



DANISH INSTITUTE FOR  
HUMAN RIGHTS

**COWI**

# The social situation concerning homophobia and discrimination on grounds of sexual orientation in Slovakia

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## A. A Summary of the Overall Situation of LGBT Persons

- [1]. Attitudes toward LGBT persons in Slovakia remain negative. While no national surveys have been carried out, The 2006 *Eurobarometer* showed that only 12 per cent of Slovaks were in favour of adoption for homosexual couples.
- [2]. The principle of equal treatment is guaranteed under Article 12 of the Constitution of the Slovak Republic, which states that ‘people are free and equal in dignity and rights’. Slovak legislation correctly transposed the provisions of the Council Directive 2000/78/EC concerning prohibition of discrimination based on sexual orientation in employment and occupation. Sexual orientation was added as an additional explicit ground of non-discrimination, including in the areas of education and healthcare. There is no equality body specifically devoted to discrimination on the ground of sexual orientation. *The Slovak National Centre for Human Rights* handles all discrimination grounds. Same-sex partnerships are not legally recognised in Slovakia.
- [3]. There is very little data on conditions for LGBT persons. The Catholic Church is influential, and polls have shown that negative attitudes toward LGBT persons are common among persons with strong religious views. A 2002 survey found that LGB persons are unlikely to disclose their sexual orientation. Fifteen per cent of respondents had been assaulted and more than a quarter experienced harassment at their workplace.

## B. The Collection of Data

- [4]. The material for this report has been collected from four sources:
  - A legal country report carried out for this study, written by Professor Wolfgang Benedek, University of Graz.<sup>1</sup>
  - A sociological country report carried out for this study reviewing available data on the situation concerning homophobia and discrimination on grounds of sexual orientation, written by University of Comenius researcher Paula Jojart and Roman Kollárik.<sup>2</sup>

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<sup>1</sup> W. Benedek (2008) *Legal Study on Homophobia and Discrimination on Grounds of Sexual Orientation in Slovakia*. FRALEX.

<sup>2</sup> P. Jojart and R. Kollárik (2008) *The situation concerning homophobia and discrimination on grounds of sexual orientation in Slovak Republic*. Sociological Country Report.

- Data collected through interviews held in Slovakia with the LGBT NGO *Iniciatíva Inakost, the Slovak Centre for Human Rights, the Government's Office, Section for Human Rights and Equality and the Ombudsman*.
- Data collected through an online questionnaire sent out to the stakeholders mentioned above.

[5]. Regarding Slovakia, the sociological researchers stated the following:

[6]. 'There is a lack of representative sociological data on discrimination related to LGBT issues, especially regarding transgender and multiple discrimination. The findings on discrimination experienced by LGBT persons are taken from community-based research carried out in 2002.<sup>3</sup> Recent data or more representative sociological data are not available'.

## C. Key Findings

### C.1. Attitudes Toward LGBT persons

- [7]. Surveys examining acceptance and attitudes toward homosexuality have been carried out on a European level in 2008 and 2006.
- [8]. The 2008 *Eurobarometer* asked, 'How would you personally feel about having a homosexual (gay man or lesbian woman) as a neighbour?' (1 meaning 'very uncomfortable' and 10 meaning 'very comfortable'). The figure in Slovakia was 6.5, with an EU average of 7.9. Romania was the lowest with 4.8.<sup>4</sup>
- [9]. In the 2006 Eurobarometer, attitudes toward same-sex marriage were examined in every Member State. Forty-two per cent of EU citizens agreed that such marriages should be allowed throughout Europe; the figure was just 19 per cent in Slovakia (Netherlands scored the highest with 82 per cent and Romania the lowest with 11 per cent). With regard to adoption, the level of acceptance decreases in the EU and in Slovakia. Thirty-one per cent of Europeans felt that homosexual couples should be allowed to adopt children throughout Europe; in Slovakia the figure was 12 per cent (Netherlands scored highest with 69 per cent and Poland and Malta the lowest with 7 per cent).<sup>5</sup>
- [10]. According to Slovakian research within the gay and lesbian community in 2002, 60 per cent of respondents hide their sexual orientation from one or both of their parents; 50 per cent of respondents would not

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<sup>3</sup> P. Jójárt, M. Šípošová and A. Daučíková (2002) *Report on Discrimination of Lesbians, Gay men and Bisexuals in Slovakia*, Archive, Bratislava.

<sup>4</sup> European Commission (2008) *Special Eurobarometer 296. Discrimination in the European Union: Perceptions, Experiences and Attitudes*, chapter 9.

<sup>5</sup> Eurobarometer 66 (2006), available at: [http://ec.europa.eu/public\\_opinion/archives/eb/eb66/eb66\\_en.pdf](http://ec.europa.eu/public_opinion/archives/eb/eb66/eb66_en.pdf), pp. 43-46.

reveal their sexual orientation in public; 52 per cent of respondents concealed their sexual orientation at work and 15 per cent of respondents suffered aggravated assault due to their sexual orientation.<sup>6</sup>

- [11]. The above-mentioned findings demonstrate that, due to social hostility, LGBT individuals do not reveal their sexual orientation and remain invisible to the majority of the population. LGBT individuals often prefer to stay invisible and avoid unwanted publicity.<sup>7</sup>

## C.2. Criminal Law - Hate Crime

- [12]. LGBT persons are not specifically protected by the Criminal Code and homophobia is not listed as an aggravating circumstance.<sup>8</sup>
- [13]. There is no possibility to register homophobic hate crime.<sup>9</sup> Research from 2002 showed that 15 per cent of LGBT respondents had been attacked because of their sexual orientation, half of them more than once. Verbal abuse was experienced by 43 per cent.<sup>10</sup> Incidents included verbal threats, homophobic graffiti and blackmail. Most incidents were not reported to the police or covered by media, partly due to LGBT persons' fear of stigmatisation if they disclose their sexual orientation to the police.<sup>11</sup>
- [14]. There is no provision specifically prohibiting homophobic hate speech.<sup>12</sup>
- [15]. There are no court cases concerning hate speech against LGBT individuals, yet hostile or humiliating public expressions against LGBT individuals continue to take place, particularly as expressed by politicians or Christian representatives.<sup>13</sup>
- [16]. Such politicians are generally members of Christian parties or the Slovak National Party. Some of them state that homosexuality is a disease: 'An increasing number of homosexuals in society is detrimental because they do not have an easy life. It [homosexuality] is at least a defect, if not a disease' (former Minister of Justice and

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<sup>6</sup> P. Jójárt, M. Šípošová and A. Daučíková (2002) *Report on Discrimination of Lesbians, Gay men and Bisexuals in Slovakia*, Archive, Bratislava.

<sup>7</sup> W. Benedek (2008) *Legal Study on Homophobia and Discrimination on Grounds of Sexual Orientation in Slovakia*. FRALEX.

<sup>8</sup> W. Benedek (2008) *Legal Study on Homophobia and Discrimination on Grounds of Sexual Orientation in Slovakia*. FRALEX.

<sup>9</sup> W. Benedek (2008) *Legal Study on Homophobia and Discrimination on Grounds of Sexual Orientation in Slovakia*. FRALEX.

<sup>10</sup> P. Jójárt, M. Šípošová and A. Daučíková (2002) *Report on Discrimination of Lesbians, Gay men and Bisexuals in Slovakia*, Archive, Bratislava.

<sup>11</sup> P. Jójárt and R. Kollárik (2008) *The situation concerning homophobia and discrimination on grounds of sexual orientation in Slovak Republic*. Sociological Country Report.

<sup>12</sup> W. Benedek (2008) *Legal Study on Homophobia and Discrimination on Grounds of Sexual Orientation in Slovakia*. FRALEX.

<sup>13</sup> W. Benedek (2008) *Legal Study on Homophobia and Discrimination on Grounds of Sexual Orientation in Slovakia*. FRALEX.

representative of Kresťansko-demokratické hnutie [Christian-democratic Movement (CDM)].<sup>14</sup> Similarly, according to a physician and member of CDM, homosexuality is a mental defect which can be cured: 'Many psychological studies prove 52 per cent success in treatment of homosexuals'.<sup>15</sup> Another CDM Member of Parliament stated: 'In my opinion, homosexuality is social exhibitionism'.<sup>16</sup> None of these statements were subject to criminal prosecution or civil court trial

### C.3. Freedom of Assembly

- [17]. The right to freedom of assembly is guaranteed under the Act on the Right of Assembly and is not subject to any permission proceedings. Public Authorities such as police or municipalities are obliged (along with the organisers) to provide assistance to ensure that the constitutional right to the freedom of assembly is not threatened or infringed.<sup>17</sup>
- [18]. Between 2000 and 2007, only a few public LGBT gatherings have been held.<sup>18</sup> There have been two Prides (in 2000 and 2001), but no public parade or demonstration since.<sup>19</sup>
- [19]. The limited funding available for LGBT organisations and activities compounds the problems of freedom of association in Slovakia.<sup>20</sup>

### C.4. Family and Other Social Issues

- [20]. Same-sex partnerships are not legally recognised; there is no possibility for same-sex couples to register or marry. This leads to denial of employment leave and benefits, inheritance, adoption and other rights, such as freedom from testifying against one's partner in court.<sup>21</sup>

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14 Praca (18.08.2000), [http://www.ganymedes.info/qarchiv\\_2002/blackbox/vyroky.html](http://www.ganymedes.info/qarchiv_2002/blackbox/vyroky.html) (07.02.2008).

15 Praca (18.08.2000), [http://www.ganymedes.info/qarchiv\\_2002/blackbox/vyroky.html](http://www.ganymedes.info/qarchiv_2002/blackbox/vyroky.html) (07.02.2008).

16 Praca (01.03.2001), [http://www.ganymedes.info/qarchiv\\_2002/blackbox/vyroky.html](http://www.ganymedes.info/qarchiv_2002/blackbox/vyroky.html) (07.02.2008).

17 W. Benedek (2008) *Legal Study on Homophobia and Discrimination on Grounds of Sexual Orientation in Slovakia*. FRALEX.

18 W. Benedek (2008) *Legal Study on Homophobia and Discrimination on Grounds of Sexual Orientation in Slovakia*. FRALEX.

19 Field trip meeting with *Iniciatíva Inakost* (Slovakia 14 April 2008).

20 P. Jojart and R. Kollárik (2008) *The situation concerning homophobia and discrimination on grounds of sexual orientation in Slovak Republic*. Sociological Country Report.

21 P. Jojart and R. Kollárik (2008) *The situation concerning homophobia and discrimination on grounds of sexual orientation in Slovak Republic*. Sociological Country Report.

- [21]. Single-parent adoption is allowed. There is no data available on how many LGBT persons have tried to adopt a child as a single person.<sup>22</sup>

## C.5. The Labour Market

- [22]. The Anti-Discrimination Law contains a prohibition on discrimination on grounds of sexual orientation in employment.<sup>23</sup>
- [23]. In research conducted in 2002, more than half of the respondents had completely concealed their sexual orientation throughout their careers, and one-third concealed their sexual orientation at some jobs but not all. Twenty-six per cent did not feel the need to hide their sexual orientation at work. In spite of the high percentage of LGB respondents concealing their status, more than 25 per cent had experienced sexual orientation harassment.<sup>24</sup>
- [24]. In the same research, 7 per cent of respondents said they were warned or threatened about losing their job due to sexual orientation. Six per cent were fired on sexual orientation grounds.<sup>25</sup>
- [25]. There is no available case law concerning LGBT discrimination in the labour market.<sup>26</sup> This might be due to the low visibility of LGBT persons and the difficulty of coming out at the workplace. The *National Centre for Human Rights* has received complaints concerning discrimination on the labour market, however, and has issued an expert opinion in one case.<sup>27</sup>

## C.6. Education

- [26]. There is very little attention paid to LGBT issues in schools. Though secondary school sex education touches upon homosexuality, lessons on homosexual relationships in one school book were located next to the section on 'sexual perversions and promiscuity'.<sup>28</sup>

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<sup>22</sup> P. Jójárt and R. Kollárik (2008) *The situation concerning homophobia and discrimination on grounds of sexual orientation in Slovak Republic*. Sociological Country Report.

<sup>23</sup> W. Benedek (2008) *Legal Study on Homophobia and Discrimination on Grounds of Sexual Orientation in Slovakia*. FRALEX..

<sup>24</sup> P. Jójárt, M. Šípošová and A. Daučíková (2002) *Report on Discrimination of Lesbians, Gay men and Bisexuals in Slovakia*, Archive, Bratislava.

<sup>25</sup> P. Jójárt, M. Šípošová and A. Daučíková (2002) *Report on Discrimination of Lesbians, Gay men and Bisexuals in Slovakia*, Archive, Bratislava.

<sup>26</sup> W. Benedek (2008) *Legal Study on Homophobia and Discrimination on Grounds of Sexual Orientation in Slovakia*. FRALEX.

<sup>27</sup> Field trip meeting with the *Slovak Centre for Human Rights* (Slovakia) 15 April 2008).

<sup>28</sup> P. Jójárt and R. Kollárik (2008) *The situation concerning homophobia and discrimination on grounds of sexual orientation in Slovak Republic*. Sociological Country Report.; See also the 'Citizen and Democracy' Annual report 2002, p. 23, Source: <http://www.oad.sk/?q=sk/about/annreports>.

- [27]. Surveys of primary school teachers showed that teenagers are aware of and curious about homosexuality, but often hold prejudiced attitudes.<sup>29</sup>
- [28]. A review of educational material was taking place at the time of writing this report. This development has placed the LGBT issues on the agenda. A new Act on Education was passed in the beginning of the year, and new educational material is designed by relevant authorities. There is a dialogue between these authorities, and some NGOs, such as the *Slovak Association for Planned Parenthood* (a family planning association), distribute educational materials that attempt to mainstream equality.<sup>30</sup>

### C.7. Health Service

- [29]. Community research on discrimination from 2002 showed that 5 per cent of respondents experienced direct discrimination in health service.<sup>31</sup> Most respondents chose to hide their sexual orientation from doctors and other medical personnel (50 per cent always concealed, 22 per cent occasionally concealed). This may lead to health risks.<sup>32</sup>
- [30]. Medical personnel as well as experts in the field of mental health lack information on LGBT issues.<sup>33</sup> Gays and lesbians have been objects of harassment and verbal attacks from medical personnel.<sup>34</sup>
- [31]. As same-sex partners are not legally recognised, they cannot obtain status as next of kin.<sup>35</sup>

### C.8. Religion

- [32]. About 70 per cent of the population consider themselves Catholic, and Prime Minister Robert Fico has stated that the relationship with the church is more important than introducing same-sex partnership. The church is influential in the sense that politicians will often consider the opinion of the church before they submit policy proposals.<sup>36</sup> This is believed to affect majority attitudes and opinions on LGBT persons.

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<sup>29</sup> I. Lukšík and L. Lukšíková, 'Poznanie žiakov a učiteľov v oblasti sexuálneho a reprodukčného zdravia: kvalitatívna analýza', 2002, available at [http://www.rodicovstvo.sk/sexedu\\_prieskum\\_kvantita.htm](http://www.rodicovstvo.sk/sexedu_prieskum_kvantita.htm)

<sup>30</sup> Field trip meeting with the *Government's Office, Section for Human Rights and Equality and the Ombudsman* (Slovakia 15 April.2008).

<sup>31</sup> P. Jójárt, M. Šípošová and A. Daučíková (2002) *Report on Discrimination of Lesbians, Gay men and Bisexuals in Slovakia*, Archive, Bratislava.

<sup>32</sup> P. Jójárt and R. Kollárik (2008) *The situation concerning homophobia and discrimination on grounds of sexual orientation in Slovak Republic*. Sociological Country Report.

<sup>33</sup> P. Jójárt and R. Kollárik (2008) *The situation concerning homophobia and discrimination on grounds of sexual orientation in Slovak Republic*. Sociological Country Report.

<sup>34</sup> Marianna Šípošová: 'Report on state of human rights of gay men, lesbian women and bisexuals in Slovakia', Slovak national center for human rights, 2005.

<sup>35</sup> Field trip meeting with *Iniciatíva Inakost* (Slovakia, 14 April.2008).

<sup>36</sup> Field trip meeting with *Iniciatíva Inakost* (Slovakia, 14 April.2008).

Polls have shown that negative attitudes toward LGBT persons are common among persons with strong religious beliefs.<sup>37</sup>

## C.9. Sports

- [33]. There is no data available on this topic. There are no openly LGBT athletes and LGBT issues within sports have not been debated.<sup>38</sup>

## C.10. Asylum and Subsidiary Protection

- [34]. Sexual orientation is recognised as a ground for persecution, and thus a ground for granting asylum status. LGBT partners of refugees are not recognised as family members, however, meaning that these partners cannot apply for family reunification.<sup>39</sup> There is no data available on the numbers of asylum applications involving sexual orientation as a ground for persecution.<sup>40</sup>

## C.11. Family Reunification

- [35]. Freedom of movement is regulated by the Act on Residence of Aliens, according to which ‘family member’ only applies to different-sex spouses, dependants, direct relatives and other members of the household. Although Slovak legislation does not recognise same-sex partnerships, some provisions grant freedom of movement for LGBT partners of EU citizens if a partner can be considered a member of the household.<sup>41</sup>
- [36]. Foreigners with no connection to EU citizens have a separate status and do not enjoy the same rights in respect to freedom of movement. As there is no legal recognition of same-sex partnerships, LGBT partners cannot apply for family reunification.<sup>42</sup>

## C.12. Media

- [37]. Since the beginning of 1990's, media representation of homosexuals has shifted from images of ‘wicked queers’ or persons with mental problems toward more positive images, including depictions of LGBT

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<sup>37</sup> P. Jojart and R. Kollárik (2008) *The situation concerning homophobia and discrimination on grounds of sexual orientation in Slovak Republic*. Sociological Country Report.

<sup>38</sup> P. Jojart and R. Kollárik (2008) *The situation concerning homophobia and discrimination on grounds of sexual orientation in Slovak Republic*. Sociological Country Report.

<sup>39</sup> W. Benedek (2008) *Legal Study on Homophobia and Discrimination on Grounds of Sexual Orientation in Slovakia*. FRALEX.

<sup>40</sup> W. Benedek (2008) *Legal Study on Homophobia and Discrimination on Grounds of Sexual Orientation in Slovakia*. FRALEX.

<sup>41</sup> W. Benedek (2008) *Legal Study on Homophobia and Discrimination on Grounds of Sexual Orientation in Slovakia*. FRALEX.

<sup>42</sup> W. Benedek (2008) *Legal Study on Homophobia and Discrimination on Grounds of Sexual Orientation in Slovakia*. FRALEX.

activists lobbying for equal rights. The media has become more differentiated and nuanced in its portrayal.<sup>43</sup>

- [38]. In the EU Year of Equal Opportunities 2007, five radio shows featured same-sex couples who talked about their daily lives. After the first broadcast, the Radio Board received a complaint about the show. The Board considered moving such broadcasts after 10 p.m., as earlier broadcast time could 'influence young people'.<sup>44</sup>

### C.13. Transgender Issues

- [39]. Legislation regarding transgender individuals stipulates that discrimination due to their sexual or gender identification is considered discrimination on gender grounds.<sup>45</sup>
- [40]. There are legislative provisions relating to administrative issues such as change of name and identification number. Legislation concerning medical aspects such as hormonal treatment or sex reassignment, however, is almost nonexistent. Transgender individuals often travel to the Czech Republic for such procedures.<sup>46</sup>

### C.14. Multiple Discrimination

- [41]. The intersection of gender and sexual orientation discrimination has an impact on lesbians. For lesbians, double discrimination is related to finances and employment. In general, women face more barriers in the labour market than men (such as being 'suspected' of planning to have children), and continue to earn lower average wages than men.<sup>47</sup>
- [42]. Coming out is not easily accepted within the Roma community, as homosexuality is considered to be taboo. This can create a double discrimination situation.
- [43]. Other groups where multiple discrimination could be a problem are largely invisible, and there is no data available on the situation of elderly LGBT persons, disabled LGBT persons or other vulnerable groups.<sup>48</sup>

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<sup>43</sup> P. Jojart and R. Kollárik (2008) *The situation concerning homophobia and discrimination on grounds of sexual orientation in Slovak Republic*. Sociological Country Report.

<sup>44</sup> Field trip meeting with *Iniciatíva Inakost* (Slovakia, 14 April.2008).

<sup>45</sup> W. Benedek (2008) *Legal Study on Homophobia and Discrimination on Grounds of Sexual Orientation in Slovakia*. FRALEX.

<sup>46</sup> W. Benedek (2008) *Legal Study on Homophobia and Discrimination on Grounds of Sexual Orientation in Slovakia*. FRALEX.

<sup>47</sup> P. Jojart and R. Kollárik (2008) *The situation concerning homophobia and discrimination on grounds of sexual orientation in Slovak Republic*. Sociological Country Report.

<sup>48</sup> P. Jojart and R. Kollárik (2008) *The situation concerning homophobia and discrimination on grounds of sexual orientation in Slovak Republic*. Sociological Country Report.

## D. Good Practice

[44]. No good practices have been identified in Slovakia.