



NEWS REPORT

Date:	10 August 2011
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Title:	The Slovak Government Producing an Analytical Report on the Slovak National Equality Body
Country:	Slovak Republic
Context	
Issue at stake:	The Government of the Slovak Republic approved the Analytical Report on the Functioning and Status of the Slovak National Centre for Human Rights in the Context of Institutional Protection of Human Rights in the Slovak Republic.
Ground of discrimination:	All grounds
Source:	National equality body, political development
Field:	All fields + other
Legislative provisions:	Act No 308/1993 Coll. on the Establishment of the Slovak National Centre for Human Rights, as amended

Content

Political development: On 1 June 2011, the Government of the Slovak Republic approved the Analytical Report on the Functioning and Status of the Slovak National Centre for Human Rights in the Context of Institutional Protection of Human Rights in the Slovak Republic (further on as “the report”). The report was drafted by the Section of Human Rights and Equal Treatment of the Office of Government of the Slovak Republic (further on as “the Section of Human Rights and Equal Treatment”). This report is the first of its kind ever produced by the Slovak government, and generally the first attempt that has ever been made to monitor and evaluate the functioning of the Slovak National Centre for Human Rights (the national equality body and at the same time the national human rights institution – further on as the “Centre”) - in a relatively complex manner. The government’s justification for this report was to maintain more efficient and more flexible functioning of all institutions and mechanisms aimed at protection and support of human rights¹.

¹ Programové vyhlásenie vlády Slovenskej republiky na obdobie rokov 2010-2014 (*Programmatic Declaration of the Government of the Slovak Republic for the Period 2010-2014*), Section 3.1, available at <http://www.mod.gov.sk/data/files/553.pdf> (last visited on 10 August 2011).

The report presents various findings that the Section of Human Rights and Equal Treatment of the Office of Government generated on the basis of an analysis that followed after a relatively complex (albeit not exhausting) data gathering, using methods such as mapping the EU law requirements for national equality bodies and international law requirements for national human rights institutions and comparing them to the powers and functioning of the Centre, analysis of the current state of affairs in the Centre that involved *inter alia* an analysis of the Centre's annual reports and other documentation, the available research on the perception of the Centre by the public, the Centre's bye-laws, the historic and personnel development in the Centre, the budgetary documentation of the Centre, results of controls of the financial management of the Centre carried out by external bodies, and a survey among the employees of the Centre, among relevant NGOs and among the members of the Board of the Centre. The most relevant findings in the context of this flash report are *inter alia* the following:

- lack of powers/unclear powers of the Centre and consequently a weak position of the Centre as a human rights institution (this includes for example a non-existent competence of the Centre to initiate laws/changes of laws or to be compulsorily heard as a body commenting laws, impossibility to decide cases of breaches of the principle of equal treatment or other human rights cases, lack of sanctions for bodies that ignore the attempts of the Centre to carry out its statutory duties and rights, such as the right to perform independent probes concerning discrimination, unclear definition and content of the duty to secure legal aid to victims of discrimination and intolerance, unresolved issues regarding bearing the costs of judicial proceedings other than the costs of legal representation by the Centre)
- lack of professional and personal capacities of the Centre
- inefficient management of public resources allocated to the Centre
- inappropriate structure of creating the governing and controlling bodies of the Centre and their inactivity
- lack of preventive approaches of the Centre in the field of equal treatment (and in the field of human rights in general), of strategic planning and of conceptual approaches
- lack of independence of the Centre and lack of mechanisms of protection against abuse of the Centre for particular interests including political ones
- lack of visibility of the activities of the Centre and their limited impact on resolving the problems in the field of human rights and equal treatment
- a very low amount of cases of discrimination that have been brought to courts by the Centre (out of which none has been successfully resolved so far) and that have been resolved by the Centre in general
- abolishing the Department of Monitoring and Research at the Centre and substituting it with the Department of Research and the Rights of the Child (leaving monitoring out completely)

Based on the findings of the report, the Section of Human Rights and Equal Treatment proposes changing the way the institution is functioning, in particular through changes in the ways of creating the governing and the controlling bodies of the Centre, through defining the powers of the Centre anew, through changes in the financing of the Centre and through other changes that would make the Centre (or other relevant institutions, either newly-defined or already existing) work efficiently towards efficient protection of human rights including the principle of equal treatment. For the Section of Human Rights and Equal Treatment, the most appropriate solution, out of a few solutions sketched in the report, would be transforming the Centre solely into an equality body and transferring the powers of the Centre as the national human rights institution onto the Public Defender of Rights (i. e. the Ombudsman).

Internet link source and additional information: The report is available at <http://www.rokovania.sk/File.aspx/ViewDocumentHtml/Mater-Dokum-133077?prefixFile=m> (last visited on 10 August 2011)