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Robert Fico
Prime Minister of the Slovak Republic
Government Office of the Slovak Republic
Námestie slobody 1
813 70 Bratislava
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Dear Prime Minister Fico,

ASSESSMENT OF SLOVAKIA'S EU PRESIDENCY

Following the end of term of Slovakia's EU Presidency, we are writing to you to present Amnesty International's assessment on the Presidency's role addressing key human rights concerns.

ANTI-DISCRIMINATION

As discrimination against Roma remains widespread across Europe, we welcome the fact that addressing the situation of Roma in the EU was included in your Presidency's programme. We appreciate the cooperation of the Plenipotentiary for Roma Communities, his team and the responsible members at the Permanent Representation with us and other civil society organizations in this regard. The Council Conclusions on Accelerating the Process of Roma Integration mark a good step forward with the EU and member states reconfirming commitment to the full implementation of the EU Framework and the 2013 Council Recommendation. The political acknowledgment at the level of the Council that racism against Roma is a root cause of their social exclusion and discrimination is crucial. We further highlight the Council's commitments made against forced evictions and segregation in education, as well as the call to promote the empowerment, active involvement and necessary participation of Roma, at all levels of policy development, decision making, and policy implementation. The development of results-oriented monitoring and reporting indicators is indispensable to be able to properly assess progress made and identify further needs.

While we welcome the efforts made by your Presidency to promote Roma integration at EU level, we remain deeply concerned with the situation of Roma and other minorities in Slovakia itself and the recent statements made by you and other Ministers. Towards the end of the Presidency, at a 10 December press conference, you presented the ruling SMER party's domestic priorities for 2017. These include addressing "abuses of the social welfare benefits system" and targeting the unemployed who "refuse jobs", as well as those who "disturb others ... through their way of life." Amnesty International wishes to emphasise that any such measures must not violate Slovakia's obligations to respect and fulfil economic, social and cultural rights for all its people, not discriminate against individuals and communities already experiencing marginalisation, such as the Roma, or reinforce systemic discrimination and stigmatization against such groups (See e.g.: Concluding Observation of the Committee on the Rights of the Child, 20 July 2016).

However, contrary to these requirements at the same press conference you specifically singled out Roma citizens, stating – without much evidence – that it was time to start addressing benefits abuse in Roma settlements. Such statements perpetuate the stereotyping of Roma people in Slovakia and undermine integration, despite Slovakia's commitments during the presidency to improve it. You also stated that 2017 would mark an end to "political correctness" in the country, which raises concerns as to Slovakia's commitment to respecting and promoting non-discrimination and human rights more broadly.

During the party assembly on 10 December, Interior Minister Robert Kališák referred to his plans to strengthen policing in Roma settlements, in particular in 200 locations where an “increase in crime [by the Roma] has been observed”. Upon requests from the media, the Ministry provided a list of the locations, the vast majority of which are Roma settlements. This announcement raises concerns over ethnic profiling and discrimination of Roma by the police. Excessive use of force and ill-treatment of Roma by police in Slovakia were criticized by the United Nations Committee against Torture (CAT) in 2013 and are the subject of several cases currently before Slovak courts. In this context, the announcement raises serious human rights concerns.

We are also concerned about the Slovak Parliament’s adoption in November 2016 of an amendment of the Law on Religious Freedoms which increases the required minimum number of members from 20,000 to 50,000.

Amnesty International recalls that freedom of religion or belief is protected under international human rights law. It does not depend on official recognition by the state and applies not only to adherents of majority religions or those which are officially recognized, but to everyone, including in particular the members of minority religious groups. A measure to increase the minimum number of members required for official registration is likely to impose disadvantages on minority religious groups which would interfere with the right of their adherents to exercise their right to freedom of religion or belief. It was particularly worrisome that an EU presidency country would make such a move given that EU and European human rights law clearly prohibits discrimination based on freedom of religion or belief.

HUMAN RIGHTS IN THE EU

We welcome the discussions with civil society in the context of the evaluation of the Rule of Law Dialogue. The Human Rights and Democracy Network was informed of the form of the evaluation and provided with an opportunity to submit input. Regrettably, our core call for widening the scope of the Dialogue to fundamental rights issues was not taken up. However, there were a number of positive elements in the Presidency’s summary of the evaluation, including the need to strengthen the Dialogue and to make it more results-oriented and better structured, with more systematic preparation. While we regret that involvement of civil society is not explicitly referenced, we count on future presidencies to include civil society in accompanying events and expert level consultations. We call on future Presidencies to ensure the Dialogue is used in a way that strengthens the Council’s monitoring of the rule of law situation in member states, and provides an opportunity to identify, debate and work towards resolving shortcomings in compliance with these obligations, notably via action at EU level.

COUNTER-TERRORISM AND HUMAN RIGHTS

Political agreement on the new Directive on Combating Terrorism was reached under your Presidency. Amnesty International, together with the International Commission of Jurists, the Open Society Justice Initiative and the Open Society European Policy Institute, has expressed concern about the draft Directive on numerous occasions, including in a joint submission¹ in February 2016. We are deeply concerned by a number of provisions in the text agreed by COREPER on 30 November 2016. The Directive criminalises a series of preparatory acts that are very remote from the commission of a principle criminal offence, with minimal or no direct link at all to a violent terrorism-related act. For example, Article 5, creating the offence of ‘public provocation to commit a terrorist offence’, uses vague language and establishes a very low threshold for the proximity of the criminalised conduct to the principal offence, raising concerns regarding freedom of expression and the principle of legality. We are furthermore concerned about the serious risk that the Directive’s measures will be disproportionately applied and implemented in a manner that discriminates against specific ethnic and religious communities. Our latest report, ‘Dangerously Disproportionate: the ever-expanding national security state in Europe’, provides evidence of these concerns. We call on Slovakia to seriously consider our recommendations when transposing and implementing the Directive at national level.

¹ Joint submission by Amnesty International, the International Commission of Jurists, and the Open Society Justice Initiative and the Open Society European Policy Institute, available at <https://www.amnesty.org/en/documents/ior60/3470/2016/en/>

TORTURE

Amnesty International welcomes changes to the European Union's landmark regulation combatting the trade in equipment that can be used to torture (Regulation (EC) 1236/2005) signed by the European Parliament and the Council on 23 November 2016. The adoption of these changes marks another milestone in the fight against torture and other ill-treatment. While this regulation sets strong standards that are of relevance worldwide, member states, including your country, must fully implement it and put in place procedures at national level to meet the objectives of the regulation.

BUSINESS AND HUMAN RIGHTS

The new legislation requiring importers of raw conflict minerals to carry out human rights due diligence agreed in November is a positive, but half-hearted, step towards cleaning up Europe's trade in minerals. Certain EU companies will, for the first time, be legally required to take responsibility for their mineral supply chains and to take steps to prevent their trade being linked to conflict or human rights abuses. However, a string of concessions and last-minute loopholes exempting a large number of companies from the law significantly risks undermining the Regulation's impact.

In addition, instruments have been established allowing companies to reduce their due diligence efforts without ensuring that the Regulation's stated aims will be upheld otherwise. For instance, companies will be encouraged to source from a list of "responsible" smelters and refiners, despite the Regulation putting insufficient mechanisms in place to actually assess the compliance of all smelters and refiners on the list. Also, the Regulation puts much trust on industry schemes with regard to the facilitation and assessment of companies' due diligence without clarifying how the quality of industry schemes will be ensured member states and the Commission should work closely together to ensure smooth implementation and to address challenges deriving from weaknesses in the Regulation as early as possible.

MIGRATION

It is regrettable that following the United Nations General Assembly in September 2016, world leaders failed to come up with a concrete plan to address large movements of refugees and migrants and share responsibility for the world's refugees. Slovakia failed to lead by example and ensure a smoother relocation of asylum seekers in its country. As of 17 January 2017 only 9 asylum seekers had been relocated from Greece to Slovakia from the scarce 30 places pledged. Altogether, the number of asylum seekers relocated from Greece and Italy falls still direly short of target set by the Council.

During your presidency's term, the EU signed an agreement with Afghanistan aimed at cooperation to address irregular migration. The EU traded Afghan government acceptance of returned afghan nationals for humanitarian and development aid. Afghanistan is already struggling to cope with more than one million people displaced within the country, returning Afghan national only adds to that pressure. Moreover, people in Afghanistan face an incredibly difficult and uncertain situation, as continuous fighting exposed them to serious security concerns. The EU-Afghanistan deal, as the EU-Turkey deal, illustrate the need for the EU and its member states to guarantee that any such arrangements with third countries are fully compliant with international human rights law and refugee law commitments, and devised, adopted, and implemented in a transparent manner, open to scrutiny and include mechanisms to monitor their implementation.

Yours sincerely,



Iverna McGowan
Head of European Institutions Office and Advocacy Director