

# **Coronavirus pandemic in the EU – Fundamental Rights Implications**

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# 1 Measures taken by government/public authorities impacting on specific freedoms

## 1.1 Emergency laws/states of emergency

In Slovakia, the state of emergency<sup>1</sup> in connection with the second wave of the coronavirus pandemic is in force since 1 October 2020. The Government declared it in accordance with Constitutional Act No. 227/2002 Coll. On the State Security in Times of War and State of Emergency<sup>2</sup>. According to Prime Minister Igor Matovič, the state of emergency will last for 45 days with the possibility to be prolonged based on the pandemic situation. This time, the Government of the Slovak Republic did not declare a general work obligation of health care providers or health care workers<sup>3</sup>. The state of emergency during the first wave of the pandemic (lasting from 16 March to 14 June) included work duty for the health care system<sup>4</sup>. The emergency situation, declared by the Government on 12 March 2020<sup>5</sup>, has persisted since then<sup>6</sup>.

The General Prosecutor's Office considered the legality of acts issued by the Public Health Authority during the first wave of pandemic. According to the General Prosecutor's Office, the Public Health Authority of the Slovak Republic had violated the law in issuing measures at the time of the first declared state of emergency. At the end of September, the Public Health Authority received a prosecutor's warning in this matter.<sup>7</sup> According to General Prosecutor's office, the public health authorities did not have the power to issue any measure at a national level whatsoever, because they are not allowed to do so by law neither in an emergency situation (declared by the Government on 12 March), nor in a state of emergency.<sup>8</sup>

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<sup>1</sup> Slovakia, Government of the Slovak Republic (*Vláda SR*), Návrh na vyhlásenie núdzového stavu podľa čl. 5 ústavného zákona č. 227/2002 Z. z. o bezpečnosti štátu v čase vojny, vojnového stavu, výnimočného stavu a núdzového stavu v znení neskorších predpisov, adopted by the Government on 30 September 2020, available at: <https://rokovania.gov.sk/RVL/Material/25338/1>

<sup>2</sup> Slovakia, Constitutional Law No. 227/2002 Coll. On the State Security in Times of War and State of Emergency (Ústavný zákon č. 227/2002 Z.z. o bezpečnosti štátu v čase vojny, vojnového stavu, výnimočného stavu a núdzového stavu), 1 May 2002, available at <https://www.zakonypreludi.sk/zz/2002-227>; Slovakia, Government of the Slovak Republic (*Vláda SR*) (2020), Government Resolution No 114/2020 on the Proposal to Declare State of Emergency Pursuant to the Act No. 227/2002 Coll., 15 March 2020, available at: <https://rokovania.gov.sk/RVL/Resolution/18252/1>

<sup>3</sup> Association of Outpatient Providers (*Zväz ambulánnych poskytovateľov*) (2020), 'Núdzový stav – druhá vlna COVID-19', available at: <https://zapsk.sk/nudzovy-stav-druha-vlna-covid-19/>

<sup>4</sup> Bratislavskykraj.sk (2020), 'Na Slovensku bude od štvrtka opäť platiť núdzový stav, zatiaľ na 45 dní', 30 September, available at: <https://bratislavskykraj.sk/na-slovensku-bude-od-stvrtka-opat-platit-nudzovy-stav-zatial-na-45-dni/>

<sup>5</sup> Slovakia, Government of the Slovak Republic (*Vláda SR*), Návrh na vyhlásenie mimoriadnej situácie v súvislosti s ohrozením verejného zdravia II. stupňa z dôvodu ochorenia COVID-19 spôsobeným korona vírusom SARS-CoV-2 na území Slovenskej republiky, adopted by the Government on 11 March 2020, available at: <https://rokovania.gov.sk/RVL/Material/24585/1>

<sup>6</sup> Slovakia, The Ministry of Interior (*Ministerstvo vnútra*) (2020), 'Od 1. októbra platí na Slovensku núdzový stav', press release, 30 September 2020, available at: <https://www.minv.sk/?tlacove-spravy&sprava=od-1-oktobra-plati-na-slovensku-nudzovy-stav>

<sup>7</sup> SME.sk (2020), 'Generálna prokuratúra: Hygienici porušili zákon pri vydávaní opatrení', 6 October 2020, available at: <https://domov.sme.sk/c/22504087/generalna-prokuratúra-hygienici-porushili-zakon-pri-vydavani-opatreni.html>

<sup>8</sup> SME.sk (2020), 'Opatrenia hygienikov boli nezákonné, vláda sa to snaží napraviť', 15 October 2020, available at: <https://domov.sme.sk/c/22510916/koronavirus-opatrenia-hygienikov-su-nezakonne-tvrdi-prokuratúra.html?ref=FB>

## Nationwide testing

On 18 October, the Government approved a proposal to prepare and conduct the nationwide testing of the population for the presence of coronavirus<sup>9</sup>. The task was assigned to the Armed Forces of the Slovak Republic. The main part of the testing, using antigen tests, took place from 31 October to 1 November, the next round is planned for weekend from 7 to 8 November. The professional soldiers of the Armed Forces, members of the Police Force, qualified medical personnel and administrative personnel worked at the sampling points.

From 23 to 25 October, a pilot mass testing was carried out focusing on the districts with the highest COVID-19 incidence (Tvrdošín, Námestovo, Dolný Kubín and Bardejov)<sup>10</sup>. With a total of 140,945 people tested, the antigen tests showed infectivity in a total of 5,594 people, representing 3.97%<sup>11</sup>.

Testing with antigen tests is voluntary, but curfew would apply to those not tested. Children under the age of ten are not required to take the test. People in social service homes or hospitalized in hospitals would be tested directly in the institutions. The Government does not recommend testing to people with health problems or the elderly. Simply put, if someone can remain in isolation, they do not have to go for tests<sup>12</sup>. Pursuant Regulation No. 693<sup>13</sup>, adopted by the Government on 28 October, people to move freely must carry a certificate with a negative result from the weekend testing campaign (either by antigen or PCR test).

More than 3.6 million people were tested during the first round of the nationwide testing, with one percent having a positive test<sup>14</sup>. Those tested positive must stay in at home isolation together with all persons living in the same household for at least 10 days<sup>15</sup>.

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<sup>9</sup> Slovakia, Government of the Slovak Republic (*Vláda SR*), Návrh na prípravu a vykonanie celoštátneho testovania obyvateľstva na území Slovenskej republiky na prítomnosť ochorenia COVID-19 v čase núdzového stavu, adopted by the Government on 18 October 2020, available at:

<https://rokovania.gov.sk/RVL/Material/25396/1?ref=mwat>

<sup>10</sup> Slovakia, The Ministry of Interior (*Ministerstvo vnútra*) (2020), 'Vláda schválila návrh na prípravu a vykonanie celoštátneho testovania obyvateľstva na prítomnosť ochorenia COVID-19 v čase núdzového stavu', press release, 18 October 2020, available at: <https://www.minv.sk/?tlacove-spravy&sprava=vlada-schvalila-navrh-na-pripravu-a-vykonanie-celostatneho-testovania-obyvatelstva-na-pritomnost-ochorenia-covid-19-v-case-nudzoveho-stavu>

<sup>11</sup> Slovakia, The Ministry of Interior (*Ministerstvo vnútra*) (2020), 'Pilotné testovanie na Orave a v Bardejove: účasť takmer 91 %, najviac obyvateľov sa testovalo v Bardejove, najviac infekčných je v Tvrdošíne', press release, 26 October 2020, available at: <http://www.minv.sk/?tlacove-spravy&sprava=pilotne-testovanie-na-orave-a-v-bardejove-ucast-takmer-91-najviac-obyvateľov-sa-testovalo-v-bardejove-najviac-infekcnych-je-v-tvrdosine>

<sup>12</sup> Denník N (2020) 'Kedy nemusím ísť na testovanie, kto si od vás môže pýtať negatívny test, stačí fotka certifikátu a SMS? (otázky a odpovede)', 27 October 2020, available at: <https://dennikn.sk/2110299/kydy-nemusim-ist-na-testovanie-kto-si-od-vas-moze-pytat-negativny-test-staci-fotka-certifikatu-a-sms-otazky-a-odpovede/?ref=mwat>

<sup>13</sup> Slovakia, Public Health Authority of the Slovak Republic (*Úrad verejného zdravotníctva Slovenskej republiky*), VYHLÁŠKA Úradu verejného zdravotníctva Slovenskej republiky, ktorou sa nariaďujú opatrenia pri ohrození verejného zdravia k režimu vstupu osôb do priestorov prevádzok a priestorov zamestnávateľa, adopted on 30 October, available at: [https://www.minv.sk/swift\\_data/source/verejna\\_sprava/vestnik\\_vlady\\_sr\\_2020/ciastka\\_12\\_2020.pdf?fbclid=IwAR0WracS60evB\\_yRRXx6rpIJ65nFV9bpgdXRDszQOgioOxPnHkkl9Vd6Stw](https://www.minv.sk/swift_data/source/verejna_sprava/vestnik_vlady_sr_2020/ciastka_12_2020.pdf?fbclid=IwAR0WracS60evB_yRRXx6rpIJ65nFV9bpgdXRDszQOgioOxPnHkkl9Vd6Stw)

<sup>14</sup> Oficial website on the nationwide testing, <https://www.somzodpovedny.sk/>

<sup>15</sup> Korona.gov.sk, 'Celoplošné testovanie na COVID-19', available at: <https://korona.gov.sk/celoplosne-testovanie-na-covid-19/>

## 1.2 Freedom of assembly

As of 1 October 2020 the Government declared state of emergency in **Slovakia** pursuant to the Law No. 227/2002 Coll.<sup>16</sup> The Law allows for infringement on some rights including freedom of assembly. Chapter 5, Article 3, letter h) stipulates that for time necessary and to the extent necessary it is possible to restrict or forbid exercising the right to peaceful assembly or make right to assembly conditional on authorization.

As of 13 October 2020 assemblies of more than 6 persons are forbidden.<sup>17</sup> The Government resolution does not specify any fines for violation of this ban. However, violation of any measure adopted to prevent the spread of corona virus can be punished by a block fine of up to 1000 EUR or by a fine in administrative procedure of up to 1659 EUR.<sup>18</sup>

As of 15 October 2020 it is forbidden to hold mass events (sports, cultural, social and other) of more than 6 persons at one time. Exceptionally mass events can be organised if all participants hold negative RT-PCR or AG test results not older than 12 hours prior to the start of the event. An event falling under this exception must be announced to the Regional Public Health Authority no later than 48 hours before start of the event.<sup>19</sup>

As of 15 October 2020, restrictions apply to religious masses and gatherings. During mass and other church ceremonies (such as wedding ceremonies, funerals and baptisms) face masks must be worn at all times, hand sanitizer must be available at entry, 2m distance must be kept, number of participants is limited to one person per 15m<sup>2</sup>, communion is to be received in hands and hand shaking is forbidden.<sup>20</sup>

On 17 October 2020 an unannounced gathering of several hundreds people took place in Bratislava protesting against Government measures to prevent the spread of corona virus. The protest took a violent turn and the Police used tear gas and water cannons to disperse the crowd. A number of rioters were detained by the Police.<sup>21</sup>

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<sup>16</sup> Slovakia, Law No. 227/2002 Coll. on State Security in Times of War and State of Emergency as amended (*Zákon č. 227/2002 Z.z. Ústavný zákon o bezpečnosti štátu v čase vojny, vojnového stavu, výnimočného stavu a núdzového stavu v znení neskorších predpisov*), 1 May 2002, available at <https://www.zakonypreludi.sk/zz/2002-227>

<sup>17</sup> Slovakia, Government of the Slovak Republic (*Vláda Slovenskej republiky*) (2020), 'Government Resolution No. 645/2020 on the proposal to adopt measures regarding the state of emergency pursuant to Chapter 5 of the Law No. 227/2002 Coll. On State Security in Times of War and State of Emergency declared by the Government Resolution no. 578 of 30 September 2020', 12 October 2020, available at <https://www.teraz.sk/download/137/uznesenievlady121020.pdf>

<sup>18</sup> Information published on the official government website on pandemic, available at <https://korona.gov.sk/otazky-a-odpovede/>, point 4.

<sup>19</sup> Information published on the official government website on pandemic, available at <https://korona.gov.sk/platne-hygienicke-opatrenia-okt/>

<sup>20</sup> Information published on the official government website on pandemic, available at <https://korona.gov.sk/platne-hygienicke-opatrenia-okt/>

<sup>21</sup> Pravda (2020), 'Polícia výtržníkov rozohnala vodným delom a slzotvorným plynom', 17 October 2020, available at <https://spravy.pravda.sk/domace/clanok/565997-slovanisticki-ultras-chystaju-v-meste-protest-policia-antikonfliktny-tim/>

### 1.3 Freedom of movement

State of emergency allows for restriction of freedom of movement for time necessary and to the extent necessary. Freedom of movement may only be restricted by a curfew in designated time and by ban of entry to affected areas.<sup>22</sup> First curfew was valid from 25 October to 1 November 2020 (i.e. until the first round of nationwide testing) and included several exceptions. People were allowed to: 1) go out between 1am and 5am, 2) go to get tested, 3) go to the nearest grocery store, pharmacy, doctor's office, 4) go to look after a relative in need, 5) walk a dog/cat within a 100m radius of their home, 6) go to and from work, 7) go to post office/bank/auto repair/petrol station, 9) to the nature within one's district. Exceptions also included a child's way to school/kindergarten.<sup>23</sup> Movement within territory of the **Slovak Republic** was somewhat limited – one could only cross district borders to go to work or school. Other than that district borders were not to be crossed. The Government Resolution did not stipulate any sanctions for violating the curfew. However, the Police Force informed on their official Facebook page that violation of the curfew could be punished by a block fine of up to 1000 EUR or by a fine in administrative procedure of up to 1659 EUR. The Police Force further informed they would start with random checks of how curfew was observed.<sup>24</sup>

Conditions of curfew changed after 1 November 2020, i.e. after the first round of nationwide testing. The curfew is still in place each day from 5am till 1am of the next day. However, Government Resolution of 28 October 2020 specified a number of exceptions from the curfew in the period of 2 November – 8 November.<sup>25</sup> Curfew does not apply to those holding a negative AG test result from the nationwide testing, an RT-PCR test performed in the period of 29 October – 1 November or performed in the period of 2 November – 8 November. Curfew does not apply to those who overcame COVID-19 in the past 90 days before nationwide testing. People should always carry their test certificates in order to prove they are, in fact, allowed to move freely.

In the beginning it was not clear who would have the authority to check one's certificate proving their negative test result. Given that people with negative test results (holding a certificate from the nationwide testing or an RT-PCR test result as above) are now allowed to enter any facilities (e.g. stores, public authority premises)<sup>26</sup> it was not clear how these facilities' operators would check one's

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<sup>22</sup> Slovakia, Law No. 227/2002 Coll. On State Security in Times of War and State of Emergency, (*Zákon č. 227/2002 Z.z. Ústavný zákon o bezpečnosti štátu v čase vojny, vojnového stavu, výnimočného stavu a núdzového stavu v znení neskorších predpisov*), Chapter 5, Article 3, letter g), 1 May 2002, available at <https://www.zakonypreludi.sk/zz/2002-227>

<sup>23</sup> Slovakia, Government of the Slovak Republic (*Vláda Slovenskej republiky*) (2020), 'Government Resolution No. 678/2020 on the proposal to extend measures regarding the state of emergency pursuant to Chapter 5 of the Law No. 227/2002 Coll. On State Security in Times of War and State of Emergency declared by the Government Resolution no. 578 of 30 September 2020', 22 October 2020, available at [https://korona.gov.sk/wp-content/uploads/2020/10/zakaz-vychadzania-678\\_2020.pdf](https://korona.gov.sk/wp-content/uploads/2020/10/zakaz-vychadzania-678_2020.pdf)

<sup>24</sup> For more information please see official Facebook page of the Police Force of the Slovak Republic, available at <https://www.facebook.com/policiaslovakia/photos/a.1522428691120681/3835209453175915/?type=3>

<sup>25</sup> Slovakia, Government of the Slovak Republic (*Vláda Slovenskej republiky*) (2020), 'Government Resolution No. 693/2020 on proposal to further extend measures regarding the state of emergency pursuant to Chapter 5 of the Law No. 227/2002 Coll. on State Security in Times of War and State of Emergency declared by the Government Resolution no. 578 of 30 September 2020', 28 October 2020, available at <https://rokovania.gov.sk/RVL/Resolution/18844/1?fbclid=IwAR3rgHYmuJwgBQV3HGGVIUYHWTAQ2jacEk1GC50S8nDImggxvsG6ErCea7g>

<sup>26</sup> Facilities include all public and private premises (both commercial and non-commercial) including premises of public authorities, except for housing premises. Kollárová, Z. (2020), 'Test nie je zásahom do práv, certifikát môžu skontrolovať policajti, zamestnávateľa aj obchody, hovorí advokát', *Denník N*, 1 November 2020,

test result. So on 30 October 2020 Public Health Authority issued a decree allowing facility operators and employers to ask for one's testing certificate in order to verify his/her results and allow or ban his/her entry to the premises.<sup>27</sup> Office for Personal Data Protection swiftly reacted and published a legal opinion according to which the Public Health Authority's decree did not provide sufficient legal basis for facility operators and employers to request one's personal health data (i.e. the certificate with one's COVID-19 test result).<sup>28</sup> The Government Office replied to the Office for Personal Data Protection arguing that Slovak Law on Personal Data Protection<sup>29</sup> only applies to automated personal data processing or personal data processing that is part of an IT system. The Government Office thus stated that simply taking a look into one's certificate is not a breach of one's right to personal data protection.<sup>30</sup> According to the Public Defender of Rights (ombudsperson), the requirement to present one's negative result of the antigen test (or PCR test) is not in conflict with the Slovak Constitution as well as the international commitments of the Slovak Republic<sup>31</sup>..

For those who did not undergo the nationwide testing and thus cannot present their negative test result certificate following exceptions from the curfew apply:

- To secure essential necessities such as groceries in the nearest grocery store, medicine in the nearest pharmacy, to get urgent health care, look after a relative in need
- To go to get tested with an RT-PCR test
- To go to a funeral, wedding ceremony, baptism
- To walk a dog/cat within a 100m radius of one's home
- Child's way to and from school/kindergarten or to a counselling and psychological centre.

Curfew for those who decided not to get tested in the nationwide testing raised a number of concerns for its alleged coercive nature.<sup>32</sup> Even though nationwide testing was presented as voluntary the Government introduced stricter curfew rules as a sanction for those who decided to skip it - thus forcing people to go through with testing. It was presented as a pre-emptive measure of self-isolation

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available at [https://e.dennikn.sk/2120236/test-nie-je-zasahom-do-prav-certifikat-mozu-skontrolovat-policialti-zamestnavatelia-aj-obchody-hovori-advokat/?ref=side&\\_ga=2.77135829.1975618495.1604305225-1556615051.1604305225](https://e.dennikn.sk/2120236/test-nie-je-zasahom-do-prav-certifikat-mozu-skontrolovat-policialti-zamestnavatelia-aj-obchody-hovori-advokat/?ref=side&_ga=2.77135829.1975618495.1604305225-1556615051.1604305225)

<sup>27</sup> Slovakia, Public Health Authority of the Slovak Republic (*Úrad verejného zdravotníctva SR*) (2020), 'Vyhláška Úradu verejného zdravotníctva, ktorou sa nariaďujú opatrenia pri ohrození verejného zdravia k režimu vstupu osôb do priestorov prevádzok a priestorov zamestnávateľa', 30 October 2020, available at [https://www.minv.sk/swift\\_data/source/verejna\\_sprava/vestnik\\_vlady\\_sr\\_2020/ciastka\\_12\\_2020.pdf?fbclid=IwAR2ui-hVse1gYUfulQ-2YVbMJivlrxG3Qxt4j4aU8AQoThnWQJeit4E5UY](https://www.minv.sk/swift_data/source/verejna_sprava/vestnik_vlady_sr_2020/ciastka_12_2020.pdf?fbclid=IwAR2ui-hVse1gYUfulQ-2YVbMJivlrxG3Qxt4j4aU8AQoThnWQJeit4E5UY)

<sup>28</sup> Slovakia, The Office for Personal Data Protection (*Úrad na ochranu osobných údajov*) (2020), 'Predbežné stanovisko úradu k preukazovaniu sa negatívnym výsledkom testu/certifikátom z plošného testovania – aktualizácia', press release, 30 October 2020, available at <https://dataprotection.gov.sk/uouu/sk/content/predbezne-stanovisko-uradu-k-preukazovaniu-sa-negativnym-vysledkom-testu-certifikatom-z-0>

<sup>29</sup> Slovakia, Law No. 18/2018 Coll. on Personal Data Protection as amended (*Zákon č. 18/2018 Z.z. o ochrane osobných údajov v znení neskorších predpisov*), 30 January 2018, available at <https://www.zakonypreludi.sk/zz/2018-18>

<sup>30</sup> TASR (2020), 'Vyjadrenie: Úrad vlády SR k stanovisku Úradu na ochranu osobných údajov SR', press release, 31 October 2020, available at <https://www.tasr.sk/tasr-clanok/TASR:20201031TBB00295>

<sup>31</sup> Slovakia, Public Defender of Rights (*Verejná ochrankyňa práv*) (2020), Stanovisko verejnej ochrankyne práv, available at:

[https://www.vop.gov.sk/files/Stanovisko\\_VOP\\_k\\_preukazovaniu\\_sa\\_certifikatom.pdf?fbclid=IwAR0MBMFD08acsUqzjSCM2HsAL-9Q1VbuVWeKivvwcfYTd9JscmzSPcFthZA](https://www.vop.gov.sk/files/Stanovisko_VOP_k_preukazovaniu_sa_certifikatom.pdf?fbclid=IwAR0MBMFD08acsUqzjSCM2HsAL-9Q1VbuVWeKivvwcfYTd9JscmzSPcFthZA)

<sup>32</sup> Debrecéniová, J. (2020), '„Spoločná zodpovednosť“ je ukážkou nezodpovednosti', *SME Daily*, 29 October 2020, available at <https://komentare.sme.sk/c/22522048/spolocna-zodpovednost-je-ukazkou-nezodpovednosti.html>

for those who cannot prove they were not infected with COVID-19. And even though there are some exceptions from the curfew for those not getting tested the curfew still raises a number of questions. For instance, the Government resolution of 28 October stipulates that children are free to walk to and from school/kindergarten. However, the resolution does not address the fact that young children need to be accompanied by their parent or a guardian. People who decided to skip nationwide testing therefore are not sure if they can walk their children to school/kindergarten. If they couldn't then their children would not be able to go to school which would mean violation of their right to education.<sup>33</sup>

Another concern was raised by the fact that those who decided not to get tested in the nationwide testing are not able to go to work for at least one week after the nationwide testing due to mandatory self-isolation. If they cannot work from home, they will simply have to stay at home. They will either have to take an unpaid leave of absence (without any compensation) or take a holiday. Some employers might even consider this a breach of their labour contract and sanctions may follow. Furthermore, for the period of their absence the employees lose their social insurance.<sup>34</sup> The Ministry of Labour, Social Affairs and Family stated employers should allow their employees to take an unpaid leave of absence in case they did not get tested in the nationwide testing.<sup>35</sup> The ministry argued this type of self-isolation is in line with labour legislation and should be considered an obstacle on the part of the employee in order to fulfil his/her civic duty – the Labour Code defines civic duty as (among others) actions when observing measures against spreading of communicable diseases.<sup>36</sup> Such self-isolation should thus be considered fulfilling one's civic duty to protect public health.

The curfew also does not apply to those who were exempt from the nationwide testing: children below the age of 10, persons with intellectual disabilities, persons whose health condition did not allow them to undergo testing, persons with autism, cancer patients and COVID-19 patients who were in quarantine at the time of the nationwide testing.<sup>37</sup>

As of 1 October 2020 entry to the territory of the **Slovak Republic** is governed by new rules. People travelling from countries that are not listed among safe countries are required to undergo a 14-day self-isolation and undergo an RT-PCR test on the fifth day of the quarantine. After having tested negative quarantine may be ended. Alternatively, people travelling to Slovakia may present a negative RT-PCR test no older than 72 hours at the borders and thus avoid quarantine.

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<sup>33</sup> Debrecéniová, J. (2020), "Spoločná zodpovednosť" je ukážkou nezodpovednosti', *SME Daily*, 29 October 2020, available at <https://komentare.sme.sk/c/22522048/spolocna-zodpovednost-je-ukazkou-nezodpovednosti.html>

<sup>34</sup> Debrecéniová, J. (2020), "Spoločná zodpovednosť" je ukážkou nezodpovednosti', *SME Daily*, 29 October 2020, available at <https://komentare.sme.sk/c/22522048/spolocna-zodpovednost-je-ukazkou-nezodpovednosti.html>

<sup>35</sup> Denník N (2020), 'Minúta po minúte – Zamestnávateľ by mal dať pracovníkom voľno bez náhrady mzdy, ak pre neúčast' na testovaní nemôžu nastúpiť do práce', *Denník N*, 31 October 2020, available at <https://e.dennikn.sk/minuta/2118233>

<sup>36</sup> Slovakia, Law No. 311/2001 Coll. the Labour Code as amended (*Zákon č. 311/2001 Z.z. Zákonník práce v znení neskorších predpisov*), Para 137, Art. 4, Letter d), 8 August 2001, available at <https://www.zakonypreludi.sk/zz/2001-311>

<sup>37</sup> Slovakia, Government of the Slovak Republic (*Vláda Slovenskej republiky*) (2020), 'Government Resolution No. 693/2020 on proposal to further extend measures regarding the state of emergency pursuant to Chapter 5 of the Law No. 227/2002 Coll. on State Security in Times of War and State of Emergency declared by the Government Resolution no. 578 of 30 September 2020', 28 October 2020, available at <https://rokovania.gov.sk/RVL/Resolution/18844/1?fbclid=IwAR3rgHYmuJwgBQV3HGGVIUYHWTAQ2jacEk1GC50S8nDImggxvsG6ErCea7g>

Random border checks are applied on borders with Ukraine and the Czech Republic.<sup>38</sup>

Different rules apply to borders with the Czech Republic with respect to pendlers. The above does not apply to the following categories: students (at all levels of education), pendlers (working in health care, nursing, research, education or as seasonal workers in agriculture or food industry) and persons looking after a relative in need. All these categories must have a permanent or a temporary residence permit in Slovakia and commute to a locality in the border region of the Czech Republic (within 30km of the border). They must be able to prove their commitment in the Czech Republic in writing (e.g. labour contract, confirmation of a school attendance etc.).<sup>39</sup>

From 25 October until 8 November 2020 all offices of Immigration Police cancelled all appointments scheduled for this period. Foreign nationals are required to reschedule via online booking system.<sup>40</sup>

## 2 Implications of Covid-19 and measures to contain it on specific social rights

### 2.1 Work

Several areas of economy have been seriously hit by the coronavirus pandemic. As the number of persons infected by the coronavirus has gradually increased during August and September<sup>41</sup>, the Government and Public Health Authority adopted measures to slow down the spread of the pandemic that involved mainly setting limits on the number of participants of public gatherings, cancellation of mass events and closure of operations.

The stricter measures with regard to the second wave of pandemic came into force as of 1 September<sup>42</sup>, they were tightened up as of 10 September<sup>43</sup>, again as of 18 September<sup>44</sup> and again as

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<sup>38</sup> Denník N (2020), 'Minúta po minúte – Slovensko sprísni režim na hraniciach s Ukrajinou', *Denník N*, 22 October 2020, available at <https://dennikn.sk/minuta/2102515/?ref=mwat>

<sup>39</sup> Slovakia, Public Health Authority (Úrad verejného zdravotníctva) (2020), 'Opatrenie Úradu verejného zdravotníctva pri ohrození verejného zdravia č. OLP/7693/2020', 29 September 2020, available at [https://www.uvzsr.sk/docs/info/covid19/opatrenie\\_hranice\\_01\\_10.pdf](https://www.uvzsr.sk/docs/info/covid19/opatrenie_hranice_01_10.pdf)

<sup>40</sup> Slovakia, Ministry of Interior of the Slovak Republic (Ministerstvo vnútra SR) (2020), 'Cudzinecká polícia nebude vybavovať klientov do 8. Novembra', press release, 29 October 2020, available at <http://www.minv.sk/?tlacove-spravy&sprava=cudzinecka-policia-nejbude-vybavovat-klientov-do-8-novembra>

<sup>41</sup> Data available on the official website korona.gov.sk, <https://korona.gov.sk/koronavirus-na-slovensku-v-cislach/>

<sup>42</sup> Slovakia, Public Health Authority (Úrad verejného zdravotníctva) (2020), Opatrenie Úradu verejného zdravotníctva Slovenskej republiky pri ohrození verejného zdravia, OLP/6849/2020 z 28. Augusta 2020, available at: [https://www.uvzsr.sk/docs/info/covid19/opatrenia\\_prevadzky\\_a\\_HP\\_01\\_09.pdf](https://www.uvzsr.sk/docs/info/covid19/opatrenia_prevadzky_a_HP_01_09.pdf)

<sup>43</sup> Slovakia, Public Health Authority (Úrad verejného zdravotníctva) (2020), Opatrenie Úradu verejného zdravotníctva Slovenskej republiky pri ohrození verejného zdravia, OLP/7092/2020 z 9. septembra 2020, available at: [https://www.uvzsr.sk/docs/info/covid19/final\\_opatrenie\\_prevadzky\\_a\\_HP\\_08\\_09.pdf](https://www.uvzsr.sk/docs/info/covid19/final_opatrenie_prevadzky_a_HP_08_09.pdf)

<sup>44</sup> Slovakia, Public Health Authority (Úrad verejného zdravotníctva) (2020), Opatrenie Úradu verejného zdravotníctva Slovenskej republiky pri ohrození verejného zdravia, OLP/7311/2020 z 17. septembra 2020, available at: [https://www.uvzsr.sk/docs/info/covid19/final\\_navrh\\_opatrenie\\_prevadzky\\_a\\_HP\\_16\\_09.pdf](https://www.uvzsr.sk/docs/info/covid19/final_navrh_opatrenie_prevadzky_a_HP_16_09.pdf)



of 1 October<sup>45</sup>. As of 15 October 2020<sup>46</sup>, all operations like aquaparks, fitness centres, wellness operations, theatre, music, film and other artistic performances and catering facilities have been closed.

According to professional organizations, the most affected areas of the economy include<sup>47</sup>:

- Culture, mainly cultural events like festivals, so-called not established culture (the culture beyond larger institutions, the culture independent of public authorities)
- Tourism, travel agencies, hotels and accommodation facilities
- Various gastro facilities – restaurants, bars, cafes
- Sport – sports clubs, fitness centres, sports events, swimming pools, aquaparks
- Other services like wellness operations, etc.

The overall statistics on unemployment shows a slight decrease in the number of unemployed people. The overall unemployment rate decreased from 7,6% in August to 7,43% in September, however, it increased when compared to September 2019 (5,04%)<sup>48</sup>. Although the official data on unemployment for particular sectors concerned have not shown an increase in the number of unemployed persons<sup>49</sup>, professional organizations such as the Federation of employers' associations of the Slovak Republic (*Asociácia zamestnávateľských zväzov a združení SR*) signal that the number of persons who will lose their job will increase in upcoming months<sup>50</sup>. At the same time, the offer of free vacancies is declining<sup>51</sup>.

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<sup>45</sup> Slovakia, Public Health Authority (*Úrad verejného zdravotníctva*) (2020), Opatrenie Úradu verejného zdravotníctva Slovenskej republiky pri ohrození verejného zdravia, OLP/7694/2020 z 30. septembra 2020, available at: [https://www.uvzsr.sk/docs/info/covid19/30\\_09\\_2020\\_opatrenie\\_prevadzky\\_a\\_HP.pdf](https://www.uvzsr.sk/docs/info/covid19/30_09_2020_opatrenie_prevadzky_a_HP.pdf)

<sup>46</sup> Slovakia, Public Health Authority (*Úrad verejného zdravotníctva*) (2020), Opatrenie Úradu verejného zdravotníctva Slovenskej republiky pri ohrození verejného zdravia, OLP/8326/2020 z 14. októbra 2020, available at: [https://www.uvzsr.sk/docs/info/covid19/final\\_opatrenie\\_prevadzky\\_a\\_HP\\_15\\_10.pdf](https://www.uvzsr.sk/docs/info/covid19/final_opatrenie_prevadzky_a_HP_15_10.pdf)

<sup>47</sup> Slovakia, Federation of employers' associations of the Slovak Republic (*Asociácia zamestnávateľských zväzov a združení*) (2020), 'Zdravie je prvoradé, ale je tu aj ekonomika', Press release from 20 October 2020, available at: <https://www.azzz.sk/2020/10/zdravie-je-prvorade-no-je-tu-aj-ekonomika/>; Slovakia, Slovak Business Agency (2020), *Názory podnikateľov na dopady druhej vlny koronakrízy*. Správa z kvantitatívneho prieskumu, October 2020, available at:

[http://www.sbagency.sk/sites/default/files/nazory\\_podnikatelov\\_na\\_dopady\\_druhej\\_vlny\\_koronakrizy.pdf](http://www.sbagency.sk/sites/default/files/nazory_podnikatelov_na_dopady_druhej_vlny_koronakrizy.pdf)

<sup>48</sup> Slovakia, Central Office of Labour, Social Affairs and Family (*Ústredie práce, sociálnych vecí a rodiny*), 'Nezamestnanosť v septembri klesla aj napriek prílevu absolventov', 19 October 2020, available at: [https://www.upsvr.gov.sk/media/medialne-spravy/nezamestnanost-v-septembri-klesla-aj-napriek-prilevu-absolventov.html?page\\_id=1035091](https://www.upsvr.gov.sk/media/medialne-spravy/nezamestnanost-v-septembri-klesla-aj-napriek-prilevu-absolventov.html?page_id=1035091)

<sup>49</sup> Data on the number of unemployed persons disaggregated by the sector of economy provided by the Central Office of Labour, Social Affairs and Family upon request on 29 October 2020.

<sup>50</sup> Slovakia, Federation of employers' associations of the Slovak Republic (*Asociácia zamestnávateľských zväzov a združení*) (2020), 'Zdravie je prvoradé, ale je tu aj ekonomika', Press release from 20 October 2020, available at: <https://www.azzz.sk/2020/10/zdravie-je-prvorade-no-je-tu-aj-ekonomika/>

<sup>51</sup> Profesia.sk, 'Prísnejšie opatrenia opäť spomalili trh práce. Výrazný prepád vidíme okrem gastru a cestovného ruchu tiež v zákaznickej podpore a administratíve', 19 October 2020, available at: <https://firma.profesia.sk/prisnejšie-opatrenia-opat-spomalili-trh-prace-vyrazny-prepad-vidime-okrem-gastra-cestovneho-ruchu-tiez-v-zakaznickej-podpore-administrative/>

Slovak Business Agency carried out a research mapping the views of entrepreneurs on the impact of the second wave of pandemic on their situation and existing compensation measures<sup>52</sup>. According to the results of the research, 95 percent of the respondents already experience the negative impact of the second wave of the pandemic, 72 percent expect a very negative impact on their business, 23 percent expect a slightly negative impact on their business. The reactions of the respondents to the current situation involve: a. adaptation of the provided services and goods to the new situation on the market (41,8%), b. investments of their own reserves (41,6%), c. temporary closure of their operations (36,8%), d. reduction of employees' working hours (23,1%), e. plan to reduce staff (22,5%). 14 percent of the respondents are thinking of the termination of their business. As for the compensations available for the entrepreneurs from the state, almost half of the respondents (49,4%) declared that their drop in revenues was significantly higher than the compensations available, 17,6% of respondents declared that compensations partially helped them, 31,7% did not use the compensations from the state because of various reasons and only 1,4% of respondents declared the compensations to be sufficient. The sample of the research involved 1109 small and medium-sized enterprises from most affected areas of the economy. The data were collected from 13 to 20 October and the views of respondents reflect the situation before the strictest measures started to be applied (as of 15 October).

As a response to this situation, several initiatives occurred that draw attention to the poor situation in some areas. An awareness raising initiative Together for Culture (*Spolu za kultúru*) brought information on the bad situation of people working in culture, mainly people and organizations that form the background of culture<sup>53</sup>. It is estimated that almost 80.000 people working in culture may be threatened with bankruptcy. The state compensations to mitigate the impact of pandemic available for people working in culture by the half of October did not cover people having different types of contracts (working as freelancers and employees at the same time)<sup>54</sup>. In the second half of October, the Parliament approved an amendment to legislation that should ease the situation of people working in culture<sup>55</sup>. By the adopted legislation, the validity of tickets of cancelled performances will be prolonged, contributions to cultural funds paid by people working in culture have been cancelled (until that time a fee had to be derived from each honorary for cultural work to these funds), for the time being, the subsidies for people working in culture will be available via a financial mechanism under the Ministry of Culture<sup>56</sup>.

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<sup>52</sup> Slovakia, Slovak Business Agency (2020), *Názory podnikateľov na dopady druhej vlny koronakrízy*. Správa z kvantitatívneho prieskumu, October 2020, available at:

[http://www.sbagency.sk/sites/default/files/nazory\\_podnikatelov\\_na\\_dopady\\_druhej\\_vlny\\_koronakrizy.pdf](http://www.sbagency.sk/sites/default/files/nazory_podnikatelov_na_dopady_druhej_vlny_koronakrizy.pdf)

<sup>53</sup> Initiative Together for Culture (*Spolu za kultúru*), <https://www.facebook.com/spoluzakulturu/>

<sup>54</sup> Slovakia, Ministry of Culture of the Slovak Republic (*Ministerstvo kultúry SR*) (2020), 'Prvá pomoc sa otvára aj pre SZČO so súbežným zamestnaním', 14 October 2020, available at: <http://www.culture.gov.sk/aktuality-ministerstva-kultury-36.html?id=2296>; Slovak Spectator (2020), 'Cultural organizations will protest to draw attentions to problems in the creative industry', 5 October 2020, available at:

<https://spectator.sme.sk/c/22503460/cultural-organisations-will-protest-to-draw-attention-to-problems-in-the-creative-industry.html?ref=av-center>

<sup>55</sup> Slovakia, National Council of the Slovak Republic (*Národná rada SR*) (2020), *Vládny návrh zákona, ktorým sa menia a dopĺňajú niektoré zákony v pôsobnosti Ministerstva kultúry Slovenskej republiky v súvislosti s druhou vlnou pandémie ochorenia COVID-19*, approved by the Parliament on 22 October 2020, available at:

<https://www.nrsr.sk/web/Default.aspx?sid=zakony/zakon&MasterID=800>

<sup>56</sup> Slovakia, Ministry of Culture of the Slovak Republic (*Ministerstvo kultúry SR*) (2020), 'Národná rada schválila kľúčový zákon Ministerstva kultúry o dotáciách', Information published at the website of the Ministry of Culture on 22 October 2020, available at: <http://www.culture.gov.sk/aktuality-ministerstva-kultury-36.html?id=2304>

An initiative highlighting the negative impact of the strict measures on gastro business arose as well. The Initiative Let's save the gastronomy (*Zachráňme gastro*) sent an open letter to the PM Igor Matovič asking not only for the compensations to cover the rents of their premises and loss of sales but also for VAT reduction for the area of gastronomy<sup>57</sup>.

There have also been other measures introduced by the Government to compensate for the situation of companies, self-employers and employees who are negatively affected by the coronavirus pandemic<sup>58</sup>. The financial schemes that are intended to compensate negative impacts are under the Ministry of Economy<sup>59</sup>, Ministry of Transport and Construction<sup>60</sup>, Ministry of Labour, Social Affairs and Family<sup>61</sup> and already mentioned Ministry of Culture<sup>62</sup>. The employers and self-employers can ask for compensations to be able to pay their usual costs as wages of employees, rents, etc., if they are not closed but need funds to preserve the existing work places, if their revenues dropped significantly<sup>63</sup>.

According to the data published by International Monetary Fund, **Slovakia** compared to other EU countries and other developed countries promised to allocate the smallest amount of resources to compensate the negative impacts of coronavirus pandemic<sup>64</sup>. According to economic experts, the lower public funds devoted to compensations may be influenced by the fact that unemployment has not risen rapidly in previous months<sup>65</sup>.

As already mentioned in section 1.3, the Government and Public Health Authority restricted the freedom of movement of persons who did not take part in the first-round nationwide testing. Those persons are not allowed to go to work since they are not able to present a negative certificate from the nationwide testing and at the same time, they have to stay in 10-days at home isolation. The legal expert of NGO Citizen, Democracy and Accountability (*Občan, demokracia a zodpovednosť*)

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<sup>57</sup> Website of the Let's save the gastronomy (*Zachráňme gastro*) <https://www.zachranmegastro.sk/>

<sup>58</sup> Slovakia, Government of the Slovak Republic (*Vláda SR*) (2020), 'Vláda predstavila "Prvú pomoc+", obsahuje covidový príplatok, aj zvýšenú pomoc', 14 October 2020, available at: <https://www.vlada.gov.sk/vlada-predstavila-prvu-pomoc-obsahuje-covidovy-priplatok-aj-zvysenu-pomoc/>

<sup>59</sup> Slovakia, Ministry of Economy of the Slovak Republic (*Ministerstvo hospodárstva SR*), Dotácie na nájomné, available at: <https://najmy.mhsr.sk/>

<sup>60</sup> Slovakia, Ministry of Transport and Construction of the Slovak Republic (*Ministerstvo dopravy a výstavby SR*), Schéma pomoci v cestovnom ruchu, available at: <https://www.mindop.sk/cestovnyruch>

<sup>61</sup> Please see <https://www.pomahameludom.sk/>; Slovakia, Ministry of Labour, Social Affairs and Family of the Slovak Republic (*Ministerstvo práce, sociálnych vecí a rodiny SR*) (2020), 'Ministerstvo prerozdeleno z "Prvej pomoci" už takmer 586 miliónov €', 16 October 2020, available at: <https://www.employment.gov.sk/sk/informacie-media/aktuality/ministerstvo-prerozdeleno-z-prvej-pomoci-takmer-586-mil.html>

<sup>62</sup> Slovakia, Ministry of Culture of the Slovak Republic (*Ministerstvo kultúry SR*) (2020), 'Národná rada schválila kľúčový zákon Ministerstva kultúry o dotáciách', 22 October 2020, available at: <http://www.culture.gov.sk/medialny-servis/aktuality-ministerstva-kultury-36.html?id=2304>

<sup>63</sup> Slovak Spectator (2020), 'More money towards wages and new support for restaurants and hotels. New aid plan had been revealed.', 14 October 2020, available at: <https://spectator.sme.sk/c/22510456/coronavirus-in-slovakia-changes-to-the-first-aid-package-introduced.html>

<sup>64</sup> International Monetary Fund (2020), Fiscal Monitor Database of Country Fiscal Measures in Response to the COVID-19 Pandemic, October 2020, available at: [https://www.imf.org/en/Topics/imf-and-covid19/Fiscal-Policies-Database-in-Response-to-COVID-19?fbclid=IwAR3I2VzuvFpuXICU35vC\\_5v0EFtuTjZPf2SPbMoLyYz8ot9cvqxVYWe\\_T4k](https://www.imf.org/en/Topics/imf-and-covid19/Fiscal-Policies-Database-in-Response-to-COVID-19?fbclid=IwAR3I2VzuvFpuXICU35vC_5v0EFtuTjZPf2SPbMoLyYz8ot9cvqxVYWe_T4k)

<sup>65</sup> Denník N (2020), 'Slovensko vyčlenilo na pomoc ekonomike najmenej spomedzi rozvinutých krajín. Je to problém, alebo treba za to vládu chváliť', 27 October 2020, available at: [https://e.dennikn.sk/2109176/slovensko-vyčlenilo-na-pomoc-ekonomike-najmenej-spomedzi-rozvinutych-krajin-je-to-problem-alebo-za-to-treba-vladu-chvalit/?ref=mpm&\\_ga=2.150209150.918917521.1603783824-336253456.1603783824&fbclid=IwAR2fzBlN\\_ZFUTFf2iGz9FhBQCuRt99SszESFJov8GGP733tqOdAiQN67E3JY](https://e.dennikn.sk/2109176/slovensko-vyčlenilo-na-pomoc-ekonomike-najmenej-spomedzi-rozvinutych-krajin-je-to-problem-alebo-za-to-treba-vladu-chvalit/?ref=mpm&_ga=2.150209150.918917521.1603783824-336253456.1603783824&fbclid=IwAR2fzBlN_ZFUTFf2iGz9FhBQCuRt99SszESFJov8GGP733tqOdAiQN67E3JY)

points to the fact that by its Resolution the Government<sup>66</sup> restricted rights such as the right to the freedom of business, right to work, right to social security, right to education and right to protection of privacy<sup>67</sup>. The former ombudsperson criticized the fact that people who decide not to get tested are penalized with forced quarantine without appropriate income compensation and with the risk of losing their job due to the absence from work<sup>68</sup>. An NGO advocating for the rights of workers Working Poverty (*Pracujúca chudoba*) reported on several cases when employers demanded from their workers to participate in nationwide testing otherwise they will be penalized, e.g. the workers will lose some of the benefits (annual financial benefit, attendance bonus), they will have unjustified absence from work which means that the employer has the right to terminate the employment<sup>69</sup>.

## 2.2 Health Care

At the end of October, President Zuzana Čaputová reached out to several hospital directors who, in her words, agree that the situation is serious. Almost all their capacities have to be dedicated only to COVID-19 patients, with other medical procedures at the minimum, necessary level. The number of infected doctors and medical staff is growing. There is already a lack of them, and that in the situation of increasing hospitalizations. The directors lack central management and patient management between hospitals. Hospitals in the crisis situation require operational central management and the hospital directors do not consider the management in place sufficient.<sup>70</sup>

The Slovak Trade Union of Healthcare and Social Services sent a public appeal to the Minister of Health Marek Krajčí since by the beginning of October, the health workers and employees of social services facilities still had not received the promised rewards for front-line workers during the first wave of the pandemic.<sup>71</sup> The Ministry of Health allocated them the finances after Minister Krajčí signed a public promise to redistribute funds. The rewards will be earmarked for healthcare professionals who worked for frontline or red-zone healthcare providers at the relevant time. The rewards are set in accordance with the principles of merit, motivation and voluntariness and will be redistributed on the basis of a form to be completed by the employers of healthcare workers.<sup>72</sup>

The provision of outpatient health care (ambulatory care) – both general practitioners and specialists – during the COVID-19 pandemic follows the standard procedures and methodological guidelines of the main experts of the Ministry of Health of the Slovak Republic. In accordance with all of these recommendations, the patient should first contact their GP by telephone. The doctor will then assess whether it is necessary for the patient to come to the outpatient clinic in person. Unless

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<sup>66</sup> Slovakia, Government of the Slovak Republic (*Vláda SR*) (2020), *Uznesenie Vlády SR číslo 693 z 28. Októbra 2020*, available at: [https://korona.gov.sk/wp-content/uploads/2020/10/zaka-vychadzania-2.11.-693\\_2020.pdf](https://korona.gov.sk/wp-content/uploads/2020/10/zaka-vychadzania-2.11.-693_2020.pdf)

<sup>67</sup> SME Daily (2020), '„Spoločná zodpovednosť“ je ukázkou nezodpovednosti', 29 October 2020, available at: <https://komentare.sme.sk/c/22522048/spolocna-zodpovednost-je-ukazkou-nezodpovednosti.html>

<sup>68</sup> Denník N (2020), 'Dvojaký meter štátu v čase pandémie', 28 October 2020, available at: <https://dennikn.sk/2111022/dvojaky-meter-statu-v-case-pandemie/?ref=list>

<sup>69</sup> NGO Working poverty (*Pracujúca chudoba*), Information published on the FB page, available at: <https://www.facebook.com/pracujucaChudoba>

<sup>70</sup> TA3 (2020), 'Prezidentka sa spojila s nemocnicami. Situácia je zlá, zhodli sa', 29 October 2020, available at: <https://www.ta3.com/clanok/1195694/prezidentka-sa-spojila-s-nemocnicami-situacia-je-zla-zhodli-sa.html>

<sup>71</sup> Sme Ekonomika (2020), 'Zdravotníci v prvej línii stále nedostali sľubované odmeny', 8 October 2020, available at: <https://ekonomika.sme.sk/c/22505852/zdravotnici-v-prvej-linii-stale-nedostali-slubovane-odmeny.html>

<sup>72</sup> Slovakia, Ministry of Health (*Ministerstvo zdravotníctva*) (2020), COVID-19: Fungovanie ambulancií v čase pandémie, press release from 15 October 2020, available at: <https://www.health.gov.sk/Clanok?covid-19-15-10-2020-lekari-postup>

it is urgent health care, the Ministry of Health recommends streamlining examinations in doctors' outpatient clinics. Through telemedicine, the doctor evaluates the severity of the patient's condition, considers the risk of a treatment and, if possible, recommends telephone contact SMS or e-mail.<sup>73</sup> Some hospitals are already suspending all planned surgeries and hospitalizations due to the full capacity for COVID-19 patients and the high number of positively tested healthcare professionals.<sup>74</sup>

The Ministry of Health calls on doctors, nurses and other health professionals working abroad to return temporarily in the current crisis situation and help provide health care at home in **Slovakia**.<sup>75</sup> The Parliament passed an amendment to the Act on Health Care Providers and Health Care Workers that will enable medical students to help with testing under certain conditions, or provide basic health care if **Slovakia** enters more serious phases of the pandemic.<sup>76</sup> The Ministry of Defence of the Slovak Republic has allocated up to 1,500 members of the Armed Forces to assist the Ministry of Health. For the time being, the troops will strengthen the regional public health offices, hospitals and sampling teams. Health workers and regular forces will strengthen the regional public health offices, hospitals and sampling teams. They will assist in tracing contacts, taking samples for testing, as well as maintaining the order in hospitals. Professional soldiers are to help until 31 December 2020.<sup>77</sup>

Furthermore, problems have arisen in connection with childbirth and failure to allow contact with newborns in hospitals during the pandemic. For example, a COVID-positive mother was separated from her child after giving birth and kept away until the woman was healthy.<sup>78</sup> The NGO Women's Circles (*Ženské kruhy*) points out that the spring scenario is repeated in the second wave – parents have limited access to newborns who had to stay in hospital due to various complications.<sup>79</sup>

## Testing

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<sup>73</sup> Slovakia, Ministry of Health (Ministerstvo zdravotníctva) (2020), COVID-19: Fungovanie ambulancií v čase pandémie, press release from 15 October 2020, available at: <https://www.health.gov.sk/Clanok?covid-19-15-10-2020-lekari-postup>

<sup>74</sup> Denník N (2020), 'Minúta po minúte', 31 October 2020, available at: <https://dennikn.sk/minuta/2117717/?ref=list>

<sup>75</sup> Slovakia, Ministry of Health (Ministerstvo zdravotníctva) (2020), Opätovná výzva lekárom a sestram v zahraničí, press release from 30 October 2020, available at: <https://www.health.gov.sk/Clanok?lekari-sestry-vyzva-pomoc>

<sup>76</sup> TA3 (2020), 'V boji s pandemiou pomôžu aj medici, zmeny odobril parlament', 2 September 2020, available at: <https://www.ta3.com/clanok/1191550/v-boji-s-pandemiou-pomozu-aj-medici-zmeny-odobril-parlament.html>

<sup>77</sup> Slovakia, The Ministry of Defence (Ministerstvo Obrany) (2020), 'Rezort obrany vyčlení na pomoc rezortu zdravotníctva v boji proti COVID-19 do 1500 vojakov', press release, 9 October 2020, available at: <https://www.mosr.sk/48157-sk/rezort-obrany-vycleni-na-pomoc-rezortu-zdravotnictva-v-boji-proti-covid-19-do-1500-vojakov/>

<sup>78</sup> Gdovinová, D. – Benedikovičová, M. (2020), 'Žena rodila s koronavírusom a svoje dieťa uvidela až po dvanástich dňoch. Neizolujte matky od detí, vyzývajú odborníci', *Denník N*, 30 October 2020, available at: <https://dennikn.sk/2113967/zena-rodila-s-koronavirusom-a-svoje-dieta-uviedla-az-po-dvanastich-dnoch-neizolujte-matky-od-deti-vyzyvaju-odbornici/?ref=mpm&>

<sup>79</sup> Gdovinová, D. – Benedikovičová, M. (2020) 'Žena rodila s koronavírusom a svoje dieťa uvidela až po dvanástich dňoch. Neizolujte matky od detí, vyzývajú odborníci', *Denník N*, 30 October 2020, available at: [https://dennikn.sk/2113967/zena-rodila-s-koronavirusom-a-svoje-dieta-uviedla-az-po-dvanastich-dnoch-neizolujte-matky-od-deti-vyzyvaju-odbornici/?ref=mpm&fbclid=IwAR1UAFhQT7jrtuf97r8OTnYBEdd4CyRN0eWfC6e3T8dkfX2m\\_B-agn5SkwE](https://dennikn.sk/2113967/zena-rodila-s-koronavirusom-a-svoje-dieta-uviedla-az-po-dvanastich-dnoch-neizolujte-matky-od-deti-vyzyvaju-odbornici/?ref=mpm&fbclid=IwAR1UAFhQT7jrtuf97r8OTnYBEdd4CyRN0eWfC6e3T8dkfX2m_B-agn5SkwE)

All the information about testing is published on the website of the Ministry of Health and the website [korona.gov.sk](https://korona.gov.sk). A list of laboratories providing PCR tests and testing instructions is available. Anyone with symptoms or a suspicion of the disease can request an examination in the electronic form. If the patient is indicated by a doctor or a regional public health office, the PCR test is done for free. If a person requests an examination without being indicated by a doctor or wants to visit one of the private laboratories, they pay for the test themselves. Everyone tested should receive the result within 3 days of testing.<sup>80</sup>

The new thing is that coronavirus tests (PCR tests) should also be performed by general practitioners.<sup>81</sup> GPs are rising against, claiming that testing in outpatient clinics during the flu season will be impossible. The ministry will review the situation.<sup>82</sup> Problems were noted mainly in connection with the capacities of regional authorities which often did not manage to contact all the positively tested and trace their contacts.<sup>83</sup>

### 3 Negative impact on social rights for vulnerable groups including measures to address this

#### 3.1 People with disabilities

As in the first wave, the impact of pandemic on the situation of people with disabilities is more severe compared to the rest of the population.

During September/beginning of October, there were mild measures restricting mobility, therefore people with disabilities were in a better situation than during the first wave. Social services facilities were to be governed by individual pandemic plans - the so-called "traffic lights", so the facilities were not generally quarantined as in the first wave. In order to prevent violations of clients' rights and to ensure the effective functioning of the social services facilities, the Office of the Commissioner for people with disabilities pulled together all relevant documents, recommendations and methodological guidelines of individual ministries dealing with specific situations and human rights protection<sup>84</sup>. It has made all measures, directives and recommendations more clear and understandable for service providers and people with disabilities themselves.

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<sup>80</sup> Korona.gov.sk (2020), informations available at: <https://korona.gov.sk/poziadat-o-vysetrenie-na-covid-19/>

<sup>81</sup> Štefínová, I. (2020), ` Budú testovať na koronavírus aj praktickí lekári? Búria sa', *Pravda*, 25 September 2020, available at: <https://spravy.pravda.sk/domace/clanok/563866-budu-testovat-na-koronavirus-aj-prakticki-lekari-buria-sa/>

<sup>82</sup> Štefínová, I. (2020) ` Budú testovať na koronavírus aj praktickí lekári? Búria sa', *Pravda*, 25 September 2020, available at: <https://spravy.pravda.sk/domace/clanok/563866-budu-testovat-na-koronavirus-aj-prakticki-lekari-buria-sa/>

<sup>83</sup> Vražda, D. (2020) ` Najviac zamorená Orava: hygienici už nestihajú, ľudia na to kašľú, veľké svadby a oslavy pokračujú', *Denník N*, 7 October 2020, available at: <https://dennikn.sk/2076186/najviac-zamorena-orava-hygienici-uz-destihaju-ludia-na-to-kaslu-velke-svadby-a-oslavy-pokracuju/>

<sup>84</sup> Slovakia, The Office of the Commissioner for people with disabilities (*Úrad komisára pre osoby so zdravotným postihnutím*) (2020) `Odporúčania pre krízovú situáciu v zariadeniach sociálnych služieb (Recommendations for the crisis situation in institutions providing social services), 8 October 2020, available at: <https://www.komisarprezdravotnepostihnutych.sk/Domov/Oznamy/Odporucania-pre-krizovu-situaciu-v-zariadeniach-so>

A curfew came into force on 25 October<sup>85</sup> (see 1.3), which also affects people with disabilities, as they have significantly more difficult access to **health care** (this can only be done in urgent situations. This applies for all people, however, people with disabilities need health care more often due to their impairment). At the same time, the curfew could mean that people with disabilities will not be able to receive adequate **social services**. Therefore, the Ministry of Labour, Social Affairs and Family has issued a regulation according which the curfew does not apply to the provision of social services<sup>86</sup>.

According to information provided by the Office of Commissioner for people with disabilities, since September they have received several “reports” from people with disabilities regarding violations of their **social rights – especially right to work**. For instance, they reported several cases when the employers fired people with disabilities because they did not come to work because they had to stay in quarantine, because of long term incapacity of work, etc. All cases are under the investigation by the Commissioner’s office<sup>87</sup>.

The current pandemic situation has had an impact also on the **right to education**. Since 26 October, all schools of lower secondary and secondary education have introduced distance education. This provision also applies to special schools for children with disabilities. For many of them, the distance schooling is even more complicated than for other children and there was a lack of special support for the education of those pupils. Therefore, the State pedagogical institute published the methodical guide for the organisation of education for children with special educational needs, which also contains the guidance for the distance learning<sup>88</sup>.

The pandemic situation also affected the functioning of counselling centres for children with disabilities. Although their operation was not limited in any way, the curfew that came into force from 25 October 2020 did not provide an exemption for accompanying children to these facilities. Therefore, their practical access to the counselling services was limited. This measure restricts the **right** of children with disabilities to **receive health services, social services and quality education**. As of 2 November, the situation is going to change since it will be allowed to accompany the children to counselling centres again.<sup>89</sup>

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<sup>85</sup> Slovakia, Government of the Slovak Republic (*Vláda Slovenskej republiky*) (2020), ‘Government Resolution No. 678/2020 on the proposal to extend measures regarding the state of emergency pursuant to Chapter 5 of the Law No. 227/2002 Coll. On State Security in Times of War and State of Emergency declared by the Government Resolution no. 578 of 30 September 2020’, 22 October 2020, available at: [https://korona.gov.sk/wp-content/uploads/2020/10/zakaz-vychadzania-678\\_2020.pdf](https://korona.gov.sk/wp-content/uploads/2020/10/zakaz-vychadzania-678_2020.pdf)

<sup>86</sup> Slovakia, Ministry of labour, social affairs and family (*Ministerstvo práce, sociálnych vecí a rodiny*) (2020) ‘Usmernenie pre poskytovateľov sociálnych služieb k 23.10.2020’ (Guideline for the social services providers as 23 October 2020), available at: <https://www.komisarprezdravotnepostihnutych.sk/Domov/Oznamy/Odporucacie-a-zavazne-postupy,-usmernenia-a-inform>

<sup>87</sup> Information provided by the representative of Commissioner office via email on 29 October 2020.

<sup>88</sup> Slovakia, The State Pedagogical Institute (*Štátny pedagogický ústav*) (2020), ‘Metodické usmernenie k vzdelávaniu žiakov so špecifickými výchovno – vzdelávacími potrebami (Methodical Guide for education of pupils with special educational needs), October 2020, available at: [https://www.ucimenadiaku.sk/usmernenia/otvorenie-skolskeho-roka-2020-2021/Metodicke\\_usmernenie\\_ZS\\_SZS\\_26-10-2020\\_NEW.pdf](https://www.ucimenadiaku.sk/usmernenia/otvorenie-skolskeho-roka-2020-2021/Metodicke_usmernenie_ZS_SZS_26-10-2020_NEW.pdf)

<sup>89</sup> Slovakia, Government of the Slovak Republic (*Vláda Slovenskej republiky*) (2020), ‘Government Resolution No. 693/2020 on proposal to further extend measures regarding the state of emergency pursuant to Chapter 5 of the Law No. 227/2002 Coll. on State Security in Times of War and State of Emergency declared by the Government Resolution no. 578 of 30 September 2020’, 28 October 2020, available at <https://rokovania.gov.sk/RVL/Resolution/18844/1?fbclid=IwAR3rgHYmuJwgBQV3HGGVIUYHWTAQ2jacEk1GC50S8nDlmgxvsG6ErCea7g>

## 3.2 Roma

The Roma were one of the most vulnerable groups during the first wave of the pandemic, as we have already stated in previous monitoring reports. In the second wave of the pandemic, the numbers of infected Roma people did not increase significantly by the end of October.

Although the numbers of non-Roma people tested positively in several districts in **Slovakia** were high during September and October, there was no quarantining of apartment buildings or entire streets. People were quarantined on individual basis. However, in the case of the Roma, there were again several cases in which entire apartment buildings were quarantined, even though only one family tested positive. It happened, for example, in the district town of Bánovce nad Bebravou and in several other localities<sup>90</sup>.

Several institutions, such as the Public Defender of Rights<sup>91</sup> or the Commissioner for Roma Communities<sup>92</sup>, pointed to the unfairness of this measure and called on the Government to approach comprehensive quarantine only as a last resort.

The Public Defender of Rights stated that in the first wave, when several Roma settlements were put into quarantine, the fundamental rights of the Roma were violated. She therefore called on the regional public health authorities to carry out quarantine of entire flats or settlements only as a last resort. Widespread quarantine has an impact on the observance of several social rights - for example, people have difficult access to health care, they cannot go to work, children cannot be adequately educated<sup>93</sup>.

From 25 October 2020, distance education at the second stage of primary schools and at secondary schools was introduced. This, in turn, causes problems in the education of Roma children. The Institute of Educational Policy pointed out that in the first wave, almost 50,000 children (mainly from poor localities, many of them inhabited by Roma) were not educated at all<sup>94</sup>. At present, therefore, there is a legitimate concern that, once distance education has been introduced, there may again be insufficient fulfilment of the right to education.

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<sup>90</sup> Tvnoviny.sk, 'Priamo v meste oddelili stovky ľudí. V Bánovciach nad Bebravou je v karanténe časť ulice.', 22 October 2020, available at: [https://www.tvnoviny.sk/koronavirus/2010984\\_priamo-v-meste-oddelili-stovky-ludi-v-banovciach-nad-bebravou-je-v-karantene-cast-ulice](https://www.tvnoviny.sk/koronavirus/2010984_priamo-v-meste-oddelili-stovky-ludi-v-banovciach-nad-bebravou-je-v-karantene-cast-ulice)

<sup>91</sup> Slovakia, The Office of Public Defender of Rights (*Kancelária verejnej ochrany práv*) (2020), 'Ombudsmanka sa pre karanténizáciu obydli obracia na RUVZ Trenčín aj na hlavného hygienika' (The Ombudsperson addresses the RUVZ Trenčín and the Chief Hygienist for the quarantination of the apartments building), the press release, 26 October 2020, available at: [https://www.vop.gov.sk/files/2020\\_XX\\_TS\\_Ombudsmanka\\_sa\\_obracia\\_na\\_hlavneho\\_hygienika\\_ohladom\\_karantenzacie\\_MRK.pdf](https://www.vop.gov.sk/files/2020_XX_TS_Ombudsmanka_sa_obracia_na_hlavneho_hygienika_ohladom_karantenzacie_MRK.pdf)

<sup>92</sup> The statement published on official Facebook page of Commissioner on 27 October 2020, available at: <https://www.facebook.com/andreabuckovaRK/posts/187823809544185>

<sup>93</sup> Slovakia, The Office of Public Defender of Rights (*Kancelária verejnej ochrany práv*) (2020), 'Ombudsmanka sa pre karanténizáciu obydli obracia na RUVZ Trenčín aj na hlavného hygienika' (The Ombudsperson addresses the RUVZ Trenčín and the Chief Hygienist for the quarantination of the apartments building), the press release, 26 October 2020, available at: [https://www.vop.gov.sk/files/2020\\_XX\\_TS\\_Ombudsmanka\\_sa\\_obracia\\_na\\_hlavneho\\_hygienika\\_ohladom\\_karantenzacie\\_MRK.pdf](https://www.vop.gov.sk/files/2020_XX_TS_Ombudsmanka_sa_obracia_na_hlavneho_hygienika_ohladom_karantenzacie_MRK.pdf)

<sup>94</sup> Slovakia, Institute of Education Policy (*Inštitút vzdelávacej politiky*) (2020), 'Hlavné zistenia z dotazníkového prieskumu o priebehu dištančného vzdelávania', September 2020, available at: <https://www.minedu.sk/hlavne-zistenia-z-dotaznikoveho-prieskumu-v-zakladnych-a-strednych-skolach-o-priebehu-distancnej-vyucby/>