**Response of the Slovak Republic**

**Study on best practices, experiences and challenges and ways to overcome them with regard to the promotion, protection and implementation of the right to participate in public affairs in the context of the existing human rights law**

**Re: “PARTICIPATION IN THE CONDUCT OF PUBLIC AFFAIRS”**

**1.** **Do the Constitution and/or other laws of your country provide for the right of individuals to participate in the conduct of public affairs?** **Please provide information on relevant legislation and constitutional provisions.**

Constitution and laws of the Slovak Republic specify various forms of rights of individuals to participate in the conduct of public affairs. The participation can be viewed at the local, regional and the countrywide level.

In terms of the regional self-government, which needs to be understood as the local and regional level, the following constitutional provisions apply to the participation of citizens in the conduct of public affairs:

* general right to vote (Article 30)
* the right of assembly (Article 28)
* the right of association (Article 29)
* the right to petition (Article 27)
* the right to information (Article 26)
* other forms of participation in the conduct of public affairs defined specifically for the area of regional self-government: assembly of the township population, local referendum, referendum covering the higher territorial unit, active and passive participation in the municipal bodies and the higher territorial unit bodies (Article 67).

In addition to Slovak Constitution, the opportunities to become involved in the conduct of public affairs in terms of the self-government are regulated by specific legal regulations, in particular, the National Council of the Slovak Republic Act no. 369/1990 Coll., on municipalities and Act no. 302/2001 Coll., on self-government of higher territorial units (the Self-governing regions act). The aforementioned laws allow the citizens , the following forms of participation at the local and regional level:

* the right to vote and to be elected to the self-government bodies
* the right to vote on serious municipal or self-governing region matters in the local/self-governing region referendum
* the right to attend the local government sessions, which are generally public
* the right to file petitions, suggestions and complaints to the municipal/self-governing region bodies

In addition the municipalities act defines the right to attend public meetings of citizens and to express a view at these meetings.

**2.** **What is the scope and content of the right to political and public participation as provided in national law?**

The scope and content of the right to political and public participation in public affairs is governed in general in various articles of the Slovak Constitution in Part Two, regulating the basic human rights and freedoms.

With respect to the political and public participation of citizens in the area of regional self-government, the Slovak Constitution stipulates the following:

* Citizens have the right to participate in the conduct of public affairs either directly or by free election of their deputies. The right to vote is universal, equal and direct and exercised by means of secret ballot. Foreign national with permanent residency in the Slovak Republic have the right to vote and to be elected to the municipal and the higher territorial unit self-government bodies. Requirements for the execution of the right to vote is stipulated by act. (Article 30)
* The right to peaceful assembly is guaranteed. Requirements for the execution of this right are stipulated by law in relation to instances of assembly in public areas, if it concerns measures of democratic society indispensable for the protection of rights and freedoms of other persons, maintaining of public order, health and decency, property or the state security. The assembly must not be conditional upon permit issued by the public administration body. (Article 28)
* The right to free association is guaranteed, everyone has the right to freely associate with others in associations, societies or other unions. Citizens have the right to establish political parties and movements. The execution of these rights is stipulated by act. (Article 29)
* The right to petition is guaranteed. Everybody has the right, either by him/herself or together with others to approach the state bodies and at the regional self-government bodies in matters of public or other common interest, with the requests, proposals and complaints. (Article 27)
* The freedom of speech and the right to information are guaranteed. Everybody has the right to express their opinions and to freely seek and disseminate ideas and information, regardless of the state boundaries. These rights can be restricted only by law, if it concerns measures of democratic society indispensable for the protection of rights and freedoms of other persons, the state security, maintaining of public order, public health and decency. 26)
* The regional self-government takes place during meetings of local citizens, by local referendum, referendum held on by the higher regional unit, the municipal bodies or the higher regional unit bodies. (Article 67)

The Municipalities Act and the self-governing regions Act specify the following forms of *political participation* of citizens in the municipality’s and self-governing region’s affairs:

* the right to vote the self-government bodies and to be elected to the self-government bodies,
* the right to vote on serious existence and development matters of the municipality or self-governing region in referendum.

Pursuant to the Municipalities Act and the self-governing regions Act we distinguish between the following forms of *civic participation* of citizens in the self-governing region’s affairs:

* the right to attend the local government sessions, which are generally public,
* the right to approach the self-governing region bodies with petitions, suggestions and complaints.

In addition the municipalities act defines the right to attend public meetings of citizens and to express a view at these meetings.

**3.** **How does the state guarantee that all individuals take part in the conduct of public affairs?** **Which concrete measures (including legislation) does the State take in order to enable the full and equal political and public participation by members of all groups?** **How does the State monitor and enforce legislation adopted to enable the full and equal participation by members of all groups?**

Neither the Constitution, nor any laws provide mechanisms for the state to force the participation of citizens to take part in the conduct of public affairs. The Slovak legislation, as well as international treaties signed and binding for the Slovak Republic (e.g., the UN Charter, the general declaration of human rights, the international pact on civil and political rights), allow all political and civic participation in the conduct of public affairs, however , do not enforce it under the threat of sanctions. A principle applies in the Slovak Republic, according to which the participation in the conduct of public affairs, is a right and not a duty, and therefore everyone has the right to decide freely whether to participate in this area in the political or civic sense. Individual laws, through which the state guarantees the opportunity to participate by individuals of all groups in the conduct of public affairs are referred to in previous questions.

**4.** **To what extent are all individuals consulted during the legislative and policy-making process?** **Please describe best practices or experiences of representative structures, processes or any other means to encourage participation prior to reaching a political decision.**

The general public have an opportunity to be informed and to participate in the legislative process at the self-government level, mainly in relation to the fact that the municipality and the self-governing region adopt generally binding regulations pertaining to the matters of regional self-government, as well as in discharging (according to law) the state administration duties.

Draft of the regulation, which is the subject of discussion by the municipal council, is published by the municipality/self-governing region by displaying it on the official board/website (if one exists) latest 15 days prior to the council meeting, during which the regulation draft is to be discussed. On the day of the publishing of the proposal commences a minimum 10 day period, during which private individuals and legal entities may file comments regarding the draft regulation in writing, electronically or orally in the form of minutes. The comments review shall be carried out by the proposal sponsor, together with the appropriate council commission, if one is established, and he/she shall submit to the deputies the evaluation of the comments in written form latest three days prior to the scheduled debate date about the regulation.

**5.** **Are there any outreach efforts in place to effectively involve women, indigenous peoples, persons with disabilities, members of minorities and other groups requiring special attention in participatory processes?**

The right of persons with disabilities in participatory processes is a part of measures taken by all governmental institutions within the governmental strategic document “National program for the development of living conditions of persons with disabilities by 2020”.

In order to facilitate the involvement of persons with disabilities in cultural participatory processes, a special grant program “Culture of disadvantaged groups” has been created and has contributed to informal educational and cultural events of persons with disabilities. It aims at development and facilitation of cultural rights of persons with disabilities and it supports the availability of cultural sources in accessible format. It also contributes to eliminate prejudice and stereotypes regarding life and culture of persons with disabilities within the majority.

**Re: “RIGHT TO VOTE AND TO BE ELECTED”**

**6.** **Is there universal right and equal suffrage in your country?**  **Are the rights of article 25 b) of ICCPR guaranteed by law?** **If yes, please provide reference to such legislation.**

The right to vote, exercised in various types of elections held in the Slovak Republic is, according to article 30 par. 3 of the Constitutional Act no. 460/1992 Coll. the Constitution of the Slovak Republic as amended by subsequent regulations (hereinafter referred to as the “Constitution SR”):*“universal, equal, and direct and is exercised by means of secret ballot.”*

The rights of article 25 b) of the International Covenant on Civil and Political Rights (hereinafter referred to as the “ICCPR”) are in the Slovak Republic guaranteed in Article 30 of the Constitution SR and the conditions for exercising the right to vote are regulated by the respective electoral laws\*:

* in Act no. 46/1999 Coll., on the presidential elections in the Slovak Republic, on referendum on his dismissal and on amendments to certain laws as amended by subsequent regulations,
* in Act no. 333/2004 Coll., on the elections to the National Council of the Slovak Republic, as amended by subsequent regulations,
* in Act no. 331/2003 Coll., on the elections to the European Parliament, as amended by subsequent regulations,
* in Act no. 303/2001 Coll., on the elections to the bodies of self-government regions and on amendments to the Code of Civil procedure, as amended by subsequent regulations,
* in Act no. 346/1990 Coll., on the elections to the municipal self-government bodies, as amended by subsequent regulations,

\* *The election laws referred to above are in force and effect until June 30, 2015.* *On July 1, 2015 an Act no. 180/2004 Coll., on the right to vote legislation implementation and on change and amendments to certain laws (hereinafter referred to as the “the act on implementation of the right to vote”) will come into force, which also guarantees in full the rights referred to in Article 25 b) of the ICCPR.*

**7.** **Which obstacles have been identified as preventing individuals from exercising the right to vote and which measures have been adopted to overcome them?**

Obstacles preventing voters from exercising active right to vote are mainly various health reasons, absence at the permanent residency address at the time of elections, alternatively illiteracy.

In order to ensure that also eligible voters facing the obstacles referred to above are able to exercise their active right to vote, the first Slovak legislation, contains certain measures, namely:

* voter, who will not be able to take part in elections in an election district, where his/her name is on the electoral roll, can apply from the municipality to be issued a voting card, which entitles such voter to be entered in an electoral roll in any election district,
* voter who is not able to fill out the ballot paper by him/herself due to medical incapacitation or being unable to read or write, has the right to be accompanied to the polling booth by another voter (this must not be a member of the district electoral commission) in order to fill out the ballot paper according to his/her instructions and to place it inside the envelope,
* due to serious, mainly health reasons the voter can vote outside the polling station using a mobile polling box (e.g., at home, healthcare or social services facility, etc.. ),
* on behalf of the voter, who is unable due to health incapacitation to place him/herself the envelope inside the polling box, upon request from such voter and in his/her presence the envelope can be placed inside the ballot box by another voter (this must not be a member of the district electoral commission).

During elections to the national Council of the Slovak Republic and the European Parliament elections, the Ministry of interior of the Slovak Republic provides for the visually impaired persons special candidates lists, prepared in Braille writing and recorded on sound carriers.

The new legislation pertaining to elections on implementation of the right to vote, which comes into force on July 1, 2015 preserves the possibility of assistance to medically handicapped persons, as well as the possibility to vote using a mobile ballot box. In addition, in § 8 par. 1 . the law contains a binding requirement upon mayors to take into consideration the ease of access also for medically impaired voters when selecting the polling station location. This measure will address the so-called floor problem, when mayors placed polling stations in upper floors, which posed an obstacle to the participation in elections mainly to medically handicapped persons.

**8.** **Is information on voter registration and on the electoral process (e.g., voting sheets) available in formats and languages, including minority languages, that render them accessible to all?**

**Information relating to voter registration**

Slovak citizens are not required to apply for the their registration as voters. Only in case of elections to the European Parliament, a citizen from other EU members state is entered, upon his/her application, in the electoral roll by the municipality of his permanent residency.

Information about the right to vote and to be elected in the European Parliament elections is permanently published in Slovak and English languages on the Ministry of Interior website: [www.minv.sk](http://www.minv.sk) (direct link: <http://www.minv.sk/?ep-informacie>).

Information about the right to vote and to be elected in the European Parliament elections sandbar the municipality to citizens of other EU countries is prepared in Slovak and English languages.

**Information relating to the elections process**

Information about the right to vote and to be elected, is published by the municipality in Slovak language and the National minorities’ languages, namely in German, Hungarian, Ruthenian, Ukrainian and the Roma language (hereinafter the “minority languages”).

If it concerns the European Parliament elections the municipality sends information about the right to vote and to be elected to voters, who are citizens of other EU countries, prepared in Slovak and English languages.

Information about the right to vote and to be elected in the European Parliament elections is permanently published in Slovak and English languages on the Ministry of Interior website: [www.minv.sk](http://www.minv.sk) (direct link: <http://www.minv.sk/?ep-informacie>).

Announcement with information about the election date, electoral ward and the polling station, together with instructions on how to fill out the ballot paper and the voter duty to present his/her proof of identity prior to casting a vote is prepared in the Slovak language and the minority languages.

The ballot paper is in Slovak language.

The voter ID card is in Slovak language and after July 1, 2015, when the the act on implementation of the right to vote will come into effect, also in the minority languages.

The list of candidates sorted by political parties and coalitions, registered for elections to the National Council of the Slovak Republic is prepared in Slovak language and after July 1, 2015, when the the act on implementation of the right to vote will come into effect, the title page of the list shall be prepared also in the minority languages.

The list of candidates sorted by political parties and coalitions, registered for elections to the European Parliament is prepared in Slovak language and after July 1, 2015, when the the act on implementation of the right to vote will come into effect, the title page of the list shall be prepared also in the English language and the minority languages.

**9.** **If voter registration is required, how is it facilitated?** **Are educational and registration campaigns organised prior to major elections?**

Slovak citizens are not required to apply for the their registration as voters. The permanent electoral roll is prepared and maintained by the municipality, entering voters who have permanent residency in the Slovak Republic. And the election time the municipality uses the permanent electoral roll to prepare a list of eligible voters.

Only in case of elections to the European Parliament, a citizen from other EU members state is entered, upon his/her application, in the electoral roll by the municipality of his permanent residency. The application must be filed latest 40 days prior to the date of elections, otherwise the right of entry to the electoral roll expires.

Information for citizens of other EU member states with respect to their entry to the electoral roll for the elections to the European Parliament is supplied by the Ministry of Interior of the Slovak Republic and the municipalities.

Information about the right to vote and to be elected in the European Parliament elections is permanently published in Slovak and English languages on the Ministry of Interior website: [www.minv.sk](http://www.minv.sk) (direct link: <http://www.minv.sk/?ep-informacie>).

Latest 10 days after the announcement of the European Parliament elections, the municipality sends information about the right to vote and to be elected to voters, who are citizens of other EU countries, prepared in Slovak and English languages.

With regards to information campaigns pertaining to elections in general, voter information about the time and place of elections, conditions to exercise the right to vote and registered candidates is provided by the Ministry of Interior of the Slovak Republic and the municipalities.

Information about the right to vote and to be elected in individual types of elections is permanently published on the **Ministry of Interior** website: [www.minv.sk](http://www.minv.sk) (direct link: <http://www.minv.sk/?volby-a-referendum>).

One week prior to the election date, the Ministry also launches an Infoline, providing voters with information pertaining to the active right to vote.

Latest 10 days after the elections announcement the municipality publishes information about the right to vote and to be elected on an official announcement board and is website, if it exists.

If it concerns the European Parliament elections, the municipality sends information about the right to vote and to be elected to voters, who are citizens of other EU countries.

Latest 25 days prior to the elections, the municipality also delivers to each household:

* an announcement with information about the election date, electoral ward and the polling station, together with instructions on how to fill out the ballot paper and the voter duty to present his/her proof of identity prior to casting a vote.
* a list of candidates sorted by political parties and coalitions, registered for elections to the National Council of the Slovak Republic.
* a list of candidates registered for election sorted by political parties and coalitions, registered for elections to the European Parliament.

**The candidates themselves** through their election campaigns and the **media** contribute significantly to the information dissemination and voter awareness.

**10.** **With respect to the right to vote and to be elected, how are the rights and needs of members of specific groups (women, persons with disabilities, minorities, indigenous peoples, first-time voters, etc.) taken into account?**

In accordance with Article 30 par. 3 of the Constitution SR the right to vote is universal, equal and direct and exercised by means of secret ballot. Furthermore, in Article 30, par. 4 the Constitution guarantees all citizens equal conditions with respect to the access to elected and other public posts.

With regards to **the right to be elected**, no particular needs of specific groups are taken into account.

With regards to **the right to vote,** the electoral legislation of the Slovak Republic contains certain provisions, in particular with respect to voters with medical disabilities (more detail with regards to question no. 7).

**11.** **What are the legal restrictions to the right to stand for election in your country, if any?** **Which practical obstacles have been identified in relation to the right to be elected?** **Which measures have been put in place to overcome these obstacles?**

Legal restrictions applicable to the candidature to the post of the president are stipulated in the Constitution (Article 103, par. 1) and in Act no. 333/2004 Coll., on the elections to the National Council of the Slovak Republic, as amended by subsequent regulations (§ 2 and 3). The candidate for the post of the president of the Slovak Republic:

* must be Slovak citizen,
* on the election date must reach 40 years of age,
* must have permanent residency status in the Slovak Republic,
* must not be serving prison sentence and
* must not be deprived of legal capacity.

Legal restrictions applicable to the candidature to the post of the National Council of the Slovak Republic deputy are stipulated in the Constitution (Article 74, par. 2) and in Act no. 333/2004 Coll., on the elections to the National Council of the Slovak Republic, as amended by subsequent regulations (§ 2 and 3). The candidate on the post of the National Council of the Slovak Republic deputy:

* must be Slovak citizen,
* on the election date must reach 21 years of age,
* must have permanent residency status in the Slovak Republic,
* must not be serving prison sentence and
* must not be deprived of legal capacity.

Legal restrictions applicable to the candidature to the post of the European Parliament deputy are stipulated in Act no. 331/2003 Coll., on the elections to the European Parliament, as amended by subsequent regulations (§ 2 and 3). The candidate on the post of the European Parliament deputy:

* must be citizen of Slovak Republic or another EU member state (must not deprived of the right to stand for election in his home EU country),
* on the election date must reach 21 years of age,
* must have permanent residency status in the Slovak Republic,
* must not be serving prison sentence and
* must not be deprived of legal capacity.

Legal restrictions applicable to the candidature to the post of the self-governing region Mayor are stipulated in Act no. 303/2001 Coll., on the elections to the bodies of self-government regions and on amendments to the Code of Civil procedure, as amended by subsequent regulations (§ 2 and 4). Candidate for the post of the self-governing region Mayor:

* must be Slovak citizen or foreign national,
* must have permanent residence in the town, which is inside the self-government region or a military district, which for the purposes of elections to the bodies of the self-government region, is part of its territory
* on the election date must reach 25 years of age,
* must not be serving prison sentence and
* must not be deprived of legal capacity.

Legal restrictions applicable to the candidature to the post of the self-governing region deputy are stipulated in Act no. 303/2001 Coll., on the elections to the bodies of self-government regions and on amendments to the Code of Civil procedure, as amended by subsequent regulations (§ 3 and 3). Candidate for the post of the self-governing region deputy:

* must be Slovak citizen or foreign national,
* must have permanent residence in the town, which is inside the self-government region or a military district, which for the purposes of elections to the bodies of the self-government region, is part of its territory
* on the election date must reach 18 years of age,
* must not be serving prison sentence and
* must not be deprived of legal capacity.

Legal restrictions applicable to the candidature to the post of the township Mayor are stipulated in In Act no. 346/1990 Coll., on the elections to the municipal self-government bodies, as amended by subsequent regulations (§ 2 and § 4). Candidate for the post of the Mayor:

* must be Slovak Republic resident (Slovak citizen or foreign national),
* must have permanent residency status in the township,
* on the election date must reach 25 years of age,
* must not be serving prison sentence and
* must not be deprived of legal capacity.

Legal restrictions applicable to the candidature to the post of the local (municipal) council deputy are stipulated in Act no. 346/1990 Coll., on the elections to the municipal self-government bodies, as amended by subsequent regulations (§ 2 and § 3). The candidate for the post of the local (municipal) council deputy:

* must be Slovak Republic resident (Slovak citizen or foreign national),
* must have permanent residency status in the township,
* on the election date must reach 18 years of age,
* must not be serving prison sentence and
* must not be deprived of legal capacity.

In the Slovak Republic there were no practical obstacles identified in relation to the right to be elected?

**12.** **What positive measures have been taken to ensure that women, members of minorities, indigenous peoples, persons with disabilities and members of other disadvantaged groups are able to stand for elective office?**

In accordance with Article 30, par. 4 of the Constitution, all Slovak Republic citizens have equal conditions with respect to the access to elected and other public posts. With regards to right to be elected (to stand for elective office), there were no special measures adopted for these groups.

**13.** **What measures (including legislative measures) are in place to ensure that candidates for elective office are not faced with the discrimination, harassment and violations of their rights to freedom of opinion, expression, assembly and association?**

In the Slovak Republic the freedom of speech, the freedom of expression, the right to petition, the right to peaceful assembly, the right of free association and the right to establish political parties and associate in them is guaranteed in the Slovak Constitution (Articles 26, 27, 28 and 29).

Discrimination is banned in the Slovak Republic, which is enshrined in § 1 par. 1 of Act no. 365/2004 Coll., on equal treatment in certain areas and on protection against discrimination and on a change and amendments to certain laws (Antidiscrimination Act ) as amended by subsequent regulations. According to the aforementioned provision: *“Respect for the principle of equal treatment consists in the prohibition of discrimination on any ground of sex, religious persuasion or faith, belonging to a nationality or ethnic group, medical disability, age, sexual orientation, marital status and family status, colour of skin, language, political or other conviction, national or social background, assets, gender or other status or due to the reporting of criminal acts or other antisocial activities.”*

**14.** **Please explain how possible interferences with the electors’ will and with a voter or candidate registration are avoided.** **Is undue interference prohibited by law?** **How does the State ensure effective access to judicial and other remedies in case of violations?**

In the Slovak Republic the avoidance of the interference with the voter’s will is ensured mainly by the fact that in accordance with the Constitution the right to vote is exercised by secret ballot (Article 30, par. 3).

In the event of a breach of basic rights or freedoms or human rights and basic freedoms enshrined in an international treaty, ratified by the Slovak Republic and announced in a manner prescribed by law, the affected private individual or legal entity may file a complaint with the Constitutional Court of the Slovak Republic.

By unauthorised interference with the voters’ will, an individual/legal entity acting in this manner may commit a criminal act of election corruption or obstruction of the preparation and due course of elections and referendum. Merits of such criminal acts are stipulated in § 336a and § 351 of Act no. 300/2005 Coll., of the Penal Code, as amended by subsequent regulations.

With regards to the process of candidate registration in individual elections, in the event of a failure to be registered, the affected candidate or political party may seek remedy at the appropriate court.

Eligible individuals/legal entities, specified in part seven of Act no. 38/1993 Coll., on the Constitutional Court organisational setup regarding the Court procedure and the position of its judges as amended by subsequent regulations, may file with the Constitutional Court a complaint regarding the non-constitutionality or unlawfulness of the elections.

**RE: Part “Equal access to public service”:**

**15.** **What are the conditions for access to public service in your country? Do any restrictions apply? How is the requirement for equal access met?**

Generally to enter civil service and public service a candidate has to reach at least 18 years of age, have a clean criminal record, full legal capacity and fulfil the necessary qualification and other requirements. All requirements are published with announcement about vacancy. To enter public service, there is no restriction. The right to apply for a position in civil service has Slovak citizen, citizen of EU country, citizen of country who is a contracting party of Agreement of European Economic Area and citizen of Swiss confederation. Equal access is given by legal acts as Public Service Act, Civil service Act, Anti-discrimination Act.

**16.** **How does the State ensure that recruitment processes used by government authorities and political associations are transparent, objective and reasonable? Which measures (e.g. temporary special measures, quotas, etc.) are in place to ensure the equal recruitment of women, minorities, persons with disabilities and members of other disadvantaged groups?**

As was mentioned in the answer above, equal access to public administration is given by legal acts (Service Act, Civil service Act, Anti-discrimination Act). Overall, decisions regarding to recruitment of civil servants and public servants are delegated to particular organisations, there is no single body responsible for recruiting of all public servants.

Directly Civil Service Act stipulates that Service Office (employer in civil service) is obliged to treat a civil servant in accordance with the principle of equal treatment established by Anti-discrimination act, in particular regarding to the conditions of civil service, remuneration and other transactions of monetary value and non-monetary values ​​provided in connection with the implementation of civil service, education, opportunities advancements in civil service and the termination of civil service employment relationship. The right of admission to civil service is guaranteed to all citizens, including the conditions and method of selection procedure and selection for vacant civil service position if they meet the conditions stipulated in Civil Service Act and other special act. In civil service relationships is prohibited discrimination of civil servants and citizens who apply for civil service. Discrimination is prohibited on the basis of gender, sexual orientation, religion or belief, race, national or ethnic origin, color, language, social origin, property, birth, ill health or disability, age, marital status, family status, family responsibilities, membership or activity in a political party or political movement, in trade union, in other association or because of other status. Service Office and civil servant must not misuse their rights and obligations to the detriment of other civil servant or other individual or to humiliate their human dignity. Service Office must not affect in any way or disadvantage civil servant when civil servant lawfully enforce the civil servant rights. Civil servant who considers that his/her rights or interests protected by law were broken in the way of equal treatment may ask for the protection Service Office (employer) or the court. The protection also has a candidate who applied for entry in civil service. On the initiative of civil servant or candidate, Service Office is obliged to reply immediately to the initiative and to fix all consequences caused by breaking principle of equal treatment.

**17.** **Please state if there are restrictions imposed on the rights contained in article 25 of ICCPR in your country.** **If so, how does the State ensure that these restrictions are non-discriminatory, exceptional, and based on reasonable and objective criteria?**

The rights of article 25 b) of the ICCPR are in the Slovak Republic guaranteed by Article 30 of the Constitution.

Certain restrictions of these rights are specified in the relevant election-related legislation. This concerns restrictions, which are of non-discriminatory nature and are based on reasonable and objective criteria, such as, for example restrictions pertaining to the candidate age, he is/her permanent address, he is/her fitness for legal acts, et cetera (individual restrictions are described in more detail in answer to question number 11).

**18.** **The full enjoyment of the rights protected in article 25 of ICCPR requires respect for the rights guaranteed in articles 19, 21, and 22 of ICCPR.** **In this regard, what legislation is in place to ensure an independent and pluralistic media?** **Are the journalists, human rights defenders and the civil society organisations able to freely pursue their activities?** **Please provide information on restrictions to freedom of association, in particular the right to form and join associations concerned with political and public affairs?** **If there are any conditions to the exercise of the rights guaranteed in articles 19, 21 and 22 of ICCPR, are they prescribed by law, necessary and proportionate?**

The rights of Articles 19, 21 and 22 of the ICCPR are in the Slovak Republic guaranteed by Articles 24, 28 and 29 of the Slovak Constitution and specific aspects of the application of these laws are governed by separate regulations.

**Regarding the right to assembly and association of citizens**

The right to peaceful assembly is guaranteed by Constitution in Article 28. The execution of this law is governed by Act no. 84/1990 Coll., on the right to assemble as amended by subsequent regulations. Restrictions pertaining to the right to peaceful assembly are governed by § 10 par. 1 of the aforementioned Act. Municipality, which received an assembly notification shall ban such assembly, if the reported purpose of the assembly led towards:

* denial or restriction personal, political or other rights of citizens based on their nationality, sex, race, origin, political or other persuasion, religious belief and social position, or to entice hatred and intolerance based on these reasons,
* committing violent acts or gross impropriety or by other means to violate the Constitution, constitutional laws, laws and international treaties which are binding upon the Slovak Republic and which take precedence over the laws of the Slovak Republic.

The right to associate is guaranteed by Constitution in Article no. 29. The execution of this law is governed by Act no. 83/1990 Coll., on the right of citizens to associate as amended by subsequent regulations. Restrictions of the execution of this law are governed by § 4 and § 5 of the said law. The following associations are not permitted:

* associations, the purpose of which is the denial or restriction personal, political or other rights of citizens based on their nationality, sex, race, origin, political or other persuasion, religious belief and social position, or to entice hatred and intolerance based on these reasons,
* associations, which pursue their goals by means, which are in a breach of the Constitution and the laws. Unauthorised associations are also weapons associations or associations with weapons component, however associations whose members maintain firearms for sport purposes are not deemed as such type of association.

**RE: Association in political parties and political movements.**

The right to establish political parties and political movements and to associate in them is guaranteed by Constitution in Article 29. The execution of this law is governed by Act no. 85/2005 Coll., on political parties and political movements as amended by subsequent regulations. Restrictions of the execution of this law are governed by § 2, § 3 and § 17 of the said law:

* political party, in its by-laws, its program or activities, must not violate the Constitution of the Slovak Republic, the constitutional laws, laws and international treaties (§2); if political party acts contrary to § 2, prosecutor general has the right to file a petition for the party's dissolution, which is ruled upon by the Supreme Court of the Slovak Republic (§ 17),
* political party can be established and their membership can comprise of citizens of the Slovak Republic and other EU member states, if they meet the criterion of having obtained the age of 18 years, the permanent residency in the Slovak Republic requirement and their fitness for legal actions in full extent (§ 3),
* political parties have a legal duty to submit their annual reports to the appropriate state body. If a political party fails to submit its annual report by deadline stipulated by law for two consecutive accounting periods or if the party fails to submit a full annual report following a reminder from the relevant state body for two consecutive accounting periods, the Ministry of Interior of the Slovak Republic shall update the political parties register with annotation “in liquidation” and it will only be able to perform activities pertaining to the unwinding of the political party.

**Regarding the freedom of expression**

The Slovak Constitution guarantees the freedom of expression and the right to information in Article 26: “(1) Freedom of expression and the right to information shall be guaranteed. (2) Everyone has the right to express his or her opinion in words, writing, print, images or by other means and also to seek, receive and disseminate ideas and information freely, regardless of the state borders. No approval process shall be required for press publishing. Entrepreneurial activity in the field of radio and television broadcasting may be subject to permission from the State. The condition shall be laid down by a law. (3) Censorship shall be prohibited. (4) Freedom of expression and the right to seek and disseminate information may be restricted by a law only if it is regarding measures necessary in a democratic society to protect the rights and freedoms of others, national security, public order, protection of health and morals.

Specific aspects of the application of these laws are governed by separate regulations: Act. no. 167/2008 Coll., on periodical press and news agency reporting amended by subsequent regulations, Act no. 308/2000 on broadcasting and retransmission amended by subsequent regulations and Act no. 220/2007 on digital broadcasting amended by subsequent regulations.

**19.** **Please provide information on the measures taken to ensure that information and education materials on human rights, in particular on the rights and opportunities relating to participation in public and political affairs, are available and accessible to all.**

**With regards to voter** information about the time and place of elections, conditions to exercise the right to vote and registered candidates is organised by the Ministry of Interior of the Slovak Republic and the municipalities (more details in answer to question no. 9).

With regards to political parties’ registration, the voter information about the requirements for registration of political parties is organised by the Ministry of Interior, which on its website: www.minv.sk (direct link: <http://www.minv.sk/?politicke-strany>) provides continuously up-to-date information about the requirements for registration of political parties, relating legislation, as well as templates of documents, pertaining to the registration procedure.

**20.** **Please provide information on how your country ensures that its public institutions are accountable for their policies on public and political participation.**

In general, a public institution is responsible for the implementation of its policy into the practice. The extent of its accountability depends on the respective public institution. Politicians elected in the democratic elections have a key influence in the process of the creation and managing the main public bodies and through the bodies they formulate main public and political policies. An implementation and an accountability of the policies are ensured through the legal acts, management and control authority.