

SLOVAK REPUBLIC

Section I – Impact assessment

I.1 Has an authority been assigned as responsible for the implementation of the Recommendation? If so, which? Yes No

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I.2 How would you assess the impact of the recommendation on the human rights of members of the armed forces in your country? Please explain your reply.
Fully satisfactory Adequate Insufficient Absent

<p><i>Citizens of Slovak Republic enjoy high standard of human rights treatment on a long-term basis. The same applies to the relationships within the Armed Forces of the Slovak Republic. For this reasons no specific measures were needed to be adopted after the Recommendation on human rights was accepted in 2010.</i></p>
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I.3 Have specific measures for the promotion and protection of the human rights of members of armed forces been adopted after and pursuant to the adoption of the Recommendation? If so, please provide examples. Yes No

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I.4 Which obstacles, if any, have been encountered in the implementation of the Recommendation?

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Section II – Dissemination of the Recommendation

II.1 Has an authority been assigned as responsible for the dissemination of the Recommendation? If so, which? Yes No

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II.2 Have specific events been organised to ensure the dissemination of the Recommendation? If so, please provide examples. Yes No

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II.3 Which obstacles, if any, have been encountered in the dissemination of the Recommendation?

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II.4 To which authorities has the Recommendation been distributed?

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II.5 Has the Recommendation been distributed to members of the armed forces? Yes No
Yes No

II.6 *Has the Recommendation been translated ?*

II.7 *If not, is this foreseen?*

Yes No

II.8 *How would you assess the visibility of the Recommendation?*

Fully satisfactory Adequate Insufficient Absent

Section III – Implementation of specific provisions

A - Right to life

A.1 Are there measures in place to ensure an independent and effective investigation into suspicious deaths or alleged violations of the right to life of a member of the armed forces? X No

A.2 Are there measures in place to encourage reporting of acts inconsistent with the right to life and to protect those reporting such acts against retaliation? X No

A.3 Please provide information about the legal framework of such measures and examples of the measures in place. If the reply to one or more of the questions above is “NO”, please explain why such measures are not in place and whether any measure is in preparation.

Although there are no suspicious deaths or violations of the right to life of the members of the Armed Forces of the Slovak Republic, in case anything mentioned above would happen, it is a task and duty under the law of the competent authorities to investigate fairly. As far as exposing member of the armed forces to situations where his life would be avoidably put at risk without a clear and legitimate military purpose shall be taken as a breach of commander’s duties set forth by the Military service act, commander is fully responsible for such a breach. According to the Military service act provisions, the member of the Armed Forces of the Slovak Republic shall not be, under any circumstances, persecuted neither punished when making a complaint against commander or any other member of the armed forces. Violation of these provisions is considered a breach of the duties of the professional soldier for which a member of the Armed Forces of the Slovak Republic is disciplinary responsible.

B – Torture and other forms of ill-treatment

B.1 Are there measures in place to protect members of the armed forces from torture or other inhuman or degrading treatment or punishment? X No

B.2 Are there specific measures in place for more vulnerable categories, such as conscripts? Yes X

B.3 Are there measures in place to ensure an independent and effective investigation into alleged acts of torture or other ill-treatment, or when the authorities have reasonable grounds to suspect that such acts have occurred? X No

B.4 Are there measures in place to encourage reporting of acts of torture or other ill-treatment and to protect those reporting such acts? X No

against retaliation?

B.5 Please provide information about the legal framework of such measures and examples of the measures in place. If the reply to one or more of the questions above is "NO", please explain why such measures are not in place and whether any measure is in preparation.

Torture, inhuman and degrading treatment is strictly prohibited under the Constitution of the Slovak Republic. Any violator is fully criminally responsible for any act that would constitute any of the crimes mentioned above. When reporting such violation, the member of the Armed Forces of the Slovak Republic shall not be persecuted neither punished, otherwise the violator shall face disciplinary punishment or even criminal punishment, when such act would be classified as a crime under the Criminal Code. There is no special regime for such categories as conscripts as there is no compulsory military service in Slovak Republic. All of the members of the Armed Forces of the Slovak Republic are professional soldiers and professional soldiers who prepare for the military service, such as cadets.

C – Forced or compulsory labour

C.1 Is military service compulsory? If so, please indicate whether it is possible to exact an alternative service instead of compulsory military service, and which are the differences in nature and duration of such service? Yes X

D – Military Discipline

D.1 Is there a clear legal framework in place governing military discipline in accordance with paragraphs 19-21 of the Appendix to the Recommendation? If so, please indicate a reference to the relevant legal framework. If not, please explain why and whether any measure is in preparation. Yes X No

The provisions of the Military service act (no. 346/2005) concerning military discipline deal with all the details under which a member of the Armed Forces of the Slovak Republic is responsible for a breach of military duties. Specific provisions of the Act provide that a member of the Armed Forces of the Slovak Republic is disciplinary responsible for a culpable violation and infringement of his duties which are laid down by law. Professional soldier shall not be punished twice for the same conduct. Penalty may be imposed only if oral hearing is not sufficient in order to restore military discipline. Every disciplinary measure shall be imposed within 30 days from the date, when the commander found out that a violation of a duty was committed but not later than year from the violation. In this case every member of the Armed Forces of the Slovak Republic is entitled to cooperate fully, to comment all the allegations taken against him, to defence himself and propose all the evidence that would support his defence. Every disciplinary penalty is obliterated within one year. Right to appeal is guaranteed.

E- Right to liberty and security

E.1 Is there a procedure prescribed by law dealing with the deprivation of liberty of members of the armed forces? Yes X

E.2 Is it lawful to detain members of armed forces under the age of 18? Yes X

E.2.1 If so, do detention conditions comply with the conditions set out in Paragraph 23 of the Appendix to the Recommendation? Yes No

E.2.2 If the reply to question E.2.1 is “NO”, please explain why and whether any measure is in preparation.

Deprivation of liberty is under Slovak law admissible when all the conditions prescribed by law are fully met. There is no special regime for the members of the Armed Forces of the Slovak Republic, i.e. every deprivation of liberty can be executed only by competent authority within the criminal procedure. Members of the Armed forces of the Slovak Republic are subjects to the general judicial jurisdiction. It is against the law to recruit persons under 18 years of age to the Armed forces of the Slovak Republic.

E.3 Are there any limitations or exceptions to the guarantees set out in Paragraphs 24 to 27 of the Appendix to the Recommendation possible? Yes No

If so, please specify.

F- Right to a fair trial

F.1 In matters that qualify as criminal under the European Convention on Human Rights, do members of the armed forces enjoy procedural rights and safeguards to the same extent as in criminal proceedings against civilians, in accordance with Paragraphs 28, 30 and 31 of the Appendix to the Recommendation? If not, please explain why and whether any measure is in preparation in this area. X No

F.2 Is there a clear legal framework setting out limitations or exclusions to the right to have access to a tribunal for the determination of members of the armed forces' civil rights and obligations? If any, please provide examples of such limitations or exclusions. Yes No

F.3 Does your country have military courts? Yes No

F.3.1 If so, are they separate from the chain of command? Yes No

F.3.2 If the reply to question F.3 is “yes”, are there differences in the organisation and operation of military courts, in comparison with civil courts, in particular as regards the procedural safeguards set out in Paragraphs 33 and 34 of the Appendix to the Recommendation? Yes No

G – Right to respect for private and family life, home and correspondence

G.1 Are there measures in place to ensure that conscripts are posted near their family and home, and that posting of professional members far from their family and home is not used as a disciplinary punishment? Yes No

The Armed Forces of the Slovak Republic are fully professional, i.e. there are no conscripts serving compulsory.

G.2 Are there measures in place to ensure that members of the armed forces posted abroad are able to maintain private contacts? X No

G.3 Are there assistance programmes in place for those accompanying the members of the armed forces posted abroad? X No

G.4 Can members of the armed forces enjoy parental leave, childcare benefits, access to nursery schools and adequate children's health and educational systems? If not, please explain why and whether any measure is in preparation. X No

G.5 Where appropriate, please provide examples of good practices regarding the right of members of armed forces to respect for their private and family life, home and correspondence, in accordance with section "G" of the Appendix to the Recommendation.

H – Freedom of thought, conscience and religion

H.1 Are there measures in place to allow all members of armed forces to comply, as much as possible, with their religious obligations? If so, please provide examples. If not, please explain why and whether any measure is in preparation. X No

There are two kinds of religious/spiritual service available for the members of the Armed Forces of the Slovak Republic and their families – one for the Roman-catholic believers and one for the members of any of 11 participating churches and religious communities represented by the Ecumenical Council of Churches in the Slovak Republic. Under the Military service act commanders, in cooperation with military religious personnel, are obliged to create all the conditions needed for spiritual life and religious activities of the members of the Armed Forces of the Slovak Republic. On the other hand, members of the Armed Forces of the Slovak Republic, as a part of their fundamental rights, have right for appropriate spiritual care and are entitled to access all the religious activities as far as it does not conflict with legitimate needs of the armed forces. In general, all the people living within the territory of Slovak Republic enjoy their constitutional right for freedom of religion.

H.2 Do conscripts have the rights to be granted conscientious objector status? X No

H.2.1 If so, is an alternative service of a civilian nature available? X No

As far as there is no compulsory military service in Slovak Republic, described situation may arise at the time, when the Parliament declares hostilities or war. Under the separate Act on alternative service at the time of war, every person that may be subject to conscription has, under the conditions set forth by the law, right to deny the "emergency" military service for religious reasons or reasons of conscience.

H.2.2 If not, please explain why and whether any measure is in preparation.

H.3 Are conscientious objectors exposed to sanctions, disciplinary measures or judicial prosecutions? Yes X

H.4 Can professional members of the armed forces leave the armed forces for reasons of conscience? If so, please explain the conditions and Yes X

the procedure, and in particular whether the requests can be reviewed by an independent and impartial authority. If not, please explain why and whether any measure is in preparation.

There is no special option to quit the Armed Forces of the Slovak Republic for reasons of conscience. The member of the Armed Forces of the Slovak Republic has a right to quit the armed forces if he requires. In case the professional soldier served the minimal time period set out in the contract, his right to quit the armed forces is absolute. In case he/she did not serve required time periods, it is upon the competent commander to decide whether to grant the request. Procedure stated above is taken for economic reasons and for planning personnel purposes. However, the issue is as well as several others discussed by competent ministerial and military bodies as the valid Military service act is a subject to analysis and is currently in a pre-legislative process.

H.5 Are there measures in place to ensure that conscripts and members of the armed forces are informed, respectively, of the right to be granted conscientious objector status and to leave the armed forces for reasons of conscience and of the procedures available to exercise these rights? Yes X

H.6 Where appropriate, please provide examples of good practices regarding the right of members of armed forces to freedom of thought, conscience and religion, in accordance with section "H" of the Appendix to the Recommendation.

I – Freedom of expression

I.1 Is there a clear legal framework setting out formalities, conditions and restrictions to the right to freedom of expression for the members of armed forces? Yes X

I.2 If so, please briefly present it, by providing in particular examples of restrictions to the right to freedom of expression.

Within the Military service act there is no legal framework that deals with the right to freedom of expression of the members of armed forces. However, there are no specific legal limitations to execute this right by the members of the Armed forces of the Slovak Republic when compared to civilians.

J – Right to access to relevant information

J.1 Are there measures in place to ensure that full and detailed information about recruitment in the armed forces and commitments resulting therefrom are provided to potential recruits? X No

J.2 Can former and current members of armed forces have access to their own personal data, including medical records and information regarding exposure to situations potentially hazardous to their health? X No

J.3 If so, are there restrictions to this right of access? Please provide examples, if any. Yes X

K – Freedom of peaceful assembly and association

K.1 Can members of the armed forces join lawfully established military associations or trade unions? If so, please indicate the conditions and eventual restrictions to this right. If not, please explain why and whether any measure to review or lift the existing restrictions or prohibitions is in preparation. Yes No

Joining trade unions is currently forbidden for the members of the Armed forces of the Slovak Republic. Similar to the issue stated in the question H.4, valid restrictions to the right of the professional soldiers to join trade unions is analysed nowadays within the legislative changes of the Military service act.

K.2 Can members of the armed forces join political parties? If so, please indicate the conditions and eventual restrictions to this right. If not, please explain why and whether any measure to review or lift the existing restrictions or prohibitions is in preparation. Yes X

The members of the armed forces as well as the policemen in Slovak Republic are not entitled to join political parties. This restriction is currently not planned to be a subject to change.

L – Right to vote and to stand for election

L.1 Are there any restrictions on the electoral rights of members of the armed forces and on membership in the armed forces during a member's candidacy or term of office? If so, please provide examples. X No

It is prohibited by the Military service act to be elected to certain functions at the time when being member of the Armed Forces of the Slovak Republic. If elected for president, member of national and European parliament, appointed a member of the Government of the Slovak Republic, elected for a member of municipal parliament and mayor (if this position is paid) etc., professional soldier would be released from the membership. Similar restrictions apply to all state employees in Slovak Republic.

M- Right to marry

M.1 Do members of the armed forces enjoy the right to marry and to form civil partnership in the same terms as civilians? If not, please explain why and whether any measure is in preparation. X No

N – Right to protection of property

N.1 Are there measures in place to ensure that the property of members of armed forces, including conscripts, if retained upon joining the armed forces, is returned at the end of military service? Yes X

There is no legal framework within which a private property of the members of the Armed Forces of the Slovak Republic could be retained.

O – Accommodation

O.1 Are there measures in place to ensure adequate accommodation for members of armed forces and their families, both on the national X No

territory and abroad?

O.2 Where accommodation is provided in barracks, are there separate dormitories for women and men? Yes X

P – Remuneration and pension

P.1 Do professional members of the armed forces receive remuneration giving them a decent standard of living and an adequate retirement pension? X No

P.2 Are there measures in place to ensure that men and women in the armed forces are entitled to equal pay for equal work or work of equal value? If not, please explain why and whether any measure is in preparation. X No

Q – Right to dignity, health protection and security at work

Q.1 Are there specific measures in place to protect the dignity at work of members of armed forces, in particular as regards the prevention of sexual harassment? If so, please indicate the relevant legal framework and provide examples. If not, please explain why and whether any measure is in preparation. X No

The issue of protection of dignity at work is covered by single part of the Military service act that deals with the fundamental rights of the members of the Armed forces of the Slovak Republic. Failure to ensure the protection of human dignity at work may result in disciplinary punishment of the commander. Certain forms of violation of the right to dignity (such as sexual harassment) remain as well criminal under the Criminal Code, in case conditions set forth by the law are met.

Q.2 Is medical care provided during and as a result of military operations free of charge for the servicepersons? X No

Q.3 Are there allowances or compensation schemes available for members of the armed forces obliged to leave the armed forces because of an injury resulting from the exercise of military duties, or in case of death in service? X No

Q.4 Where appropriate, please provide examples of good practices regarding the right of members of armed forces to dignity, health protection and security at work, in accordance with section "Q" of the Appendix to the Recommendation.

R – Nutrition

R.1 Are there measures in place to ensure that members of the armed forces enjoy the right to decent and sufficient nutrition in accordance with section "R" of the Appendix to the Recommendation? Where appropriate, please provide examples of good practices. X No

Under the Military service act the commanders shall ensure that the members of the Armed Forces

of the Slovak Republic are provided with food that meets all the nutritional standards. Warm meal as well as appropriate drink belongs to professional soldier every time his/her shift lasts for at least 4 hours a day. When the shift lasts for at least 11 hours a day the commander may provide for another warm meal. The option becomes a duty in case when the working shift lasts for 12 hours a day or more. When the shift lasts for at least 17 hours a day, professional soldier may be given another warm meal.

S – Non-discrimination

S.1 Are there measures in place to ensure that members of armed forces enjoy their rights and freedoms without any discrimination, in accordance with section “S” of the Appendix to the Recommendation? X No

Where appropriate, please provide examples of good practices.

The whole principle of equal treatment covered separately by the Military service act for military personnel is based on the general Anti-discrimination act that guarantees equal execution of rights and fundamental freedoms to every person living within the territory of Slovak Republic. Any discrimination based on the sex, race, colour or religion is strictly prohibited as it conflicts with the articles of the Constitution of the Slovak Republic. Professional soldier who believes his/her rights were violated by breaching the principle of equal treatment is free to seek legal protection by the court. The Military service act protects explicitly every person from unlawful treatment when willing to have his/her claims reviewed by the court.

S.2 Are there any limitations to the access of women to the armed forces, or to particular types of occupational activities within the armed forces? If so, please provide examples. Yes X

S.3 Can sexual orientation constitute a ground to prevent access to the armed forces, or for discharge? Yes X

T – Persons under the age of 18 enlisted in the armed forces

T.1 Does your legislation allow the voluntary recruitment into the armed forces of persons under the age of 18? Yes X

T.2 If so, are there measures in place to ensure the full information about the duties involved and the informed consent of these persons and of their parents or legal guardians? Yes No

T.3 Are there special measures in place to protect the physical and psychological welfare of these persons? Yes No

T.4 Can these persons take an active part in the hostilities? Yes No

U – Training

U.1 Are training activities aimed at increasing the knowledge of human rights by members of armed forces in place? If so, please indicate by whom are such training activities carried out. X No

Training programmes aimed at increasing the knowledge of human rights and international

humanitarian law by the members of the Armed forces of the Slovak Republic are carried out by the General Staff of the Armed forces of the Slovak Republic and by the Armed Forces Academy, depending on specific issues and whether training programme is targeted on “already-made” professional soldiers or those who are at the preparation process.

U.1.1. If the reply to question U.1 is “YES”:

- | | | | |
|---------|--|---|-----------------------------|
| U.1.1.1 | Is international human rights law part of the training programme ? | X | No <input type="checkbox"/> |
| U.1.1.2 | Are the human rights of the members of armed forces themselves part of the training programme? | X | No <input type="checkbox"/> |
| U.1.1.3 | Are prevention of ill-treatment and discrimination part of the training programme? | X | No <input type="checkbox"/> |
| U.1.1.4 | Is international humanitarian law, including the duties mentioned in paragraph 84 of the Appendix to the Recommendation, part of the training programme? | X | No <input type="checkbox"/> |

U.1.2 If the reply to question U.1 is “NO”, please explain why and whether any measure is in preparation.

V – Allegations of human rights violations

V.1 Are there measures in place to ensure that members of the armed forces have the right to bring allegations of human rights violations, in particular of discrimination, harassment and bullying, before an independent body? If so, please indicate to which authorities can such allegations be brought and which is the procedure. If not, please explain why and whether any measure is in preparation.

Under the Military service act citizen, when joining the Armed Forces of the Slovak Republic, and professional soldier who believes his rights were violated by breaching the principle of equal treatment has a right to have his claims examined by the impartial and independent court.

Under the particular articles of Military service act the member of the Armed Forces of the Slovak Republic shall not be persecuted neither punished when making a complaint against commander or any other member of the armed forces. Violation of these provisions is considered a breach of the duties of the professional soldier for which a member of the Armed Forces of the Slovak Republic is disciplinary responsible.

Section IV - Follow-up

IV.1 Which measures would you recommend to ensure that the principles set out in the Recommendation and in its Appendix are complied with in national legislation and practice?

IV.2 Should the Council of Europe continue examining periodically the implementation of this Recommendation? If so, should such examination in future concentrate on specific issues, and which specific issues would you recommend examining in that case?

IV.3 Are there any issues on which the Recommendation and its Appendix should be revised or completed? If so, please indicate them.

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