the State party, and is very concerned by the absence of adequate access to remedy for victims (arts. 2 and 12).

45. **The Committee urges the State party to:**

(a) **Prohibit completely the practice of segregation of Roma women in maternity wards and verbal, physical and psychological violence against the Roma women seeking maternal health care;**

(b) **Ensure full, independent and transparent investigation into occurrences of forced sterilization of Roma women, including the complicity of any State officials, applying disciplinary and criminal sanctions where warranted;**

(c) **Provide proportionate, effective and timely remedies to all victims of forced sterilization, including compensation and guarantees of non-repetition.**

Sexual and reproductive health of migrant women

46. The Committee is concerned that many undocumented migrant women are unable to access maternal health care throughout pregnancy and childbirth due to a range of financial, legal and policy barriers since they do not meet the criteria for participating in the public health insurance system. As a result, they have to bear the full costs of any antenatal care that they seek during pregnancy, including emergency care (arts. 2 and 12).

47. **The Committee recommends that the State party remove laws and policies that restrict undocumented migrant women's access to emergency obstetric care and skilled care during labour and childbirth.**

Preschool education

48. The Committee is concerned by the low rate of enrolment of children in preschool education. This low enrolment rate is the result of the low investment in preschool education, limited levels of support to families and the persistence of stereotypes regarding gender roles. The Committee reminds the State party of the importance of combating stereotypes and investing in the early years in terms of preparing children to achieve good educational outcomes (arts. 10 and 13).

49. **The Committee recommends that the State party:**

(a) **Ensure the effective implementation of plans to increase enrolment in preschool education;**

(b) **Consider, in consultation with the relevant stakeholders, including families from across different geographical areas and ethnic and socioeconomic groups, how to effectively balance provisions for parental leave, investment in preschool education and support for families to balance family and working responsibilities;**

(c) **Effectively combat stereotypes regarding gender roles.**

Educational segregation of Roma

50. The Committee is concerned by continued educational segregation of Roma children, including high numbers still in special schools and special classes in mainstream schools at the primary and secondary stages, the lower quality of such provisions, in many incidences, and segregation within broader school life, including Roma children eating in separate areas and being served different food. It notes steps by the State party to prohibit the educational segregation of children in special schools solely on the basis of socioeconomic background through reforms to the School Act, but regrets the still weak implementation of such legal reform and the persistence of the deeply seated prejudices and stigmatization that underlie the educational and societal exclusion of Roma children (arts. 2 and 13 (1) and (2) (a)–(c)).

51. **The Committee recommends that the State party:**

(a) **Take immediate steps to increase the integration of Roma children who are currently in special schools and classes into mainstream education;**

(b) **Work with local educational authorities to address the broader exclusion of Roma children in the context of school life;**

(c) **Ensure that monitoring mechanisms are in place to oversee the effective implementation of changes to the School Act;**

(d) **Take steps to proactively address stigmatization and prejudices against Roma communities and children.**

Educational segregation of children with disabilities

52. The Committee is concerned by the high proportion of children with disabilities being educated in special schools and regrets the lack of reasonable accommodation for children with disabilities within mainstream education (arts. 2 and 13 (1), (2) (a)–(c) and (3)).

53. **The Committee recommends that the State party take steps to ensure access to inclusive education and provide reasonable accommodation for children with disabilities, and to guarantee that their families have the right to choose the form of their education, including the transition of those currently enrolled in special schools and classes.**

Tertiary education and upper secondary vocational programmes

54. While noting several positive steps, including the high participation rate in upper-secondary vocational programmes, the facilitation of internships, the introduction of dedicated career counselling services and the increase in the number of young adults with tertiary education, the Committee is concerned that tertiary education in the State party is not sufficiently related to the requirements of the labour market and thus tertiary-educated young adults have more difficulties transitioning into employment than their elders (arts. 6 and 13 (1)–(2)).

55. The Committee recommends that the State party continue to invest in the improvement and reform of the tertiary education system to better assist young adults in seeking employment and developing their professional lives.

Cultural diversity

56. The Committee welcomes the efforts made by the authorities to promote intercultural and inter-ethnic understanding between different groups and the recent example of one public official having been held accountable for hate speech against minority groups. However, it is concerned about the persistence of an overall environment of hostility towards those perceived as being different to the majority population, including minority groups such as Roma, Muslims and migrants, and about multiple expressions of hate speech. It is concerned that such an atmosphere risks further eroding tolerance and contributing to human rights violations among minority and vulnerable groups (arts. 2 (2) and 15 (1) (a)).

57. The Committee recommends that the State party:

- (a) **Adequately address and sanction all forms of intolerance and hostility;**
- (b) **Design and conduct public awareness-raising campaigns and other measures, including comprehensive measures that target the majority population, in order to promote respect and intercultural understanding among different groups in the society overall;**
- (c) **Provide public officials with human rights training on non-discrimination and respect for cultural diversity and difference;**
- (d) **Adopt a strategy in order to counter the increasing anti-Roma and anti-minority rhetoric in public discourse and to proactively enhance respect and appreciation for diversity.**

Minority languages

58. The Committee notes the support provided by the State party for the teaching of and in some minority languages. However, it is concerned about gaps in the provision of education in all minority languages, the most significant gap being the fact that Romany-language teaching is offered only as an elective subject. It is concerned by reports that changes to the School Act led to the closure of some small schools that provided teaching in minority languages (arts. 2, 13 and 15 (1) (a)).

59. The Committee recommends that the State party introduce, as far as possible and if there is sufficient demand, the teaching of and in Romany as a minority language, and ensure that any reforms to the educational system do not negatively impact access to education in minority languages and that teaching of and in minority languages are not affected by these reforms.

The right to enjoy the benefits of scientific progress and its applications

60. The Committee is concerned that the law regulating assisted reproductive procedures (in vitro fertilization and embryo transfer) – Act No. 577/2004 Coll. on the scope of health care paid under public health insurance and payments for services related to provided health care, as amended under Government Regulation No. 777/2004 Coll. – provides for the reimbursement of costs, of up to three cycles under the public health insurance, to women under the age of 39 years only if specific causes are involved, and that

access to these procedures is reserved only for a man and a woman who declare that they have an intimate physical relationship (arts. 2, 12 and 15 (1) (b)).

61. The Committee recommends that the State party, based on scientifically up-to-date and ethical considerations, reconsider the above-mentioned provisions and offer, under the public health insurance, equal and non-discriminatory access to in vitro fertilization and embryo transfer as part of quality reproductive health care and in order that the right of every individual to enjoy the benefits of scientific progress and its applications is observed.

D. Other recommendations

62. The Committee recommends that the State party ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

63. The Committee recommends that the State party take fully into account its obligations under the Covenant and ensure the full enjoyment of the rights enshrined therein in the implementation of the 2030 Agenda for Sustainable Development at the national level. Achievement of the Sustainable Development Goals would be significantly facilitated by the State party establishing independent mechanisms to monitor progress and treating beneficiaries of public programmes as rights holders who can claim entitlements. Implementing the Goals on the basis of the principles of participation, accountability and non-discrimination would ensure that no one is left behind. In this regard, the Committee draws the State party's attention to its statement on the pledge to leave no one behind (E/C.12/2019/1).

64. The Committee recommends that the State party take steps to progressively develop and apply appropriate indicators on the implementation of economic, social and cultural rights in order to facilitate the assessment of progress achieved by the State party in complying with its obligations under the Covenant for various segments of the population. In that context, the Committee refers the State party to, inter alia, the conceptual and methodological framework on human rights indicators developed by the Office of the United Nations High Commissioner for Human Rights (HRI/MC/2008/3).

65. The Committee requests that the State party disseminate the present concluding observations widely at all levels of society, including at the national, provincial and municipal levels, in particular among parliamentarians, public officials and judicial authorities, and that it inform the Committee in its next periodic report about the steps taken to implement them. The Committee encourages the State party to engage with the Slovak National Centre for Human Rights, non-governmental organizations and other members of civil society in the follow-up to the present concluding observations and in the process of consultation at the national level prior to the submission of its next periodic report.

66. In accordance with the procedure on follow-up to concluding observations adopted by the Committee, the State party is requested to provide, within 24 months of the adoption of the present concluding observations, information on the implementation of the recommendations contained in paragraphs 12 (non-discrimination), 45 (sexual and reproductive health of Roma women) and 51 (educational segregation of Roma) above.

67. The Committee requests the State party to submit its fourth periodic report, to be prepared in accordance with the reporting guidelines adopted by the Committee in 2008 (E/C.12/2008/2), by 31 October 2024. In addition, it invites the State party to update its common core document, as necessary, in accordance with the harmonized guidelines on reporting under the international human rights treaties (HRI/GEN/2/Rev.6, chap. I).