



## **INPUT OF THE SLOVAK NATIONAL CENTRE FOR HUMAN RIGHTS TO THE REQUEST OF THE UN WORKING GROUP ON THE ISSUE OF HUMAN RIGHTS AND TRANSNATIONAL CORPORATIONS AND OTHER BUSINESS ENTERPRISES CONCERNING THE ROLE OF NATIONAL HUMAN RIGHTS INSTITUTIONS FACILITATING ACCESS TO EFFECTIVE REMEDY FOR BUSINESS-RELATED HUMAN RIGHTS ABUSES**

*Slovak National Centre for Human Rights (the “Centre”) is a national human rights institution established in the Slovak Republic, accredited with status B by the Global Association of National Human Rights Institutions. As an NHRI, the Centre is a member of the European Network of NHRIs (ENNHRI). The Centre was established by the Act of the Slovak National Council No. 308/1993 Coll. on the Establishment of the Slovak National Centre for Human Rights. Pursuant to Act No. 365/2004 Coll. on Equal Treatment in Some Areas and on Protection from Discrimination, and on amendments and supplements of certain acts, as amended (the Anti-discrimination Act), the Centre also acts as the only Slovak equality body. As an NHRI and Equality Body, the Centre performs a wide range of tasks in the area of human rights and fundamental freedoms including the observance of the principle of equal treatment.*

*The Centre among other powers:*

- 1) monitors and evaluates the observance of human rights and the observance of the equal treatment principle;*
- 2) conducts research and surveys to provide data in the area of human rights; gathers and distributes information in this area;*
- 3) prepares educational activities and participating in information campaigns aimed at increasing tolerance of the society;*
- 4) provides legal assistance to victims of discrimination and manifestations of intolerance;*
- 5) issues expert opinions on matters of the observance of the equal treatment principle;*
- 6) performs independent inquiries related to discrimination;*
- 7) prepares and publishes reports and recommendations on issues related to discrimination; and*
- 8) provides library services and services in the area of human rights.*

**The Centre submits following answers to the request concerning the role of national human rights institutions in facilitating access to effective remedy for business-related human rights abuses:**

## **I. The role and mandate of NHRIs in facilitating access to effective remedy for business-related human rights abuses**

- 1.1 *Does your NHRI have an explicit or implicit mandate to handle complaints concerning alleged business-related human rights abuses? If yes, what methods (e.g. mediation or conciliation) can be used to facilitate access to remedy for human rights abuses?*

As an NHRI, the Centre does not have explicit or implicit mandate to handle human rights complaints. However, as an equality body, the Centre provides free legal aid and trial representation to victims of discrimination. Discrimination represents currently one of the most common negative impact of business activities on the enjoyment of human rights in Slovakia. Free legal aid and trial representation are not the only powers applied by the Centre, once the complaint is submitted, the Centre can also provide a victim with a non-binding expert opinion, join an on-going trial as a subject sui generis or submit a form of a public class action.

- 1.2 *What types of remedies can your NHRI offer to individuals or communities affected by business-related human rights abuses? Do you consider those remedies to be effective?*

The Centre cannot directly offer individuals nor affected communities by business-related human rights abuses any remedies. The Centre may only facilitate access of a victim to such remedy. When representing victims of discrimination, the Centre aims to help victims to receive monetary compensation (the amount depends on the circumstances), public apology or preserving a certain status (e. g. preserving the employment of the victim).

- 1.3 *Does your NHRI have a mandate to investigate, conduct inquiry and adjudicate individual cases of alleged human rights abuses by businesses? If yes, please provide relevant statistics in relation to complaints received and adjudicated.*

In general, the Centre has no mandate to investigate, conduct inquiry or adjudicate individual cases of alleged human rights abuses by business. However, in respect to violation of the equal treatment principle, the Centre may conduct independent inquiry to gather more information and issue a non-binding expert opinion. However, the Centre cannot enforce cooperation of private entities (e.g. providing information) nor has a mandate to enter the premises where the alleged human rights abuses by business are taking place (without permission of the owner/renter of the premises).

- 1.4 *Does your NHRI give any special attention to facilitate access to your complaint mechanisms by vulnerable or marginalised groups? If yes, what measures have been taken in this regard?*

The Centre pays a special attention to facilitate the access to our complaint mechanism by vulnerable or marginalised groups. So far, the measures taken include communication campaigns and awareness raising activities (e.g. human rights education of vulnerable/marginalised groups or organisations working with such groups). To improve the access of marginalised or vulnerable victims of discriminations, the Centre cooperates with organisations whose work is directly targeting these groups. The Centre has also a capacity to provide its services in a Hungarian – native tongue of the Hungarian minority and has produced an informational leaflet in Roma language in the past.

- 1.5 *What gender-sensitive and gender-responsive measures your NHRI take in dealing with cases of alleged business-related human rights abuses?*

The Centre has not taken any gender-sensitive or gender-responsive measures when dealing with cases of alleged business-related human rights abuses.

- 1.6 *What other measures does your NHRI undertake to facilitate access to remedy indirectly for business-related human rights abuses (e.g. raising awareness about rights and remedial mechanisms, providing legal assistance, building capacity of communities or businesses, assessing effectiveness of other grievance mechanisms, and recommending reform of the national legal system to strengthen access to remedy)?*

In 2018, the Centre established the National Focal Point for Business and Human Rights aiming at mitigating and preventing the negative impacts of business activities on the enjoyment of human rights in Slovakia. Through the focal point, the Centre conducted a communication campaign targeting employees facing discrimination, organised workshop for employers on effective employment of foreign workers and published the first publication on business and human rights in Slovak language.

- 1.7 *How does your NHRI collaborate with other judicial or non-judicial remedial mechanisms (e.g. courts, labour tribunals, National Contact Points, and operational level grievance mechanisms) in dealing with complaints concerning business-related human rights abuses?*

The National Focal Point for the OECD Guidelines on Multinational Enterprises was recently re-established as a part of the Ministry of Economy of the Slovak Republic and is served by five employees. Despite multiple attempts to start cooperation in the field



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of business and human rights initiated by the Centre, the national focal point has not shown any interest in cooperating on such issues.

- 1.8 *Can your NHRI deal with alleged business-related human rights abuses with a transnational or cross-border dimension (e.g. through informal visits and exchange of information or a cooperation arrangement with counterparts in other States)?*

There is nothing in statutes or laws concerning the Centre which would explicitly allow for nor limit the Centre in conducting informal visit or exchange of information with stakeholders based in other States. However, the Centre if any action concerning possible alleged business-related human rights abuses with transnational or cross-border dimension would be exercised, this would limit to the promotional level.

- 1.9 *Is your NHRI involved in any initiatives to stimulate effective multi-stakeholder grievance mechanisms to strengthen access to remedy for business-related human rights abuses?*

No, at the moment.

- 1.10 Where a National Action Plan on Business and Human Rights exists (or is under development), does it provide for a role for NHRIs in relation to access to remedy in case of business-related human rights abuses?

Not applicable.

## **II. Challenges and limitations faced by NHRIs in facilitating access to effective remedy for business-related human rights abuses**

- 2.1 *What are the most critical challenges and limitations (e.g., legal, practical, or financial) that your NHRI has experienced in facilitating access to effective remedy in business-related human rights abuses? How could these challenges or limitations be overcome?*

The most critical challenge and limitation to facilitating access to effective remedy for business-related human rights abuses is the lack of the properly functioning complaint mechanism targeting all human rights violations. So far, the Centre does not have any power to adjudicate in individual or mass complaints. The Centre can only provide legal aid and trial representation to victims of discrimination. Currently, there is a law expanding the human rights mandate of the Centre submitted for adoption by the National Council of the Slovak Republic (a parliament). When adopted and signed by the president, the Centre will be able to provide free legal aid and mediation in respect

to any human rights violation. Unfortunately, the submitted draft laws does not include any other form of a complaint mechanism to be included into the mandate of the Centre. The Centre is of opinion that to remedy this short coming, it would be necessary to substantially expand the mandate of the Centre by a proper complaint handling mechanism not restricted to any type of human rights or victims.

- 2.2 *What additional challenges has your NHRI faced in dealing with complaints with a transnational dimension (e.g., exploitation of migrant workers, or cross-border environmental pollution)?*

Not applicable.

- 2.3 *How has your NHRI dealt with complaints involving multiple victims?*

The Centre has not dealt with complaints involving multiple victims so far.

- 2.4 *What has been the experience of your NHRI in dealing with complaints concerning parent and subsidiary companies or the supply chain of a company?*

The Centre has so far no experience in dealing with complaints concerning parent or subsidiary companies or the supply chain of a company.

### **III. Good practices, innovations and recommendations to strengthen the role of NHRIs in facilitating access to effective remedy for business-related human rights abuses**

- 3.1 *Can you share any good practice examples in which your NHRI was able to facilitate, directly or indirectly, effective remedies for business-related human rights abuses?*

The Centre would like to present two cases of violation of the equal treatment principle. In the first case, the Centre provided free legal aid and represented a victim of discrimination based on age. The client applied for a position with a private railway company, however she was rejected due to her age. She was considered too old by the railway company. Thanks to the mediation provided by the Centre, the company apologized to the client and payed her 500 EUR in damages. In the second case, we assisted a victim of discrimination who was discriminatory harassed by the employer. The employer – a car making company targeted the employee by checking his personal car every time he was leaving the plant. The complaint was resolved by securing an apology and damages of 8000 EUR for the client.

- 3.2 *Are there good practice examples of your NHRI supporting the work of civil society and human rights defenders (including women human rights defenders) working to secure access to effective remedy for business-related human rights abuses?*

Not applicable.

- 3.3 *Can you identify any innovative steps taken by your NHRI in overcoming various challenges and limitations faced in dealing with complaints concerning business-related human rights abuses?*

To overcome various challenges and limitations faced in dealing with complaints concerning business-related human rights abuses as well as other related business and human rights issues, the Centre has established the National Focal Point for Business and Human Rights. The focal point was established as a sub-department carrying out tasks in the field of business and human rights, especially those mitigating and preventing negative impacts of business activities on the enjoyment of human rights in Slovakia. Examples of activities carried out by the focal point include capacity building, awareness raising activities, providing consultations to businesses and other.

- 3.4 *What measures should be taken to strengthen the mandate, role and capacity of NHRIs in facilitating access to remedy for business-related human rights abuses?*

In the Centre's opinion, it would be beneficial if NHRI would have more personal, technical and financial capacity to facilitate the access of victims of business-related human rights violations to remedy. If it comes to many NHRIs, it is important especially to promote the business and human right issues so those NHRIs, who are not working actively on such issues, will make business-related human rights violations their priority. Lack of capacity and weak mandates is the most pertaining issues in relation to the work of NHRIs in the field of business and human rights.

- 3.5 *How could NHRIs collaborate with regional and international human rights monitoring mechanisms (including the Universal Periodic Review) to facilitate access to remedy for business-related human rights abuses?*

The Centre has reported on the state of implementation of the United Nations Guiding Principles on Business and Human Rights (“UN Guiding Principles”) in Slovakia in the third cycle of the Universal Periodic Review of Slovakia (2018). In its alternative report, the Centre recommended Slovakia multiple business and human rights related measures. As one of the most important recommendation, the Centre considered the recommendation to start without undue delay with implementation of the UN Guiding Principles in Slovakia through a national action plan on business and human rights. Unfortunately, the Centre is not entitled to directly participate in the process of the Universal Period Review. Therefore, it took advantage of meeting up with



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representatives of other states through a meet-up and presentation organized by the non-governmental organization UPR-Info, which took place in December 2018 and subsequently advocated for its recommendation through embassies of individual United Nations member states accredited to Slovakia. Some states took the proposal of the Centre and recommended Slovakia to adopt measures aiming at the implementation of the UN Guiding Principles. All business and human rights related recommendations have been accepted by Slovakia and currently, the working group on national action plan on business and human rights is being set up. The Centre has been invited to be a member of the working group.

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