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**ECRI CONCLUSIONS
ON THE IMPLEMENTATION OF THE RECOMMENDATIONS
IN RESPECT OF THE SLOVAK REPUBLIC
SUBJECT TO INTERIM FOLLOW-UP**

Adopted on 24 March 2017¹

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¹ Unless otherwise expressly stated, any developments which occurred after 31 January 2017, the date on which the latest information on the measures taken by the authorities to implement the recommendations chosen for interim follow-up was received, are not taken into account in this analysis.

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FOREWORD

As part of its fifth round of monitoring work, ECRI has renewed its process of interim follow-up with respect to two specific recommendations made in each of its country reports.

In line with the Information Document on ECRI's fifth monitoring cycle brought to the attention of the Ministers' Deputies on 14 November 2012¹, not later than two years following the publication of each report, ECRI addresses a communication to the Government concerned asking what has been done in respect of the specific recommendations for which priority follow-up was requested.

At the same time, ECRI gathers relevant information itself. On the basis of this information and the response from the Government, ECRI draws up its conclusions on the way in which its recommendations have been followed up.

It should be noted that these conclusions concern only the specific interim recommendations and do not aim at providing a comprehensive analysis of all developments in the fight against racism and intolerance in the State concerned.

¹ CM/Del/Dec(2012)1154/4.2

1. *In its report on Slovakia (fifth monitoring cycle) published on 16 September 2014, ECRI recommended that a mechanism for collecting disaggregated data on hate speech incidents is put in place, recording the specific bias motivation, as well as the follow-up given to them by the justice system, and that this data is made available to the public.*

In Slovakia the Ministry of Interior, the Ministry of Justice and the Prosecutor's Office collect data on hate crime. The police data of the Ministry of Interior includes hate speech offences. This data is published as part of the annual Report on Extremism.

ECRI has been informed by the authorities that in April 2016 amendments to the recording of police statistics on criminal offences were introduced. These statistics now record also the specific bias motivation for each offence of "extremism" and hate speech (Articles 421- 424 of the Criminal Code).¹

ECRI was provided with a list of different types of bias motivations (such as on the basis of the victim's race or nationality, affiliation to an ethnic group or religion, etc.) according to which data on violations of Articles 421-424 of the Criminal Code is disaggregated.

As concern the follow-up to its recommendation, ECRI is pleased to note that statistics are now disaggregated according to the specific bias motivation of the offender as recorded by the police, and that these statistics are made public as part of the annual Report on Extremism. The initiatives taken by the authorities following ECRI recommendation are undisputedly a step in the right direction.

Despite these positive developments, ECRI notes that there is still no recording of the follow-up given to hate speech incidents by the justice system.

ECRI considers that data concerning the offences of hate speech should not only be disaggregated according to the specific motivation, but should also contain a clear indication of the follow-up given by the justice system from the time of the recording by the police.

ECRI concludes therefore that its recommendation has been only partially implemented.

2. *In its report on Slovakia (fifth monitoring cycle), ECRI recommended to start without delay reforming the Slovak National Centre for Human Rights in light of the findings of the recent evaluation of its performance. The reformed institution should be endowed with sufficient financial and human resources in order to fulfil independently and efficiently the tasks assigned to it by the Anti-discrimination Act, whether the authorities opt for the maintenance of an equality body or for the creation of a general human rights institution (anti-discrimination function being one of its tasks).*

In 2014, the Slovak National Centre for Human Rights (the Centre) regained accreditation with the UN International Coordinating Committee of national human rights institutions (now GANHRI) with B status.² As concerns its compliance with the so-called Paris Principles,³ the UN Sub-committee on accreditation encouraged the Centre to pursue a number of legislative changes in order to strengthen its mandate and independence.

¹ For more information on "Criminal offences of extremism" see paragraph 3 and seq. of ECRI's fifth report on Slovakia published on 16 September 2014 <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Slovakia/SVK-CbC-V-2014-037-ENG.pdf>

² International Coordinating Committee of National Institutions for the Promotion and Protection of Human rights: Report and Recommendations of the Session of the Sub-Committee on Accreditation (SCA), Geneva, 17-21 March 2014, available at: <http://nhri.ohchr.org/EN/AboutUs/ICCAccreditation/Documents/SCA%20MARCH%202014%20FINAL%20REPORT%20-%20ENGLISH.pdf> .

³ Principles adopted by the United Nations General Assembly in 1993 which set forth the primary minimum standards for an effective National Human Rights institution.

In 2015, under the National Strategy on Human Rights Protection and Promotion in the Republic of Slovakia,⁴ the Ministry of Justice was tasked with the preparation of amendments to the laws establishing⁵ the Centre and its functions.

In 2016, the Ministry of Justice set up a working group, including representatives from the Government, civil society, academia and the Centre, which by the end of that year was supposed to submit proposals for the reform of the Centre.

At the time of the adoption of these conclusions, ECRI understands that the working group has not yet accomplished its task.

ECRI has been informed that, since its last report, the staff and the budget of the Centre have been slightly increased⁶ and that a new Director was appointed at the end of 2016.

Considering more specifically the points raised in the recommendation (*start without delay the reform of the Centre, which should be provided with sufficient financial and human resources*) ECRI notes that the reform of the Centre has been on the agenda of a number of Governments for the last six years.⁷ However, so far all attempts at reform have yielded no concrete results in terms of change of legislation.

The fact that the Centre's staff and budget have been slightly increased in recent years is not *per se* sufficient to consider this recommendation fulfilled.

ECRI concludes therefore that its recommendation has not been implemented.

⁴ Resolution of the Government of the Slovak Republic No. 71/2015 of 18 February 2015.

⁵ Act No. 308/1993 Coll. on Establishment of the Slovak National Centre for Human Rights and Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and Protection from Discrimination.

⁶ For example, in 2016 the Centre received an additional grant of 30 000 Euros and the budget for the year 2017 was increased by another 25 000 Euros.

⁷ See paragraph 117 et seq. of ECRI's fifth report on Slovakia.

