



NEWS REPORT

Date: 12 May 2010
Expert: Janka Debrecéniová
Title: National Equality Body Publishing a Report on Observance of Human Rights
Country: Slovakia

Context

Issue at stake: On 30 April 2010, the Slovak National Centre published the Report on the Observance of Human Rights Including the Principle of Equal Treatment in Slovak Republic in 2010. The Centre is statutorily obliged to publish such a report annually.

Ground of discrimination: all grounds

Source: national equality body

Field: all fields + other

Legislative provisions: Section 2 paragraph 3 of the Act No. 308/1993 Coll. on Establishing the Slovak National Centre for Human Rights
Act No 365/2004 Coll. on Equal Treatment in Certain areas and on Protection against Discrimination (Anti-Discrimination Act)

Content

Political development: Following Section 2 paragraph 3 of the Act No. 308/1993 Coll. on Establishing the Slovak National Centre for Human Rights (hereinafter as “the Centre”), the Centre published the Report on the Observance of Human Rights Including the Principle of Equal Treatment in Slovak Republic in 2010. In a separate 40-page section devoted to the principle of equal treatment, the Centre offers an overview of issues related to the observance of the principle of equal treatment in Slovakia and to activities of the Centre in the field.

In 2009, the Centre dealt with 1571 submissions claiming breaches of human rights and discrimination. Out of these, 712 were handled by its regional offices (p 122). In 2009, the Centre took up representing persons

affected by discrimination before courts in 3 cases (p 159). It had been involved (to a smaller or lesser extent) in 13 cases of mediation, out of which mediation agreements were reached in two cases (p 154).

The Centre reports national or ethnic group membership, gender/sex, age, disability, sexual orientation, race and colour of skin as being the most frequently present grounds of discrimination, (p 121-122).

The Centre reports employment as the predominant field of discrimination, while education, health care and provision of goods and services follow (in mutually comparable representations) (ibid). The Centre does not explicitly say how it gained these figures.

The Centre says that the economic crisis has reflected negatively mainly in employment relations and that increase in the level of discrimination was significant mainly in case of persons (both men and women) of higher age, pregnant women and mothers seeking work. This increase was not only in the field of looking for a job but also in cases of job terminations. (p 122)

The Centre states that the amended Anti-Discrimination Act has been a sufficient legal instrument for pursuing equality of individuals and groups that is capable to tangibly guarantee their protection against discrimination in practice (p 121).

The Centre, however, points to the persisting and long-lasting lack of effectual judicial decisions in the field of discrimination caused by, inter alia, lack of applications submitted to courts (p 153). The Centre also points out explicitly that “the number of judicial decisions in favour of victims of discrimination is desperately low” (p 142). According to the Centre, “the unwillingness of victims of discrimination to solve their situation by judicial means consists in the overall distrust in the judicial system, financial and time demandingness of judicial proceedings, but also in lack of information and knowledge of means of legal redress” (p 153). The report recalls that there is still no registration of judicial cases connected to breaches of the principle of equal treatment and that it is inevitable to add this statistical identifier into both the statistics of the individual courts and into the central statistics (p 153).

The report also gives an overview of the cases of discrimination resolved by labour inspectorates in 2009. From out of 74 submissions claiming discrimination, the inspectorates found discrimination in 17 cases. In more than 50% of cases, the inspectorates recommended claimants to have recourse to courts or to the Centre. The Centre also notes that in cases



where labour inspectorates found breaches of the principle of equal treatment, they did not fine the violators in question but requested them to remove the identified shortcomings. The Centre also reports that the National Labour Inspectorate pointed to a fact of very problematic proving of existence of discrimination (from its perspective), and therefore, according to the National Inspectorate, these cases should be resolved by judicial means. (p 142)

Internet link source and additional information:

<http://www.snsip.sk/images/stories/file/spravy/sprava-dodrziavanie-lp-2009.pdf>