

SLOVAKIA REVIEW

I. Justice System

A. Quality of justice

Accessibility of courts (e.g. court/legal fees, legal aid, language)

In its 2023 concluding observations on Slovakia, the UN Committee on the Elimination of Discrimination against Women welcomed measures being adopted to improve the administration of justice and quality of judicial decisions, including those concerning gender discrimination, and the amendment to the Labour Code to facilitate access to justice in cases of violations of the principle of equality in the workplace. The Committee also noted the efforts made to consolidate data collection and analysis on anti-discrimination cases. However, the Committee was concerned about: the judicial hold outs and lengthy judicial proceedings in cases of sex-based and gender-based discrimination and the lack of information on measures taken to implement the shift in the burden of proof by the courts, provide adequate judicial remedies, including financial compensation, and combat the fear of potential stigmatization and victimization for affected women; and the few references to the Convention on the Elimination of all Forms of Discrimination Against Women in national court decisions and the insufficient provision of capacity-building to judges, prosecutors, police officers and other law enforcement officials on the rights enshrined in the Convention. The Committee recommended to Slovakia to take all necessary measures to improve the efficiency and effectiveness of judicial proceedings, ensure the implementation of the shift in the burden of proof in cases of sex-based and gender-based discrimination, provide adequate and timely judicial remedies, including financial compensation, and combat the fear of potential stigmatization and victimization for affected women; and to take all necessary measures to eliminate obstacles in obtaining access to justice encountered by women and girls who face intersecting and multiple forms of discrimination, in particular Roma women and other vulnerable groups of women ([CERD/C/SVK/CO/13](#), paras. 12 (a). 13 (a, b)).

In its 2023 concluding observations, the UN Committee against Torture was concerned that detained persons do not always have effective access to free legal aid from the beginning of the deprivation of their liberty and there have been cases in which access to legal aid has only been provided upon their arrival in court or following their remand into custody; despite positive improvements in the provision of information to detainees regarding their rights, such information is not sufficiently comprehensive; juvenile suspects were detained in unsuitable surroundings and may be interrogated without the presence of a parent, lawyer or other trusted person. The Committee recommended that Slovakia ensure that all fundamental legal safeguards are guaranteed, both in law and in practice, for all detained persons from the outset of the deprivation of their liberty, including the right to be assisted by a lawyer, including during interrogations and, if necessary, be granted access to free legal aid; to be fully and comprehensively informed of their rights, the reason for their arrest, and any charges against them, in a language they understand and in an accessible manner; to be detained and

interrogated in a manner that takes into account their age, vulnerability and understanding, in particular with regard to juveniles ([CAT/C/SVK/CO/4](#), paras. 9 (a), (c), 10 (a), (c), (e)).

Training of justice professionals (including judges, prosecutors, lawyers, court staff)

In its 2023 concluding observations, the UN Committee on the Elimination of Discrimination against Women expressed concern about the lack of awareness and application of the Convention on the Elimination of Discrimination against Women in the national judicial system. The Committee recommended to Slovakia to provide systematic capacity-building and training for government officials, judges, prosecutors, police officers and other law enforcement officials, as well as lawyers, on the Convention, the Optional Protocol thereto and the Committee's general recommendations. To address the lack of measures in place to identify victims of trafficking among women in prostitution and to ensure victims are able to report such cases to law enforcement authorities without fear of reprisal, the Committee also recommended that Slovakia provide capacity-building for judges, prosecutors, police officers and other law enforcement officials, border control personnel, health-care providers and other first responders in order to ensure the identification of victims of trafficking, including those among women in prostitution, and their referral to appropriate protection and rehabilitation services and the effective investigation and prosecution of all cases and the punishment of the perpetrators. While expressing concern over an increasingly hostile environment for transgender women, the Committee recommended to Slovakia to publicly condemn homophobic discourse and violence against lesbian, bisexual, transgender and intersex women and ensure, through mandatory and continuous capacity-building for judges, prosecutors, police officers and other law enforcement officials, that the legal prohibition of hate crimes and hate speech is enforced ([CEDAW/C/SVK/CO/7](#), paras. 10, 11 (b), 24 (b), 25 (b), 44 (b) and 45 9b)).

The UN Committee against Torture, in its 2023 concluding observations, regretted that judges and lawyers are not trained on the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol) or, more generally, on recognizing the signs of torture. The Committee recommended that all relevant public officials, in particular members of the security forces and the military, prison officials, judicial officials, lawyers and doctors, are trained on the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in particular on the absolute prohibition of torture, and that they are fully aware that violations of these provisions must not be tolerated and must be investigated, and that those responsible must be prosecuted and, upon conviction, appropriately punished. In addition, Slovakia should monitor and evaluate such training to assess its effectiveness, and ensure that all relevant personnel, including judges and lawyers, are specifically trained to identify cases of torture and ill-treatment, including through training on the Istanbul Protocol ([CAT/C/SVK/CO/4](#), paras. 31, 32).

Other

Roma women: In its 2023 concluding observations, the UN Committee on the Elimination of Discrimination against Women welcomed Slovakia's statements of June 2021 and November 2021, in which it offers apologies to the Roma population for the intervention of the national police force in Moldava Nad Bodvou in 2013 and for the cases of illegal sterilization of Roma women in the 1966–2004 period, respectively. The Committee also noted the legislative initiative to offer a €5,000 compensation to Roma women who were victims of illegal sterilization in the 1966–2004 period. However, the Committee noted with concern *inter alia* the recent cases of involuntary sterilization of Roma women under coerced consent or absence of informed consent and the lack of access to medical records, pretrial evidence disclosure and effective mechanisms to facilitate access to justice and fair compensation. Therefore, the Committee recommended Slovakia to ensure that Roma women are not subject to involuntary sterilization and facilitate victims' access to justice, including by raising awareness, removing financial barriers, extending the time to lodge complaints and facilitating their access to medical records and the disclosure of pretrial evidence to support their claims ([CEDAW/C/SVK/CO/7](#), paras. 42 (c), 43 (c)).

Also, the UN Committee against Torture in its 2023 concluding observations raised concern that current proposals regarding Slovakia's compensation scheme limited the window for submitting compensation claims to two years, which may affect the ability of victims living abroad or those with limited access to information to receive compensation. The Committee was also concerned about the relatively low amount of compensation proposed, which is limited to 5,000 euros per victim, and that financial barriers, such as the cost of legal affidavits and travel to regional centres in order to complete documentation for claims, may preclude some victims from obtaining adequate redress. Therefore, the Committee recommended that Slovakia increase the window for the submission of compensation claims for involuntary sterilization, conduct a proactive analysis to identify all those who may have suffered involuntary sterilization, and engage in proactive outreach to victims, in order to raise awareness of the proposed compensation scheme, both prior to and during implementation. In circumstances where victims require an affidavit attesting to involuntary sterilization, Slovakia should ensure that victims have access to free legal aid in obtaining such an affidavit. More generally, Slovakia should remove all financial barriers to obtaining compensation, including the costs associated with travel to regional centres to lodge documentation for claims. Slovakia should also ensure that the compensation provided is commensurate with the harm experienced by the victims, taking into account the financial awards in similar cases in the region, including those granted by the European Court of Human Rights ([CAT/C/SVK/CO/4](#), paras. 23, 24).

Gender-based violence: In its 2023 concluding observations, the UN Committee against Torture noted the positive steps taken by Slovakia to combat and respond to gender-based and domestic violence. However, the Committee was concerned that, despite the introduction of legislation, the number of cases of domestic violence, including matricide and death at the hands of close relatives or partners, rose sharply during the coronavirus disease (COVID-19)

pandemic. The Committee was also concerned that acts of gender-based and domestic violence among members of the Roma community were often not reported, resulting in limited access of victims to protective and rehabilitative services and redress, and lack of accountability for perpetrators. The Committee recommended that Slovakia ensure that all acts of gender-based and domestic violence are thoroughly investigated, that the alleged perpetrators are prosecuted and, if convicted, punished appropriately, and that the victims or their families receive redress, including adequate compensation and rehabilitation, and have access to legal assistance, safe shelters and the necessary medical care and psychosocial support ([CAT/C/SVK/CO/4](#), paras. 21, 22).

B. Efficiency of the justice system

Length of proceedings

In its 2023 concluding observations, the UN Committee against Torture, remained concerned about cases of excessively lengthy judicial proceedings and the lack of legislative initiative to amend the Code of Criminal Procedure, which allows for a duration of pretrial detention of up to five years (arts. 2, 11 and 16). The Committee recommended to Slovakia to amend its legislation with a view to reducing the duration of pretrial detention, which should be used as an exceptional measure, applied for a limited period, clearly regulated and subject to judicial supervision at all times, in order to guarantee fundamental legal and procedural safeguards. The Committee also recommended that Slovakia should continue and expand the use of non-custodial measures in lieu of pretrial detention, in accordance with the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) ([CAT/C/SVK/CO/4](#), paras. 13, 14).

Other

Excessive use of force by law enforcement officials, including violence against Roma:

In its 2023 concluding observations, the UN Committee against Torture was concerned about the low number of complaints, prosecutions and convictions in cases related to excessive use of force, along with verbal threats and verbal abuse, by law enforcement officials, notably against members of the Roma community and noted that, in cases where charges are filed against law enforcement personnel, they usually related to the crimes of bodily injury or abuse of authority, rather than torture or cruel, inhuman or degrading treatment. The Committee was further concerned that, in the well-publicized case of alleged violence in Moldava nad Bodvou, in 2013, law enforcement personnel implicated in the incidents were cleared of any wrongdoing, despite the findings of the European Court of Human Rights that torture or ill-treatment had occurred. More generally, the Committee was concerned that, in other previous judgments, the Court found that the Slovakia had failed to adequately investigate the discriminatory motives related to the excessive use of force by law enforcement personnel against members of the Roma community. The Committee recommended that Slovakia carry out prompt, impartial, thorough and effective investigations into all allegations of excessive use of force, including torture and ill-treatment, by law enforcement officials, and ensure that those suspected of having committed such acts are immediately suspended from their duties throughout the period of investigation, while ensuring that the principle of presumption of innocence is observed; prosecute persons suspected of having committed torture or ill-

treatment under article 420 of the Criminal Code and, if they are found guilty, ensure that they receive sentences that are commensurate with the gravity of their acts and that the victims are afforded appropriate redress in a timely manner; and ensure that motives relating to discrimination are sufficiently investigated when they are suspected to have played a role in the commission of an offence, and ensure that such motives are considered as an aggravating circumstance in criminal prosecution ([CAT/C/SVK/CO/4](#), paras. 15, 16 (a), (b), (c)).

IV. Other institutional issues related to checks and balances

B. Independent authorities

Independence, resources, capacity and powers of national human rights institutions (“NHRIs”), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and of supreme audit institutions

In its 2023 concluding observations, the UN Committee on the Elimination of Discrimination against Women noted the measures adopted by Slovakia to increase the capacity of the National Centre for Human Rights to offer free legal services and assistance. The Committee was concerned, however, about the Centre’s insufficient availability of technical, human and financial resources, as well as the clarity of its mandate and its budgetary resources to perform its mandate independently. The Committee recommended that Slovakia strengthen its efforts to allocate sufficient technical, human and financial resources to the Centre and ensure full compliance with the Paris Principles, in particular, by taking measures to guarantee the political and budgetary independence of the Centre ([CEDAW/C/SVK/CO/7](#), paras. 16, 17).

Also, the UN Committee against Torture, in its 2023 concluding observations, remained concerned about the Centre’s limited mandate, the insufficient clarity about and transparency in the selection of its members, its curtailed independence and the lack of clear and explicit functional immunity of its members while commending the progressive increases in the allocation of funding to the Slovak National Centre for Human Rights and the associated increase in the Centre’s human resources. The Committee recommended that Slovakia amend the relevant legislation with a view of strengthening the mandate and independence of the Slovak National Centre for Human Rights, in order to bring it into full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), including through establishing in law the functional immunity of its members ([CAT/C/SVK/CO/4](#), paras. 11, 12).