

# Franet National contribution to the Fundamental Rights Report 2020

**Slovakia**

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## Franet country study: policy and legal highlights 2019

<b>Issues in the fundamental rights institutional landscape</b>	<p><b>Steps taken to put National prevention mechanism into practice:</b> Slovak public authorities have taken action to put into practice measures that are in line with the provisions of the Optional Protocol to the Convention against torture and other cruel, inhuman and degrading treatment or punishment. <a href="#">The prepared legislation</a> gives new competences to the Commissioner for Persons with Disabilities, the Commissioner for Children and the Public Defender of Rights to supervise the conditions in facilities where people are restricted in their personal freedom.</p>
<b>EU Charter of Fundamental Rights</b>	No important development in 2019.
<b>Equality and non-discrimination</b>	<p><b>LGBTI organisations excluded from asking for grants from the Ministry of Culture:</b> In May 2019, all applications for <a href="#">projects submitted by LGBTI organisations to the Ministry of Culture were rejected</a> based on a decision of the Minister which significantly complicates the operation of the said organisations.</p>
<b>Racism, xenophobia &amp; Roma integration</b>	<p><b>Slovak courts decided several cases relevant for the area of racist and extremist crime:</b> The most important case concerns a member of Parliament from the far-right People's Party – Our Slovakia who was found guilty of a hate speech incident. <a href="#">The Supreme Court ordered</a> him to pay a fine of 10 thousand Euro. Subsequently he also lost his seat in the Parliament.</p> <p><b>Public authorities evaluate on the steps taken against racism and extremism in recent years:</b> <a href="#">An evaluation</a> of the Action plan of prevention and elimination of racism, xenophobia, anti-Semitism and other forms of intolerance for the years 2016 – 2018 and an evaluation of the fight against extremism for the years 2015 – 2019 have been prepared to evaluate on the measures and activities adopted in recent years.</p> <p><b>Desegregation of education of Roma children:</b> State administration prepared state's <a href="#">plan</a> (task no. 4.1) to pilot a desegregation model in education by redrawing school districts</p>
<b>Asylum &amp; migration</b>	No important development in 2019.
<b>Data protection and digital society</b>	<p><b>Enforcement of GDPR:</b> In September 2019, the Office for Personal Data Protection of the Slovak Republic published an <a href="#">Annual Report on the State of Personal Data Protection</a>, which traces the developments in the personal data protection in Slovakia since the new legislation has come into effect. It brings attention to insufficient personal and financial capacities of the Office to implement and enforce the GDPR.</p>
<b>Rights of the child</b>	<p><b>Internet safety:</b> The Ministry of Labour, Social Affairs and Family prepared a policy document on child internet safety. The document called <a href="#">the National conception of protection of children in digital space is complemented by an Action plan for the years 2020-2021</a>.</p>
<b>Access to justice, including victims of crime</b>	<p><b>The situation of child victims and other vulnerable victims improved in 2019:</b> first specialized interrogation rooms for child victims and other vulnerable victims have started to be used by the police. Further, contact points for victims of crime have been established in regions where victims can seek for assistance. Professionals working with victims have received training on how to proceed in cases of child and other vulnerable victims.</p> <p><b>Violence against women:</b> The process of ratification of the Istanbul Convention has been</p>

	<p>halted by <a href="#">the decision of the National Council</a> of the Slovak Republic asking the Government not to proceed in the process of ratification of the Istanbul Convention. According to the National Council, some of the provisions of the Istanbul Convention might be contrary to the Constitution of the Slovak Republic mainly when it comes to the definition of marriage that is according to the Constitution a bond between man and woman.</p>
<p><b>Convention on the Rights of Persons with Disability</b></p>	<p><b>The process of deinstitutionalisation in progress:</b> The transformation of existing institutions providing social services to persons with disabilities into community-based services continued in 2019. <a href="#">A national project</a> funded by European social fund has provided support, supervision, training and consultation to 24 institutions involved in the first phase of the project. It is expected that almost 100 institutions will start the transformation process by the end of the project in 2020.</p>

# Chapter 1. Equality and non-discrimination

## 1. Legal and policy developments in 2019 relevant to combating discrimination based on gender identity, religion or belief, disability, age or sexual orientation

### Sexual orientation

In April 2019 the Ministry of Culture of the Slovak Republic (*Ministerstvo kultúry Slovenskej republiky*) published results of the annual call for projects within its subsidy mechanism to support culture of disadvantaged groups. None of the 8 projects submitted by LGBTI organisations was supported. The Ministry argued low quality of project proposals and the fact that the commission did not recommend the projects to be funded.<sup>1</sup>

LGBTI organisations had benefited from this subsidy mechanism for almost a decade. For several years, they funded the Rainbow Pride Festival (*Dúhový Pride*) and the Film Festival Inakosť (*Filmový festival Inakosť*, each year since 2008) thanks to the support of the Ministry of Culture. LGBTI organisations in question requested documentation of the commission which the Ministry refused to provide in full. As stated by the Inakosť Initiative (*Iniciatíva Inakosť*), even partial documentation proved that the commission did in fact recommend to support 6 out of 8 submitted projects (inter alia Film Festival Inakosť – 35 000 EUR, Rainbow Pride Festival – 19 000 EUR).

The final decision about which projects are to be supported, however, lies with the Minister of Culture. LGBTI organisations therefore assume that it was her decision not to approve financial support for their project. LGBTI organisations whose applications were declined were advised by the Ministry to re-apply in the second round of the call. That was opened on 2 May 2019 but with new terms which effectively excluded the LGBTI organisations in question from re-applying with the same projects as under new terms the Ministry would not support film festivals, performances or websites (which was the substance of most of the rejected LGBTI projects).<sup>2</sup>

### Disability

In April 2019 the Parliament debated a proposed amendment to the Antidiscrimination Act (*Antidiskriminačný zákon*)<sup>3</sup> that was intended to introduce the concept of reasonable accommodation which is currently defined only in §7 with respect to employment of persons with disabilities. The amendment proposed to add refusal to provide reasonable accommodation as discrimination on the grounds of disability (§2a Art 11d)). It also adds general definition of reasonable accommodation (added Art 12 in §2a).<sup>4</sup>The proposed amendment was a reaction to the recommendation of the UN CRPD.<sup>5</sup> The Parliament, however, decided to discontinue debate on this amendment after its first reading.<sup>6</sup>

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<sup>1</sup>Initiative Inakosť (*Iniciatíva Inakosť*), 'Ministerka kultúry zastavila financovanie projektov zameraných na LGBTI ľudí', press release, 16 May 2019, available at <http://inakost.sk/ministerka-kultury-zastavila-financovanie-lgbti-projektov/>; *Slovak Spectator*, 'Culture Ministry stops money for LGBTI community projects', 16 May 2019, available at: <https://spectator.sme.sk/c/22122696/culture-ministry-stops-money-for-lgbti-community-projects.html>

<sup>2</sup> For more information on terms of the second round of the call, please see <http://www.culture.gov.sk/vdoc/827/kultura-znevychodnenych-skupin-2019-ii-kolo-343.html>; Slovakia, Ministry of Culture of the Slovak Republic (*Ministerstvo kultúry SR*), 'Zoznam žiadostí', available at: [https://dotacie.culture.gov.sk/granty2019/zobraz\\_ziadosti.php?filter=2.1](https://dotacie.culture.gov.sk/granty2019/zobraz_ziadosti.php?filter=2.1)

<sup>3</sup>Slovakia, Law No. 365/2004 Coll. On Equal Treatment in Certain Areas and on Protection from Discrimination as amended, 24 June 2004, available at <https://www.zakonypreludi.sk/zz/2004-365>

<sup>4</sup>Slovakia, National Council of the Slovak Republic (*Národná rada Slovenskej republiky*), Návrh poslankyne NR SR Silvie Shahzad navydanie zákona, ktorým sa dopĺňa zákon č. 365/2004 Z.z. o rovnakom zaobchádzaní v niektorých oblastiach a o ochrane pred diskrimináciou a o zmene a doplnení niektorých zákonov (antidiskriminačný zákon) v znení neskorších predpisov, 8 March 2019, Parliamentary Press 1391, available at <https://www.nrsr.sk/web/Default.aspx?sid=zakony/cpt&ZakZborID=13&CisObdobia=7&ID=1391>

<sup>5</sup>Slovakia, National Council of the Slovak Republic (*Národná rada Slovenskej republiky*), Návrh poslankyne NR SR Silvie Shahzad navydanie zákona, ktorým sa dopĺňa zákon č. 365/2004 Z.z. o rovnakom zaobchádzaní v niektorých oblastiach a o

The Parliament discussed an amendment to the Law No. 149/1995 Coll. On Sign Language that aims to finalise the efforts to codify sign language. The amendment mandates the Ministry of Culture as the body responsible for the process of codification. As the justification report to the amendment states, this would finally establish the sign language as a full fledged language and it would cease to be perceived as an auxiliary communication method. The amendment is to be furthered discussed and assessed by the Parliamentary Constitutional Committee and the Parliamentary Committee for Culture and Media by 17 January 2020.<sup>7</sup>

## Gender identity

### Age

Slovakia has recently changed legislation to ensure that children cannot be penalized for debts acquired during their childhood because their parents or legal guardians did not pay fee for the communal waste. According to the legislation, each natural or legal person is obliged to pay for the waste.<sup>8</sup> Previously these debts were imposed on children and, if parents failed to pay the fee, the debts accumulated and could be restrained once children reach adulthood and start to earn. This has presented a barrier at the beginning of working careers especially for children from poor families and kept them in a cycle of debts.<sup>9</sup>

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ochranepreddiskrimináciou a o zmene a doplneníniektorýchzákonov (antidiskriminačnýzákon) v zneníneskoršíchpredpisov, Justification Report, 8 March 2019, Parliamentary Press 1391, available at <https://www.nrsr.sk/web/Default.aspx?sid=zakony/cpt&ZakZborID=13&CisObdobia=7&ID=1391>

<sup>6</sup>Slovakia, National Council of the Slovak Republic (*Národná rada Slovenskej republiky*), Uznesenie NR SR č. 1725 zo dňa 3. apríla 2019 k návrhuposlankyneNárodnejradySlovenskejrepublikySilvie Shahzad navydaniezákona, ktorým sadoplnňazákon č. 365/2004 Z. z. o rovnakom zaobchádzaní v niektorých oblastiach a o ochranepreddiskrimináciou a o zmene a doplneníniektorýchzákonov (antidiskriminačnýzákon) v zneníneskoršíchpredpisov (tlač 1391) – prvécítanie, 3 April 2019, available at <https://www.nrsr.sk/web/Default.aspx?sid=zakony/cpt&ZakZborID=13&CisObdobia=7&ID=1391>

<sup>7</sup> Slovakia, National Council of the Slovak Republic (*Národná rada Slovenskej republiky*), NávrhposlancovNárodnejradySlovenskejrepubliky Petra Kresáka, Irén Sarkozy a Andreja Hrnčiaranavydaniezákona, ktorým samení a doplnňazákonNárodnejradySlovenskejrepubliky č. 149/1995 Z.z. o posunkovejrečinepočujúúcichosôb v znenízákona č. 151/2017 Z.z., available at <https://www.nrsr.sk/web/Default.aspx?sid=zakony/cpt&ZakZborID=13&CisObdobia=7&ID=1777>

<sup>8</sup> Slovakia, Act No. 582/2004 Coll. on local taxes and the local fee for communal and small construction waste, as amended, para 77 (2) (*Zákon č. 582/2004 Z.z. o miestnychdaniach a miestnom poplatku za komunálneodpady a drobnéstavebnéodpady*), available at: <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2004/582/20200101.html>; SME

Daily, ‘Zákonbudechrániťdetipredexekúciami pre nedoplatky za komunálnyodpad’, 19 December 2019, available at: <https://domov.sme.sk/c/22287600/zakon-bude-viac-chronit-deti-pred-exekuciami-pre-nedoplatky-za-komunalny-odpad.html>; Slovakia, Public Defender of Rights (*Verejnýochrancapráv*),

‘Detibudúnovouzmenouzákonaviacchránenépredhrozbouexekúcií’, Information published on 4 January 2019, available at: <https://www.vop.gov.sk/deti-bud-novou-zmenou-z-kona-viac-chr-nen-pred-hrozbou-exek-ci>

<sup>9</sup> TV Markíza, ‘Exekúcia za nezaplatenésmeti’, 2 January 2020, available at: [https://videoarchiv.markiza.sk/video/televizne-noviny/epizoda/26463-televizne-noviny/20-exekucia-za-nezaplatene-smeti-i?fbclid=IwAR2uI9U16-OHdMPK\\_XG30W0TFzyXl\\_PyF0\\_DYyfr2D-v2L3e7VsKg73NZG4](https://videoarchiv.markiza.sk/video/televizne-noviny/epizoda/26463-televizne-noviny/20-exekucia-za-nezaplatene-smeti-i?fbclid=IwAR2uI9U16-OHdMPK_XG30W0TFzyXl_PyF0_DYyfr2D-v2L3e7VsKg73NZG4)

## 2. Research findings, studies or surveys on either experiences of discrimination or rights awareness

In 2019 Institute for Public Affairs (*Inštitút pre verejné otázky*, a Bratislava based NGO) conducted a research among young people concerned with their views of democracy, interpersonal trust, interest in politics and attitudes towards various minorities. The representative quantitative research used an online questionnaire. The total sample was 402 young people (age 15-19) – 92% of those were students, 6% were employed, 2% were unemployed. 51% of the sample were male and 49% were female. 86% were of Slovak nationality.

The research explored young people's views of various minorities using the social distance method. 75% of respondents would mind if political extremists moved next-door, 61% would mind if Roma moved next-door. Furthermore, 59% would mind having Muslims for neighbours, 45% would mind having refugees for neighbours. 28% would not want to have people of different sexual orientation as their neighbours, the same percentage would oppose to having labour migrants from surrounding countries for neighbours. 17% of respondents would not want to have Jews for neighbours and same percentage would mind if people of different skin colour moved into their neighbourhood.<sup>10</sup>

### Sexual orientation

A survey commissioned by platy.sk (a portal belonging to Profesia.sk – largest online platform for job searching) was published in July 2019 that explored acceptance of LGBTI people in the workplace. 2441 respondents took part in the survey, however, no further information on methodology could be found. The survey revealed that 11% of respondents encounters in their place of work someone openly identifying him-/herself as LGBTI. It was further shown that people with personal experience are more accepting of LGBTI people – up to 91,5% of those with personal experience considered their LGBTI colleagues a positive asset in the workplace. On the contrary, among those without personal experience only 33% viewed their LGBTI colleagues positively.

The survey also revealed that 20% of LGBTI respondents declared they experienced discrimination in their place of work (mostly from their superiors).

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<sup>10</sup>Bútorová, Z., Gyárfášová, O. (2019), *Občianskespolunazívanie očami tínedžerov. Správa zo sociologického výskumu*, Bratislava, Institute for Public Affairs, available at [https://spolunazivanie.sk/wp-content/uploads/2019/08/Obcianske\\_spolunazivanie\\_ocami\\_tinedzerov.pdf](https://spolunazivanie.sk/wp-content/uploads/2019/08/Obcianske_spolunazivanie_ocami_tinedzerov.pdf)

## Chapter 2. Racism, xenophobia and related intolerance

### 1. Legal, policy developments and measures relating to the application of the Racial Equality Directive

The Ministry of Foreign and European Affairs of the Slovak Republic prepared Thirteenth periodic report of the Slovak Republic on implementation of the Convention on the elimination of all forms of racial discrimination. The report has been currently in interdepartmental commentary procedure that is expected to be finished in the beginning of October. Subsequently, the report shall be discussed by the Government of the Slovak Republic<sup>11</sup>. Thirteenth periodic report of the Slovak Republic on implementation of the Convention on the elimination of all forms of racial discrimination was discussed by the Government at the end of October<sup>12</sup>. The report summarizes the steps taken within 2017 – 2019 to put into practice recommendations of the UN Committee for the Elimination of Racial Discrimination. As far as it concerns the measures adopted in 2019, the report mentions the educational activities of the Slovak National Centre for Human Rights (point 64), the organizational change of the Police inspection that was directly subordinated to the Minister of Interior, from the 1 February, the Police inspection has been replaced by the new Office of Inspection Service (point 105), which is expected to be more independent when investigating the crimes of police officers. The report also lists many activities and measures aimed at improving the situation of Roma ethnic minority.

As far as it concerns the issue of addressing the ethnic discrimination in access to education, please see the measures focusing on desegregation and integration of Romani children into regular schools described in chapter 3. Roma integration.

After six years, it has been reported by NGOs that the police raid in Roma settlement in Moldava nad Bodvou has not been fully investigated<sup>13</sup>. As we informed last year, no police officers have been made responsible. On the contrary, the beaten Roma have been charged with perjury<sup>14</sup>. Their cases before the courts are still pending since the district courts have not secured the interpretation and translation to the charged Roma who do not speak the official language (Slovak), but only Hungarian and Roma. The charged Roma turned to the Regional Court that decided that their right to interpretation and translation during the criminal proceeding has been breached and ordered the respective District Court to act in compliance with law<sup>15</sup>.

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<sup>11</sup>Slovakia, Ministry of Foreign and European Affairs of the Slovak Republic (*Ministerstvo zahraničných vecí a európskych záležitostí Slovenskej republiky*) (2019), LP/2019/659 Twelfth periodic report of the Slovak Republic on implementation of the Convention on the elimination of all forms of racial discrimination, available at: <https://www.slov-lex.sk/legislativne-procesy/SK/LP/2019/659>

<sup>12</sup>Slovakia, Government of the Slovak Republic (Vláda Slovenskej republiky) (2019) Trinásta periodická správa Slovenskej republiky o implementácii Medzinárodného dohovoru na odstránenie všetkých foriem rasovej diskriminácie. Rozhodnutie Vlády SR z 30. októbra 2019, available at: <https://rokovania.gov.sk/RVL/Material/24285/1>

<sup>13</sup> policajnarazia.sk, '6. Výročierazie: odkazy pre Moldavčanovprichádzali zo všetkýchstrán', 24 June 2019, available at: <http://policajnarazia.sk/blog/6-v%C3%BDro%C4%8Die-razie-odkazy-pre-moldav%C4%8Danov-prich%C3%A1dzali-zo-v%C5%A1etk%C3%BDch-str%C3%A1n>

<sup>14</sup> Equity, o.z., ERRC – European Roma Rights' Centre, ETP Slovensko, Amnesty International Slovensko, CVEK (2018), 'Tlačová správa: 5 rokov (ne)spravodlivosti: z obetispravilivinníkov', 18 June 2018, available at: <http://policajnarazia.sk/blog/tla%C4%8Dov%C3%A1-spr%C3%A1-5-rokov-nespravodlivosti-z-obet%C3%AD-spravilivinn%C3%ADkov>; Slovakia, Public Defender of Rights (*Verejný ochrancapráv*) (2019), 'Prípadyobetirazie v Moldave and Bodvoutrpiaprocesnýmichybami', Information published at the website of the Public Defender of Rights on 12 September 2019, available at: <https://www.vop.gov.sk/pr-pady-obet-razie-v-moldave-nad-bodvou-trpia-procesn-mi-chybami>; Slovakia, Public Defender of Rights (*Verejný ochrancapráv*) (2019), 'Pokračujeme v monitorovaníprípadorazie v Moldave and Bodvou', Information published at the website of the Public Defender of Rights on 12 March 2019, available at: <https://www.vop.gov.sk/pokra-ujeme-v-monitorovan-pr-padu-razie-v-moldave-nad-bodvou>

<sup>15</sup> Policajnarazia.sk, Aktuality, 18 September 2019, available at: <http://policajnarazia.sk/blog>; Slovakia, Regional Court in Košice (Krajský súd v Košiciach); Slovakia, Regional Court in Košice (*Krajský súd v Košiciach*), *Uznesenie z 5. Septembra 2019, sp. zn. 8Tos/73/2019-989*.



The case of Moldava and Bodvou is only one of more similar cases of police violence that have been monitored and reported by the European Roma Right Center (ERRC). None of these cases ended by charging the police of wrongdoings so far. According to the ERRC the institutional racism is deeply rooted and persists in law enforcement authorities<sup>16</sup>.

## 2. Legal, policy developments and measures relating to the application of the Framework Decision on Racism and Xenophobia

Special Prosecutor's Office in its report<sup>17</sup> from September 2019 (refers to the year 2018) assesses that racially motivated and extremist crime is on the rise mainly in the environment of internet and virtual social networks. According to the report, this type of crime is difficult to investigate and prosecute, and intensive cooperation of all law enforcement authorities is therefore needed. There can be also a rise viewed in reporting the racially motivated and extremist incidents by the general public that submits suggestions to the prosecution to a greater extent than in the previous years<sup>18</sup>.

The structure of extremist crime in 2018 was following<sup>19</sup>:

- crimes of supporting and promoting of groups denying fundamental rights and freedoms (Article 422) – 98 cases
- crimes of spreading extremist materials (Article 422b) – 17 cases
- crimes of defamation of nation, race and belief (Article 423) – 18 cases
- crimes of incitement to national, racial and ethnic hatred (Article 424) – 17 cases
- crimes of keeping extremist materials (Article 422c) – 8 cases
- crimes committed with a specific motive (Article 140a) – 51 cases
- other extremist crimes – 4 cases.

The report summarizes that above mentioned racially motivated and extremist crime were predominantly motivated by the fascist, Nazi and neo-Nazi ideology<sup>20</sup>. With this regard, it is important to mention that Slovak public authorities issued important decisions on using symbols directly linked to the Slovak Nazi state from the time of the II World War. The first case concerns the sign of the far-right political party People's Party – Our Slovakia (*Ludová strana – Naše Slovensko*) that wanted to register the sign as a trademark at the Industrial Property Office of the Slovak Republic (*Úrad priemyselného vlastníctva Slovenskej republiky*). The Industrial Property Office of the Slovak Republic rejected to register the trademark since it looks very similar to a symbol used by Hlinka Gard (*Hlinkova garda*) (military troops participating in persecution of Jews during the II World War).

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<sup>16</sup> Slovak Spectator, 'Institutional racism penetrated the justice system', 16 January 2019, available at:

<https://spectator.sme.sk/c/22030182/institutional-racism-penetrated-the-justice-system.html>; ERRC, 'ERRC will ensure Roma tortured by Slovak police receive justice', 1 August 2019, available at: <http://www.errc.org/press-releases/errc-will-ensure-roma-tortured-by-slovak-police-receive-justice>

<sup>17</sup> Slovakia, Special Prosecutor's Office (*Úrad špeciálnej prokuratúry*) (2019), *Správa špeciálneho prokurátora o činnosti Úradu špeciálnej prokuratúry a poznatky Úradu špeciálnej prokuratúry o stave zákonosti v roku 2018*, available at: <https://www.nrsr.sk/web/Default.aspx?sid=zakony/cpt&ZakZborID=13&CisObdobia=7&ID=1489>

<sup>18</sup> Slovakia, Special Prosecutor's Office (*Úrad špeciálnej prokuratúry*) (2019), *Správa špeciálneho prokurátora o činnosti Úradu špeciálnej prokuratúry a poznatky Úradu špeciálnej prokuratúry o stave zákonosti v roku 2018*, available at: <https://www.nrsr.sk/web/Default.aspx?sid=zakony/cpt&ZakZborID=13&CisObdobia=7&ID=1489>, p. 25

<sup>19</sup> Slovakia, Special Prosecutor's Office (*Úrad špeciálnej prokuratúry*) (2019), *Správa špeciálneho prokurátora o činnosti Úradu špeciálnej prokuratúry a poznatky Úradu špeciálnej prokuratúry o stave zákonosti v roku 2018*, available at: <https://www.nrsr.sk/web/Default.aspx?sid=zakony/cpt&ZakZborID=13&CisObdobia=7&ID=1489>, p. 27

<sup>20</sup> Slovakia, Special Prosecutor's Office (*Úrad špeciálnej prokuratúry*) (2019), *Správa špeciálneho prokurátora o činnosti Úradu špeciálnej prokuratúry a poznatky Úradu špeciálnej prokuratúry o stave zákonosti v roku 2018*, available at: <https://www.nrsr.sk/web/Default.aspx?sid=zakony/cpt&ZakZborID=13&CisObdobia=7&ID=1489>

Industrial Property Office further argued that according to the valid law<sup>21</sup> only trademarks that do not display racist, Nazi, pornographic and other offensive elements are allowed to be registered<sup>22</sup>. Another symbol used by the far-right political party People's Party – Our Slovakia the greeting ‘On Guard!’ (*Na stráž!*) has been considered by the Supreme Court of the Slovak Republic within the proceeding on dissolution of the far-right political party People's Party – Our Slovakia<sup>23</sup>. The greeting was officially used during the Slovak State (1939-1945) and regulated by a governmental regulation. Even if the Supreme Court rejected the proposal to dissolve the political party, it has concluded that using the greeting ‘On Guard!’ can be viewed as approving the regime of Slovak State that suppressed basic rights and freedoms of its inhabitants (please see Annex 2)<sup>24</sup>.

In December 2019, two attacks on Jewish cemeteries were recorded, in Námestovo and Rajec (north-west Slovakia)<sup>25</sup>. Dozens of gravestones were cast down and damaged. The police deals with both cases as crimes of dishonouring the places of final rest<sup>26</sup>. The incidents were publicly condemned by several politicians including the President of the Slovak Republic Zuzana Čaputová. The Municipal council of Námestovo condemned the vandalism attacks in its resolution from 19 December 2019<sup>27</sup>. The incidents happened shortly after the editor-in-chief of the conspiracy magazine ZEM A VEK was found guilty of defamation of a nation, race, and religion. In 2017, the magazine published an article citing several Slovak personalities from the past who had expressed their negative attitudes towards the Jewish community. According to the Special Criminal Court not only the magazine shared extremist material but also incited to hatred towards a group of people<sup>28</sup>. The decision of Special Criminal Court is not final since the verdict has been appealed<sup>29</sup>.

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<sup>21</sup> Slovakia, Law no. 506/2009 Coll. on trademarks as amended (*Zákon č. 506/2009 Z.z. o ochranných známkach v znení neskorších predpisov*), 29 October 2009, Article 5 para. 1 letter f).

<sup>22</sup> Denník N, ‘Gardistický dvojkříž je oficiálne a úradne nacistický symbol’, 13 August 2019, available at: [https://dennik.sk/blog/1546695/gardisticky-dvojkriz-je-oficialne-a-uradne-fasisticky-symbol/?fbclid=IwAR1ktd6WDZ8rO5qKnhkuA7BV3vNrlfpL4zf5e5-9s5Jj6DIqD7cZleZDRB4;\\_Slovakia\\_The\\_Industrial\\_Property\\_Office\\_of\\_the\\_Slovak\\_Republic\\_\(Úradpriemyselnehovlastnictva\\_SR\)\(2019\)\\_Rozhodnutie\\_POZ2643-2016/Z-423-2017\\_14\\_June\\_2019;\\_Slovakia\\_The\\_Industrial\\_Property\\_Office\\_of\\_the\\_Slovak\\_Republic\\_\(Úradpriemyselnehovlastnictva\\_SR\)\(2019\)\\_Rozhodnutie\\_POZ2644-2016/Z-424-2017\\_14\\_June\\_2019;\\_Slovakia\\_The\\_Industrial\\_Property\\_Office\\_of\\_the\\_Slovak\\_Republic\\_\(Úradpriemyselnehovlastnictva\\_SR\)\(2019\)\\_Rozhodnutie\\_POZ2645-2016/Z-425-2017\\_14\\_June\\_2019;\\_Slovakia\\_The\\_Industrial\\_Property\\_Office\\_of\\_the\\_Slovak\\_Republic\\_\(Úradpriemyselnehovlastnictva\\_SR\)\(2019\)\\_Rozhodnutie\\_POZ2646-2016/Z-426-2017\\_14\\_June\\_2019](https://dennik.sk/blog/1546695/gardisticky-dvojkriz-je-oficialne-a-uradne-fasisticky-symbol/?fbclid=IwAR1ktd6WDZ8rO5qKnhkuA7BV3vNrlfpL4zf5e5-9s5Jj6DIqD7cZleZDRB4;_Slovakia_The_Industrial_Property_Office_of_the_Slovak_Republic_(Úradpriemyselnehovlastnictva_SR)(2019)_Rozhodnutie_POZ2643-2016/Z-423-2017_14_June_2019;_Slovakia_The_Industrial_Property_Office_of_the_Slovak_Republic_(Úradpriemyselnehovlastnictva_SR)(2019)_Rozhodnutie_POZ2644-2016/Z-424-2017_14_June_2019;_Slovakia_The_Industrial_Property_Office_of_the_Slovak_Republic_(Úradpriemyselnehovlastnictva_SR)(2019)_Rozhodnutie_POZ2645-2016/Z-425-2017_14_June_2019;_Slovakia_The_Industrial_Property_Office_of_the_Slovak_Republic_(Úradpriemyselnehovlastnictva_SR)(2019)_Rozhodnutie_POZ2646-2016/Z-426-2017_14_June_2019). Information provided by the Industrial Property Office of the Slovak Republic via e-mail communication from 19 November 2019.

<sup>23</sup> Slovakia, Supreme Court of the Slovak Republic (*Najvyšší súd SR*) (2019), Rozsudok 4Vollp/1/2017, available at: [https://www.nsud.sk/data/att/85252\\_subor.pdf](https://www.nsud.sk/data/att/85252_subor.pdf)

<sup>24</sup> Denník N, ‘“Na stráž!” je problém, povedalsúd v rozsudku, ktorý sikotlebovcitakpochvalovali’, 17 July 2019, available at: [https://dennik.sk/1529210/na-straz-je-problem-povedal-sud-v-rozsudku-ktory-si-kotlebovci-tak-pochvalovali/?ref=tit1&fbclid=IwAR1vL0pVuomhPgox9UFJiOIZMmA-Ke\\_tvnfmEyniRUg65kCWpeEGgXhQWHs;\\_Slovakia\\_SupremeCourt\\_of\\_the\\_Slovak\\_Republic\\_\(Najvyšší\\_súd\\_Slovenskej\\_republiky\)\\_Decision\\_from\\_29\\_April\\_2019\\_no\\_4Vollp/1/2017](https://dennik.sk/1529210/na-straz-je-problem-povedal-sud-v-rozsudku-ktory-si-kotlebovci-tak-pochvalovali/?ref=tit1&fbclid=IwAR1vL0pVuomhPgox9UFJiOIZMmA-Ke_tvnfmEyniRUg65kCWpeEGgXhQWHs;_Slovakia_SupremeCourt_of_the_Slovak_Republic_(Najvyšší_súd_Slovenskej_republiky)_Decision_from_29_April_2019_no_4Vollp/1/2017), available at: [https://www.nsud.sk/data/att/85252\\_subor.pdf](https://www.nsud.sk/data/att/85252_subor.pdf)

<sup>25</sup> Slovak Spectator (2019), ‘Two Jewish cemeteries vandalised. The crime can land the perpetrators in prison’, 31 December 2019, available at: <https://spectator.sme.sk/c/22293065/two-jewish-cemeteries-vandalised-the-crime-can-land-perpetrators-in-prison.html>

<sup>26</sup> Slovakia, Official Facebook page of the Police, Post from 17 December 2019, available at: [https://www.facebook.com/policiaslovakia/posts/2983875428309326?\\_xts\\_\\_\[0\]=68.ARAvGinI5yGLWZaSKLOtoU1t7BjJcyqhBNv9mVyy35SCE5-ZHLLxl\\_UICzwny84hsCfrgKUKHZGvnF9xglfOyzGw278TeD5f3tRXG7PC7VRoTCyvjv3HiTxcdsG9bTHdAuizwAl2yGHo3X7d9oZNRaMcIqq83W57pu14mXg6zTVdebtFtxPyhMwDMe6KcLo1mXyZIRLKYKPHdoKegt7bzCQWBgRZK1gO\\_5VGzudHBVvly91Zx1IYz7KM8HJEH9sqrEQfGcDiEaA1sLwofpxkm-d1UWAviZkQJ26n1-GdiYgDSiDSoaBICTVhOSYg8YF41c31eIh\\_vuP1Knrbe8pHDKgVhbuW&\\_tn=-R](https://www.facebook.com/policiaslovakia/posts/2983875428309326?_xts__[0]=68.ARAvGinI5yGLWZaSKLOtoU1t7BjJcyqhBNv9mVyy35SCE5-ZHLLxl_UICzwny84hsCfrgKUKHZGvnF9xglfOyzGw278TeD5f3tRXG7PC7VRoTCyvjv3HiTxcdsG9bTHdAuizwAl2yGHo3X7d9oZNRaMcIqq83W57pu14mXg6zTVdebtFtxPyhMwDMe6KcLo1mXyZIRLKYKPHdoKegt7bzCQWBgRZK1gO_5VGzudHBVvly91Zx1IYz7KM8HJEH9sqrEQfGcDiEaA1sLwofpxkm-d1UWAviZkQJ26n1-GdiYgDSiDSoaBICTVhOSYg8YF41c31eIh_vuP1Knrbe8pHDKgVhbuW&_tn=-R)

<sup>27</sup> Slovakia, The Municipal council of Námestovo (2019), Uznesenie č. 131/2019 from 19 December 2019, available at: <https://www.namestovo.sk/uploads/fck/document/Dokumenty/Uznesenia/2019/V%20C3%BDpis%207.%20MsZ%20-%2019.%2012.%202019.pdf>

<sup>28</sup> Slovak Spectator (2019), ‘Editor-in-chief of conspiracy magazine pleaded guilty’, 16 December 2019, available at: <https://spectator.sme.sk/c/22285273/editor-in-chief-of-a-conspiracy-magazine-pleaded-guilty.html>

<sup>29</sup> Information published at the FB page of the editor-in-chief of the conspiracy magazine ZEM A VEK, available at: <https://www.facebook.com/tibor.e.rostas/posts/10220781107427641>.

In the course of 2019, Slovak courts considered several cases relevant to the area of hate crime, the crime of racism and extremism (those most important cases are listed in Annex 2).

As for the policy documents, the actual national policy document Conception of the fight against extremism for the years 2015 – 2019<sup>30</sup> (*Koncepcia boja proti extrémizmu na roky 2015 – 2019*) is valid until the end of 2019. Currently, an evaluation<sup>31</sup> has been drafted under the gesture of the Ministry of Interior of the Slovak Republic. The evaluation is an internal document that has not been publicized yet. This respective Ministry is also responsible for drafting a new Conception that has been under preparation. The new Conception should stipulate the goals and activities for next years<sup>32</sup>.

The Government of the Slovak Republic has discussed the Evaluation of Action plan of prevention and elimination of racism, xenophobia, anti-Semitism and other forms of intolerance for the years 2016 – 2018 (*Vyhodnotenie Akčného plánu predchádzania a eliminácie rasizmu, xenofóbie, antisemitizmu a iných foriem intolerancie na roky 2016 - 2018*). The report contains very detail information on activities of public institutions carried within years 2016-2018, for instance, research and analysis of racist and extremist crime, activities of the law enforcement agencies, trainings for police officers, social workers and other workers of public institutions, prevention and cultural activities aimed at the public, etc<sup>33</sup>.

In September, the Government of the Slovak Republic adopted the Additional protocol to the Convention on cybercrime, concerning the criminalization of acts of racist and xenophobic nature committed through computer systems<sup>34</sup>. Subsequently, the document has been submitted to the National Council of the Slovak Republic for ratification. The resolution of the Government does not stipulate any other specific task to be taken with regard to the adoption of the Additional protocol.

At the end of October, the National Council of the Slovak Republic ratified the Additional protocol to the Convention on cybercrime, concerning the criminalization of acts of racist and xenophobic nature committed through computer systems<sup>35</sup>. According to the submission report to the Government's decision, the Criminal Code<sup>36</sup> is fully in compliance with the provisions of the Additional protocol<sup>37</sup>.

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<sup>30</sup> Slovakia, Government of the Slovak Republic (*Vláda Slovenskej republiky*) (2014), *Koncepcia boja proti extrémizmu na roky 2015 – 2019*, Adopted on 13 March 2015, available at: <https://rokovania.gov.sk/RVL/Material/11688/1>

<sup>31</sup> Slovakia, Ministry of Interior of the Slovak Republic (*Ministerstvo vnútra SR*) (2019), *Vyhodnotenie plnenia úloh vyplvajúcich z Koncepcie boja proti extrémizmu na roky 2015 – 2019*. Internal draft of the document, not publicly available yet.

<sup>32</sup> Information based on the internal communication of members of the Committee for prevention and elimination of racism, xenophobia, Antisemitism and other forms of intolerance (*Výbor pre predchádzanie a elimináciu rasizmu, xenofóbie, antisemitizmu a iných foriem intolerancie*) from 12 September 2019.

<sup>33</sup> Slovakia, Government of the Slovak Republic (*Vláda Slovenskej republiky*) (2019), *Vyhodnotenie Akčného plánu predchádzania a eliminácie rasizmu, xenofóbie, antisemitizmu a iných foriem intolerancie na roky 2016 - 2018*, Adopted on 30 May 2019, available at: <https://rokovania.gov.sk/RVL/Material/23899/1>

<sup>34</sup> Slovakia, Government of the Slovak Republic (*Vláda Slovenskej republiky*) (2019), *Návrh na uzavretie Dodatkového protokolu k Dohovoru o počítačovej kriminalite týkajúceho sa trestnoprávneho postihu činov rasovej a xenofóbnej povahy spáchaných prostredníctvom počítačových systémov a návrh na odvolanie výhrady a zmenu vyhlásení k Dohovoru o počítačovej kriminalite*, available at: <https://rokovania.gov.sk/RVL/Material/24174/1>

<sup>35</sup> Slovakia, National Council of the Slovak Republic (*Národná rada SR*) (2019), *Návrh na vyslovenie súhlasu Národnej rady Slovenskej republiky s Dodatkovým protokolom k Dohovoru o počítačovej kriminalite týkajúceho sa trestnoprávneho postihu činov rasovej a xenofóbnej povahy spáchaných prostredníctvom počítačových systémov a odvolaním výhrady a zmenou vyhlásení k Dohovoru o počítačovej kriminalite*, Votenumber 266 from 28 October 2019, available at: <https://www.nrsr.sk/web/Default.aspx?sid=zakony/zakon&ZakZborID=13&CisObdobia=7&CPT=1673>

<sup>36</sup> Slovakia, Act no. 300/2005 Coll Criminal Code as amended, 20 May 2005.

<sup>37</sup> Slovakia, Government of the Slovak Republic (*Vláda Slovenskej republiky*) (2019), *Návrh na uzavretie Dodatkového protokolu k Dohovoru o počítačovej kriminalite týkajúceho sa trestnoprávneho postihu činov rasovej a xenofóbnej povahy spáchaných prostredníctvom počítačových systémov a návrh na odvolanie výhrady a zmenu vyhlásení k Dohovoru o počítačovej kriminalite*, available at: <https://rokovania.gov.sk/RVL/Material/24174/1>

## Chapter 3. Roma integration

### 1. Measures and developments addressing Roma/Travellers segregation

The Slovak Government (*Vláda Slovenskej republiky*) has adopted Updated Action Plan of the Strategy of the Slovak Republic on Integration of Roma until 2020 for years 2019-2020 for areas of education, employment, health, housing and financial inclusion (*Aktualizované akčné plány Stratégie Slovenskej republiky pre integráciu Rómov do roku 2020 na roky 2019-2020*). Among all the approved tasks merely the plan on education directly refers to measures on desegregation. Specifically, measure 4.1. proposes one pilot testing of creation of school districts based on desegregation principles in partnership with municipalities. No financial allocation is associated with the accomplishment of this task.<sup>38</sup>

In 2019, the Ministry of Education, Science, Research and Sport of the Slovak Republic (*Ministerstvo školstva, vedy, výskumu a športu Slovenskej republiky*) organized sixty seminars lasting two days targeting 1211 teachers and other school staff on desegregation and creation of local plans of desegregation in education which lead to the development of 117 desegregation plans for schools as a part of a nationwide project called School open for everyone funded by European Social Fund.<sup>39</sup> However, the project did not include any plans to control the plans or their implementation. It was up to the schools to decide the degree of the plan's commitment and their fulfilment. The schools were free to decide whether they would approve the plan by the school's council.<sup>40</sup>

The Ministry of Education, Science, Research and Sport of the Slovak Republic issues annually, including in 2019, a call for proposals with the financial allocation of approximately €50,000 to support approximately 20 individual school projects citing as one of the priorities activities leading to elimination of spatial, organizational, physical and symbolic exclusion or separation of Roma pupils from other children.<sup>41</sup>

Non-governmental organisations EduRoma and the Centre for the Research of Ethnicity and Culture (*Centrum pre výskum etnicity and kultúry*) continued to support Romani children through mentoring and tutoring and other supportive activities in school year 2018/2019 during their enrollment into four primary schools across the town of Žilina. These activities are part of desegregation efforts that started with the city closed down the school at Holleho street attended merely by approximately 80 Romani children in June 2017.<sup>42</sup>

In school year 2018/2019, the Council of Europe implemented transnational project In School in 7 elementary schools across Slovakia attended by Romani pupils aiming to raise and support capacities of schools to provide inclusive education and tackle segregation. The project targeted also two elementary schools in Žilina and helped to facilitate desegregation processes. Overall the project targeted almost 500 Romani pupils. The impact of project's activities for 2018/2019 has been currently evaluated. The project continues in 2019/2020.<sup>43</sup>

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<sup>38</sup>Slovakia, The Government of the Slovak Republic (*Vláda Slovenskej Republiky*) (2019), Updated Akcion Plan of the Strategy of the Slovak Republic on Integration of Roma until 2020 for years 2019-2020 for areas D.2.1 Area of Education, D.2.2. Area of Employment, D.2.3. Area of Health, D.2.4 Area of Housing and D.2.5 Area of Financial Inclusion, (*Aktualizované akčné plány Stratégie pre integráciu Rómov do roku 2020 naroky 2019-2020 pre oblasti: D.2.1 Oblasť vzdelávania, D.2. 2. Oblasť zamestnanosti, D.2.4 Oblasť bývania, D.2.5 Oblasť finančného začlenenia*), appendix 3, task 4.1, adopted by the Slovak government on 17 January 2019 by resolution 25/2019, available at: <https://rokovania.gov.sk/RVL/Material/23492/2>

<sup>39</sup>Information provided by the Ministry of Education, Science, Research and Sport in writing on 26 September 2019.

<sup>40</sup>Information provided by the Ministry of Education, Science, Research and Sport in writing on 04 October 2019.

<sup>41</sup>Information provided by the Ministry of Education, Science, Research and Sport in writing on 26 September 2019.

<sup>42</sup>Information provided by EduRoma and CVEK on 20 September 2019.

<sup>43</sup>Information about the transnational In School project is available at: <https://pjp-eu.coe.int/en/web/inclusive-education-for-roma-children/inschool-in-slovak-republic>

The Ministry of Finances of the Slovak Republic (*Ministerstvo financií Slovenskej Republiky*) in partnership with the Ministry of Education, Science, Research and Sport of the Slovak Republic (*Ministerstvo školstva, vedy, výskumu a športu Slovenskej Republiky*) issued a report that, among others, maps segregation of Roma children through their enrolment into special schooling as well as spatial segregation through regular schools. Report found, among others, that in school year 2017/2018, 18,5% of Romani children were enrolled in special education (school or a class). In case of Romani children from socially disadvantaged households, it was 20,7%. Overall, the share of children enrolled in special schooling was at 5,8%. The report also confirmed that Romani children, especially from marginalized environment have much higher probably to fail in school and repeat their grade (7 to 8 times higher than non-Romani pupils). The chance of a Roma children from marginalized environment to reach a university was 0,6%.<sup>44</sup>

Seven NGOs issued in 2019, Civil Society Monitoring report on implementation of the national Roma integration strategies II in Slovakia observing very limited, if any, state efforts that would target residential segregation, segregation in education (spatial and through disproportionate placement in special schooling), overrepresentation of Roma in workfare programs and segregation of Romani women and children in hospitals.<sup>45</sup>

The Centre for Civil and Human Rights (*Poradňa pre občianske a ľudské práva*) unsuccessfully sued the Ministry of Education, Science, Research and Sport as well as the local district office (*okresný úrad*) in Prešov for failing to prevent segregation of Romani children who were educated in a segregated manner in two daily shifts in Terňa by redrawing school districts. The district court did not find that the sued authorities have the obligation to adopt effective measures to address segregated education. The Centre for Civil and Human Right has appealed, and the case is pending.<sup>46</sup>

On 10 October 2019, the European Commission moved infringement proceedings against Slovakia for violation of Race Equality Directive to a next stage by sending its reason opinion calling the country to comply with EU rules on non-discrimination. Specifically, the European Commission argued that while Slovakia since April 2015 undertook several measures to tackle spatial segregation of Romani children in education as well as disproportionate placement of Romani children into special schools, they were not sufficient to tackle these problems. Slovakia was given two months to respond and take relevant action otherwise the Commission may decide to take the case to the Court of Justice of the EU.<sup>47</sup>

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<sup>44</sup> Slovakia, The Department Value for Money at The Ministry of Finances of the Slovak Republic (*Útvorhodnota za peniaze Ministerstva Financií Slovenskej Republiky*) and the Institute of Educational Policies at the Ministry of Education, Science, Research and Sport of the Slovak Republic (*Inštitút vzdelávacej politiky Ministerstva školstva, vedy, výskumu a športu Slovenskej republiky*)(2019), *Revíziavýdavkovnaskupinyohrozenéchudoboualebosociálnymvylúčením: Priebežná správa (Revision of Expenses for groups at risks of poverty or social exclusion)*, January 2019, pp.33-35 and 41-48, available at: <https://www.finance.gov.sk/files/archiv/5/ReviziavydavkovnaohrozeneskupinyFINAL.pdf>

<sup>45</sup>Centre for the Research of Ethnicity and Culture, Association for Culture, Education and Communication, Roma Advocacy and Research Centre, Roma Media – ROMED, Community Centre of Minorities, People in Need, Roma Platform (2019), *Civil society monitoring report on implementation of the national Roma integration strategies II in Slovakia: Assessing progress in key policy areas of the strategy*, Luxembourg, Publication Office of the European Union, available at: <https://cps.ceu.edu/sites/cps.ceu.edu/files/attachment/basicpage/3034/rcm-civil-society-monitoring-report-2-slovakia-2018-eprint-fin-2.pdf>

<sup>46</sup>Slovakia, District Court (*Okresný súd*), Prešov, 29 C/14/2016, 27 February 2019.

<sup>47</sup>European Commission, 'Letters of formal notice', October infringement package:key decision, 10 October 2019, available at: [https://ec.europa.eu/commission/presscorner/detail/en/INF\\_19\\_5950](https://ec.europa.eu/commission/presscorner/detail/en/INF_19_5950)

## 2. Policy and legal measures and developments directly or indirectly addressing Roma/Travellers inclusion

The Office of the Slovak Government Plenipotentiary for Romani Communities (*Úrad splnomocnenca vlády SR pre rómske komunity*) published a new Atlas of Romani Communities (*Atlas rómskych komunít*) mapping the concentrated Romani communities and their infrastructure across Slovakia. At this point, the Office released merely rough data in an excel format without an expert analysis. This data assess that there is approximately 440 000 Roma while approximately 80 % of Roma live in concentrations separately from the majority population. This data cannot be entirely compared to data Atlas gathering in 2013 that indicated that the size of Roma living in segregated/separated communities amounted to slightly more than a half of Romani population due to the different method of sociographic mapping.<sup>48</sup>

The Slovak parliament introduced a compulsory pre-school education for all 5 year old children as of September 2021 that is believed to increased pre-school participation among disadvantaged children, including Romani.<sup>49</sup> However, especially the Association of Town and Municipalities (*Združenie miest a obcí Slovenska*) criticised that there will be insufficient capacities to cater for all 5 year olds which negatively impact on chances of younger, mostly non-Romani children to access kindergartens. The Association also plans to challenge the law with the Slovak Constitutional Court as unconstitutional arguing that the state vested municipalities with new obligations without providing sufficient funding.<sup>50</sup>

Slovakia implemented in 2019 several large-scale national projects using European Social Fund from the Operational Program Human Resources to fund assistance services targeting disadvantaged Romani communities such as social field work, community centres, health mediations, teacher assistants and other supportive schools staff in schools and kindergartens.<sup>51</sup> Using funds from the European Regional and Development Fund allocated in the same operational program, Slovakia

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<sup>48</sup> Slovakia, The Slovak Government Plenipotentiary for Romani Communities (*Úrad splnomocnenca vlády SR pre rómske komunity*) (2019), *Atlas of Romani Communities*, available in excel format at: <http://www.minv.sk/?atlas-romskych-komunit-2019>

<sup>49</sup> Slovakia, Act No. 27/2019 Coll. of 27 June 2019 amending Act No. 245/2008 Coll. on care and education (the school act) (*Zákon č. 209/2019 Z.z., ktorým sa mení a dopĺňa zákon č. 245/2008 Z.z. o výchove a vzdelávaní (školský zákon)*), available at: <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2019/209/20210101.html>

<sup>50</sup> TASR, 'Ak NR SR schváli povinné škôlky, obrátíme sa na prezidentku a ústavný súd', 28 July 2019, available at: <https://www.skolske.sk/clanok/48017/ak-nr-sr-schvali-povinne-skolky-obratime-sa-na-prezidentku-a-ustavny-sud>, SITA, 'Na povinné škôlky chýbajú peniaze, združenie miest a obcí podá podnet na ústavný súd', 28 November 2019, available at: <https://www.webnoviny.sk/vskolstve/na-povinne-skolky-chybaju-peniaze-zdruzenie-miest-a-obci-poda-podnet-na-ustavny-sud/>

<sup>51</sup> Slovakia, National project Field social work and field work in municipalities with presence of marginalized Romani communities I (*Národný projekt Terénna sociálna práca a terénna práca v obciach s prítomnosťou marginalizovaných rómskych komunít I*) project duration January 2016 - December 2019, information available: <http://www.minv.sk/?NP-TSP>; National Project Field Social Work in Municipalities I, (*Národný projekt Terénna sociálna práca v obciach I*), project duration April 2015 – September 2019, information available: <https://www.ia.gov.sk/sk/narodne-projekty/narodny-projekt-terenna-socialna-praca-v-obciach-i/zakladne-informacie-o-projekte>; National Project Community Centres in towns and municipalities with Marginalized Romani Communities I, (*Národný projekt Komunitné centrá v mestách a obciach s prítomnosťou MRK I*) project duration November 2015-December 2019, information available: [http://www.minv.sk/swift\\_data/source/mvsa\\_eu/oplz/narodne\\_projekty/ZOZNAM%20%20zamerov%20NP%2005%2006%202019.pdf](http://www.minv.sk/swift_data/source/mvsa_eu/oplz/narodne_projekty/ZOZNAM%20%20zamerov%20NP%2005%2006%202019.pdf); National Project Support of selected social services of crisis intervention at the community level (*Národný projekt Podpora vybraných sociálnych služieb krízovej intervencie a komunitnej úrovni*), project duration October 2015 – September 2019, information available: <https://www.ia.gov.sk/npkiku/o-projekte/zakladne-informacie-2/>; National Project Support of pre-primary education of children from marginalized Romani Communities I, (*National Project Support of pre-primary education of children from marginalized Romani Communities I*), project duration January 2016 – December 2019, information available: <https://www.minv.sk/?narodny-projekt-prim-projekt-inkluzie-v-materskych-skolach>; National Project Healthy Communities 2 A, (*National project Healthy Communities 2A*), project duration January 2017 – December 2019, information available: <https://zdraveregion.eu/zdrave-komunity-2a/>; National Project School open for everyone (*Národný projekt Škola otvorená všetkým*), project duration February 2019 – November 2019.

issued calls in several rounds for projects focused, among others, on building basic technical infrastructure in Romani communities and on improvement of housing.<sup>52</sup>

In academic year 2019/2020, the University of Prešov started the first university study program of Romani language and literature for pedagogical students.<sup>53</sup>

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<sup>52</sup> Slovakia, The Ministry of Interior of the Slovak Republic (*Ministerstvo vnútra SR*), Call supporting development of basic technical infrastructure (*Výzva zameraná na podporu budovania základnej technickej infraštruktúry*), OPLZ-PO6-SC611-2019-1, information available: <http://www.minv.sk/?aktualne-vyzvy-na-predkladanie-ziadosti-o-nenavratny-financny-prispevok&sprava=vyzva-zamerana-na-podporu-dobudovania-zakladnej-technickej-infrastruktury-oplz-po6-sc611-2019-1>; Call supporting improved forms of housing for municipalities with presence of marginalized Romani communities with elements of gradual housing (*Výzva zameraná na zlepšenie formy bývania pre obce s prítomnosťou marginalizovaných rómskych komunit s prvkami prestupného bývania*) OPLZ-PO6-SC611-2018-2, information available: <http://www.minv.sk/?aktualne-vyzvy-na-predkladanie-ziadosti-o-nenavratny-financny-prispevok&sprava=vyzva-zamerana-na-zlepsene-formy-byvania-pre-obce-s-pritomnostou-marginalizovanych-romskych-komunit-s-prvkami-prestupneho-byvania-oplz-po6-sc611-2018-2>

<sup>53</sup>SITA, 'Prešovská univerzita ako prvá na Slovensku spustila výučbu rómskeho jazyka', 12 October 2019, available at: <https://www.webnoviny.sk/vskolstve/presovska-univerzita-ako-prva-na-slovensku-spustila-vyucbu-romskeho-jazyka/>

## Chapter 4. Asylum, visas, migration, borders and integration

### Unaccompanied children reaching the age of majority

Area of support	Description
<p><b>Residence permit</b></p> <p><i>Reception conditions Directive (article 6 and 7) and Qualification Directive (articles 24 and 31)</i></p>	<p><u>Legal framework:</u></p> <p>The main Slovak law regulating the residence of unaccompanied children is Act No. 404/2011 Coll. on residence of foreigners and on supplementation and amendment to certain acts as amended (hereinafter only as “Act on Residence”)<sup>54</sup>. Articles 111 par. 6 and 127 of Act on Residence also define practices to be applied in order to determine the age of the unaccompanied children. If the child (approaching adulthood) does not voluntarily undergo medical procedures to determine its age, it is considered an <b>adult</b> for purposes of this law. This provision has long been criticized by various NGOs working with unaccompanied children.</p> <p>The law regulating the procedure for receiving and examining asylum applications, the rights and obligations of asylum seekers and persons with subsidiary protection, as well as specific arrangements regulating the status of unaccompanied children who applied for asylum, is Act No. 480/2002 Coll. on asylum and on amendments to certain acts, as amended (hereinafter referred to as “the Asylum Act”)<sup>55</sup>. This act provides a special definition of “unaccompanied minors” (in Slovak “<i>maloletí bez sprievodu</i>”) for purposes of Slovak asylum law. Pursuant to Article 6 par. 6 of the Asylum Act an unaccompanied child is simply a child who is not accompanied by a legal representative on the territory of the Slovak Republic.</p> <p><u>Types of residence:</u></p> <p>a) Pursuant to Article 58 par. 1 letter a) of Act on Residence<sup>56</sup> the relevant police department automatically <b>grants a tolerated stay to a minor found in the territory of the Slovak Republic</b><sup>57</sup> (non-asylum seeker and asylum seeker). A tolerated stay can be granted repeatedly for a maximum of 180 days. It is not considered a type of a temporary residence, but rather a specific type of a short-term authorization to stay in the Slovak territory (in the meaning: <i>tolerating the irregular stay of the foreigner</i>) until an unaccompanied child reaches the age of 18. To young adults who turned 18, tolerated stay (also another type of residence) can be granted again only if the applicant can prove another legal reason described in the Article 59, meets all legal conditions, and unless there are grounds for refusing an application pursuant to Article 59 par. 12 of this Act (persona non grata, fraudulently obtained documents). Between 1 May 2018 and 31 December 2018 Slovakia granted 7 tolerated stays according to Article 58 par. 1</p>

<sup>54</sup>Slovakia, the Act no. 404/2011 Coll. on residence of foreigners and on supplementation and amendment to certain acts as amended, 22 November 2011.

<sup>55</sup>Slovakia, the Act no. 480/2002 Coll. on asylum and on amendments to certain acts, as amended, 22 August 2002.

<sup>56</sup>Slovakia, the Act no. 404/2011 Coll. on residence of foreigners and on supplementation and amendment to certain acts as amended, 22 November 2011, par. 1., letter a), available at: <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2011/404/20200101>

<sup>57</sup>Reasons to this provisional legislative solution are based on argument of state institutions that Slovakia is not the target country of irregular migrants (*Internal measure No. IN-105/2015 of the Ministry of Labour on implementation of measures for social and legal protection of children and social guardianship provided to unaccompanied minors*, page 21).



	<p>letter a) to unaccompanied children. As at 31 December 2018 there was only one tolerated residence granted to unaccompanied children<sup>58</sup>.</p> <p>b) According to Article 45a par. 1 letter c) of Act on Residence<sup>59</sup>, the Ministry of Interior of the Slovak Republic may grant a <b>permanent residence for five years</b> without meeting the general conditions laid down in this Act, even repeatedly, to an adult, former unaccompanied child, who has been in the past granted a tolerated stay under Article 58 par. 1, letter a) or who has been granted a subsidiary protection as an unaccompanied child for at least three years during which he/she studied at a school in the territory of the Slovak Republic. Cases when the residence pursuant to Article 45a par. letter c) of above Act are granted in practice very rare/if any<sup>60</sup>. A foreigner must have at least a subsidiary protection and fulfil the main legal condition of the three years of study to apply for this type of a permanent residence.</p> <p>c) Also, a guardian (“<i>poručník</i>”) may apply on behalf of an unaccompanied child (before reaching the age of 18) for a temporary residence for a purpose of study or work pursuant to Article 31 par. 3 of the Act on Residence, if a foreigner has a valid passport of his/her country of origin and meets all legal requirements of the law.</p> <p>d) Asylum seekers, unless the Act on Asylum or a special regulation stipulate otherwise, are entitled to stay in the territory of the Slovak Republic until the final decision on the application.</p> <p>e) If grounds for international protection exist, Slovakia grants asylum or subsidiary protection to unaccompanied children. The application for international protection is submitted by the carer (“<i>opatrovník</i>”/guardian (“<i>poručník</i>”). Even in the absence of reasons to grant asylum the child can be granted asylum on humanitarian grounds. Permanent residence is granted automatically to those who are granted asylum.</p> <p>However, in practice, meeting conditions for any type of residence can be very difficult (or impossible) for a young foreigner, if he/she does not have a valid travel document of his/her country of origin and if further conditions of the law cannot be met (<i>documents not older than 90 days that prove: (a) sufficient financial means to cover the stay, (b) secured accommodation, (c) the purpose of a residence and (d) clear criminal record of the countries of origin or (e) countries of previous residence, duly verified and translated into Slovak language by a court appointed translator</i>).</p> <p>Former unaccompanied children, adults, face a real danger of an expulsion and detention after reaching 18 years of age.<sup>61</sup></p> <p>If a child does not meet the statutory conditions for obtaining asylum or subsidiary protection, he/she may legally remain in Slovakia until the age of eighteen on the basis of the granted tolerated stay (as it has been said above). This stay expires on the day of reaching the age of majority. At the same time, such person officially becomes an irregular foreigner in the territory of the Slovak Republic and is threatened with administrative expulsion and detention. In case that there are other reasons why administrative expulsion cannot be carried out, Article 61a applies. The law “authorizes” (“endures”) such irregular stay in Slovakia: Article 61a(1) A third-country national staying irregularly in the territory of the Slovak Republic may remain in the territory of the Slovak Republic while there are <b>obstacles to administrative expulsion</b> pursuant to Article 81 of Act on Residence of Foreigners:</p> <p>(1) A foreigner may not be expelled administratively into a state where his/her <b>life is at risk</b> because of his/her race, nationality, religion, membership of a particular social group</p>
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<sup>58</sup> Information provided by the Bureau of Border and Alien Police on 17 September 2019. Data for 2019 is not available yet.

<sup>59</sup>Slovakia, the Act no. 404/2011 Coll. on residence of foreigners and on supplementation and amendment to certain acts as amended, 22 November 2011, Article 45a par. 1 letter c), available at: <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2011/404/20200101>

<sup>60</sup>Interview with a lawyer of the Human Rights League, on 6 September 2019. Specific information on this type of residence could not be provided by the Bureau of Border and Alien Police, pursuant to email of 13 September 2019.

<sup>61</sup>Interview with a lawyer of the Human Rights League, on 6 September 2019.

	<p>or political belief, or at risk of torture, cruel, inhuman or degrading treatment, or punishment. Similarly, a foreigner cannot be expelled administratively to the State in which he/she was sentenced to death or it is assumed that such a sentence may be imposed in the current criminal proceedings.</p> <p>(2) A foreigner may not be expelled administratively to a state in which his/her <b>freedom</b> would be jeopardized on grounds of race, nationality, religion, membership of a particular social group or political conviction; this does not apply if the foreigner by his action endangers the security of the state or if he/she was convicted of a crime and represents a danger to the Slovak Republic.</p> <p>(3) A stateless person may be expelled administratively only if his/her conduct jeopardizes the security of the state or public order and is not subject to obstacles to administrative expulsion pursuant to par. 1 and 2.</p> <p>(4) A foreigner may not be expelled administratively to a state in which he/she is threatened to return to the state pursuant to par. 1 or 2.</p> <p>Irregular foreigner covered by above provisions can be also asked by the police to regularly report the address where he/she is staying. Such foreigner is only issued by the police a written confirmation about the possibility to stay in the territory of the Slovak Republic, he/she may not work, may not conclude a health insurance or study. In such situation there is no legal basis for any future changes of the status or integration of a foreigner.</p>
<p><b>Guardianship (representative under Reception Conditions Directive Article 24.1)</b></p>	<p><u>Legislation changes in 2019</u></p> <p>There were no major legislative developments in 2019. However, with effect from 1 January 2019 all Slovak children's homes were renamed to Centres for children and families (<i>Centrum pre deti a rodiny</i>)<sup>62</sup>. According to Act No. 305/2005 Coll. on social and legal protection of children and on social guardianship and on amendments to certain acts (hereinafter referred to as "the Act on Social and Legal Protection of Children and Social Guardianship"), such Centre is a facility established for the purpose of implementation of all relevant measures introduced by above Act and by its implementing decree adopted in March 2018<sup>63</sup>. Out of 68 centres<sup>64</sup>, only one is responsible over unaccompanied children - Centre for children and families <i>Dlaň</i> in Medzilaborce (hereinafter only as "Centre"). Any indispensable acts in the interests of the child and for ensuring the care of the child, are undertaken by the relevant Office of Labour, Social Affairs and Family (hereinafter only as "the Office"), the Department of Social and Legal Protection of Children and Social Curatorship, in whose territorial district the child was <b>found</b>, until the child is placed in Medzilaborce, and in charge of a guardian ("poručník). At the same time, the Office is involved in family tracing for the purpose of family reunification with the child<sup>65</sup>.</p> <p><u>Situation in 2019</u></p> <p>In 2019 all unaccompanied children despite their legal status (<i>non-asylum seekers and asylum seekers</i>) were placed in Medzilaborce Centre and their guardian is usually Stropkov Labour Office, a branch in Medzilaborce.<sup>66</sup> In the end of September 2019, there were 13 children, out of them 1 child was an asylum seeker and 12 were granted tolerated stay.</p> <p>For the purposes of the Slovak legislation unaccompanied children are defined mainly by</p>

<sup>62</sup>Interview with the Director of the Centre for children and family in Medzilaborce on 17 September 2019.

<sup>63</sup> Slovakia, Ministry of Labour, social affairs and family of the Slovak Republic (*Ministerstvopráce, sociálnychvecí a rodiny*SR), Decree of the Ministry of Labour, Social Affairs and Family of the Slovak Republic No. 103/2018 Coll. implementing certain provisions of Act No. 305/2005 Coll. on the social and legal protection of children and social guardianship and on amendments to certain acts, as amended.

<sup>64</sup>Slovakia, Office of Labour, social affairs and family (*Ústrediepráce, sociálnychvecí a rodiny*). AdresárCentier pre deti a rodiny, available at: [www.upsvr.gov.sk/buxus/docs/SSVaR/OVOZ/Adresar\\_-\\_Centrum\\_pre\\_deti\\_a\\_rodiny\\_k\\_1.8.2019.pdf](http://www.upsvr.gov.sk/buxus/docs/SSVaR/OVOZ/Adresar_-_Centrum_pre_deti_a_rodiny_k_1.8.2019.pdf)

<sup>65</sup>Official website of the Ministry of Labour, Social Affairs and Family of the Slovak Republic: [www.upsvr.gov.sk/socialne-veci-a-rodina/socialno-pravna-ochrana-deti/opatrenia-na-zabezpecenie-ochrany-zivota-zdravia-a-vyvinu-dietata/malolety-bez-sprievodu.html?page\\_id=1204&lang=en](http://www.upsvr.gov.sk/socialne-veci-a-rodina/socialno-pravna-ochrana-deti/opatrenia-na-zabezpecenie-ochrany-zivota-zdravia-a-vyvinu-dietata/malolety-bez-sprievodu.html?page_id=1204&lang=en)

<sup>66</sup>Interview with a lawyer of the Human Rights League, on 6. September 2019. Telephone interview with the carer/guardian at Labour Office Medzilaborce.

Article 2 letter a) point 3 of the Act on Social and Legal Protection of Children and Social Guardianship. Above Act defines them as children younger than 18 years, who live outside the territory of their home country, separated from both their parents, and not cared for by a person responsible for their upbringing by law or by custom. However, this Act is also relevant under certain circumstances for children who reached 18 years of age (young adults).

#### Transforming the guardian into a ‘mentor’

According to the interview with the Director of the Centre in Medzilaborce, a child who has reached 18 years of age may not keep a guardian but very often the Centre concludes an agreement with the child on provision of further support (*mentoring*). Such support includes: continuing accommodation in the Centre, in a “special group” set up for unaccompanied children, a support in the search for individual accommodation outside the Centre. Moreover, according to this agreement, a child can be provided a further social and psychological counselling, or arranged the external legal assistance.

During the course of the child’s integration in Slovakia, a guidance is provided to a child in the form of an *Individual Child Personal Development Plan* drafted in collaboration between the child and the responsible social worker, defining aspects such as training, basic education, future employment or social inclusion support measures. In other cases, the responsible authority or the guardian appointed to them as children follow up once they become young adults, either in the framework of a formally established mechanism or in an informal manner<sup>67</sup>. This statement is confirmed by the latest Slovak EMN report<sup>68</sup>. If unaccompanied children became beneficiary of international protection (are granted asylum or subsidiary protection) or if their residence status is solved by another type of tolerated residence or by another type of residence after attaining majority, they can ask the Centre to provide them assistance or care until the time they become independent(after they find a place to live and are capable to provide for himself/herself alone) at the latest until age 25 or until 27<sup>69</sup> if the young adult is still studying for a profession.

According to Article 2 points b) and c) of Act no 305/2005 Coll. the measures for the social and legal protection of children and the guardianship can be implemented:

(b) to an adult natural person up to 25 years of age, who has a habitual residence in the territory of the Slovak Republic (hereinafter referred to as "young adult"), the Article 55 par. 4 of the Act No. 305/2005 Coll. the Center may establish conditions for extending the accommodation of an adult natural person (who has been provided with care in the Center under paragraph 1 until the age of 25) if he / she is constantly preparing for a profession. Length of accommodation pursuant to the first sentence is a maximum of 24 months.

The term “habitual residence” means “usual residence” defined by the Article 2 letter (a) as a permanent residence, temporary residence or tolerated residence in the Slovak Republic (any authorized stay pursuant to law). Measures of above law can be applied to those who received international protection, those who received another type of residence status, those who received tolerated stay.

(a) However, person with tolerated stay can only be considered a *young adult*<sup>70</sup> for the purposes of a care provided by the Centre if he/she was granted the tolerated stay based on other grounds than special type of tolerated stay for unaccompanied children granted before

<sup>67</sup> European Commission (2018), *Approaches to unaccompanied minors following status determination in the EU plus Norway*, available at: [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/00\\_eu\\_synthesis\\_report\\_unaccompanied\\_minors\\_2017\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/00_eu_synthesis_report_unaccompanied_minors_2017_en.pdf)

<sup>68</sup> European Migration eNetwork (2018), *EMN FOCUSED STUDY 2017 - Approaches to Unaccompanied Minors Following Status Determination in the Slovak Republic*, sent upon request on 18 September 2019.

<sup>69</sup> Interview with the Director of the Centre for children and family in Medzilaborce on 17 September 2019.

<sup>70</sup> *Ibid.*

	<p>reaching majority:</p> <p>the purpose of respecting private and family life<sup>71</sup> after attaining majority while at the same time have a sibling placed in the Centre, or</p> <p>(b) or tolerated residence based on being a victim of trafficking in human beings<sup>72</sup>. The provisions about young adults temporarily apply to foreigners during deciding on their application for granting/change of tolerated residence and during the period set for deciding on whether to cooperate with law enforcement authorities in investigating a crime related to trafficking in human beings.</p>
<p><b>Accommodation</b> <i>Reception Conditions Directive Article 24.2</i></p>	<p>As it has been described before, unaccompanied children who make an application for international protection as well as those who do not apply for asylum are currently accommodated at the Centre in Medzilaborce. Due to very low numbers of unaccompanied children found on the Slovak territory, a so-called ‘Centre <i>Dlaň</i>’ in Medzilaborce is the only institution in Slovakia aimed at providing home to foreigners - unaccompanied children in various legal statuses (asylum seekers, or children with granted international protection). Children are provided with an immediate care by a competent authority of social and legal protection of children and guardianship which protects the rights and legitimate interests of unaccompanied children immediately after a notice by the Police Force about finding an unaccompanied child in Slovakia. Subsequently, the competent authority of social and legal protection of children and guardianship files a motion for preliminary ruling with a court, upon which the unaccompanied child is transferred to a facility to the Centre. Children reaching 18 years are entitled, in terms of accommodation, to choose from 3 options.<sup>73</sup></p> <ol style="list-style-type: none"> <li>1) a young adult may become independent and employees of the Children’s Home help him/her to be self-sufficient, to rent an apartment and search for a job. A child receives a financial contribution but may further communicate with the social worker and the Centre’s staff and its clients.</li> <li>2) a young adult may stay in the Centre where he/she is further provided education and support until approx. 25 years (If he/she studies at the university, even longer)<sup>74</sup>.</li> <li>3) after reaching an adulthood, a young adult is not obliged to stay in the Centre, but can move freely and no longer receive support from the staff.</li> </ol> <p>When it comes to young adults, the IOM Migration Information Centre generally provides unaccompanied children in Slovakia with language and education courses or offers requalification courses and employment counselling.</p>
<p><b>Return</b> <i>Return Directive, Article 10</i></p>	<p><u>Legal framework and internal rules</u></p> <p>According to Article 29 par. 1 letter f) of the Act on Social and Legal Protection of Children and Social Custody the authority for social protection and social custody (guardianship) cooperates with the IOM International Organization for Migration (IOM) in ensuring the return of unaccompanied children to their country of origin or in arranging the a third country where such person expressed interest to return.<sup>75</sup> Internal measure of the Ministry of Labour, Social Affairs and Family of the Slovak Republic No. IN-105/2015<sup>76</sup> in</p>

<sup>71</sup>Slovakia, The Act no. 404/2011 Coll on residence of foreigners and on supplementation and amendment to certain acts as amended, Art. 58(1)b).

<sup>72</sup>Slovakia, The Act no. 404/2011 Coll on residence of foreigners and on supplementation and amendment to certain acts as amended Art. 58(1)c).

<sup>73</sup>Interview with the Director of the Centre for children and family in Medzilaborce on 17 September 2019.

<sup>74</sup>Slovakia, The Act no. 305/2005 Coll on social and legal protection of children and social guardianship as amended, Article 55, paragraph 2, available at: <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2005/305/20200101>; Information was also provided by the Director of the Centre for children and family in Medzilaborce on 17 September 2019.

<sup>75</sup>IOM Bratislava (2017) ‘EMN FOCUSED STUDY 2017 - Approaches to Unaccompanied Minors Following Status Determination in the Slovak Republic’ (unpublished study).

<sup>76</sup>Slovakia, Ministry of Labour, Social Affairs and Family of the Slovak Republic (*Ministerstvo práce, sociálnych vecí a rodiny SR*), Internal measure No. IN-105/2015 of the Ministry of Labour on implementation of measures for social and legal protection of children and social guardianship provided to unaccompanied minors. Sent by the Ministry of Labour, Social Affairs and Family upon request on 13 September 2019.

	<p>article 6.2 summarizes the main rules relevant for return procedures of unaccompanied children.</p> <p>When it comes to the return of young adults (former unaccompanied children) IOM staff follows internal IOM rules relevant for the ‘Assisted Voluntary Return and Reintegration’ (“AVRR” project).</p> <p>When preparing for the return, in a so called “pre-return counselling phase”, IOM staff proceeds on an individual basis and applies measures necessary to facilitate the implementation of the return – such as a necessary health care, psychological counselling, social support, or any other support according to special needs of a foreigner. The IOM staff provides foreigners with legal counselling and organizes the return into the country of origin, provided that they show interest in such return or travel. In the case of assisted voluntary return the processes are governed by the IOM internal directives and rules. The standard provided grant is approximately EUR 1300, the increased reintegration grant for vulnerable migrants is approximately EUR 1700.<sup>77</sup> With young adults within the framework of pre-return counselling, as with all migrants, IOM determines what needs they have, under what conditions they are returning and, if necessary, could also be granted an increased reintegration grant. However, this is determined individually on a case by case basis.</p> <p>In case of children, the social and economic status of a family/carer in the country of origin is evaluated, i.e. whether they are willing and able to take care of the child starting from their return and until their majority. Social, economic and health conditions of the country of origin are examined, too. Furthermore, a legal representative/carer has to be identified, escort has to be arranged and measures have to be agreed upon with carers in the host country, country of origin as well as with the entity providing transfer. The handover and reception of the child has to be agreed upon as well.</p>
<p><b>Others</b></p>	<p>There is only one special permission to stay which is available for young adults. <u>Permanent residence pursuant to Article 45a</u> of Act on Residence (described in the beginning of this chapter) can be granted to those young adults who studied in Slovakia for 3 years before they reached the age of 18. Considering long term observations and statistical data, very few applicants meet the last condition – since majority of unaccompanied children generally come to Slovakia when they are older than 16 years.</p> <p><u>Application for a citizenship can be submitted:</u></p> <p>Pursuant to Article 7 par. 2 letter d) of Act No. 40/1993 Coll. On Slovak citizenship as amended<sup>78</sup>, on behalf of an unaccompanied child whose legal representative or a guardian is a Slovak national or a legal person designated by a court of the Slovak Republic and who has been resident in the territory of the Slovak Republic for at least two years immediately prior to filing an application for citizenship of the Slovak Republic. This provision is rated positively by the HRL lawyer<sup>79</sup>, but its practical implementation can be controversial, since application has to be filed by a custodian on behalf of the child at the time when he/she is still a child, and whether they do she does not know.</p> <p>Except for these two legal provisions available for young adults, there are no other special programmes for unaccompanied children and adults. However, certain educational or retraining support can be obtained upon an individual request, from the IOM Migration Information Centre (<i>a driving licence course, VAT, a language course</i>).<sup>80</sup></p>

<sup>77</sup> Interview with an expert from IOM, 20 September 2019.

<sup>78</sup>Slovakia, Act No. 40/1993 Coll. On Slovak citizenship as amended, 22 November 2011.

<sup>79</sup>Interview with a lawyer of the Human Rights League, on 6. September 2019.

<sup>80</sup>Information request sent to the IOM mission in Bratislava on 4 September 2019; ‘EMN FOCUSSED STUDY 2017 - Approaches to Unaccompanied Minors Following Status Determination in the Slovak Republic’ received on 18 September 2019. Data contained in this chapter were consulted with the IOM staff.

## Chapter 5. Information society, data protection

### 1. Activities developed and launched by national data protection supervisory authorities (SAs) to implement and enforce the GDPR

In the Slovak Republic, the primary data protection supervisory authority responsible for implementation and enforcement of the GDPR is the Office for Personal Data Protection (*Úrad na ochranu osobných údajov Slovenskej republiky*) (OPDP). The new Act no. 18/2018 on the Personal Data Protection<sup>81</sup>, which harmonised the Slovak data protection legislation with the GDPR, came into force on 25May 2018. Since then, the OPDP has engaged in 1. legislative activities; 2. consultations; 3. controlling; 4. initiating administrative proceedings; and 5. rising of public awareness about the new legislation<sup>82</sup>.

1. With respect to legislative activities, after the new Act no. 18/2018 on the Personal Data Protection came in force, the OPDP has engaged mainly in preparation of methodological guidelines and short ad hoc methodologies, that respond to the most commonly received questions from operators and the general public. The main aim of these guidelines is to direct operators and intermediaries and to inform concerned persons and the general public about the procedures introduced by the GDPR<sup>83</sup>. The methodological guidelines are publicly available on the OPDP website<sup>84</sup>.

2. With respect to consultations, since the new legislation came into force, the OPDP has offered consultations to both operators and intermediaries as well as to general public. Until the beginning of 2019, these consultations were done both via telephone and via email. Since the beginning of 2019, the OPDP offers consultation only via email, as it does not have sufficient personal capacities to respond to questions via telephone. Between 25May 2018 and 24May 2019, the OPDP offered 200 telephonic consultations (mainly the second half of 2018) and more than 1500 email consultations (the whole period)<sup>85</sup>.

3. With respect to controlling, controls on the processing of personal data that were initiated after 25May 2018 (after the new Act came into effect) were carried out as a part of data protection proceedings, on the basis of regular plans of control, as well as on the basis of suspected breaches of the law. Since the new legislation came into effect, the OPDP started the performance of a total of 51 inspections, of which 21 were completed by 24May 2019. In terms of the incentive to inspect, 12 inspections were carried out on the basis of suspected

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<sup>81</sup>Slovakia, Act of the National Council of the Slovak Republic No. 18/2018 Coll on personal data protection (*Zákon o ochrane osobných údajov*), available at [https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2018/18/vyhlasene\\_znenie.html](https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2018/18/vyhlasene_znenie.html).

<sup>82</sup>Information provided on request by email by a legal expert of the Office for Personal Data Protection, 1 October 2019.

<sup>83</sup>Slovakia, Office for Personal Data Protection of the Slovak Republic (*Úradna ochrane osobných údajov*) (2019), Report on the State of the Personal Data Protection for the period from 25 May 2018 to 24 May 2019 (*Správa o stave ochrany osobných údajov za obdobie 25. máj 2018 až 24. máj 2019*), pp.14-15, available at [https://www.dataprotection.gov.sk/uoou/sites/default/files/sprava\\_o\\_stave\\_ochrany\\_osobnych\\_udajov\\_za\\_obdobie\\_25.maj\\_2018\\_az\\_24\\_maj\\_2019.pdf](https://www.dataprotection.gov.sk/uoou/sites/default/files/sprava_o_stave_ochrany_osobnych_udajov_za_obdobie_25.maj_2018_az_24_maj_2019.pdf).

<sup>84</sup>Slovakia, Office for Personal Data Protection of the Slovak Republic (*Úradna ochrane osobných údajov*) (2019), Methodological guidelines (*Metodické usmernenia*), available at <https://dataprotection.gov.sk/uoou/sk/main-content/metodiky-uradu>.

<sup>85</sup>Slovakia, Office for Personal Data Protection of the Slovak Republic (*Úradna ochrane osobných údajov*) (2019), Report on the State of the Personal Data Protection for the period from 25May 2018 to 24May 2019 (*Správa o stave ochrany osobných údajov za obdobie 25. máj 2018 až 24. máj 2019*), pp.16-17, available at [https://www.dataprotection.gov.sk/uoou/sites/default/files/sprava\\_o\\_stave\\_ochrany\\_osobnych\\_udajov\\_za\\_obdobie\\_25.maj\\_2018\\_az\\_24\\_maj\\_2019.pdf](https://www.dataprotection.gov.sk/uoou/sites/default/files/sprava_o_stave_ochrany_osobnych_udajov_za_obdobie_25.maj_2018_az_24_maj_2019.pdf).

violations of obligations in the processing of personal data and 9 inspections in the framework of the personal data protection proceedings<sup>86</sup>.

4. With respect to administrative proceedings, its purpose is to determine whether the rights of natural persons have been violated in the processing of their personal data or the provisions of the GDPR have been violated. If deficiencies are found, if justified and expedient, impose remedial measures and/or a fine. The provisions of the Code of Administrative Procedure shall apply to the proceedings on the protection of personal data. If the OPDP does not have a competence to start the proceeding, it is obliged to refer it to the relevant administrative body. In 2019 (as of 24May 2019), the OPDP started 62 administrative proceedings, of which 33 were started based on external (public) impetus, 14 based on internal (OPDP), 7 based on the findings of a control, and 8 based on own initiative of OPDP after it was found, that the law was violated<sup>87</sup>.

5. With respect to the rising public awareness about the new legislation, the OPDP has actively communicated with the media, as the media interest significantly grew once the new legislation came into effect. In the period between 25May 2018 and 24May 2019, the OPDP had 67 media appearances, which were concerned mainly with novelties introduced by the new legislation. In terms of public outreach activities, the OPDP organised an interactive workshop for the public, which took place on the occasion of the International Data Protection Day (28 January 2019). The workshop was divided into four thematic blocs, which corresponded to the most frequent questions that the OPDP received. 100 people took part at the workshop, which OPDP interpreted as a success<sup>88</sup>.

According to the information which was made publicly available by the OPDP in its Annual Report on the State of Personal Data Protection (further Annual Report)<sup>89</sup>, since the new legislation came into force, the number of employees of the OPDP rose from 39 (as of 25<sup>th</sup> May 2018) to 46 (as of 1.1.2019)<sup>90</sup>. However, this increase in the number of employees is not seen as sufficient by the OPDP. As is further stated in the Annual Report, “in particular, since the period of application of the GDPR, the OPDP has felt that the current number of employees is insufficient and it is essential that this number be significantly increased. Currently, many employees perform several functions simultaneously, which does not contribute to their working comfort and in terms of the mental demands of work, this is not

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<sup>86</sup>Slovakia, Office for Personal Data Protection of the Slovak Republic (*Úradnaochraneosobnýchúdajov*) (2019), Report on the State of the Personal Data Protection for the period from 25May 2018 to 24May 2019 (*Správao stave ochranyosobnýchúdajov za obdobie 25. máj 2018 až 24. máj 2019*), p.24, available at [https://www.dataprotection.gov.sk/uouu/sites/default/files/sprava\\_o\\_stave\\_ochrany\\_osobnych\\_udajov\\_za\\_obdobie\\_25.maj\\_2018\\_az\\_24\\_maj\\_2019.pdf](https://www.dataprotection.gov.sk/uouu/sites/default/files/sprava_o_stave_ochrany_osobnych_udajov_za_obdobie_25.maj_2018_az_24_maj_2019.pdf).

<sup>87</sup>Slovakia, Office for Personal Data Protection of the Slovak Republic (*Úradnaochraneosobnýchúdajov*) (2019), Report on the State of the Personal Data Protection for the period from 25May 2018 to 24May 2019 (*Správao stave ochranyosobnýchúdajov za obdobie 25. máj 2018 až 24. máj 2019*), p.32, available at [https://www.dataprotection.gov.sk/uouu/sites/default/files/sprava\\_o\\_stave\\_ochrany\\_osobnych\\_udajov\\_za\\_obdobie\\_25.maj\\_2018\\_az\\_24\\_maj\\_2019.pdf](https://www.dataprotection.gov.sk/uouu/sites/default/files/sprava_o_stave_ochrany_osobnych_udajov_za_obdobie_25.maj_2018_az_24_maj_2019.pdf).

<sup>88</sup>Slovakia, Office for Personal Data Protection of the Slovak Republic (*Úradnaochraneosobnýchúdajov*) (2019), Report on the State of the Personal Data Protection for the period from 25May 2018 to 24May 2019 (*Správao stave ochranyosobnýchúdajov za obdobie 25. máj 2018 až 24. máj 2019*), pp.16-17, available at [https://www.dataprotection.gov.sk/uouu/sites/default/files/sprava\\_o\\_stave\\_ochrany\\_osobnych\\_udajov\\_za\\_obdobie\\_25.maj\\_2018\\_az\\_24\\_maj\\_2019.pdf](https://www.dataprotection.gov.sk/uouu/sites/default/files/sprava_o_stave_ochrany_osobnych_udajov_za_obdobie_25.maj_2018_az_24_maj_2019.pdf).

<sup>89</sup>Slovakia, Office for Personal Data Protection of the Slovak Republic (*Úradnaochraneosobnýchúdajov*) (2019), Report on the State of the Personal Data Protection for the period from 25May 2018 to 24May 2019 (*Správao stave ochranyosobnýchúdajov za obdobie 25. máj 2018 až 24. máj 2019*), available at [https://www.dataprotection.gov.sk/uouu/sites/default/files/sprava\\_o\\_stave\\_ochrany\\_osobnych\\_udajov\\_za\\_obdobie\\_25.maj\\_2018\\_az\\_24\\_maj\\_2019.pdf](https://www.dataprotection.gov.sk/uouu/sites/default/files/sprava_o_stave_ochrany_osobnych_udajov_za_obdobie_25.maj_2018_az_24_maj_2019.pdf).

<sup>90</sup>Slovakia, Office for Personal Data Protection of the Slovak Republic (*Úradnaochraneosobnýchúdajov*) (2019), Report on the State of the Personal Data Protection for the period from 25May 2018 to 24May 2019 (*Správao stave ochranyosobnýchúdajov za obdobie 25. máj 2018 až 24. máj 2019*), p.11, available at [https://www.dataprotection.gov.sk/uouu/sites/default/files/sprava\\_o\\_stave\\_ochrany\\_osobnych\\_udajov\\_za\\_obdobie\\_25.maj\\_2018\\_az\\_24\\_maj\\_2019.pdf](https://www.dataprotection.gov.sk/uouu/sites/default/files/sprava_o_stave_ochrany_osobnych_udajov_za_obdobie_25.maj_2018_az_24_maj_2019.pdf).

right and sustainable. By way of illustration, the number of 'live per capita' proceedings in the Administrative Proceedings Department is in case of some employees nearing 100 cases, which is an alarming situation that is unsustainable in the long run. More than ever, the OPDP's application practice implies the need to establish at least two remote offices, one in Central Slovakia and one in Eastern Slovakia. The reason for the need for these workplaces is that the employees of the Office would be closer to the affected persons from these areas of Slovakia as well as the fact that for example the performance of inspections would be more effective, as it would not be necessary to central or eastern Slovakia. Not to mention the time savings of employees, acceleration and streamlining of proceedings.<sup>91</sup>”

The implementation of the GDPR has also brought more budgetary expenditures and a demand for an increase in the allocated budget. As the OPDP states in the Annual Report, “similarly to the need to increase the number of employees due to an increase in activities and responsibilities of the OPDP, attention has to be paid also to an arising need for additional material and technical equipment, which should be reflected in the increase of the OPDP's budget. The OPDP has also seen an increase in the European and international agenda, where the OPDP's employees are directly involved and must regularly participate in meetings of the Committee's expert groups and Council working groups.<sup>92</sup>”

The Annual Report on the State of Personal Data Protection was presented to the Committee of the National Council of the Slovak Republic for Human Rights and National Minorities at its 61<sup>st</sup> meeting in September 2019 and was taken into account<sup>93</sup>.

## 2. Artificial intelligence and big data

As of 30<sup>th</sup> November 2019, Slovakia does not have any legally binding provision that would define the terms Big Data, Internet of Things, and Artificial Intelligence and specify the conditions of data collection through these specific means.<sup>94</sup>The Office for Personal Data Protection (OPDP), which is the main authority that performs supervision of the data protection in the Slovak Republic, currently does not have under its auspices any legal proposal that would address issues related to the data collection through means of Big Data, Internet of Things, and Artificial Intelligence and nor does it plan to propose new legislation or regulatory documents with respect to these issues in the foreseeable future<sup>95</sup>.

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<sup>91</sup>Slovakia, Office for Personal Data Protection of the Slovak Republic (*Úradnaochraneosobnýchúdajov*) (2019), Report on the State of the Personal Data Protection for the period from 25May 2018 to 24May 2019 (*Správao stave ochranyosobnýchúdajov za obdobie 25. máj 2018 až 24. máj 2019*), p.11, available at [https://www.dataprotection.gov.sk/uoou/sites/default/files/sprava\\_o\\_stave\\_ochrany\\_osobnych\\_udajov\\_za\\_obdobie\\_25.maj\\_2018\\_az\\_24\\_maj\\_2019.pdf](https://www.dataprotection.gov.sk/uoou/sites/default/files/sprava_o_stave_ochrany_osobnych_udajov_za_obdobie_25.maj_2018_az_24_maj_2019.pdf).

<sup>92</sup>Slovakia, Office for Personal Data Protection of the Slovak Republic (*Úradnaochraneosobnýchúdajov*) (2019), Report on the State of the Personal Data Protection for the period from 25May 2018 to 24May 2019 (*Správao stave ochranyosobnýchúdajov za obdobie 25. máj 2018 až 24. máj 2019*), p.12, available at [https://www.dataprotection.gov.sk/uoou/sites/default/files/sprava\\_o\\_stave\\_ochrany\\_osobnych\\_udajov\\_za\\_obdobie\\_25.maj\\_2018\\_az\\_24\\_maj\\_2019.pdf](https://www.dataprotection.gov.sk/uoou/sites/default/files/sprava_o_stave_ochrany_osobnych_udajov_za_obdobie_25.maj_2018_az_24_maj_2019.pdf).

<sup>93</sup>Slovakia, Committee of the National Council of the Slovak RepublicforHumanRights and National Minorities (*Výbor Národnej rady Slovenskej republiky pre ľudské práva a národnostné menšiny*) (17 September 2019), Resolution no. 141, available at <https://www.nrsr.sk/web/Dynamic/DocumentPreview.aspx?WFTID=NRDK&MasterID=272246>.

<sup>94</sup>Information provided on request by email by a legal expert of the Office for Personal Data Protection, 1October 2019.

<sup>95</sup>Information provided on request by email by a legal expert of the Office for Personal Data Protection, 1October 2019.



The term Big Data is currently defined only in strategic documents related to state governance and administration, mainly in the “National Conception of the Public Sector Informatisation 2016-2020”<sup>96</sup> and in the document titled “Strategic Priority. Data Management” (*Strategická priorita. Manažement údajov*)<sup>97</sup>. In both cases Big Data are discussed exclusively in relation to effective governance and are defined as “a huge amount of data of different type obtained at high speed from a large number of different types of sources. Big Data features 4 characteristics: Volume, Variety (for example, videos, tweets, sensor data), Speed (time flow data processing), and Time (with a lot of data collected, uncertainty about their accuracy). Processing of such a variety of real-time data collections requires new tools and methods like powerful processors, new software solutions, and algorithms.”<sup>98</sup> In neither of the two documents the basic rights are mentioned explicitly, however both the National Conception and the Strategic priority emphasize the importance of personal data protection and data management in line with GDPR. The document “Strategic Priority. Data Management” (*Strategická priorita. Manažement údajov*) for instance specifies that personal, sensitive and classified data should be exempted from open access among governmental institutions and subject to a specific regime of protection<sup>99</sup>. The document further specifies that the technology of “Personal Information Management Systems” will be “used to store personal data of entrepreneurs and citizens into so-called personal data repositories. The citizen or business entity will thus gain even greater control over their privacy as well as convenient tools for repairing or deleting data and granting consent to processing (where appropriate). For citizens and entrepreneurs, their personal data will become an economic asset in the future”<sup>100</sup>.

A more precise legal definition of Big Data is expected to become a part of Slovak legislation as a part of a new Act on data, whose preparation is under the auspices of the Office of the Vice-President of the Government for Investment and Informatisation. The original deadline for preparation of the Draft proposal was 31 December 2018, however, last year, The Office of the Vice-President of the Government for Investment asked for an extension until 31 December 2019. As of 3 October 2019, the draft proposal has not yet been made publicly available and has not been put into the legislative process. However, according to the information provided by the Office of the Vice-President of the Government for Investment and Informatisation already last year<sup>101</sup>, its main aims follow directly from the National Conception of the Public Sector Informatisation 2016-2020<sup>102</sup> and can be thus defined mainly in terms of more effective

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<sup>96</sup>Slovakia, Deputy Prime Minister’s Office for Investments and Informatisation of the Slovak Republic (*Úradpodpredsedu vlády SR pre investície a informatizáciu*) (2016), National Conception of Informatisation of public sector of the Slovak Republic (*Národná koncepcia informatizácie verejnej správy Slovenskej republiky*), available at <http://www.informatizacia.sk/narodna-koncepcia-informatizacie-verejnej-spravy--2016-/22662c>

<sup>97</sup>Slovakia, Deputy Prime Minister’s Office for Investments and Informatisation of the Slovak Republic (*Úradpodpredsedu vlády SR pre investície a informatizáciu*) (2016), Strategic Priority the Data Management (*Strategická priorita. Manažement údajov*), available at [http://www.informatizacia.sk/ext\\_dok-uppvii\\_sp\\_manazment\\_udajov\\_vfinal/24196c](http://www.informatizacia.sk/ext_dok-uppvii_sp_manazment_udajov_vfinal/24196c)

<sup>98</sup>Slovakia, Deputy Prime Minister’s Office for Investments and Informatisation of the Slovak Republic (*Úradpodpredsedu vlády SR pre investície a informatizáciu*) (2016), Strategic Priority the Data Management (*Strategická priorita. Manažement údajov*), p.77. Available at [http://www.informatizacia.sk/ext\\_dok-uppvii\\_sp\\_manazment\\_udajov\\_vfinal/24196c](http://www.informatizacia.sk/ext_dok-uppvii_sp_manazment_udajov_vfinal/24196c)

<sup>99</sup>Slovakia, Deputy Prime Minister’s Office for Investments and Informatisation of the Slovak Republic (*Úradpodpredsedu vlády SR pre investície a informatizáciu*) (2016), Strategic Priority the Data Management (*Strategická priorita. Manažement údajov*), p.4, available at [http://www.informatizacia.sk/ext\\_dok-uppvii\\_sp\\_manazment\\_udajov\\_vfinal/24196c](http://www.informatizacia.sk/ext_dok-uppvii_sp_manazment_udajov_vfinal/24196c)

<sup>100</sup>Slovakia, Deputy Prime Minister’s Office for Investments and Informatisation of the Slovak Republic (*Úradpodpredsedu vlády SR pre investície a informatizáciu*) (2016), Strategic Priority the Data Management (*Strategická priorita. Manažement údajov*), p.5, available at [http://www.informatizacia.sk/ext\\_dok-uppvii\\_sp\\_manazment\\_udajov\\_vfinal/24196c](http://www.informatizacia.sk/ext_dok-uppvii_sp_manazment_udajov_vfinal/24196c)

<sup>101</sup>Information provided on request by email by the Director of The Office of the Vice-President of the Government for Investment and Informatisation, 19<sup>th</sup> November 2018.

<sup>102</sup>Slovakia, Deputy Prime Minister’s Office for Investments and Informatisation of the Slovak Republic (*Úradpodpredsedu vlády SR pre investície a informatizáciu*) (2016), National Conception of Informatisation of public sector of the Slovak Republic (*Národná koncepcia informatizácie verejnej správy Slovenskej republiky*), available at <http://www.informatizacia.sk/narodna-koncepcia-informatizacie-verejnej-spravy--2016-/22662c>

governance and public administration. The main type of data concerned is the so-called Public Sector Information (PSI), defined data “that public authorities create, collect or pay for - that is, [they are] their owners or administrators. Examples are geographic data, statistics, weather information, data from publicly funded research projects, and digitized books from libraries”<sup>103</sup>. Both strategic documents that should serve as a base for the new Act on Data - Strategic Priority the Open Data<sup>104</sup> and Strategic Priority the Data Management<sup>105</sup> - emphasize the necessity to protect personal data, create special safeguarding mechanisms, and harmonize the practice of data collection with GDPR.

The draft of the new Act on Data has finally entered the legislation process at the beginning of October under the legislation number LP/2019/699<sup>106</sup>. Between 4<sup>th</sup> and 24<sup>th</sup> October, the draft Act was subjected to the interdepartmental comment round. As of 30<sup>th</sup> November, the draft Act is in the stage of the interdepartmental comment round evaluation. At its current form, the draft Act does not entail any provisions that would legally define the terms Big data, Artificial Intelligence, or Internet of things, nor regulate the conditions of data collection via these means. As a part of the interdepartmental comment round, altogether 538 comments have been raised, 199 of them substantial. The Office for Personal Data Protection has raised 25 substantial comments, pointing out the general vagueness of the proposal, particularly when it comes to the definition of the term “data”, specification of legal rules of processing personal data, as well as the listing public authorities to which the processing of personal data will apply. Significant changes of the Act on Data are thus to be expected.

According to the information provided by the Deputy Prime Minister’s Office for Investments and Informatisation of the Slovak Republic, a working group “Big data” has been created as a part of the National Conception of Informatisation of the Public Sector of the Slovak Republic. This group is responsible for the preparation of further expert proposals for possible legislative modification of the topic “big data” once the basic Act on Data will come into force<sup>107</sup>.

In June 2019, the parliament passed the Action plan for the digital transformation of Slovakia for the years 2019 – 2022<sup>108</sup>. This document also entails a provision that discusses specifically digital transformation in relation to artificial intelligence (AI). With respect to AI, the document sets two priorities: “4.1 Research and education in the field of artificial intelligence”, “4.2 Increase of the economic growth in Slovakia with the use of artificial intelligence”. The Action Plan references the Coordinated plan on artificial intelligence, which was adopted at the European level in 2018, and particularly the obligation to develop national capacities and international cooperation in the field of artificial intelligence. Goals of the Action Plan that are most relevant for the regulatory, legal, and ethical aspects of the use of IA

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<sup>103</sup>Slovakia, Deputy Prime Minister’s Office for Investments and Informatisation of the Slovak Republic (*Úradpodpredsedu vlády SR pre investície a informatizáciu*) (2017), Strategic Priority the Open Data (*Strategická priorita. Otvorené údaje*), p.5. available at <http://www.informatizacia.sk/strategicke-priority-erf/24190c>

<sup>104</sup>Slovakia, Deputy Prime Minister’s Office for Investments and Informatisation of the Slovak Republic (*Úradpodpredsedu vlády SR pre investície a informatizáciu*) (2017), Strategic Priority the Open Data (*Strategická priorita. Otvorené údaje*), available at <http://www.informatizacia.sk/strategicke-priority-erf/24190c>

<sup>105</sup>Slovakia, Deputy Prime Minister’s Office for Investments and Informatisation of the Slovak Republic (*Úradpodpredsedu vlády SR pre investície a informatizáciu*) (2016), Strategic Priority the Data Management (*Strategická priorita. Manažement údajov*), available at [http://www.informatizacia.sk/ext\\_dok-uppvii\\_sp\\_manazment\\_udajov\\_vfinal/24196c](http://www.informatizacia.sk/ext_dok-uppvii_sp_manazment_udajov_vfinal/24196c)

<sup>106</sup> Slovakia, Deputy Prime Minister’s Office for Investments and Informatisation of the Slovak Republic (*Úradpodpredsedu vlády SR pre investície a informatizáciu*) (2019) LP / 2019/699 Návrh zákona o údajoch a o zmene a doplnení zákona č. 305/2013 Z. z. o elektronickej podobe výkonu pôsobnosti orgánov verejnej moci a o zmene a doplnení niektorých zákonov (zákon o eGovernmente). Available at <https://www.slov-lex.sk/legislativne-procesy/-/SK/LP/2019/699>.

<sup>107</sup> Information provided on request by email by the The Deputy Prime Minister’s Office for Investments and Informatisation of the Slovak Republic (*Úradpodpredsedu vlády SR pre investície a informatizáciu*), 8<sup>th</sup> October 2019.

<sup>108</sup>Slovakia, Deputy Prime Minister’s Office for Investments and Informatisation of the Slovak Republic (*Úradpodpredsedu vlády SR pre investície a informatizáciu*) (2019) Action plan for the digital transformation of Slovakia for the years 2019 – 2022. Available at: <https://www.vicepremier.gov.sk/wp-content/uploads/2019/10/AP-DT-English-Version-FINAL.pdf>

are goals 4.2.1-4.2.5, namely “4.2.1 Analysis of the regulatory environment for artificial intelligence”; “4.2.2 Designing and supporting implementation of principles of transparent and ethical use of AI”; “4.2.3 Supporting the development of artificial intelligence ecosystem”; “4.2.4 Setting up the permanent committee for ethics and regulation of artificial intelligence”; “4.2.5 Preparation of a manual for companies for deployment of artificial intelligence”. The document can thus be understood as the first step towards creation of legislative and regulatory frameworks for the use of AI in the Slovak Republic. A necessity to make the use of AI compliant with existing ethical standards is explicitly mentioned under the objective “4.2.4 Setting up the permanent committee for ethics and regulation of artificial intelligence”. Human rights are not explicitly discussed in neither of the strategic goals.

Furthermore, in June 2019, more than one hundred experts on artificial intelligence from all over Slovakia gathered at the Slovak University of Technology in Bratislava to support the establishment of Slovak Research Center for artificial intelligence – slovak.AI. According to the information available at the official websites of slovak.AI, “the idea to establish such center was created thanks to a strong partnership between academic institutions, industry and state representatives, namely the Slovak University of Technology in Bratislava, the IT Association of Slovakia and the American Chamber of Commerce in the Slovak Republic, with the support of Office of the Deputy Prime Minister of the Slovak Republic for Investments and Informatization.”<sup>109</sup> The aims of slovak.AI are “to contribute to the development of artificial intelligence in the various sectors of the Slovak economy, to identify problems hampering this development and to offer competent institutions possible solutions, including the implementation of scientific research findings and their potential transfer to practice. Parties place great emphasis on strengthening education and talent development, and on upholding the principles of ethics and protecting the individual’s privacy in the field of artificial intelligence.”<sup>110</sup>

As of 30<sup>th</sup> November 2019, the issues related to data collection through the means of Big Data, Artificial Intelligence, or Internet of Things have not been discussed in any parliamentary hearings and they have not been a subject of any public campaign or initiative coming from the civil society.

MS	Actor*	Type**	Description	Are Ethical concerns mentioned? (yes/no)	Are Human Rights issues mentioned? (yes/no)	Reference
SK	Government/ Parliamentary	Strategic document	The National Conception of the Public Sector Informatisation 2016-2020 defines respective starting points and steps that need to be taken in order to achieve informatisation of the public administration. The document defines in particular the organizational, technical and technological tools of informatization of state administration and territorial self-government. Big data are discussed specifically in the section 6.2.6, where they are presented as an instrument of	no	no	National Conception of Informatisation of public sector of the Slovak Republic ( <i>Národná koncepcia informatizácie verejnej správy Slovenskej republiky</i> ). Available at <a href="http://www.informatizacia.sk/narodna-koncepcia-informatizacie-verejnej-spravy-2016-/22662c">http://www.informatizacia.sk/narodna-koncepcia-informatizacie-verejnej-spravy-2016-/22662c</a>

<sup>109</sup> Slovak Research Center for artificial intelligence - slovak.AI. (2019) Official webpage. Available at: <https://slovak.ai>

<sup>110</sup> Slovak Research Center for artificial intelligence - slovak.AI. (2019) Official webpage. Available at: <https://slovak.ai>

			greater effectiveness of public administration.			
SK	Government/ Parliamentary	Strategic document	The aim of this document is to further elaborate the strategic priority of the Data Management ensuing from The National Conception of the Public Sector Informatisation 2016-2020: to define the basic objectives within the strategic priority, outline the possible alternatives for their achievement as well as select the most suitable alternative for implementation. It directly follows on the section 6.2.6 of The National Conception and specifies in greater detail the architecture of Data management.	no	Yes (the right on personal data protection) No mention of the rights of the child or of gender issues.	Strategic Priority the Data Management ( <i>Strategická priorita. Manažement údajov</i> ). Available at <a href="http://www.informatizacia.sk/ext_dok-uppvii_sp_manazment_udajov_vfinal/24196c">http://www.informatizacia.sk/ext_dok-uppvii_sp_manazment_udajov_vfinal/24196c</a>
SK	Government/ Parliamentary	Strategic document	Strategic Priority: Open Data The aim of this document is to elaborate in more detail the strategic priority of the Open Data ensuing from The National Conception of the Public Sector Informatisation 2016-2020: to define the basic objectives within the strategic priority, sketching the possible alternatives for their achievement as well as selecting the most suitable alternative for implementation. Defined objectives must have a positive impact on increasing the availability of public administration data for third party processing based on the principles defined in the National Concept of Informatization of Public Administration.	no	Yes (the right on personal data protection) No mention of the rights of the child or of gender issues.	Slovakia, Deputy Prime Minister's Office for Investments and Informatisation of the Slovak Republic ( <i>Úrad podpredsedu vlády SR pre investície a informatizáciu</i> ) (2017), Strategic Priority the Open Data ( <i>Strategická priorita. Otvorené údaje</i> ), available at <a href="http://www.informatizacia.sk/strategie-priority-erf/24190c">http://www.informatizacia.sk/strategie-priority-erf/24190c</a>
SK	Government/ Parliamentary	Strategic document	Action plan for the digital transformation of Slovakia for the years 2019 – 2022 sets concrete objectives in relation to four areas in which digital transformation should take place, including the Artificial Intelligence. The goals related to AI can be understood as the first step towards preparation of legislative and regulatory framework for the use of AI data collection in the Slovak Republic. A necessity to make the use of AI compliant with existing ethical standards is explicitly mentioned under the objective “4.2.4 Setting up the permanent committee for ethics and regulation of artificial intelligence”. Human rights are not explicitly discussed in neither of the	Yes	no	Slovakia, Deputy Prime Minister's Office for Investments and Informatisation of the Slovak Republic ( <i>Úrad podpredsedu vlády SR pre investície a informatizáciu</i> ) (2019) Action plan for the digital transformation of Slovakia for the years 2019 – 2022. Available at: <a href="https://www.vicpremier.gov.sk/wp-content/uploads/2019/10/AP-DT-English-Version-FINAL.pdf">https://www.vicpremier.gov.sk/wp-content/uploads/2019/10/AP-DT-English-Version-FINAL.pdf</a>

			strategic goals.			
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### 3. Data retention

The information available online is correct. There have not been any further developments related to data retention since the major changes in 2016, which led to invalidation of the Data Retention Directive 2006/24/EC in the Slovak legal environment. The main Act which invalidated the transposition of the Data Retention Directive 2006/24/EC into Slovak law was the Act No. 397/2015, which was passed in 2015 and came into force on the 1 January 2016<sup>111</sup>. This Act further amends the Acts No. 351/2011 Coll. on Electronic Communications (articles 58, 63, 73 and 78c)<sup>112</sup>, Act No. 301/2005 Code of Criminal Procedure (articles 115, 116, 362f, 362g)<sup>113</sup> and Act No. 171/1993 on the Police Corps (article 76a)<sup>114</sup>. All three of these Acts transposed Data Retention Directive 2006/24/EC in the past and thus had to be amended if the transposition was to be invalidated in the Slovak legislation system. The new provisions secure a greater control over data retention process and provide more detailed specification of situations in which data could be retained, stored and requested by state bodies. This is limited only to the most serious crimes as e.g. terrorism or threatening the integrity of the country. The amendment also abolishes the preventive blanket retention and storage of data on the side of telecommunication companies - the data could be retained only pro futuro on court request (other than criminal procedure) or court order (criminal procedure)<sup>115</sup>. The basic difference thus lies in the fact that whereas in the past all the data were recorded and stored preventively and thus accessible also retrospectively, now their recording can be initiated only by the decision of a court. The court request or court order shall, moreover, be issued only in case there are no other legal options how to obtain the information. This applies to the activities of Police force and Intelligence services alike.

<sup>111</sup>Slovakia, Act No. 397/2015 Coll. which for the purposes of the Criminal Code provides a list of substances with anabolic or other hormonal action and amending and supplementing certain laws (*Predpis č. 397/2015, ktorým sa naučely Trestného zákona ustanovuje zoznam látok s anabolickým alebo iným hormonálnym účinkom a ktorým sa menia a dopĺňajú niektoré zákony*) from 13 November 2015, available at <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2015/397/20160101>.

<sup>112</sup>Slovakia, Act No. 351/2011 Coll. on Electronic Communications (*Zákon o elektronických komunikáciach*) from 1 November 2011, as amended. Available at <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2011/351/20160701>.

<sup>113</sup>Slovakia, Act. No. 301/2005 Coll. Code of Criminal Procedure (*Trestný poriadok*) from 24 May 2005, available at <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2005/301/20160701>.

<sup>114</sup>Slovakia, Act. No. 171/1993 Coll. on Police Corps (*Zákon o policajnom zbere*) from 6 July 1993, available at <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/1993/171/20160701>.

<sup>115</sup>Slovakia, Act No. 351/2011 Coll. on Electronic Communications (*Zákon o elektronických komunikáciach*) from 1 November 2011, as amended, articles 58 and 63, available at <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2011/351/20160701>.

## Chapter 6. Rights of the child

### 1. Procedural safeguards for children who are suspects in criminal proceedings

<p><b>Legislative changes</b></p>	<p><b>In 2019, there have not been any legislative changes in Criminal code or in other laws regarding the transposition of the Directive 2016/800 on procedural safeguards for children<sup>116</sup>.</b></p> <p><b>The Directive 2016/800 was transposed by the Act no. 161/2018 Coll<sup>117</sup> in 2018. According to the Ministry of Justice of the Slovak Republic, no legislative changes has been needed since that time because Slovak legislation complied with the requirements of the Directive 2016/800.</b></p>
<p><b>Policy developments</b></p>	<p>Ministry of Interior, neither Ministry of Justice have adopted any new guidelines or provided special training for judges or law enforcement officers regarding the treatment of child suspects<sup>118</sup>.</p> <p>The Presidium of the Police Force plans to organise the training for the law enforcement officers from different departments of criminal police on regional and local level working with youth by the end of 2019. The main topics of the planned trainings are:</p> <ol style="list-style-type: none"> <li>1. Psychiatric aspects of violent crime in youth</li> <li>2. Verbal and non-verbal communication and its use in police practice concerning child offenders</li> <li>3. Biological age and its relevance in forensic practice<sup>119</sup>.</li> </ol> <p>Academy of Police Force in 2019 organised Courses within the project “Special interrogation rooms for child victims and other vulnerable victims of crimes” (not suspects). The courses focus on the specific communication with vulnerable people, including children. There are several other courses for students of the Police academy aimed at communication with children and specific work with vulnerable groups (such as psychosocial work, crisis intervention, post-trauma care, etc), but all of them focus on the child victims of the crimes, not on the child suspects<sup>120</sup>.</p> <p>The Presidium of the Police Force also set up the Special Interrogation rooms for the child victims of crimes (again, not suspects). The allocation for the project was 670 000 Eur and the project has been financed by the EU funds for internal security. The plan is to set up 21-23 such rooms until the end of 2021. The first</p>

<sup>116</sup>Information provided by the Ministry of Interior of the Slovak republic on 29 September 2019 and the Ministry of Justice upon request on 16 September 2019.

<sup>117</sup>Slovakia, Act no. 61/2018 that amends the Act no. 300/2005 Z.Z. Criminal Code (*Zákon č. 61/2018, ktorým sa mení a dopĺňa zákon č. 300/2005 Z. z. Trestný zákon v znení neskorších predpisov a ktorým sa menia a dopĺňajú niektoré zákony*), 1 July 2018.

<sup>118</sup>Information provided by the Ministry of Interior of the Slovak republic on 29 September 2019 and the Ministry of Justice upon request on 16 September 2019.

<sup>119</sup>Information provided by the Presidium of the Police Force upon request on 29 September 2019.

<sup>120</sup>Information provided by the Presidium of the Police Force upon request on 29 September 2019.

	room was established in May 2019.
<b>Other measures or initiatives</b>	No relevant alternatives to detention have been introduced in 2019. According to Ministry of Justice, there are several possible alternatives of detention of children regulated by the Code of Criminal Procedure <sup>121</sup> , which has not been changed with regards to alternatives of detention in 2019.

## 2. Legal and policy measures or initiatives developed about child internet safety

According to the Ministry of Culture of the Slovak Republic (the responsible body), the legislative changes in the field of the protection of children's safety in the online environment will be adopted in the context of the transposition of Directive 2018/1808.

At present, the process of preparation of the new legislation, which will transpose the Directive into the Slovak legal order, is under way. The transposition period for the adoption of laws, regulations and administrative provisions to comply with this Directive shall be 19 September 2020<sup>122</sup>.

Other relevant institutions, such as Ministry of Interior or Ministry of Justice have not adopted any specific policies, guidelines or measures regarding internet safety of children<sup>123</sup>.

However, Ministry of Interior is quite active in promoting preventive measures, especially at primary and secondary schools. They also participate on several activities and projects aimed at increasing internet safety of children (such as project zodpovedne.sk – see good practices).

For instance, Academy of Police Force published the methodical guide named **Hide and Seek** which is widely used by police employees working on prevention activities in schools. It focuses on the safe communication of children on social networks and on raising children's awareness of building safe habits in establishing virtual acquaintances. The preventive activity should point out the differences between communication in real and virtual environments. Methodological material is primarily designed for use in interactive activities with primary school children<sup>124</sup>.

The Ministry of Interior also organises “Junior Police Academy” as a tool for crime prevention. The project gives children advice on how not to become a victim of crime, how to manage certain stressful situations, where to seek for help, etc. The project's partial objectives are elaborated on five topics, which include social networking, the safe use of the internet and the protection of personal data when using the internet<sup>125</sup>.

<sup>121</sup>Slovakia, Act no. 61/2018 that amends the Act no. 300/2005 Z.Z Criminal Code (*Zákon č. 61/2018, ktorým sa mení a dopĺňa zákon č. 300/2005 Z. z. Trestný zákon v znení neskorších predpisov a ktorým sa menia a dopĺňajú niektoré zákony*), 1 July 2018. Slovakia, Act.Nr.301/2005 on Criminal Procedure (*Zákon č. 301/2005 Trestný poriadok*), 2 July 2005.

<sup>122</sup>Information provided by the Ministry of culture (the responsible body for the transposition of the Directive) upon request on 24 September 2019.

<sup>123</sup>Information provided by the Ministry of Interior of the Slovak republic on 29 September 2019 and the Ministry of Justice upon request on 16 September 2019.

<sup>124</sup>Information provided by the Presidium of the Police Force upon request on 29 September 2019.

<sup>125</sup>Information provided by the Presidium of the Police Force upon request on 29 September 2019.

Please see also the planned activities of the Ministry of Labour, Social Affairs and Family of the Slovak Republic mentioned in Chapter 7 Access to justice.



# Chapter 7. Access to justice including crime victims

## 1. Victims' Rights Directive

The Ministry of Justice of the Slovak Republic (*Ministerstvo spravodlivosti Slovenskej republiky*) has made available a register of organizations accredited for provision of victim support services on its website<sup>126</sup>. Thus, it is easier for the victims and professionals to seek for information on available services for victims in regions. The organizations that intend to provide various forms of assistance for victims needs to be officially registered at the Ministry of Justice of the Slovak Republic under the Act no. 274/2017 Coll on victims of crime<sup>127</sup>. In 2019, five accredited organizations providing victim support services have been supported by the total amount of 161 762 EUR within the financial mechanism established by the Ministry of Justice. Three new organizations went through the process of accreditation to be able to provide victim support services<sup>128</sup>. The Ministry of Justice also prepared an information leaflet for victims of crime on their rights in criminal proceeding. The leaflet has been currently finalized and will be distributed to contact points for victims, courts, regional police departments and probation and mediation services<sup>129</sup>.

The Ministry of Interior of the Slovak Republic (*Ministerstvo vnútra Slovenskej republiky*) has continued in implementation of the National project 'Improving the access of victims of crimes towards support services and establishing contact points for victims' (*Zlepšenie prístupu obetí trestných činov k službám a vytvorenie kontaktných bodov pre obeť*) that started in 2018. Within the project, eight contact points for victims in regions have been established and within 2019, they have started to operate. Each contact point provides specialized assistance, legal counselling, social and economic counselling and psychological assistance<sup>130</sup>. By the end of November, 253 people turned to the contact points for victims out of which 193 were provided with legal, psychological and social counseling<sup>131</sup>. A group of experts for the provision of victim support services has been established within the project, the group evaluate on a regular basis the project activities and discuss important topics related to victim support services<sup>132</sup>. Practical trainings for professionals who could come in contact with victims of crime took place within the project as well. Participants of the trainings involved fieldwork social workers, employees of client centres,

<sup>126</sup> Slovakia, Ministry of Justice of the Slovak Republic (*Ministerstvo spravodlivosti SR*), 'Subjekty poskytujúce pomoc obetiam', available at: <https://www.justice.gov.sk/Stranky/Registre/Zoznamy-vedene-MS-SR/Register-pomoc-obetiam-zoznam.aspx>;

Anasoft, 'Restistersubjektov poskytujúcich pomoc obetiam trestných činov pomáhať tým najzraniteľnejším', Information published on 1 July 2019, available at: <https://www.anasoft.com/sk/home/Novinky-Blog/Novinky/Register-subjektov-poskytujuci-pomoc-obetiam-trestnych-cinov>

<sup>127</sup> Slovakia, Act no. 274/2017 Coll on the victims of crime, 12 October 2017, available at: <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2017/274/20180101>

<sup>128</sup> Information provided by the Ministry of Justice of the Slovak Republic via e-mail communication from 29 November 2019.

<sup>129</sup> Information provided by the Ministry of Justice of the Slovak Republic via e-mail communication from 29 November 2019.

<sup>130</sup> Slovakia, Ministry of Interior of the Slovak Republic (*Ministerstvo vnútra SR*), 'Národný projekt: Zlepšenie prístupu obetí trestných činov k službám a vytvorenie kontaktných bodov pre obeť.', Information published at the website of the Ministry, available at: <https://www.minv.sk/?narodny-projekt-zlepsenie-pristupu-obeti-trestnych-cinov-k-sluzbam-a-vytvorenie-kontaktnych-bodov-pre-obete-o-projekte>

<sup>131</sup> Information provided by the Ministry of Interior of the Slovak Republic, Department of Prevention of Crime via e-mail communication from 28 November 2019.

<sup>132</sup> Slovakia, Ministry of Interior of the Slovak Republic (*Ministerstvo vnútra SR*), 'Pravidelné stretávanie členov pracovnej skupiny prináša výsledky.', Information published at the website of Ministry of Interior on 18 June 2019, available at: <https://www.minv.sk/?prevencia-aktuality&sprava=pravidelne-stretavanie-clenov-expertnej-skupiny-prinasa-vysledky>

police officers, employees of municipal offices<sup>133</sup>. The project is not limited to a specific category of victims, activities within the project are aimed at victims of crime in general. The project is funded by operational programme Effective Public Administration<sup>134</sup>.

As far as it concerns child victims, first special hearing rooms for child victims have been opened in 2019<sup>135</sup>. The special hearing rooms have been created within the project ‘Special hearing rooms for child victims and other vulnerable victims of crime’ (*Špeciálne výsluchové miestnosti pre detské obeť a ďalšie obzvlášť zraniteľné obeť trestných činov*) implemented by Ministry of Interior of the Slovak Republic and Police Academy<sup>136</sup>. The special hearing rooms are equipped as usual flat or living room with technical devices added that ensure that the hearing does not need to be repeated. Thus, it is possible to avoid further victimization of children and other vulnerable victims. In the near future, it is expected that similar special hearing rooms will be opened also in all regions of Slovakia. The project is funded by Internal Security Fund and will be implemented by the end of 2021<sup>137</sup>.

The Ministry of Labour, Social Affairs and Family of the Slovak Republic (*Ministerstvo práce, sociálnych vecí a rodiny SR*) should play a more important role in coordinating the activities of public authorities to protect children against violence. The Ministry intends to adopt several measures to improve the protection of children against violence, for instance, it plans to strengthen the competencies of National coordination centre for resolving the issue of violence against children (*Národné koordinačné stredisko pre riešenie problematiky násilia na deťoch*) that operates under the Ministry. The National coordination centre should coordinate activities of public authorities active in this field. The Ministry also intends to draft a policy paper on the protection of children in digital space to address the increase in violence on the internet. It also plans to launch a help link for child victims. The Ministry already started to amend respective legislation to be able to adopt mentioned measures. It initiated the amendment of Act no. 453/2003 Coll on State administration bodies in the area of social affairs, family and labour market services that has currently been into interdepartmental commentary procedure. Subsequently, it will be discussed by the Government and National Council of the Slovak Republic<sup>138</sup>. The Act no. 453/2003 Coll on State administration bodies in the area of social affairs,

<sup>133</sup> Slovakia, Ministry of Interior of the Slovak Republic (*Ministerstvo vnútra SR*), ‘Vzdelávanie osob-prveho kontaktu v Banskej Bystrici’, Information published at the website of the Ministry of Interior on 26 March 2019, available at: [https://www.minv.sk/?prevencia\\_aktuality&sprava=vzdelavanie-osob-prveho-kontaktu-v-banskej-bystrici](https://www.minv.sk/?prevencia_aktuality&sprava=vzdelavanie-osob-prveho-kontaktu-v-banskej-bystrici)

<sup>134</sup> Slovakia, Ministry of Interior of the Slovak Republic (*Ministerstvo vnútra SR*) (2018), ‘Kontaktne body pre obeť trestných činov by malizačať poskytovať služby hlavne v klientských centrách koncom roka 2018’, Press release from 29 November 2017, <http://www.minv.sk/?tlacove-spravy&sprava=kontaktne-body-pre-obeť-trestnych-cinov-by-mali-zacat-poskytovat-sluzby-hlavne-v-klientskych-centrach-koncom-roka-2018>, Slovakia, Ministry of Interior of the Slovak Republic (*Ministerstvo vnútra SR*) (2018), ‘Národný projekt zlepšenie prístupu obeť trestných činov k službám a vytvorenie kontaktných bodov pre obeť’, available at: <http://www.minv.sk/?projekt-obeť-trestnych-cinov-sluzby>

<sup>135</sup> Slovakia, Ministry of Justice of the Slovak Republic (*Ministerstvo spravodlivosti SR*), ‘Užajna Slovenskumôžepoliciadetivypočúvať v špeciálnych miestnostiach.’, Information published at the website of the Ministry of Interior on 29 May 2019, available at: <http://www.minv.sk/?tlacove-spravy&sprava=uz-aj-na-slovensku-moze-policia-deti-vypocuvat-v-speciálnych-miestnostiach>

<sup>136</sup> Slovakia, Academy of Police Force in Bratislava (*Akadémiapolicajného zboru v Bratislave*), ‘Špeciálne výsluchové miestnosti pre detské obeť a ďalšie obzvlášť zraniteľné obeť trestných činov – národný projekt’, available at: <https://www.akademiapz.sk/sites/default/files/OVVP/projekty/peci%20A11ne%20v%20BDsluchov%20A9%20miestnosti%20-%20projekt.pdf>

<sup>137</sup> Slovakia, Ministry of Interior of the Slovak Republic (*Ministerstvo vnútra SR*), Projekty Ministerstva vnútra SR 2014 – 2020, Špeciálne výsluchové miestnosti pre detské obeť a ďalšie obzvlášť zraniteľné obeť trestných činov, Information on the project available at the website of the Ministry of Interior <http://www.minv.sk/?specialne-vysluchove-miestnosti-detske-obeť-projekt-ISF>

<sup>138</sup> Slovakia, Ministry of Labour, Social Affairs and Family of the Slovak Republic (*Ministerstvo práce, sociálnych vecí a rodiny SR*) (2019), LP2019/275 Návrh zákona, ktorým sa mení a dopĺňa zákon č. 453/2003 Z.z. o orgánoch štátnej správy v oblasti sociálnych vecí, rodiny a služieb zamestnanosti a o zmene a doplnení niektorých zákonov v znení neskorších predpisov a ktorým sa mení a dopĺňa zákon č. 575/2001 Z.z.

family and labour market services was amended and started to be effective from 1 November<sup>139</sup>. According to the amendment, the Ministry of Labour, Social Affairs and Family coordinates the state policy in the area of protection of children against violence and fulfilment of the tasks within this area (article I. paragraph 3 letter n). The Ministry also establishes conditions for mutual cooperation and exchange of information among public authorities: state administration, police force, schools, education institutions, municipalities, higher territorial units, social services providers and other organizations active in the protection of children against violence (article I. paragraph 3, section 2).

Ministry of Labour, Social affairs and Family already prepared a policy document regarding child internet safety. The document called National conception of protection of children in digital space and Action plan to the National conception of protection of children in digital space for years 2020 – 2021 (*Národná koncepcia ochrany detí v digitálnom priestore a Akčný plán k Národnej koncepcii ochrany detí v digitálnom priestore na roky 2020 – 2021*) has currently been in interdepartmental commentary procedure<sup>140</sup>. By the end of 2019, the policy document is still in the preparatory phase and has not been approved by the government yet.

## 2. Violence against women

The Ministry of Interior of the Slovak Republic launched a campaign against domestic violence named ‘From tomorrow’ (*Od zajtra*)<sup>141</sup>. The Ministry of Interior introduced several measures that will speed up the process of early identification of victims of domestic violence and proper investigation of the cases of domestic violence. First, the cases of domestic violence will be investigated under close supervision. Further, the police intend to use the special hearing rooms (mentioned in section 1. of this chapter) during the hearings of victims of domestic violence. According to the Ministry of Interior, better cooperation among law enforcement authorities is also needed. The Ministry also cooperates with the Ministry of transport and construction to make the sheltered living facilities for victims of domestic violence more available. The Ministry of Interior wants to assure that not only the victim is informed on the release of the offender (for instance from custody, or prison), but also the respective police officer responsible for the first contact in the area where the victim lives<sup>142</sup>.

The Coordinating-methodical centre for gender-based and domestic violence (*Koordináčno-metodické centrum pre rodovo podmienené a domáce násilie – KMC*) carried out several trainings for police officers in issues related to domestic violence. Participants were provided

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o organizácii činnosti vlády a organizácii ústrednej štátnej správy v znení neskorších predpisov, available at: <https://www.slov-lex.sk/legislativne-procesy/SK/LP/2019/275>

<sup>139</sup>Slovakia, Act no. 453/2003 Coll on State administration bodies in the area of social affairs, family and labour market services, Amendment from 12 September 2019, available at: <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2019/300/20191101>

<sup>140</sup>Slovakia, Ministry of Labour, Social Affairs and Family of the Slovak Republic (*Ministerstvo práce, sociálnych vecí a rodiny SR*) (2019), LP/2019/843 *Národná koncepcia ochrany detí v digitálnom priestore a Akčný plán k Národnej koncepcii ochrany detí v digitálnom priestore na roky 2020-2021*, available at: <https://www.slov-lex.sk/legislativne-procesy/SK/LP/2019/843>

<sup>141</sup> Slovakia, Ministry of Interior of the Slovak Republic (*Ministerstvo vnútra SR*), ‘MV SR pripraví opatrenia pre dôslednejší boj proti domácej násilii.’, Information published at the website of the Ministry of Interior on 20 June 2019, available at: <https://domov.sme.sk/c/22190323/stat-pripravuje-novu-linku-dovery.html>

<sup>142</sup> Slovakia, Ministry of Interior of the Slovak Republic (*Ministerstvo vnútra SR*), ‘MV SR pripraví opatrenia pre dôslednejší boj proti domácej násilii.’, Information published at the website of the Ministry of Interior on 20 June 2019, available at: <https://www.minv.sk/?prevencia-aktuality&sprava=mv-sr-pripravi-opatrenia-pre-doslednejši-boj-proti-domacemu-nasilii>

with information on how to deal with victims of domestic violence, what working methods are appropriate to apply, etc. Altogether 147 police officers underwent the trainings<sup>143</sup>.

Last year, we have informed that no progress was made in ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence (so called Istanbul Convention). In 2019, the process of ratification of the Istanbul Convention was halted by the National Council of the Slovak Republic<sup>144</sup>. The National Council issued a resolution asking the Government of the Slovak Republic not to proceed in the process of ratification of the Istanbul Convention. According to the MPs who were against the ratification, there are discrepancies between Slovak legislation and Istanbul Convention, which include mainly the definition of marriage that is according to Slovak Constitutional Law a bond between man and woman<sup>145</sup>. The Council of Europe Convention on preventing and combating violence against women and domestic violence (so called Istanbul Convention) was discussed by the National Council again in November when a proposal has been approved by the Parliament asking the Government of the Slovak Republic to inform European Union institutions that the Slovak Republic does not intend to ratify the Convention as well as that the Slovak Republic does not agree with adoption of the Convention by European Union<sup>146</sup>. In December 2019, the Government of Slovak Republic approved a resolution according to which the Government accepts the decision of the National Council and assigns the Prime Minister the task of asking the President of the Slovak Republic to inform the Council of Europe on the intention of the Slovak Republic not to become contracting party of the Convention<sup>147</sup>.

Within 2019, access to safe abortions has been repeatedly questioned. There have been several proposals to restrict access to abortions submitted to the National Council of the Slovak Republic (five proposals altogether by the beginning of October). The submitted proposals wanted to shorten the time period during which women are allowed to undergo the abortion from 12<sup>th</sup> week of the pregnancy to 7<sup>th</sup> or 8<sup>th</sup> week of pregnancy and provide more support to women who decide themselves to give birth in secrecy<sup>148</sup>. The already considered proposals were rejected by the National Council. One of the mentioned proposals is going to be

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<sup>143</sup> Slovakia, Coordinating-methodical centre for gender-based and domestic violence (*Koordináčno-metodické centrum pre rodovopodmienené a domáce násilie – KMC*), 'Policijtiprvéhokontaktuvyškolena odbornú pomoc obetiam domáceho násilia', 30 April 2019, available at: <https://www.zastavmenasilie.gov.sk/news/policijti-prveho-kontaktu-vyskoleni-na-odbornu-pomoc-obetiam-domaceho-nasilia/>

<sup>144</sup> Slovakia, National Council of the Slovak Republic (*Národná rada Slovenskej republiky*) (2019), *Uznesenie Národnej rady Slovenskej republiky z 26. marca 2019 k procesuratiifikácie Dohovoru Rady Európy o predchádzaní násiliu a domáceho násilia a boji proti nemu Slovenskou republikou*. Available at: <https://www.nrsr.sk/web/Dynamic/DocumentPreview.aspx?DocID=464791>

<sup>145</sup> Slovakia, Office of Government of the Slovak Republic (*Úrad vlády SR*), 'Vyhlásenie predsedu vlády SR k Istanbulskému dohovoru', 22 February 2018, available at: <http://www.vlada.gov.sk/robert-fico-kym-budu-rozpory-medzi-istanbuls-kym-dohovorom-a-ustavou-sr-vlada-nejbude-suhlasit-s-jeho-ratifikaciou/>

<sup>146</sup> Slovakia, National Council of the Slovak Republic (*Národná rada Slovenskej republiky*) (2019), *Návrh uznesenia Národnej rady Slovenskej republiky k procesu pristúpenia Európskej únie k Dohovoru Rady Európy o predchádzaní násiliu na ženách a domáceho násilia a boji proti nemu (Istanbulský dohovor)*, available at: <https://www.nrsr.sk/web/Default.aspx?sid=zakony/cpt&ZakZborID=13&CisObdobia=7&ID=1814>

<sup>147</sup> Slovakia, Government of the Slovak Republic (*Vláda Slovenskej republiky*) (2019), *Ratifikácia Dohovoru Rady Európy o predchádzaní násiliu na ženách a boji proti nemu Slovenskou republikou*, *Uznesenie vlády SR z 18. decembra 2019*, available at: <https://rokovania.gov.sk/RVL/Material/24427/1>

<sup>148</sup> Slovakia, National Council of the Slovak Republic (*Národná rada Slovenskej republiky*) (2019), *Číslo parlamentnej tlačie 1652*, available at: <https://www.nrsr.sk/web/Default.aspx?sid=zakony/cpt&ZakZborID=13&CisObdobia=7&ID=1652>; Slovakia, National Council of the Slovak Republic (*Národná rada Slovenskej republiky*) (2019), *Číslo parlamentnej tlačie 1633*, available at: <https://www.nrsr.sk/web/Default.aspx?sid=zakony/cpt&ZakZborID=13&CisObdobia=7&ID=1633>; Slovakia, National Council of the Slovak Republic (*Národná rada Slovenskej republiky*) (2019), *Číslo parlamentnej tlačie 1625*, available at: <https://www.nrsr.sk/web/Default.aspx?sid=zakony/cpt&ZakZborID=13&CisObdobia=7&ID=1625>; Slovakia, National Council of the Slovak Republic (*Národná rada Slovenskej republiky*) (2019), *Číslo parlamentnej tlačie 1580*, available at: <https://www.nrsr.sk/web/Default.aspx?sid=zakony/cpt&ZakZborID=13&CisObdobia=7&ID=1580>

discussed by the National Council during the upcoming weeks<sup>149</sup>. The last proposal to restrict the right to access to abortion was approved in the first reading and shall be discussed in the second reading in the near time<sup>150</sup>.

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<sup>149</sup> Slovak National Party, ‘SNS je za absolútnu ochranu života’, Press release from 3 October 2019, available at: <https://www.sns.sk/sns-je-za-absolutnu-ochranu-zivota/>

<sup>150</sup>Slovakia, National Council of the Slovak Republic (Národná rada Slovenskej republiky) (2019), Číslo parlamentnej tlače 1729, available at: <https://www.nrsr.sk/web/Default.aspx?sid=zakony/cpt&ZakZborID=13&CisObdobia=7&ID=1729>

# Chapter 8. Developments in the implementation of the Convention on the Rights of Persons with Disabilities

## 1. CRPD policy & legal developments

The National Council of the Slovak Republic discussed a proposal to amend the Anti-discrimination Act<sup>151</sup> in order to introduce the concept of reasonable accommodation which has been missing in Slovak legislation so far. Member of Parliament, Silvia Shazad, submitted a proposal to the National Council that was rejected in the first reading (for more information please see Chapter 1 of this report)<sup>152</sup>. Insufficient legislation on reasonable accommodation was mentioned also by the last Concluding Observation of the CRPD from May 2016 and this issue has been again criticized as not being successfully implemented by Slovak DPOs<sup>153</sup>, Commissioner for persons with disabilities<sup>154</sup> and Slovak National Centre for Human Rights<sup>155</sup> in their alternative reports sent to CRPD in 2019. There has been no other attempt during 2019 to introduce the concept of reasonable accommodation into Slovak legislation.

An amendment of legislation regarding deprivation and restriction of legal capacity of persons with disabilities has been prepared at the Ministry of Justice of the Slovak Republic throughout this year as part of the large amendment of the Civil Code<sup>156</sup>. The amendment is expected to be discussed by the Government and Parliament by the end of 2019<sup>157</sup>. The current Slovak legislation recognizes only substitute decision making in case of persons who are deprived of legal capacity, it provides no possibility of supported decision making<sup>158</sup>. The amended

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<sup>151</sup> Slovakia, Act no. 354/2004 Coll on equal treatment in certain areas and protection against discrimination as amended, 24 June 2004.

<sup>152</sup> UN, CRPD (2016), Concluding Observations on the Initial Report of Slovakia, available at: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fSVK%2fCO%2f1&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fSVK%2fCO%2f1&Lang=en)

<sup>153</sup> UN, CRPD (2019), Implementation of the United Nations Convention of the Rights of Persons with Disabilities in Slovakia. An alternative report for the UNCRPD committee proposed by the DPOs in the Slovak Republic, available at: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCRPD%2fICS%2fSVK%2f35652&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCRPD%2fICS%2fSVK%2f35652&Lang=en)

<sup>154</sup> UN, CRPD (2019), Commissioner for Persons with Disabilities. Observations on Implementation of the United Nations Convention on the Rights of Persons with Disabilities. Slovakia, available at: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCRPD%2fIFR%2fSVK%2f35829&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCRPD%2fIFR%2fSVK%2f35829&Lang=en)

<sup>155</sup> UN, CRPD (2019), Observations of the Slovak National Centre for Human Rights for the List of Issues Prior to Reporting of the Slovak Republic to the UN Committee on the Rights of Persons with Disabilities, available at: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCRPD%2fIFR%2fSVK%2f35712&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCRPD%2fIFR%2fSVK%2f35712&Lang=en)

<sup>156</sup> Slovakia, Ministry of Justice of the Slovak Republic (*Ministerstvo spravodlivosti SR*), ‘Opatrovníctvodospelýchdostanenovúpodobu’, Information published by the Ministry of Justice on 15 January 2019, available at: <http://www.justice.gov.sk/Stranky/aktualitadetail.aspx?announcementID=2477>; Slovakia, Ministry of Justice of the Slovak Republic (*Ministerstvo spravodlivosti SR*), ‘Predkladaný návrh zákona a dôvodová správa k navrhovanej novele Občianskeho zákonníka’, Information published by the Ministry of Justice on 15 October 2018, available at: <https://www.justice.gov.sk/Stranky/Ministerstvo/Aktuality-obcianskeho-zakonnika.aspx>

<sup>157</sup> Slovakia, Government of the Slovak Republic (*Vláda SR*) (2019), Legislatívny plán úloh vlády na rok 2019, available at: [https://www.vlada.gov.sk/data/files/7536\\_plan-legislativnych-uloh-vlady-sr-na-rok-2019.pdf](https://www.vlada.gov.sk/data/files/7536_plan-legislativnych-uloh-vlady-sr-na-rok-2019.pdf)

<sup>158</sup> UN, CRPD (2019), Implementation of the United Nations Convention of the Rights of Persons with Disabilities in Slovakia. An alternative report for the UNCRPD committee proposed by the DPOs in the Slovak Republic, available at:

provisions of the Civil Code are expected to significantly change the practice of deprivation and restriction of legal capacity and to introduce the possibility of supported decision making; however, the Government and Parliament can introduce additional changes to the law prepared by the Ministry of Justice. The Ministry of Justice organized a working group of experts throughout this year who discussed this issue and submitted their inputs to the new legislation<sup>159</sup>. According to the Ministry of Justice is the reform of deprivation and restriction of legal capacity still under preparation<sup>160</sup>.

In June, the Government of the Slovak Republic decided to increase the financial contributions for taking care and personal assistance<sup>161</sup>. DPOs welcome this positive development however insist that limiting the financial contribution for personal assistance to the age between 6 and 65 years is discriminatory<sup>162</sup>. A person younger than 6 years and older than 65 is not entitled to the financial contribution for personal assistance. The Public Defender of Rights (Ombudsperson) filled a complaint to the Constitutional Court regarding the age limits for receiving the financial contribution for personal assistance<sup>163</sup>. By the end December 2019, the case is still pending at the Constitutional Court<sup>164</sup>.

In December 2018, Slovak Republic signed the Optional Protocol to the Convention against torture and other cruel, inhuman and degrading treatment or Punishment<sup>165</sup>. In the course of 2019, Slovak public authorities have taken action to put into practice measures that are in line with the provisions of the Optional Protocol. According to the recommendation of the Government of the Slovak Republic, the national prevention mechanism as required by the Optional Protocol should be divided among three human rights institutions: Public Defender of Rights (Ombudsperson), Commissioner for the Rights of Persons with Disabilities and Commissioner for Children<sup>166</sup>. It is expected that these human rights institutions will supervise the conditions in places where people are restricted in their personal freedom which is also the case of many residential institutions for persons with disabilities. During the first months of 2019, the Ministry of Justice of the Slovak Republic established a working group of experts

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[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCRPD%2fICS%2fSVK%2f35652&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCRPD%2fICS%2fSVK%2f35652&Lang=en), p. 13

<sup>159</sup> Slovakia, Ministry of Justice of the Slovak Republic (*Ministerstvo spravodlivosti SR*), 'Opatrovníctvo dospelých dostane novú podobu', Information published by the Ministry of Justice on 15 January 2019, available at: <http://www.justice.gov.sk/Stranky/aktualitadetail.aspx?announcementID=2477>

<sup>160</sup> Information provided by the Ministry of Justice of the Slovak Republic via e-mail communication from 29 November 2019.

<sup>161</sup> Slovakia, Government of the Slovak Republic (*Vláda SR*) (2019), Nariadenie vlády SR, ktorým sa ustanovuje výška sadzby na jednú hodinu osobnej asistencie a výška peňažného príspevku na opatrovanie. Decision of the Government of the Slovak Republic from 23 May 2019, available at: <https://rokovania.gov.sk/RVL/Material/23856/1>

<sup>162</sup> UN, CRPD (2019), Implementation of the United Nations Convention of the Rights of Persons with Disabilities in Slovakia. An alternative report for the UNCRPD committee proposed by the DPOs in the Slovak Republic, available at: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCRPD%2fICS%2fSVK%2f35652&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCRPD%2fICS%2fSVK%2f35652&Lang=en), pp. 17-18.

<sup>163</sup> Slovakia, Constitutional Court of the Slovak Republic (*Ústavný súd Slovenskej republiky*) (2018), Podanie na Ústavný súd Slovenskej republiky, Spis. zn. 1681/2018/VOP, available at: <https://www.ustavnysud.sk/vyhľadavanie-podani#!DmsSearchFileView>

<sup>164</sup> Information provided by the Office of Public Defender of Rights via e-mail communication from 21 November 2019.

<sup>165</sup> UN (2018) Information published at the website of UN, available at: [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-9-b&chapter=4&clang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-9-b&chapter=4&clang=en)

<sup>166</sup> Slovakia, Government of the Slovak Republic (*Vláda SR*) (2018), Návrh na podpis Opčného protokolu k Dohovoru OSN protimučeniu a inému krutému, neľudskému alebo ponižujúcemu zaobchádzaniu a leboť restaniu (OP-CAT) s výhradou ratifikácie. Decision of the Government of the Slovak Republic from 15 August 2018, available at: <https://rokovania.gov.sk/RVL/Material/23127/1>; Slovakia, Government Council of the Slovak Republic for human rights, national minorities and gender equality (*Rada vlády SR pre ľudské práva, národnostné menšiny a rodovú rovnosť*) (2019), Informácia o 35. zasadnutí Rady vlády SR pre ľudské práva, národnostné menšiny a rodovú rovnosť. Information published on 21 June 2019, available at: <https://www.radavladyp.gov.sk/informacia-o-35-zasadnuti-rady-vlady-sr-pre-ludske-prava-narodnostne-mensiny-a-rodovu-rovnost/>

including representatives of the mentioned human rights authorities to prepare necessary amendments to the legislation. Afterward, the Ministry of Justice prepared the amendment of the Act on the Commissioner for the Rights of Persons with Disabilities and Commissioner for Children, the Act on Public Defender of Rights, the Act on the Custody, the Act on Imprisonment and the Act on Health care and services related to health care<sup>167</sup>. The new legislation was put into interdepartmental commentary procedure during the summer. Currently, it shall be discussed by the Government and subsequently by the National Council of the Slovak Republic<sup>168</sup>. By the end of December, the proposal to amend the above-mentioned acts still has not been discussed by the Government and Parliament<sup>169</sup>.

The process of deinstitutionalization of facilities for persons with disabilities has been implemented throughout the national project Deinstitutionalisation of social services facilities - support of transformation teams that started in 2018 (Deinštitucionalizácia zariadení sociálnych služieb – podpora transformačných tímov). The national project is implemented by the Ministry of labour, social affairs and family via its Implementation agency and is funded by the European Social Fund. In 2019, 24 institutions from all regions have been involved in the first phase of the project. The involved institutions will undergo training, receive expert support and prepare transformation plans to change the institutions into community-based services. The project will be carried out in four phases, almost 100 institutions are planned to be involved altogether. The overall aim of the project is to fulfil the right of persons with disabilities on independent living in the community<sup>170</sup>.

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<sup>167</sup> Slovakia, Ministry of Justice of the Slovak Republic (*Ministerstvo spravodlivosti SR*) (2019), PI/2019/159 Návrh novely zákona Národnej rady Slovenskej republiky č. 176/2015 Z.z. O komisárovi pre deti a komisárovi pre osoby so zdravotným postihnutím a o zmene a doplnení niektorých zákonov, novely zákona Národnej rady Slovenskej republiky č. 564/2001 Z.z. O verejnom ochrancovi práv, novely zákona Národnej rady Slovenskej republiky č. 221/2006 Z.z. o výkone väzby a novely zákona Národnej rady Slovenskej republiky č. 475/2005 Z.z. O výkone trestu odňatia slobody a o zmene a doplnení niektorých zákonov. Available at: <https://www.slov-lex.sk/legislativne-procesy/SK/PI/2019/159>

<sup>168</sup> Slovakia, Ministry of Justice of the Slovak Republic (*Ministerstvo spravodlivosti SR*) (2019), LP2019/653 Zákon, ktorým sa mení a dopĺňa zákon č. 176/2015 Z.z. O komisárovi pre deti a komisárovi pre osoby so zdravotným postihnutím a o zmene a doplnení niektorých zákonov. Available at: <https://www.slov-lex.sk/legislativne-procesy/-/SK/dokumenty/LP-2019-563>

<sup>169</sup> Slovakia, Ministry of Justice of the Slovak Republic (*Ministerstvo spravodlivosti SR*) (2019), LP2019/653 Zákon, ktorým sa mení a dopĺňa zákon č. 176/2015 Z.z. O komisárovi pre deti a komisárovi pre osoby so zdravotným postihnutím a o zmene a doplnení niektorých zákonov. Available at: <https://www.slov-lex.sk/legislativne-procesy/-/SK/dokumenty/LP-2019-563>

<sup>170</sup> Slovakia, Implementation Agency of the Ministry of labour, social affairs and family of the Slovak Republic (Implementačná agentúra Ministerstva práce, sociálnych vecí a rodiny SR), Deinštitucionalizácia zariadení sociálnych služieb – podpora transformačných tímov. Základné informácie. Available at: <https://npdi.gov.sk/o-projekte/zakladne-informacie/>



## 2. CRPD monitoring at national level

There have been no changes to the system of monitoring of implementation of CRPD at the national level in Slovakia.

The only change regarding the structures established for monitoring of the implementation of CRPD stems from signing and further implementation of the Optional Protocol to the Convention against torture and other cruel, inhuman and degrading treatment or Punishment as mentioned in section 1. of this chapter.

As far as it concerns important outputs, the Commissioner for persons with disabilities submitted her regular report to the National Council of the Slovak Republic in March 2019<sup>171</sup>. According to the Commissioner's regular report, persons with disabilities and their families and carers still face many problems, for instance persons with disabilities are not able to find appropriate work position, negative attitudes of employers towards persons with disabilities still persist, the process of taking decision on financial contributions to compensate the consequences of disability is very long-lasting and bureaucratic, the situation of some categories of persons with disabilities is not reflected enough by the existing legislation (parents/carers of children with diabetes do not get care allowance), persons with intellectual disabilities are not eligible to get contribution for personal assistance, the courts are unwilling to decide on the restoration of legal capacity once it was withdrawn, within the area of provision of social services, persons with disabilities are very often restricted on their personal freedom, freedom of movement and the right to privacy, their personal data are not adequately protected and many other problems related to the quality of provided social services, within the area of education, the conditions in regular schools are not adapted enough to enable inclusive education of children with disabilities. The Commissionaire in her report also formulates many proposals how to improve the existing legislation and practice. Besides that, she The Commissioner for persons with disabilities also submitted her observation to the CRPD for the Pre-sessional working group held on 23 – 27 September 2019<sup>172</sup>.

According to the DPOs alternative report sent to CRPD, there has been positive development in Slovakia in recent years as far as it concerns the monitoring structures, the Department of implementation of CRPD at the Ministry of Labour, Social Affairs and Family and Commissioner for persons with disabilities, however, Slovakia is still lacking a mechanism of participation of persons with disabilities and their representative organisations into the monitoring of implementation of CRPD<sup>173</sup>.

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<sup>171</sup> Slovakia, Commissioner for persons with disabilities (*Komisár pre osoby so zdravotnýmpostihnutím*) (2019), Správa o činnostikomisára pre osoby so zdravotnýmpostihnutím za rok 2018. available at: <https://www.nrsr.sk/web/Dynamic/DocumentPreview.aspx?DocID=465122>

<sup>172</sup> UN, CRPD (2019), Commissioner for Persons with Disabilities. Observations on Implementation of the United Nations Convention on the Rights of Persons with Disabilities. Slovakia. Available at: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCRPD%2fIFR%2fSVK%2f35829&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCRPD%2fIFR%2fSVK%2f35829&Lang=en)

<sup>173</sup> UN, CRPD (2019), Implementation of the United Nations Convention of the Rights of Persons with Disabilities in Slovakia. An alternative report for the UNCRPD committee proposed by the DPOs in the Slovak Republic, available at: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCRPD%2fICS%2fSVK%2f35652&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCRPD%2fICS%2fSVK%2f35652&Lang=en), p. 28.

Table: Structures set up for the implementation and monitoring of the CRPD

<b>EUMS</b>	<b>Focal points within government for matters relating to the implementation of the CRPD – Article 33 (1)</b>	<b>Coordination mechanism – Article 33 (1)</b>	<b>Framework to promote, protect and monitor implementation of the CRPD – Article 33 (2)</b>
<b>SK</b>	<p>Ministry of Labour, Social Affairs and Family, Department for matters relating to the implementation of the Convention on the Rights of Persons with Disabilities (<i>Ministerstvopráce, sociálnychvecí a rodiny, Odbor pre problematikuvykonávaní aDohovoru OSN o právachosôb so zdravotnýmpostihnutím</i>)</p>	<p>Ministry of Labour, Social Affairs and Family, Department for matters relating to the implementation of the Convention on the Rights of Persons with Disabilities (<i>Ministerstvopráce, sociálnychvecí a rodiny, Odbor pre problematikuvykonávaní aDohovoru OSN o právachosôb so zdravotnýmpostihnutím</i>) + 2 representatives of the secondary contact points from each ministry (24 altogether)</p>	<p><a href="#">Commissioner for Persons with Disabilities</a> (<i>Komísár pre osoby so zdravotnýmpostihnutím</i>)</p>

## Annex 1 – Promising Practices

	<b>EQUALITY AND NON-DISCRIMINATION</b>
Thematic area	Please provide one example of a rights awareness campaign held in your country in 2019 relevant to equality and non-discrimination, preferably one conducted by a national equality body. Where no such campaign was held, please provide an example of a promising practice implemented in 2019 in your country (this could include innovative initiatives at local level) to combat discrimination on any one of the following grounds: religion or belief, disability, age, sexual orientation, gender identity or sex characteristics. Where relevant, always highlight any relevance or reference to multiple discrimination.
	No promising practice has been identified for this thematic area.

	<b>RACISM, XENOPHOBIA AND RELATED INTOLERANCE</b>
Thematic area	Please provide one example of a promising practice to address discriminatory ethnic profiling within law enforcement agencies and other relevant national authorities. Where no such practice exists, please provide one example of a promising practice related to combating racism, xenophobia and related intolerances.
Title (original language)	Škola bez nenávisti
Title (EN)	School without hate
Organisation (original language)	Slovenský inštitút mládeže IUVENTA v spolupráci s Ministerstvom školstva, vedy, výskumu a športu
Organisation (EN)	Slovak Institute of Youth IUVENTA in cooperation with the Ministry of Education, science, research and sport
Government / Civilsociety	Government
Fundingbody	The project has been funded by the Slovak Institute of Youth IUVENTA that was established by the Ministry of Education, science, research and sport
Reference (incl. url, where available)	<a href="https://www.iuventa.sk/sk/Projekty/skola-bez-nenavisti.alej">https://www.iuventa.sk/sk/Projekty/skola-bez-nenavisti.alej</a>
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	2018 ongoing
Type of initiative	Trainings, education, awareness raising
Main targetgroup	Primary and secondary schools
Indicate level of implementation: Local/Regional/National	national
Brief description (max. 1000 chars)	Slovak Institute of Youth IUVENTA in cooperation with Ministry of education, science, research and sport started a educational programme in the school year 2018/2019 within which involved schools accomplished an evaluation and further trainings in prevention in bullying and cyberbullying, prevention of hate on the internet and in the school, developing of intercultural communication and mutual respect in communication, developing competencies for democratic culture, how to involve pupils in

	projects promoting democratic principles and human rights and in public affairs on the local level. Schools that accomplished the educational program successfully will be awarded a ‘School without hate’ certificate. In June 2019, first seven schools involved in the project were awarded the certificate ‘School without hate’. In the school year 2018/2019 7 schools were involved in the project, in the school year 2019/2020 24 schools are involved (primary as well as secondary schools) <sup>174</sup> .
Highlight any element of the actions that is transferable (max. 500 chars)	The educational programme is open for primary and secondary schools that are interesting to take part within the project activities.
Give reasons why you consider the practice as sustainable (as opposed to ‘one off activities’)	The project builds upon the cooperation among the institutions on the national level – IUVENTA and Ministry of Education, science, research and sport – and primary and secondary schools. Besides the formal training provided within the project activities, an informal network of schools and other actors has been created that helps the schools to exchange information on their activities and plans. Once the schools receive the certificate, it is expected that they will use it as their presentation tool and proceed with their activities initiated within the project.
Give reasons why you consider the practice as having concrete measurable impact	There are indicators on the number of involved schools, teachers, students that were targeted by the activities carried out within the project.
Give reasons why you consider the practice as transferrable to other settings and/or Member States?	We suppose that similar activities already exist in the other Member States.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	
Explain, if applicable, how the practice provides for review and assessment.	

	<b>ROMA INTEGRATION</b>
Thematic area	Please provide one example of promising practice in relation to addressing a Roma/Travellers segregation at either national, regional or local. These could be (not limited to) in the area of segregation in education, residential segregation, segregation in healthcare services or in employment.
Title (original language)	ZAintegro: integrácia rómskych detí do základných škôl v Žiline <sup>175</sup>
Title (EN)	ZAintegro: integration of Romani children into elementary schools in Žilina
Organisation (original language)	Centrum pre výskum etnicity a kultúry
Organisation (EN)	Centre for the Research of Ethnicity and Culture (CVEK)
Government / Civilsociety	Non-governmental

<sup>174</sup> Information provided by IUVENTA via e-mail communication on 21 November 2019.

<sup>175</sup> Information provided by CVEK on 27 November 2019.

Fundingbody	State budget (grant scheme of the Government Plenipotentiary for Romani Communities), US Embassy in Bratislava, Office of the Canadian Embassy in Slovakia
Reference (incl. url, where available)	N/A
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	August 2017-June 2019
Type of initiative	Support during desegregation in education
Main targetgroup	Romani children, parents and teachers
Indicate level of implementation: Local/Regional/National	local
Brief description (max. 1000 chars)	Town of Žilina has as of 30 June 2017 closed down school at Holleho street attend only by Romani children due to economic reasons. Approximately 80 children living in a segregated ghetto were enrolled into 8 elementary schools across the town and one special school. The city did not plan any activities to facilitate this transition that was accompanied, among others, also by a petition from non-Romani parents objecting the enrolment of Romani children into one of the schools. CVEK's project aimed to ease the transition and prevent drop outs. Intervention consisted of training for teachers, monitoring of teaching processes and facilitation of communication between parents and teachers, after school study groups for children run by volunteers (up to 20 children), individual tutoring (cca 10 children) and a pre-school club for children not enrolled into a kindergarten (10 children). The program benefited from EDU Roma's project that through joint reading activities facilitated integration at one of the targeted schools (Jarna). Two schools were supported via INSchool project of the Council of Europe.
Highlight any element of the actions that is transferable (max. 500 chars)	Social work focused on building ties between families that was critical to address issues such as absenteeism and generally improve trust with school authorities. As well, initial activities and communication with the parents were key to start individual mentoring for children in homes and allowed also to work on increasing capacities of parents to help their children with studies.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	Aspects of the program (individual and group mentoring and social field work) were taken up by the city that run community centre in the locality in 2019/2020. CVEK has shared its know-how with municipal workers.
Give reasons why you consider the practice as having concrete measurable impact	The impact of the project's activity was not measured through measurable indicators, such as school performance. However, CVEK has performed a small internal evaluation that mapped perception among Romani parents and teachers and was evaluated as positive.
Give reasons why you consider the practice as transferrable to other settings and/or Member States?	Any desegregation efforts will be facing similar set of challenges such as the case in Žilina that the project seeks to adress: -limited capacities of teachers to include disadvantaged Romani students into mixed schools and classes, -prejudice shared by teachers, parents, non-romani pupils, -worries and distrust of Romani children and parents when enrolling into new and ethnically mixed educational environment, - academic gaps and disadvantages experienced by children transiting from segregated schools, - poor communication between teachers and Romani parents. There are, however, additional practical challenges associated with transportation, for example, that may differ depending on the specific context.
Explain, if applicable, how the practice involves	Romani parents were participating in the evaluation of the practice and in the design and implementation of other occational activities, such as

beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	creative workshops or Christmas celebrations also organized during the project.
Explain, if applicable, how the practice provides for review and assessment.	

Thematic area	<b>Asylum, visas, migration borders and integration</b> Please provide a promising practice on the support provided to unaccompanied children when reaching majority.
Title or short description of promising practice in original language and in English	No promising practice has been identified for this thematic area.

Thematic area	<b>INFORMATION SOCIETY, DATA PROTECTION</b> Please provide one example of a promising practice in relation to one of the topic addressed in this Chapter
	No promising practice has been identified for this thematic area.

Thematic area	<b>RIGHTS OF THE CHILD</b> Please provide one example of a promising practice in relation to one of the topic addressed in this Chapter.
Title (original language)	Zodpovedne.sk
Title (EN)	Slovak Safer Internet Centre (SK SIC)
Organisation (original language)	eSlovensko
Organisation (EN)	eSlovensko
Government / Civilsociety	Civic organisation in cooperation with the Ministry of Education, Research, Science and Sport of the Slovak Republic, UNICEF and private companies
Fundingbody	European Commission – Safer Internet Plus
Reference (incl. url, where available)	www.zodpovedne.sk
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	2007
Type of initiative	Awareness raising, helplines (reporting, guidance, prevention)
Main targetgroup	Children and Youth, Parents, Teachers
Indicate level of implementation: Local/Regional/National	national

<p>Brief description (max. 1000 chars)</p>	<p>Awareness centre's aim is informing children, parents and teachers about better and safer use of the Internet, building on enhanced digital resource centres (repositories), from which specific awareness toolkits and services are adapted and deployed, in cooperation with third parties (schools, industry). More specifically the awareness centre:</p> <ul style="list-style-type: none"> <li>• Devises awareness campaigns and resources targeting children, parents, grandparents, teachers and socialworkers on how to give children the digital skills and tools they need to take advantage of the Internet and to navigate safely online, promoting awareness of parents and children about online quality content and experiences, and makes the associated resources available through their services,</li> <li>• Evaluates the impact of the awareness campaigns on the target groups and provides qualitative and quantitative feedback at European level through the core service platform,</li> <li>• establishes and maintains partnerships and promotes dialogue and exchange of information with keyplayers (government agencies, ISPs, user organisations, education stakeholders) at national level.</li> </ul>
<p>Highlight any element of the actions that is transferable (max. 500 chars)</p>	<p>The project links different types of activities from prevention, thought guidance and support, training to reporting. Accordingly, the project also gets together different actors and responsible institutions such as NGOs, schools, ministries and other government institutions.</p>
<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>SK SIC operates since 2007 while continuously implementing the goals and aims of the Safer internet and Safer internet Plus programme. In the past years SK SIC established strong position within the protection of children / youth in virtual space. SK SIC contributed to the best-practices in Europe and globally through 1,856 tools developed. SK SIC operates 8 websites, 5 social media pages totally having 14,1 million view and almost 7 million downloads of online tools so far.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>SK SIC has disseminated almost 1 million offline tools. There has been published over 11 thousand media outputs. SK SIC has trained over 50,000 adults (teachers, parents, socialworkers, etc.), 123,000 children / youth and within the empowerment involved over 1 million children /youth. Within the Hotline operation work there have been received over 11,000 reports. SK SIC is also very active in the legislation process concerning the safer internet issues. SK SIC has received over 20 awards proving of outstanding reach of activities and tools delivered.</p>
<p>Give reasons why you consider the practice as transferrable to other settings and/or Member States?</p>	<p>SK SIC contributed to the best-practices in Europe and globally through 1,856 tools developed. SK SIC operates 8 websites, 5 social media pages totally having 14,1 millionview and almost 7 million downloads of online tools so far.</p>
<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>N/A</p>
<p>Explain, if applicable,</p>	<p>N/A</p>

how the practice provides for review and assessment.	
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Thematic area	<b>ACCESS TO JUSTICE, INCLUDING RIGHTS OF CRIME VICTIMS</b> Please provide one example of a promising practice in relation to one of the topic ad-dressed in this Chapter
	No promising practice has been identified for this thematic area.

Thematic area	<b>Developments in the implementation of the Convention on the Rights of Persons with Disabilities (CRPD)</b> Please provide one promising practice example of projects or programmes implementing the CRPD or furthering the rights of persons with disabilities.
	No promising practice has been identified for this thematic area.



## Annex 2 – Case law

Thematic area	<b>EQUALITY AND NON-DISCRIMINATION</b>  Please provide one high court decision addressing discrimination on any one of the following grounds: gender identity, religion or belief, disability, age, or sexual orientation. Where relevant, always highlight any relevance or reference to multiple discrimination in the case you report
	No case law has been identified for this thematic area.

Thematic area	<b>RACISM, XENOPHOBIA AND RELATED INTOLERANCE</b>  Please provide the most relevant high court decision concerning the application of either the Racial Equality Directive, the Framework Decision on racism and xenophobia, or relevant to addressing racism, xenophobia and other forms of intolerance more generally.
Decision date	9 January 2019
Reference details	Ústavný súd Slovenskej republiky (Constitutional Court of the Slovak Republic), sp. zn. PL. ÚS 5/2017 zo 9. Januára 2019
Key facts of the case (max. 500 chars)	According to the decision of the Constitutional Court, four provisions regarding extremism in the Criminal Code (Zákon č. 300/2005 Z.z. Trestný zákon) are unconstitutional. The provisions concern a vague definition of hate crime "against another group of people" and the extension of crimes of defamation and incitement of hatred for expressing political conviction. The amendments to the Criminal Code became effective on 1 January 2017. However, a group of 30 opposition MPs submitted a motion to the Constitutional court, questioning their constitutionality.
Main reasoning/argumentation (max. 500 chars)	The Constitutional Court decided that the part of the provision 421 and 422 is not in compliance with Constitution of the Slovak Republic (Article no. 1 paragraph 1, Article 26 paragraph 1 and Article 49). Another provisions of the law, no. 423 and 424 (as far as it concerns political belief) are not in compliance with Constitution of the Slovak Republic (Article 26 paragraph 4) as well.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The Constitutional Court accepted the argument that the definition of hate crime against another group of people is too vague. The Court also agreed that the crimes of defamation and incitement to hatred for expressing political conviction can be too restrictive with regard to the freedom of speech <sup>176</sup> .

<sup>176</sup>Slovak Spectator, 'Four provisions regarding extremism ruled unconstitutional', 9 January 2019, available at: <https://spectator.sme.sk/c/22025093/four-provisions-regarding-extremism-ruled-unconstitutional.html>

Results (sanctions) and key consequences or implications of the case (max. 500 chars)	If the National Council of the Slovak Republic will not amend the concerned provisions of the Criminal Code they will become invalid after six months following the publication of the decision of the Constitutional Court.
Key quotation in original language and translated into English with reference details (max. 500 chars)	„Ustanovenie § 421 ods. 1 Trestného zákona v časti „alebo nenávisť voči inej skupine osôb“ a ustanovenie § 422 ods. 1 Trestného zákona v časti „alebo nenávisť voči inej skupine osôb“ nie je v súlade s čl. 1 ods. 1, čl. 26 ods. 4 a čl. 49 Ústavy Slovenskej republiky. 2. Ustanovenie § 423 ods. 1 písm. b) Trestného zákona v časti „politické presvedčenie“ a ustanovenie § 424 ods. 1 Trestného zákona v časti „politické presvedčenie“ nie je v súlade s čl. 26 ods. 4 Ústavy Slovenskej republiky.“ "The provisions § 421 para. 1 of the Criminal Code in this section "or hatred against another group of persons" and the provision of § 422 para. 1 of the Criminal Code in this section "or hatred against group of persons" is not in accordance with Art. 1 para. 1, Art. 26 para. 4 a Art. 49 of the Constitution of the Slovak Republic. The provision of § 423 par. 1, letter. b) of the Criminal Code in this section "political belief" and the provision of § 424 para. 1 of the Criminal Code in this section "political belief" is not in accordance with Art. 26 para. 4 of the Constitution of the Slovak Republic.“

<b>Thematic area</b>	<b>RACISM, XENOPHOBIA AND RELATED INTOLERANCE</b>  <b>Please provide the most relevant high court decision concerning the application of either the Racial Equality Directive, the Framework Decision on racism and xenophobia, or relevant to addressing racism, xenophobia and other forms of intolerance more generally.</b>
<b>Decision date</b>	29 April 2019
<b>Reference details</b>	Slovakia / the Supreme Court of the Slovak Republic / 4Volpp/1/2017177
<b>Key facts of the case (max. 500 chars)</b>	The case concerns the proposition to dissolve the far-right political party Eudová strana – Naše Slovensko (People's Party – Our Slovakia further as "the party"). The lawsuit was filed in and sent to the court by the General Prosecutor arguing that the programme and goals of the party are in direct contradiction to the Constitution of the Slovak Republic, mainly the Art. 29 para. 3 of the Constitution on the protection of freedoms and rights of others.
<b>Main reasoning/argumentation (max. 500 chars)</b>	The indictment points to the fact that the party is a direct successor of the already abolished and banned political party Slovak Togetherness [Slovenská pospolitost'] that was also headed by the present chairman of the People's Party – Our Slovakia. The main argument of the General Prosecutor was that the party is a threat to democracy. In the lawsuit, the General Prosecutor summarizes the anti-Roma and anti-migrant positions of the party, mentions also the ideological connection between the party and the Slovak State (1939-1945) which is manifested, for instance, by using the signs and symbols of the Slovak State.  In its defense, the party tried to convince the court that their goals and activities

<sup>177</sup> The decision of the Supreme Court available at: [https://www.nsud.sk/data/att/85252\\_subor.pdf](https://www.nsud.sk/data/att/85252_subor.pdf)

	<p>were not extremist. The party pointed to the fact that some of the measures adopted by the Government of the Slovak Republic during recent years were trying to address negative phenomena present in Roma settlements. The party also said that there were similarities between party's position towards immigration and the official position of the Slovak Government.</p> <p>The Supreme Court in its decision did not accept the proposal of the General Prosecutor since there was not enough evidence submitted to the court. Besides that, the Supreme Court was able only to consider the submitted evidence, it was not allowed to provide additional evidence in this kind of proceeding.</p>
<p><b>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</b></p>	<p>The Supreme Court referred to practice of ECHR, while the most challenging proved to be the non/existence of plausible evidence, that the threat to democracy is sufficiently imminent. ECHR repeatedly acknowledged that "with regard to plurality of ideas and parties as inherent part of democracy, a state can inhibit realisation of a political project incompatible with values of the Convention, before it is realised through individual acts that are possibly threatening peace and democratic regime (RefahPartisi against Turkey §102).“ According to ECHR practice, actions themselves are not crucial (whether the party really incites violence, builds militia, etc.) but the potential to realize the change is. In other words (with simplification), until the party is marginal, it can express freely. When it gains larger amount of votes, it will be dissolved because it gained the real potential for political change.” According to the Supreme Court, the General Prosecutor did not submit enough evidence that the party is a real threat to democracy.</p>
<p><b>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</b></p>	<p>The Supreme Court issued a verdict denying the dissolution of the party. The far-right People's Party – Our Slovakia (ĽSNS) can continue in its activities. In general, the court ruled, that the General Prosecutor did not submit enough evidence to support his claim. According to the Court, it is not enough for a political party to express unconstitutional goals, but the accused political party must act upon these goals through real actions.</p>
<p><b>Key quotation in original language and translated into English with reference details (max. 500 chars)</b></p>	<p>136. Z vykonanéhodokazovaniapodľa názorunajvyššiehosúdu je možné dospieť k záveru, že žalobcanepredložildôkazy o tom, že rizikoohrozenia demokracie žalovanou politickou stranou je dostatočne bezprostredné. Žalovaná politická strana je sice stranou parlamentnou so 14 zvolenými poslancami (aktuálne s 13 poslancami), avšak napriajatie akéhokoľvek zákona čílen zmeny zákona nedisponuje potrebným počtom hlasov. Aby bolo možné pristúpiť k rozpusteniu politickej strany, nestačí podľa názorunajvyššiehosúdu, len populistické prehlasovanie proti ústavným cieľom, ale žalovaná politická strana musí skutočne bojovať proti slobodnému demokratickému poriadku alebo existencii štátu a stranej jednej a žalobca v žalobe opísaným konkrétnym skutkom musí takéto konanie opísať a podložiť dôkazmi. Za tohto skutkového hostavu vecina najvyšší súd sateraz nestotožnil s tvrdením žalobcu o bezprostrednej existencii rizika ohrozenia existujúceho demokratického zriadenia, keďže nebolo dostatočne konkrétne preukázané.</p> <p>136. Based on submitted evidence, according to the Supreme Court it is possible to come to the conclusion that the plaintiff did not offer evidence that the risk of threat to democracy is sufficiently immediate. Even if the accused political party is a parliamentary party with 14 elected MPs, it has not enough votes to enforce its law or any change to the law. In order to proceed with the abolition of a political party, it is not enough that the party proclaims populist anti-constitutional goals, the political party must really act against the liberal democratic order or existence of the state, at the same time, such action must be described in detail and supported by the evidence in the proposal submitted to the court by the prosecutor. Based on the facts of the case, the Supreme Court at the moment does not agree with the argument of the prosecutor on the</p>

	immediate threat to the existing democratic system, since it has not been sufficiently demonstrated.
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<b>Thematic area</b>	<b>RACISM, XENOPHOBIA AND RELATED INTOLERANCE</b>  <b>Please provide the most relevant high court decision concerning the application of either the Racial Equality Directive, the Framework Decision on racism and xenophobia, or relevant to addressing racism, xenophobia and other forms of intolerance more generally.</b>
<b>Decision date</b>	3 September 2019
<b>Reference details</b>	Slovakia / the Supreme Court of the Slovak Republic / 2To/10/2018178
<b>Key facts of the case (max. 500 chars)</b>	The case concerns a politician of the far-right political party People's Party – Our Slovakia who became a member of Parliament after the parliamentary election in 2016. The Supreme Court found him guilty of a hate speech incident. He expressed racist remarks on people of Roma ethnic origin during a talk show broadcasted on 2 October 2016 by regional radio Frontinus located in the town of Žilina. The Supreme Court confirmed the decision of the Specialized Criminal Court from April 2018.
<b>Main reasoning/argumentation (max. 500 chars)</b>	The Supreme Court argued that the freedom of speech can not be viewed as unlimited, under certain conditions it needs to be restricted if it comes to the protection of the rights of others. The defense tried to challenge the evidence submitted to the court.
<b>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</b>	crime of defamation of nation, race and belief (Article 423 of the Criminal Code), restriction of the freedom of speech
<b>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</b>	The Supreme Court found the accused guilty of a crime of defamation of nation, race and belief and ordered him to pay a fine of 10.000EUR. As a consequence, he also lost his seat in the National Council of the Slovak Republic.
<b>Key quotation in original language and translated into English with reference details (max. 500 chars)</b>	“Poslanec Národnej rady Slovenskej republiky je volený verejný funkcionár, ktorý by sa mal zdržať všetkého, čo je v rozpore s verejným záujmom. Mal by predovšetkým, z titulu svojej funkcie presadzovať konštruktívne riešenia problémov a naplňať svoj volebný program tak, aby to prinášalo úžitok pokiaľ možno čo najväčšiemu množstvu svojich voličov a snažiť sa pritom chrániť aj záujmy iných občanov. Z určitého pohľadu možno tvrdiť, že poslanec by svojím správaním a prístupom k riešeniu problémov, svojou zmierlivosťou a hľadáním pozitívnych východísk z problémových situácií mal byť vzorom pre ostatných, pretože je nepretržite verejnosťou sledovaný ako sa správa, ako vystupuje. Vzhľadom na jeho postavenie a funkciu v demokratickom štáte by jeho základnou úlohou mala byť ochrana základných práv a slobôd každého v tomto štáte - jednotlivcov, skupín obyvateľov, bez ohľadu na ich náboženstvo, rasu, etnikum, presvedčenie, rod, či národnosť. Plnením tejto základnej úlohy poslanec národnej rady zároveň vyslovuje podporu a súhlas s demokratickým usporiadaním štátu.  Odopretím plnenia tejto úlohy naopak potvrdzuje, že demokratické princípy si neosvojil a nie sú mu vlastné.

<sup>178</sup> Decision of the Supreme Court available at: [https://www.nsud.sk/data/att/86935\\_subor.pdf](https://www.nsud.sk/data/att/86935_subor.pdf)

	<p>Medzi základné demokratické princípy patrí i úcta a ohľaduplnosť k právam všetkých členov spoločnosti bez ohľadu na ich príslušnosť či vierovyznanie.</p> <p>Aj v článku 26 ods. 2 Ústavy Slovenskej republiky je okrem iného uvedené, že slobodu prejavu a právo vyhľadávať a šíriť informácie možno obmedziť zákonom, ak ide o opatrenia v demokratickej spoločnosti nevyhnutné na ochranu práv a slobôd iných.”</p> <p>“A Member of the National Council of the Slovak Republic is an elected public official who should refrain from anything that is contrary to the public interest. Above all, by virtue of his function, he should promote constructive solutions to problems and fulfill his electoral program in such a way as to benefit as many of his constituents as possible while seeking to protect the interests of other citizens. From a certain point of view, it can be argued that a Member of Parliament should, by his behavior and approach to problems, his reconciliation and seeking positive remedies from problematic situations, be a role model for others because he is constantly monitored by the public as he behaves. Given his position and function in a democratic state, his fundamental role should be to protect the fundamental rights and freedoms of everyone in that state - individuals, groups of people, regardless of their religion, race, ethnicity, belief, gender or nationality. By fulfilling this fundamental role, a Member of the National Council also expresses support and consent to the democratic organization of the state.</p> <p>On the contrary, by refusing to fulfill this task, he confirms that he has not adopted democratic principles and that it is not his own.</p> <p>Respect for the rights of all members of society, regardless of their membership or belief, are among the basic democratic principles.</p> <p>Also in Article 26 para. 2 of the Constitution of the Slovak Republic states, inter alia, that freedom of expression and the right to seek and disseminate information may be restricted by law as regards measures in a democratic society necessary to protect the rights and freedoms of others.”</p>
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Thematic area	<b>ROMA INTEGRATION</b>
	Please provide the most relevant high court decision addressing violations of fundamental rights of Roma in the context of education, employment, health, housing, etc. In particular, focus on cases where discrimination or segregation (not limited to segregation in education or housing) are addressed.
Decision date	20 March 2019
Reference details	Constitutional Court Finding III US 471/2018-19
Key facts of the case (max. 500 chars)	The applicant of Romani background filed on 29 December 2014 with district court in Trnava his petition arguing that he was discriminated against in employment on the grounds of his ethnicity based on the antidiscrimination act. The applicant argued that a private employment agency refused to facilitate for him employment at a certain employee claiming that the employee specifically refuses to employ Roma. According to the applicant, it

	took four years for the court to schedule the first session to hear the case. The case is still pending.
Main reasoning/argumentation (max. 500 chars)	The Court argued that the petitioner's right to have one's case adjudicated without unreasonable delays was violated. The court noted that the basic responsibility of the court is to ensure procedure that removes the state of legal uncertainty that made the applicant to approach the court and that the complexity of the case was not exceptionally complex to justify extended proceedings.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The right to a fair trial without unreasonable delays
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	€2000 in financial damages awarded to the applicant in addition to the legal charges of € 325,42. The case may lead to a more speedious proceedings of antidiscrimination cases.
Key quotation in original language and translated into English with reference details (max. 500 chars)	„Ústavný súd pri rozhodovaní o sťažnostiach namietajúcich porušenie základného práva podľa čl. 48 ods 2. ústavy (to platí, aj pokiaľ ide o čl. 6 dohovoru, pozn.) vychádza zo svojej ustálenej judikatúry, v súlade s ktorou účelom základného práva na prerokovanie vecí bez zbytočných prieťahov je odstránenie stavu právnej neistoty, v ktorej sa nachádza osoba domáhajúca sa rozhodnutia všeobecného súdu. Samotným prerokovaním vecí na súde sa právna neistota osoby domáhajúcej sa rozhodnutia neodstraňuje. K stavu právnej istoty dochádza zásadne až právoplatným rozhodnutím súdu...“ Slovakia, Constitutional Court, III US/471/2018-2019 of 20 March 2019, p. 6 „Constitutional court in adjudicating complaints arguing violation of basic rights pursuant to Article 48 sec 2 of the Constitution (and it equally relevant for Article 6 of the Convention, note) departs from its case law, noting that the purpose of the basic right to have one's case adjudicated without unreasonable delays is to remove the state of legal uncertainty of the person seeking ruling of a general court. To remove the state of legal uncertainty does not mean only to adjudicate case. It means to arrive to final decision of the court ...” Slovakia, Constitutional Court, III US/471/2018-2019 of 20 March 2019, p. 6

Thematic area	<b>ROMA INTEGRATION</b> Please provide the most relevant high court decision addressing violations of fundamental rights of Roma in the context of education, employment, health, housing, etc. In particular, focus on cases where discrimination or segregation (not limited to segregation in education or housing) are addressed.
Decision date	11 June 2019
Reference details	Constitutional Court, Finding I. US 103/2019-51
Key facts of the case (max. 500 chars)	Four applicants of Romani background filed on 8 March 2006 with district court in Vranov nad Topľou their petition arguing that they were discriminated against in accessing goods and services on the grounds of their ethnicity pursuant the antidiscrimination act. The four applicants were refused to be

	served in a pub close to Vranovnad Topľou in November 2005 because they were Roma. According to the applicants, the first and second instance courts have been adjudicating the case for 13 years. Their case is still pending.
Main reasoning/argumentation (max. 500 chars)	The Court argued that the petitioners right to have one's case adjudicated without unreasonable delays was violated. The court noted that the basic responsibility of the court is to ensure procedure that removes the state of legal uncertainty that made the applicant to approach the court and that the complexity of the case was not exceptionally complex to justify extended proceedings.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The right to a fair trial without unreasonable delays
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	€ 1000 for each petitioner in financial damages in addition to the legal charges of € 692,52. The case may lead to a more speedious proceedings of antidiscrimination cases.
Key quotation in original language and translated into English with reference details (max. 500 chars)	„Ústavný súd pri rozhodovaní o sťažnostiach namietajúcich porušenie základného práva podľa čl. 48 ods 2. ústavy (to platí, aj pokiaľ ide o čl. 6 dohovoru, pozn.) vychádza zo svojej ustálenej judikatúry, v súlade s ktorou účelom základného práva na prerokovanie veci bez zbytočných priet'ahov je odstránenie stavu právnej neistoty, v ktorej sa nachádza osoba domáhajúca sa rozhodnutia všeobecného súdu. Samotným prerokovaním veci na súde sa právna neistota osoby domáhajúcej sa rozhodnutia neodstraňuje. K stavu právnej istoty dochádza zásadne až právoplatným rozhodnutím súdu...“ Slovakia, Constitutional Court, US/103/2019-51 of 11 June 2019, p. 10 „Constitutionalcourt in adjudicatingcomplaintsarguingviolation of basicrightspursuant to Article 48 sec2 of theConstitution (and itequallyrelevant for Article 6 of the Convention, note) departs from its caselaw, noting that the purpose of the basic right to have once's case adjudicated without unreasonable delays is to remove the state of legal uncertainty of the person seeking ruling of a general court. To remove the state of legal uncertainty does not mean only to adjudicate case. It means to arrive to final decision of the court ...” Slovakia, Constitutional Court, III US/103/2019-51 of 11June 2019, p. 10

Thematic area	<b>ROMA INTEGRATION</b>
Decision date	29 November 2018 – reasoning was published on 8 March 2019
Reference details	Constitutional Court (Ústavný súd Slovenskej republiky), Finding IV US 644/2018-10
Key facts of the case (max. 500 chars)	The applicant, Human Rights NGO called Centre for Civil and Human Rights filed a complaint with the district prosecution in July 2016 questioning legality of the binding municipal regulation regarding school districts in the town of VranovnadTopľou. The applicant argued that the primary school districts were drawn in a manner that concentrated Roma children from the town and nearby villages in one specific school amounting to indirect discrimination. The district prosecution as well as regional prosecution did not find the regulation illegal arguing that the Centre's petition wa based on certain on legal arguments and facts that the prosecutors were not eligible to assess. The Centre motioned the Constitutional Court arguing violation of its right to judicial and other legal protection and the right to fair trial as the prosecutions did not duly investigated its complaints and did not deal with its arguments.

Main reasoning/argumentation (max. 500 chars)	The Constitutional Court dismissed the petition as manifestly ill founded noting that the prosecution office had sufficiently reasoned its decision and handled the claimant's complaint in a way that was constitutionally acceptable. The Court also noted that with regard to the prosecution office handling the complaint, there was no adverse party standing against the claimant and its constitutional right to be treated equally in a legal proceedings could therefore not be even theoretically violated.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	Judicial review. The Court did not review the decisions of the lower prosecution offices at all due to the lack of its competence. This is caused by the very limited interpretation of the subsidiarity principle by the Slovak Constitutional Court, which in principle finds its competence only for reviews of the last decisions of the supervising authority. This approach essentially limits the Constitutional Court's review of violations of fundamental rights and freedoms to the review of due process before the last competent authority.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	Complaint was dismissed. The case limits the Constitutional Court's review of violations of fundamental rights and freedoms to the review of due process before the last competent authority. Moreover, the ability of civil society actors to challenge the indirectly discriminatory local by laws that may support segregation not only in education or also housing or access to kindergartens with public prosecutor's offices is very limited.
Key quotation in original language and translated into English with reference details (max. 500 chars)	“Reálne uplatňovanie a garantovanie základného práva na inú právnu ochranu ochranu nielenže neznamená právo na úspech v konaní, ale ani nárok na to, aby orgány prokuratúry preberali alebo sa riadili výkladom všeobecne záväzných predpisov, ktorý predkladá podávateľ podnetu.“ „The actual enjoyment and guarantee of basic right for other legal protection neither means a guarantee of the success in legal proceedings, nor that the public prosecutors would adopt or follow generally binding legal rules presented by the petitioner.” Slovakia, Constitutional Court, Finding I. US 103/2019-51 of 29 November 2018

Thematic area	<b>INFORMATION SOCIETY, DATA PROTECTION</b>
	Please provide the most relevant high court decision in relation to one of the topic addressed in this Chapter
	No case law has been identified for this thematic area.

Thematic area	<b>RIGHTS OF THE CHILD</b>
	Please provide the most relevant high court decision in relation to one of the topic addressed in this Chapter.
	No case law has been identified for this thematic area.



Thematic area	<b>ACCESS TO JUSTICE, INCLUDING RIGHTS OF CRIME VICTIMS</b> Please provide the most relevant high court decisions in relation to one of the topic ad-dressed in this Chapter..
	No case law has been identified for this thematic area.

Thematic area	<b>Developments in the implementation of the Convention on the Rights of Persons with Disabilities (CRPD)</b> Please provide the most relevant high court decision making reference to the CRPD or employing the CRPD in their reasoning.
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