

Franet National contribution to the Fundamental Rights Report 2021

Slovakia

Contractor's name: Centre for the Research of Ethnicity and Culture

Authors' name: Elena Gallo Kriglerová, Alena Holka Chudžíková, Jana Kadlečiková, Michaela Píšová, Zuzana Bargerová, Ivana Rapošová

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Policy and legal highlights 2020

SLOVAKIA

Franet country study: policy and legal highlights 2020	
Issues in the fundamental rights institutional landscape	No developments in 2020.
EU Charter of Fundamental Rights	No developments in 2020.
Equality and non-discrimination	The rights of transgender persons still questioned in Slovakia Parliament rejected the Ombudsperson's annual report that advocated for the rights of transgender persons and against forced sterilisations that are now part of the transition process. MPs abstaining or voting against the report called it "too liberal and ideologically biased" .
Racism, xenophobia & Roma integration	Law enforcement authorities tackle the displays of right-wing extremism Several public figures have been charged with committing an extremist crime in 2020. The chair of opposition extreme right-wing party People's Party – Our Slovakia was sentenced to jail for extremist crime (the verdict has not been final by the end of 2020). A new policy document against extremism under preparation The Ministry of Interior has prepared the Conception of the fight against radicalisation and extremism until 2024 . It emphasises the protection of democratic principles and role of prevention of radicalisation and extremism.
Asylum & migration	Public authorities react to the situation of foreigners during the pandemic Several laws have been amended: the Law on the stay of foreigners , the Law on employment services and Law on health insurance to address the situation of foreigners during the pandemic. Changes to the legislation and other measures have been consulted with the informal group of NGOs and international institutions working with immigrants.
Data protection and digital society	Legislation changes in data protection due to the pandemic In March, the Government approved an amendment of the Act on electronic communications that made it legally possible for state bodies to obtain and process telecommunication data during the state of officially declared health emergency without an obligation to provide a court order. This amendment has been later contested in front of the Constitutional Court that suspended the problematic provision .
Rights of the child	Impact of the pandemic on the education of children According to the survey carried out by the Educational Policy Institute , 52 thousand pupils (7,5% of the pupil population) did not participate in distance learning during the first wave of the pandemic in spring 2020. 12,8% of pupils did not learn online, but had some form of distance learning. During the second wave of the pandemic in autumn 2020, the

	<p>Ministry of Education provided some technical support to schools and allocated 6 million Euros for technical equipment.</p> <p>Sexual violence and sexual abuse of children brought to the attention of public The National Coordination Centre for Resolving the Issues of Violence against Children has taken several actions for public awareness of child violence. It published an infographic on sexual violence.</p>
<p>Access to justice, including victims of crime</p>	<p>The Act on victims of crime significantly amended The Ministry of Justice has prepared a draft amendment to the Act on Victims of Crime, which the Government approved in December 2020 (the discussion in Parliament is expected in the beginning of 2021). The prepared amendment focuses on strengthening the rights of victims and protecting them from further victimisation.</p> <p>A mobile application against domestic violence The Police Force has launched a mobile application (<i>I help to protect</i>) to help victims of domestic violence (available from May 2020).</p>
<p>Convention on the Rights of Persons with Disability</p>	<p>Constitutional Court pointed out the discrimination of persons with disabilities According to the ruling of the Constitutional Court of the Slovak Republic, the age limits for persons with disabilities who are allowed to ask for financial contribution for personal assistance and for the purchase of the motor vehicle are discriminatory.</p>

Chapter 1. Equality and non-discrimination

1. Legal and policy developments or measures relevant to fostering equality and combating discrimination against older people and against LGBTI people.

The Ministry of Labour, Social Affairs and Family is currently working on a new National Programme of Active Ageing 2021-2030 that was expected to be submitted to interdepartmental procedure in November 2020. As of 27 December 2020, the document has not been submitted to the interdepartmental procedure yet. The Institute for Research of Labour and Family prepared an analytical part of the document. The document strives to promote active ageing as a matter of human rights emphasising human dignity, equality, and non-discrimination. The National Programme thus seeks to ensure equal access of older persons to public support (in health, participation, security – financial, social, and other). The document is concerned with various areas of life of older people, such as demographics, longevity, mental and physical health, intensity of social contacts, use of information technologies among older people, education, economic activity, access to social and health care and security. The authors concluded that improvements were needed to remedy the following: low economic activity of older people (particularly above the age of 59), low engagement in voluntary activities (as a part of social participation), and low participation in life-long learning. The analysis further stated relatively good protective function of the pension system thus preventing social exclusion, poverty, and severe material deprivation. The document does not explicitly address issues related to discrimination of older people.¹

During the first wave of the pandemic (period of March to June 2020), several nationwide measures were adopted to prevent the spread of corona virus among older people. Since residential care homes were assessed as environments at high risk of spreading the virus, some measures targeted these facilities. On 7 May 2020, the Government adopted a regulation stating that residents' right to maintain social contacts with persons of their choosing is temporarily rescinded. Accepting new clients was also limited (Para 1 1(b)).² On 3 June 2020, the Public Health Authority re-allowed visits in residential care home under strict conditions (limited number of visitors at the same time, visits taking place outdoors if possible, regular disinfection of hands, facemasks).³ The regulation 116/2020 was then amended on 10 June 2020 by a Government's Regulation No. 152/2020, which rescinded these measures. Clients' right to maintain social contact with persons of their choosing is now regulated by a new article (Para 1 (4)) stipulating

¹ Repková, K. et al. (2020), *Národný program aktívneho starnutia na roky 2021-2030 (analytická časť)*, Bratislava, Institute of Research of Labour and Family, available at <https://ivpr.gov.sk/narodny-program-aktivneho-starnutia-na-roky-2021-2030-analyticka-cast-kvetoslava-repkova-ed/>

² Slovakia, Government's Regulation No. 116/2020 Coll. on certain measures in the area of social services during the state of emergency declared in relation to COVID-19 disease, available at <https://www.zakonypreludi.sk/zz/2020-116/znenie-20200508>

³ Slovakia, Public Health Authority (*Úrad verejného zdravotníctva*) (2020), 'Opatrenie Úradu verejného zdravotníctva Slovenskej republiky pri ohrození verejného zdravia, OLP/4593/2020', 3 June 2020, available at https://www.uvzsr.sk/docs/info/covid19/opatrenie_zrusenie_zakazu_navstev_03_06_2020.pdf

that contacts with persons of clients' choosing is maintained under specific conditions to prevent spread of coronavirus. The facility sets down such conditions.⁴

On 21 April 2020, the Public Health Authority adopted a new measure limiting shopping time for older people to two hours a day (9:00 – 11:00).⁵ They were not allowed to do any shopping outside the designated time. The Public Health Authority argued the measure was intended to protect older people from COVID-19. This measure, however, caused a stir among the public and the Ombudsperson submitted an official appeal on 23 April 2020.⁶ The Ombudsperson argued the measure exceeded permissible limits and requirements of the proportionality principle, when the right to freedom of movement guaranteed by the Constitution of the Slovak republic is restricted.⁷ The measure was then withdrawn. Currently, shopping hours in grocery stores and drugstores between 9am and 11am are designated for older people but they are free to shop also outside these hours.⁸

During the first wave of the pandemic (period od March to June 2020), older people were reported to suffer from isolation and lack of social contact due to social distancing measures and recommendations. Furthermore, older people living alone had limited access to necessities (food, toiletries, medicines, etc.).⁹ No systemic measures to reduce isolation and loneliness of older people in institutions have been identified.

In the beginning of November, Slovakia carried out a nationwide testing for COVID-19. Although it was presented as voluntary, curfew was introduced for those who refused to be tested. Freedom of movement post-testing only applied to those who tested negative and could prove this with a testing certificate from the nationwide testing. Those who were not tested, and thus did not have said certificate, were to undergo a 10-day self-isolation (without any compensation). At the same time, experts warned against the risk of contracting COVID-19 at testing sites (for instance, long queues were expected and in many instances testing took place indoors). Given that older people are an at-risk population, the government recommended them to skip the testing if they could self-isolate for 10 days afterwards. As a result, older people who decided not to be tested did not have the certificate proving their negative test result. In relation to this, the Ombudsperson pointed out problems with ensuring equal access to healthcare for

⁴ Slovakia, Government's Regulation No. 152/2020 of 10 June 2020 amending the Government's Regulation No. 116/2020 Coll. on certain measures in the area of social services during the state of emergency declared in relation to COVID-19 disease, available at <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2020/152/20200615>

⁵ Slovakia, Public Health Authority (Úrad verejného zdravotníctva) (2020), 'Opatrenie Úradu verejného zdravotníctva Slovenskej republiky pri ohrození verejného zdravia, OLP/3461/2020, 21 April 2020.

⁶ Slovakia, Public Defender of Rights (Verejná ochrankyňa práv) (2020), 'Stanovisko verejnej ochrankyne práv SR k niektorým opatreniam vlády v súvislosti s pandémiou ochorenia', 23 April 2020, available at: https://www.vop.gov.sk/files/2020_21_Stanovisko_VOP_vyhradeny_cas_nakupov_pre_seniorov.pdf.

⁷ Slovakia, Constitutional Law no. 460/1992 Constitution of the Slovak republic (Ústavný zákon č. 460/1992 (Ústava Slovenskej republiky), 1 October 1992.

⁸ Slovakia, Public Health Authority (Úrad verejného zdravotníctva) (2020), 'Opatrenie Úradu verejného zdravotníctva Slovenskej republiky pri ohrození verejného zdravia, OLP/8326/2020', 14 October 2020, available at https://www.uvzsr.sk/docs/info/covid19/final_opatrenie_prevadzky_a_HP_15_10.pdf

⁹ Človek v ohrození (2020), *Spájame sa na pomoc zraniteľným skupinám*, available at:

https://clovekvoohrozeni.sk/spajame-sa-pre-ochranu-zranitelnych-pred-covid19/?fbclid=IwAR2fMznAnwsYN7IjEkRDHtmzSEr0FEdwoZ0nhreWZ_LwFNI8nNh_S390

older people without the said certificate, since some healthcare providers required negative test result certificate to take a patient. The Ombudsperson called upon the Minister of Health to consider carefully rules of curfew in the future to ensure equal access to healthcare for the most vulnerable groups, i.e. older people.¹⁰

In relation to nationwide testing and curfew for those who did not get tested (including older people), the Slovak National Human Rights Centre pointed out that, due to curfew, older people who did not get tested and thus did not hold a negative test result certificate were not able to collect their pension checks at the post office. The curfew applied to those who decided not to go through testing, with some exceptions (e.g. to go the nearest grocery store, pharmacy, drug store, petrol station, health care facility) but going to a post office was not among them. The Slovak National Human Rights Centre raised their concern that measures against the spread of coronavirus may in fact prevent pensioners from accessing their pensions, worsening their financial situation. The Centre contacted the Slovak Post Office and demanded they solve the situation immediately. The Slovak Post Office stated they would do their best to come up with a solution.¹¹

LGBTI

On 13 May 2020, the Ombudsperson presented her annual report to the National Council. The document referred to the Ombudsperson's previous recommendations addressed to the Ministry of Health with respect to transgender persons and their transition process. It was recommended to abandon completely the practice of forced sterilisation that now constitutes a part of the transition process. The current Ombudsperson's annual report stated there had been no progress in this area.¹² The report was rejected by Parliament, i.e. MPs refused to take note of the report (50 MPs voted against taking note of it, 34 were pro and 46 abstained).¹³ MPs abstaining or voting against the report called it "too liberal and ideologically biased", and opposed the Ombudsperson's advocacy for the rights of transgender persons.¹⁴

¹⁰ Slovakia, Public Defender of Rights (*Verejná ochrankyňa práv*) (2020), 'Ombudsmanka sa obracia na ministra zdravotníctva pre prístup k zdravotnej starostlivosti a pôrodnictvo', press release, 12 November 2020, available at:

https://www.vop.gov.sk/files/2020_46_TS_VOP_MZ_zdravotna_starostlivost_pocas_pandemie.pdf?fbclid=IwAR3CArHF7xPMTEbxO99y6Nx1jRiYjCiQM6xTSyQJcXDQvmrP-lhO6kL_BQo

¹¹ Slovakia, Slovak National Human Rights Centre (*Slovenské národné stredisko pre ľudské práva*) (2020), 'Dôchodcovia a dôchodkyne sa nevedia dostať k svojim dôchodkom pre chybu v opatreniach na zamedzenie šírenia ochorenia COVID-19', press release, 6 November 2020, available at <http://www.snslp.sk/#page=3104>

¹² Slovakia, Public Defender of Rights (*Verejná ochrankyňa práv*) (2020), *Správa o činnosti verejného ochrancu práv za rok 2019*, available at

https://www.vop.gov.sk/files/VOP_Vyrocn%C3%A0sprava_online_1.pdf?fbclid=IwAR1iT_sr761g7PCTELMoSd0mEgRliWuhZ5K6BU3WJ0og21bExig6mW-fO2c

¹³ Slovakia, National Council of the Slovak Republic (*Národná rada SR*) (2020), 'NRSR: Poslanci neodobrili správu o činnosti ombudsmanky za rok 2019', press release, 14 May 2020, available at

<https://www.nrsr.sk/web/Default.aspx?sid=udalosti/udalost&MasterID=55307>

¹⁴ Mikušovič, D. (2020), 'Ombudsmanku poslanci roky ignorovali, teraz ich v laviciach udržala prezidentka. Pozornosť využili kotlebovci', *N Daily*, 13 May 2020, available at <https://dennikn.sk/1890825/ombudsmanku-poslanci-roky-ignorovali-teraz-ich-v-laviciach-udrzala-prezidentka-pozornost-vyuzili-kotlebovci/>

2. Findings and methodology of research, studies or surveys on experiences of discrimination against older people and against LGBTI people.

Older persons

In February 2020, the Ombudsperson presented findings from a survey conducted in nursing homes for older people in 2019.¹⁵ The survey consisted of field visits to six nursing homes. Criteria for sample selection included size of the facility, region and type of ownership (private/public). The sample thus included facilities of various sizes ranging from large ones (with 169 clients) to small ones (with 26 clients). A public authority (either self-governing region or a municipality) founded four of the facilities and a private entity founded two. The field visits were unannounced and featured interviews with the staff (directors, nurses, social workers) and with clients. The survey focused on observation of rights of older persons as laid down by the Constitution¹⁶ and international treaties. More specifically, the following areas were explored: environment, clients' autonomy and participation, quality of care, safety and qualification of personnel. The survey revealed negative aspects of institutional culture, particularly in the area of clients' autonomy and participation: e.g. obligatory curfew, ID documents being taken away, very early morning hygiene routine. Furthermore, clients were unable to lock their rooms or toilettes. The staff would enter their rooms without knocking and would not use screens when performing hygiene on a client in a shared room. The report also pointed out a practice of compulsory "sanitary filter" that all new clients must undergo and that include bathing, change of clothes, shaving, haircut and disinfestation if needed. The Ombudsperson thus stated problems with observance of older people's right to privacy and family life and right to human dignity.

LGBTI persons

Institute for Labour and Family Research (*Inštitút pre výskum práce a rodiny*) published a survey focused on pandemic's impact on life situations. The survey used a method of an online questionnaire and data was collected in May and June 2020. Sample consisted of 408 respondents out of which 81,9% were female and 17,6% were male; 25,5% of respondents were 30-39 years old, 24,3% respondents were 50-64 and 6,9% were 65 and older. The survey contained questions exploring the impact of pandemic on respondents' lives (such as changes in their livelihood, income, family situation, emotional and mental health). It also asked if the respondents feared increase of inequalities because of the pandemic. Up to 73,2% feared the pandemic would lead to greater inequality concerning older people and 53,2% feared the same with respect to LGBTI persons.¹⁷

¹⁵ Slovakia, Public Defender of Rights (*Verejná ochrankyňa práv*) (2020), *Zariadenia pre seniorov. Správa z prieskumných návštev*, Bratislava, Office of Public Defender of Rights, available at https://www.vop.gov.sk/files/VOP_Suhrnna%20sprava_prieskum_v_zariadeniach_pre_seniorov.pdf

¹⁶ Slovakia, Constitutional Law no. 460/1992 Constitution of the Slovak republic (*Ústavný zákon č. 460/1992 Ústava Slovenskej republiky*), Chapter 2, 1 October 1992.

¹⁷ Kuruc, A., Valkovičová, V., Jablonická-Zezulová, J. (2020), *Prieskum životnej situácie počas pandémie COVID-19*, Bratislava, Institute for Labour and Family Research, available at <https://ivpr.gov.sk/prieskum-zivotnej-situacie-pocas-pandemie-covid-19-andrej-kuruc-veronika-valkovicova-jana-jablonicka-zezulova-2020/>

Chapter 2. Racism, xenophobia and related intolerance

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

In 2020, there has been no legal development in relation to the application of the Racial Equality Directive.

As for the reaction of public authorities to address the situation of Roma communities in relation to the COVID-19 pandemic, please see chapter 3 of this report, as well as the FRANET country study from June 2020¹⁸ and November 2020¹⁹.

During 2020, the Slovak public authorities have taken steps to improve the situation of Roma children, who are overrepresented in special schools. The Ministry of Education started to implement several activities as a reaction to the evaluation by the European Commission from autumn 2019, which required Slovakia to start addressing the situation as a matter of urgency²⁰. Not only the Ministry of Education has acknowledged the problem, but it has also started to promote inclusive education by setting up the Inclusive Education Department within the Ministry, as well as the post of State secretary for national and inclusive education²¹. In November, the Ministry of Education introduced the Zero Action Plan of the Strategy of Inclusive Approach in Education (*Nultý akčný plán Stratégie inkluzívneho prístupu vo výchove a vzdelávaní*)²². The Zero Action Plan states priorities for 2021 within five selected areas: a. desegregation of the education system, b. inclusion in early and pre-school age (0-7 years), c. conditions for inclusion (the content of education and staff capacity), d. support measures in education and e. special pedagogical support in education and counselling. Further steps to promote inclusive education will be set by the Strategy for Inclusive Education that is planned to be prepared and submitted to the Government together with a two-year Action plan during 2021²³.

¹⁸ FRA (2020), Implications of COVID-19 pandemic on Roma and Travellers communities – Slovakia, June 2020, available at: https://fra.europa.eu/sites/default/files/fra_uploads/sk_report_-_covid-19_impact_on_roma_en.pdf

¹⁹ FRA (2020), Coronavirus pandemic in the EU – Fundamental Rights Implications – Slovakia, November 2020, available at:

https://fra.europa.eu/sites/default/files/fra_uploads/sk_report_on_coronavirus_pandemic_november_2020.pdf

²⁰ European Commission (2019), ‘October infringements package: key decisions’, 10 October 2019, available at: https://ec.europa.eu/commission/presscorner/detail/en/INF_19_5950

²¹ Holka Chužiková, A. (2020), ‘The long-awaited change – the Ministry of Education acknowledges the problem of segregation of Roma children and is taking steps to change it’, 29 September 2020, *Minority Policy in Slovakia*, available at: <https://mensinovapolitika.eu/en/the-long-awaited-change-the-ministry-of-education-acknowledges-the-problem-of-segregation-of-roma-children-and-is-taking-steps-to-change-it/>

²² Slovakia, Ministry of Education of the Slovak Republic (*Ministerstvo školstva SR*) (2020), *Nultý akčný plán Stratégie inkluzívneho prístupu vo výchove a vzdelávaní*, available at: <https://www.minedu.sk/nulty-akcny-plan-strategie-inkluzivneho-pristupu-vo-vychove-a-vzdelavani-na-rok-2021/>

²³ Slovakia, Ministry of Education of the Slovak Republic (*Ministerstvo školstva SR*) (2020), ‘Nultý akčný plán je prvotným východiskom pre urýchlené naštartovanie funkčných zmien k zvýšeniu inkluzívnosti vo vzdelávaní’, 24 November 2020, available at: <https://www.minedu.sk/nulty-akcny-plan-je-prvotnym-vychodiskom-pre-urychlene-nastartovanie-funkcnych-zmien-k-zvyseniu-inkluzivnosti-vo-vzdelavani/>

In relation to the COVID-19 pandemic, several cases of lockdown of localities inhabited by the Roma (the entire settlements, streets, or buildings) have been recorded throughout 2020. For more information, please see the FRANET country report from June 2020²⁴, as well as the report from November 2020²⁵. The Public Defender of Rights (ombudsperson), who asked the Public Health Authority to use this measure only as a last resort, criticised this practice²⁶.

On 1 September 2020, the European Court of Human Rights delivered the decision in the case of police raid in the town of Moldava nad Bodvou that happened in 2013²⁷. According to the decision, the victims have faced inhuman treatment and their right to a just process has been violated²⁸. As for the reaction of Slovak public authorities, the Ministry of Interior informed that it accepts the verdict of ECtHR, according to the Public Defender of Rights, the victims of the police raid deserves an excuse, as well as further practical steps taken by public authorities to improve the situation are required²⁹. The ruling of ECtHR came into force on 1 December³⁰ and has received no other reactions from Slovak public authorities so far.

During 2020, the most serious incident of police violence against Roma was the attack on five Roma children in Krompachy on 28 April who were beaten by a police officer for not keeping the quarantine (the locality was in lockdown at that time). The incident was condemned by several public figures and has been investigated by the Inspection service unit (a public authority that is entitled to investigate the misconduct of members of the police)³¹. The Public Defender of Rights assessed the incident as unacceptable³². The Inspection service unit (former Police inspection unit) was made more independent from the police in 2019; however, no other systemic changes have been adopted since then³³. The

²⁴ FRA (2020), Implications of COVID-19 pandemic on Roma and Travellers communities – Slovakia, June 2020, available at: https://fra.europa.eu/sites/default/files/fra_uploads/sk_report_-_covid-19_impact_on_roma_en.pdf

²⁵ FRA (2020), Coronavirus pandemic in the EU – Fundamental Rights Implications – Slovakia, November 2020, available at:

https://fra.europa.eu/sites/default/files/fra_uploads/sk_report_on_coronavirus_pandemic_november_2020.pdf

²⁶ Slovakia, Public Defender of Rights (*Verejná ochrankyňa práv*) (2020), ‘Ombudsmanka sa pre karanténizáciu rómskych obydli obracia na RÚVZ v Trenčíne, aj na hlavného hygienika’, 26 October 2020, available at: https://www.vop.gov.sk/files/2020_XX_TS_Ombudsmanka_sa_obracia_na_hlavneho_hygienika_ohladom_karanténizacie_MRK.pdf

²⁷ European Court of Human Rights, *R.R. and R.D v. Slovakia*, No. 20649/18, 1 September 2020, available at: <http://hudoc.echr.coe.int/eng?i=001-204154>

²⁸ Slovak Spectator, ‘ECHR: Roma beaten by police suffered inhuman treatment, awarded non-pecuniary damages’, 1 September 2020, available at: <https://spectator.sme.sk/c/22479250/echr-rules-in-favour-of-the-beaten-roma-from-moldava.html>

²⁹ Slovakia, Public Defender of Rights (*Verejná ochrankyňa práv*) (2020), ‘Ospravedlnenie predstavuje symbolickú rovinu, potom musí prísť ešte tá praktická’, *SME - Rozhovory ZKH*, 7 September 2020, available at: <https://www.vop.gov.sk/ospravedlnenie-predstavuje-symbolick-rovinu-potom-mus-pr-s-e-te-t-praktick>

³⁰ Slovakia, Public Defender of Rights (*Verejná ochrankyňa práv*), FB post from 7 December 2020, available at: <https://www.facebook.com/verejnaochrankynapprav/posts/3721687484591177>

³¹ Slovak Spectator (2020), ‘Inspectorate deals with police intervention against Roma children in Krompachy’, 29 April 2020, available at: <https://spectator.sme.sk/c/22394831/inspectorate-deals-with-police-intervention-against-roma-children-in-krompachy.html>

³² Slovakia, Public Defender of Rights (*Verejná ochrankyňa práv*), ‘Incident v Krompachoch je neprijateľný.’, 29 April 2020, available at: <https://www.vop.gov.sk/incident-v-krompachoch-je-neprijate-n>

³² European Court of Human Rights, *R.R. and R.D v. Slovakia*, No. 20649/18, 1

³³ Slovakia, Ministry of Interior of the Slovak Republic (*Ministerstvo vnútra SR*), Information on the Police inspection unit, available at: <https://www.minv.sk/?urad-inspekcej-sluzby>

ECRI report also recommends Slovakia to reinforce the independence of police inspection or other similar body from police and prosecution service and allocate adequate funds for investigation of racially motivated misconduct or violence of police as well as generalising the wearing of body-cams by police officers during interventions³⁴.

As for the discrimination of Roma people, NGO Centre for Civil and Human Rights published a report on discrimination of Roma in access to goods and services. The report summarises the forms of discrimination Roma often face when accessing goods and services, further analyses cases of discrimination of Roma dealt by Slovak Trade Inspection (a public authority entitled to control the fair access to goods and services on the market) and formulates several recommendations on how to improve the control function of Slovak Trade Inspection (e.g. by applying testing as a method of control of providers of goods and services)³⁵.

2. Legal and policy developments relating to the application of the Framework Decision on Racism and Xenophobia relevant to combating hate speech and hate crime

Policy development

In 2020, the main governmental policy document for the area of fight against extremism named the Conception of the fight against extremism for the years 2015 - 2019 has been evaluated³⁶. The Evaluation report informs on the implementation of the set tasks that were almost all fulfilled. As for the most recent implemented activities, the report mentions that methodical and educational materials on extremism and radicalisation were elaborated to be used by teachers and other school staff, workshops, and education of social workers (mainly working in marginalised Roma communities) were organised. Office of the Governmental Plenipotentiary for Roma Communities organised in cooperation with other public authorities several workshops and meetings on hate crime against Roma for secondary police schools and police officers of various police departments. An instruction meeting on displays of extremism and racism at football matches for police officers was held and cooperation of police and the Slovak football association to prevent extremism in this field was ongoing. The Slovak National Centre for Human Rights (equality body) carried out many educational activities for police, schools, pedagogical institutions, etc. Public authorities cooperated with NGO DigiQ on reporting the hateful content on the internet.

³⁴ European Commission Against Racism and Intolerance (ECRI) (2020), ECRI report on the Slovak Republic (sixth monitoring cycle), available at: <https://rm.coe.int/ecri-6th-report-on-the-slovak-republic/1680a0a088>

³⁵ Poradňa pre občianske a ľudské práva (2020), *Situačný testing ako nástroj preukazovania diskriminácia v oblasti poskytovania tovarov a služieb*, available at: <https://www.poradna-prava.sk/sk/dokumenty/situačný-testing-ako-nástroj-preukazovania-diskriminácie-v-oblasti-poskytovania-tovarov-a-služieb/>

³⁶ Slovakia, Government of the Slovak Republic (*Vláda SR*) (2020), *Správa o plnení úloh z Koncepcie boja proti extrémizmu na roky 2015 – 2019*, adopted by the Government on 21 August 2020, available at: <https://rokovania.gov.sk/RVL/Material/25188/1>

A new policy document the Conception of the fight against radicalisation and extremism until 2024 (*Koncepcia boja proti radikalizácii a extrémizmu do roku 2024*) has been under preparation during 2020³⁷. The Conception states tasks for the upcoming years based on the analysis of the situation, which is attached to the Conception. At the end of November, the conception was submitted to the interdepartmental commentary procedure, which was closed on 10 December. The Government approved the Conception on 13 January 2021³⁸. As far as it concerns the priorities of the Conception, the document besides the repression of the radicalisation and extremism emphasises the role of prevention against radicalisation and extremism and protection of democracy. The Conception lists 45 tasks divided into five main areas: 1. Protection of democracy against extremism, 2. Awareness-raising of society on democracy and human rights, 3. Strengthening confidence in institutions, 4. Promotion of deradicalisation, integration and social prevention, 5. Strengthening of the coordination, management and communication platform³⁹.

Besides the Covid-19 pandemic, the political situation in Slovakia during 2020 was shaped significantly by the parliamentary elections taking place on 29 February 2020. During the campaign before the parliamentary elections, several cases of using disinformation, manipulation and incorrect information were recorded. For instance, the political party SMER tried to evoke fear of migrants⁴⁰, the extreme-right party ĽSNS used anti-migrant and anti-Muslim rhetoric (this party gained 7,97% of the votes)⁴¹.

The new government led by PM Igor Matovič approved its Programme Manifesto on 19 April⁴². In its Programme manifesto, the new Government plans to cooperate more tightly with NGOs addressing the problem of extremism and radicalisation. The Government also wants to improve the way police address the radical and extremist manifestations and further wants to strengthen the role of culture in prevention of extremism and radicalisation.

Extremist crime

The increase in the number of investigated cases of extremist crime as well as the cases considered by the courts (including cases of publicly known figures) has

³⁷ Slovakia, Ministry of Interior of the Slovak Republic (*Ministerstvo vnútra SR*) (2020), *Koncepcia boja proti radikalizácii a extrémizmu do roku 2024*, available at: <https://www.slov-lex.sk/legislativne-procesy/SK/LP/2020/582>

³⁸ Slovakia, Government of the Slovak Republic (*Ministerstvo vnútra SR*) (2020), *Koncepcia boja proti radikalizácii a extrémizmu do roku 2024*, available at: <https://rokovania.gov.sk/RVL/Material/25631/1>

³⁹ Slovakia, Ministry of Interior of the Slovak Republic (*Ministerstvo vnútra SR*) (2020), *Koncepcia boja proti radikalizácii a extrémizmu do roku 2024*, Príloha č. 2 – Úlohy, available at: <https://www.slov-lex.sk/legislativne-procesy/SK/LP/2020/582>

⁴⁰ Noizz.aktuality.sk, 'Infantilné videá, dezinformácie i falošné účty. Predvolebná kampaň, znechucuje i unavuje.' 20 February 2020, available at: <https://noizz.aktuality.sk/opinion/predvolebna-kampan-2020/kwk97we>

⁴¹ Islamonline.sk, 'Predvolebná kampaň 2020: V znamení šírenie strachu z islámu a muslimov', 31 December 2019, available at: <https://www.islamonline.sk/2019/12/predvolebna-kampan-2020-v-znameni-sirenia-strachu-z-islam-a-muslimov/>

⁴² Slovakia, Government of the Slovak Republic (*Vláda SR*) (2020), *Programové vyhlásenie Vlády Slovenskej republiky*, approved by the Government on 19 April 2020, available at: <https://rokovania.gov.sk/RVL/Material/24756/1>

been recorded after the significant amendment of legislation that came into force on 1 January 2017 (as reported in previous contributions to the Fundamental Rights Report).

In 2020, law enforcement public authorities led several important cases against the manifestation of right-wing extremism. The National Criminal Agency (NAKA) that investigates the most serious crime in Slovakia including hate crime and extremist crime, arrested several public figures suspect of committing some extremist crime, for instance a leader and singer of Neo-Nazi band who was also a candidate of People's Party – Our Slovakia (ĽSNS) party for MP in the past⁴³. Another case concerns an assistant of the MP from the ĽSNS party and a moderator of Kulturblog website (disinformation website) for spreading extremist materials⁴⁴.

In June 2020, shortly after a deadly knife attack from 11 June at a primary school during which one person died and others were seriously injured (including children)⁴⁵, the MP from ĽSNS (a politician who was expelled from the Parliament in the previous parliamentary term for hate speech against Roma) started to spread fake information that the attacker was of Roma origin. This information was further shared by various FB pages and had many views, comments and other reactions. The police, as well as the PM Igor Matovič, rebuffed the information on the ethnic origin of the attacker⁴⁶. The police published correct information on its official FB page and warned the public against the spread of false information⁴⁷. Other MPs filed a criminal complaint since the MP from ĽSNS was suspected of committing the crime of incitement to national, racial and ethnic hatred and crime of spreading an alarm message⁴⁸. By the end of 2020, the criminal prosecution of the case has been still ongoing⁴⁹.

During 2020, the Special Criminal Court considered the case of the MP and chair of the far-right political party People's Party – Our Slovakia (ĽSNS) who has been charged with establishing, supporting and promoting a movement that advocates the suppression of fundamental rights and freedoms. The ĽSNS chair was charged in October 2019, two years after he had handed three cheques worth 1,488EUR to families in need at a public event held at a business academy in Banská Bystrica. The prosecutor considers the numbers 14 and 88 to be a symbol of extremism.

⁴³ Aktuality.sk, 'Zásah NAKA pre extrémizmus: Obvinili aj bubeníka z Horkýže slíže', 11 August 2020, available at: <https://www.aktuality.sk/clanok/813469/zasah-naka-pre-extremizmus-obvinili-aj-bubenika-z-horkyze-sliz/>

⁴⁴ Aktuality.sk, 'Mazurekovho asistenta a moderátora Kulturblogu obvinila NAKA z extrémizmu', 29 September 2020, available at: <https://www.aktuality.sk/clanok/826223/mazurekovho-asistenta-a-moderatora-kulturblogu-naka-obvinila-z-extremizmu/>

⁴⁵ Euronews.com, 'Slovakia school attack: Knifeman kills one, injures five before being shot dead by police', 12 June 2020, available at: <https://www.euronews.com/2020/06/11/slovakia-school-attack-knifeman-kills-one-injures-five-before-being-shot-dead-by-police>

⁴⁶ Slovak Spectator (2020), 'Two former prime ministers part ways during an eventful week', 15 June 2020, available at: <https://spectator.sme.sk/c/22426178/two-former-prime-ministers-part-ways-on-an-eventful-week.html>

⁴⁷ FB page of the Police of the Slovak Republic, Post from 12 June 2020, available at:

<https://www.facebook.com/hoaxPZ/photos/a.317666309061243/723031075191429/?type=3&theater>

⁴⁸ Webnoviny.sk, 'Polák podal trestné oznámenie na Mazureka a chystá ďalšie na Kotlebu', 23 June 2020, available at: <https://www.webnoviny.sk/pollak-podal-trestne-oznamenie-na-mazureka-a-chysta-dalsie-na-kotlebu/>

⁴⁹ Information provided by the Office of Special Prosecution on 20 November via e-mail communication.

The judge of the Specialised Criminal Court sentenced the chair of ĽSNS to 4 years and 4 months in prison for committing a crime of founding, supporting and promoting a movement conducive to suppression of fundamental rights and freedoms in accordance with section 421 of the Criminal Code. The ruling was delivered on 12 October; however, it is not valid since the convict has appealed against the verdict⁵⁰.

As for the figures on extremist crime and hate crime, the police have recorded 96 cases of extremist crime or racially motivated crime from January to the end of October (compared to 85 cases recorded in 2019) out of which 28 have been already clarified⁵¹. In Slovak legislation and policy documents, rather the term extremist crime is used. Those crimes include crimes under the article 140a of the Criminal Code – the crime of supporting and promoting of groups denying fundamental rights and freedoms (Article 422), the crime of spreading extremist materials (Article 422b), the crime of defamation of nation, race and belief (Article 423), the crimes of incitement to national, racial and ethnic hatred (Article 424), the crime of keeping extremist materials (Article 422c) and the crime committed with a specific motive (Article 140a). The specific motive is applied if the crime was committed out of hate against a group of persons or individual person because of their race, nationality, ethnic identity, origin, skin colour, gender, sexual orientation, political and religious belief⁵².

The report on the activities of the Special Prosecutor's Office for 2019⁵³ submitted to the Parliament in October 2020 states that situation within the area of extremist crime and hate crime is stable. During 2019, most of the offences were committed in virtual space. A slight decrease (51 cases in 2018, 39 cases in 2019) of offences committed outside the virtual space (like personal injury, riots, attacks on property) with specific motive (hate crime - Section 140 e of the Criminal Code) was recorded. As for other relevant findings, the report highlights the role of experts within the area of extremism, who produce an expert assessment that is taken into account during the proceeding at the court. For the time being, there are only two such experts officially registered at the Ministry of Justice. Another point raised by the report concerns the institute of an agent that can be used during the process of investigation. Nowadays, only a police officer can be deployed as an agent. It would be useful to be able to deploy a civil person as well since the community of extremists is too close for the police to get there⁵⁴.

⁵⁰ Omediach.sk, 'Kotleba dostal 4 roky a 4 mesiace za promo šekov z číslom 1488', 12 October 2020, available at: <https://www.omeiach.com/hoaxy/19026-kotleba-dostal-4-roky-a-4-mesiace-za-promo-sekov-s-cislom-1488>; Kadlečíková, J. (2020), 'Sentencing of Kotleba: another step towards suppressing right-wing extremism', 16 November 2020, *Minority policy in Slovakia*, available at: <https://mensinovapolitika.eu/en/sentencing-of-kotleba-another-step-towards-suppressing-right-wing-extremism/>

⁵¹ Slovakia, Ministry of Interior of the Slovak Republic (*Ministerstvo vnútra SR*) (2020), Štatistika kriminality v Slovenskej republike za rok 2020, available at:

https://www.minv.sk/?statistika_kriminality_v_slovenskej_republike_za_rok_2020_xml

⁵² Slovakia, Act no. 300/2005 Coll Criminal Code (*Zákon č. 300/2005 Z.z. Trestný zákon*), 2 July 2005, available at: <https://www.zakonypreludi.sk/zz/2005-300>

⁵³ Slovakia, Special Prosecutor's Office (*Úrad špeciálnej prokuratúry*) (2020), Správa špeciálneho prokurátora o činnosti Úradu špeciálnej prokuratúry a poznatky Úradu špeciálnej prokuratúry o stave zákonnosti za rok 2019, available at:

<https://www.nrsr.sk/web/Default.aspx?sid=zakony/cpt&ZakZborID=13&CisObdobia=8&ID=116>

⁵⁴ Slovakia, Special Prosecutor's Office (*Úrad špeciálnej prokuratúry*) (2020), Správa špeciálneho prokurátora o činnosti Úradu špeciálnej prokuratúry a poznatky Úradu špeciálnej prokuratúry o stave zákonnosti za rok

Hate speech and hate crime in relation to coronavirus pandemic

As for the increase of hate attacks in relation to the coronavirus pandemic, there were manifestations of hostile behaviour reported towards Roma people. At the beginning of the pandemic, Roma coming from abroad were blamed for not keeping the home isolation and thus spreading the coronavirus in their environment⁵⁵. Roma were also rejected to enter shops, drug stores, post offices etc. or were verbally attacked by people from the majority⁵⁶.

Although the lockdown of several Roma localities during the coronavirus pandemic was criticised by several NGOs, human rights institutions, etc., it was strongly supported by the public. According to a public opinion poll carried out by Slovak Academy of Sciences, the measure of the lockdown of some of the Roma localities received the highest support among all the measures adopted by the Government (86 % of population completely agreed with this measure)⁵⁷.

The NGO DigiQ analysed the increase of hate speech on the internet from February to May 2020. Mainly two categories of people were the target of the hate speech – Slovak citizens coming from abroad, who were blamed for spreading the coronavirus after coming home, and Roma people who were referred by extremists and alternative media as animals or parasites who do not deserve any kind of help. The hateful comments very often called for violence against Roma. Even organisations helping in Roma settlements had to delete their posts informing on provided help because of the hateful comments under the posted information. The report also makes recommendations on how to avoid spreading hate speech during the following waves of coronavirus pandemic such as a. the public authorities need to support organizations that monitor and report hate speech incidents, b. public authorities, public officials, and politicians must refrain from hateful rhetoric that establishes links between coronavirus and particular ethnic or other groups of the population, c. publishing positive examples of coping with the pandemic may have a positive impact.⁵⁸

The parliamentary political party ĽSNS has shared a lot of disinformation on the coronavirus pandemic. In March 2020, the chairman of this party published a

2019, available at:

<https://www.nrsr.sk/web/Default.aspx?sid=zakony/cpt&ZakZborID=13&CisObdobia=8&ID=116>, pp. 29 – 32.

⁵⁵ Jádu (2020) ‘Donúti pandémia riešiť postavenie Rómov žijúcich na okraji spoločnosti?’, May 2020, available at: <https://www.goethe.de/prj/jad/cs/the/cor/21886312.html>

⁵⁶ FRA (2020), Implications of COVID-19 pandemic on Roma and Travellers communities – Slovakia, June 2020, available at: https://fra.europa.eu/sites/default/files/fra_uploads/sk_report_-_covid-19_impact_on_roma_en.pdf

⁵⁷ Slovakia, Institute for research in social communication SAV (Ústav výskumu sociálnej komunikácie SAV), ‘Vláda dostala od občanov slabšiu dvojku’, Press release from 5 May 2020, available at: http://www.kvsbk.sav.sk/wp-content/uploads/TS_ASMS_Maj2020-1.docx

⁵⁸ DigiQ (2020), ‘Ako sa správali Slováci na internete počas prvej vlny pandémie? Druhá časť z výskumu’, 25 August 2020, available at: <https://digiq.sk/ako-sa-spravali-slovaci-na-internete-pocas-prvej-vlny-pandemie-druha-cast-z-vyskumu>; DigiQ at al. (2020), Koronavírus a nenávisťné prejavy – Výstup z medzinárodného prieskumu, available at: <https://digiq.sk/wp-content/uploads/2020/08/Nenavistne-prejav-y-pocas-pandemie-sk-1.pdf>, pp. 35 – 41.

video on his YouTube channel that the coronavirus pandemic has been caused by the immigration to Europe, mainly by the arrival of many asylum seekers. The prosecution has dealt with the case as the crime of spreading alarmist messages and inciting national, racial and ethnic hatred in crises⁵⁹. At the end of June, the criminal complaint concerning this case was rejected by the police officer of National Criminal Agency, which was confirmed subsequently also by the prosecutor of Special Prosecution⁶⁰.

⁵⁹ Omediach.com, 'Videom Kotlebu o koronavíruse sa zaoberá Generálna prokuratúra ', 28 March 2020, available at: <https://www.omediach.com/tv/17614-videom-kotlebu-o-koronaviruse-a-utecencoch-sa-zaobera-generalna-prokuratura-video>

⁶⁰ Information provided by the Office of Special Prosecution on 20 November via e-mail communication.

Chapter 3. Roma equality and inclusion

1. Measures and developments addressing Roma/Travellers

The newly elected government, taking office in March 2020, declared commitment to Roma inclusion policies. Specifically, in a separate section of its program statement, the government declared its ambition, among others, to improve the quality of life of Roma, decrease poverty, support legalisation of lands in Romani settlements, improve employment and increase enrolment of Romani children into pre-school education.⁶¹ Slovakia also continues to use European investment and structural funds for Roma inclusion issuing several new calls for proposals funding projects relevant targeting Romani communities. This includes calls funding access to drinking water⁶², funding of social housing,⁶³ legalisation of lands underneath Romani settlements⁶⁴, as well as projects supporting pre-school enrolment of Romani children⁶⁵ and projects supporting health standards in marginalised Romani communities in the context of COVID-19.⁶⁶

The Office of the Slovak Government Plenipotentiary for Romani Communities (*Úrad splnomocnenca vlády SR pre rómske komunity*) in July 2020 has initiated preparatory works on the new Strategy of Roma integration in Slovakia until 2030 (the official name of the policy document is Strategy for Roma equality, inclusion and participation until 2030). The process facilitated through a steering committee and thematic working groups in key areas, housing, health, employment, non-discrimination and anti-Roma racism, has been engaging participants from

⁶¹ Slovakia, the Government of the Slovak Republic (*Vláda SR*) (2020), Program Statement of the Slovak Government, adopted by a resolution 239/2020 on 17 April 2020, available at: <https://rokovania.gov.sk/RVL/Material/24756/1>

⁶² Slovakia, Ministry of Interior of the Slovak Republic (*Ministerstvo vnútra SR*) (2020), Call for proposals to support access to drinking water in marginalized Romani communities, Call OPLZ-PO6-SC611-2020-1, information available online at: <http://www.minv.sk/?aktualne-vyzva-na-predkladanie-ziadosti-o-nenavratny-financny-prispevok&sprava=vyzva-zamerana-na-podporu-pristupu-k-pitnej-vode-v-prostredi-mrk>

⁶³ Slovakia, Ministry of Interior of the Slovak Republic (*Ministerstvo vnútra SR*) (2020), Call for proposals to improve housing in municipalities with presence of marginalized Romani communities with elements of gradual housing, Call OPLZ-PO6-SC611-2018-2, information available online at: <https://www.minv.sk/?aktualne-vyzva-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>

⁶⁴ Slovakia, Ministry of Interior of the Slovak Republic (*Ministerstvo vnútra SR*) (2020), Call for proposals to support legalization of lands in municipalities with presence of marginalized Romani communities, Call OPLZ-PO5-2020-4, information available online at: <http://www.minv.sk/?aktualne-informacie-10&sprava=vyzva-zamerana-na-podporu-vysporiadania-majetko-pravných-vztahov-k-pozemkom-v-obciach-s-pritomnostou-mrk>

⁶⁵ Slovakia, Ministry of Interior of the Slovak Republic (*Ministerstvo vnútra SR*) (2020), National Project Support of Pre-Primary Education of Children from Marginalized Romani Communities, information available at: <http://www.minv.sk/?tlacove-spravy&sprava=ministerstvo-vnutra-schvalilo-dva-projekty-na-zmiernenie-nasledkov-pandemie-v-marginalizovanych-romskych-komunitach-financovane-z-eurofondov>

⁶⁶ Vssr.sk, National Project Korona te mere focused on improved situation of marginalized Romani communities in social determinants of health in relation to the specific situation with COVID-19 pandemics, information available at: <https://www.vssr.sk/clanok-z-titulky/korona-te-merel.htm>, Slovakia, Ministry of Interior of the Slovak Republic (*Ministerstvo vnútra SR*) (2020), National Project Support of Activities Addressing Dire Situations in Association with COVID-19 in municipalities with presence of marginalized Romani communities, information available at: https://www.minv.sk/?spravy_rk&sprava=zamedzit-karantene-romskych-komunit-ma-novy-projekt-obce-sa-uz-mozu-zapajat

relevant ministries, municipalities, universities and the civil society.⁶⁷ The draft Strategy outlining situation in key areas with main goals and main indicators was sent for further commenting to the member of the steering committee, as well as to the European Commission, in December 2020.⁶⁸

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*) released a study called *Revision on Expenditures on Groups at Risk of Poverty and Social Exclusion: Final Report* suggesting that the state should focus on investments into early childhood and care programs, on desegregation of Romani children and should also support housing subsidies and revise active labour policies to support human capacities of disadvantaged job seekers. The study also proposes abandoning some of the existing programs that are ineffective, such as branch offices of secondary vocational schools catering almost exclusively for Romani youth that are built in the proximity to settlements. According to this study, the state could save €14 million on ineffective programs and should invest additional €263 million euro on social inclusion programs per year targeting mostly marginalized Romani communities and people with disabilities.⁶⁹

Visible efforts to tackle antigypsyism include public commemoration of the victims of Roma Holocaust on 2 August 2020 by the president Zuzana Čaputová and the Prime Minister Igor Matovič.⁷⁰

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

With the inception of the pandemic in Slovakia in early March 2020, the Government marked Roma communities among the high-risk populations due to their poorer health standards, poorer access to health care and hygiene standards

⁶⁷ Information available at the Facebook account of the Government Plenipotentiary for Romani Communities at: <https://www.facebook.com/andreabuckovaRK/photos/a.109223537404213/157962839196949/>

⁶⁸ Slovakia, Ministry of Interior of the Slovak Republic (*Ministerstvo vnútra SR*) (2020), 'Využite možnosť pripomenkovať Stratégiu rovnosti, inklúzie a participácie Rómov do roku 2030', press release from 30 November 2020, available at: https://www.minv.sk/?spravy_rk&sprava=vyuzite-moznost-pripomenkovat-strategiu-pre-rovnost-inkluziu-a-participaciu-romov-do-roku-2030; Information available at the Facebook account of the Government Plenipotentiary for Romani Communities at: <https://www.facebook.com/andreabuckovaRK/photos/a.109223537404213/220361329623766/>

⁶⁹ Slovakia, The Department Value for Money at The Ministry of Finances of the Slovak Republic (*Útvar hodnota za peniaze Ministerstva Finančí 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), *Revízia výdavkov na skupiny ohrozené chudobou alebo sociálnym vylúčením: Záverečná správa (Revision of Expenses for groups at risks of poverty or social exclusion: final report)*, March 2020, available at: <http://bit.ly/3aNjrVq>

⁷⁰ TA3, 'Nesmieme zabudnúť. Čaputová i Matovič si pripomenuli holokaust', 2 August 2020, available at: <https://www.ta3.com/clanok/1189207/nesmieme-zabudnut-caputova-i-matovic-si-pripomenuli-holokaust.html>

as well as migration of Romani families from countries that were high risk at that time.⁷¹ Earliest measures to alleviate the impact of the pandemic on Romani communities was adopted on 15 March 2020 when the government, through its resolution, recommended municipalities to provide access to drinking water marginalised communities.⁷² During the first phase of the pandemic, the Government undertook targeted testing of Romani communities executed by the military doctors with the aid of arm forces.⁷³ In the early months of the crisis, the Government in daily updates on the newly infected cases, also informed about numbers of infected people in Romani communities.⁷⁴ On 2 April 2020, the Government adopted a specific plan addressing the spread of Covid-19 in Romani communities. The plan set out a plan for lockdowns and provision of health care in case of spread of COVID-19 in Romani communities. According to the plan, the local quarantine will be imposed, if more than 10% of inhabitants test positive for the coronavirus.⁷⁵ On 8 April 2020, the Prime Minister Igor Matovič announced that five settlements in Eastern Slovakia would be quarantined, as the Government suspected local community spread and consequently armed and police forces surrounded these areas. There were no data whether the share of infected individuals reached 10%. The Government promised to supply of water, food and ensure access to health care.⁷⁶ The local lockdown in these localities lasted between three to more than five weeks with the final one, in Žehra, ending on 15 May 2020 (for other information on the impact of COVID-19 pandemic on Roma please see also chapter 2 of this report).⁷⁷

On 23 September 2020, the Ministry of Interior (*Ministerstvo vnútra*) informed about newly approved project to be implemented by the Office of the Government Plenipotentiary for Romani Communities with allocation of more than €5.6 million to remedy negative impact on Romani communities in relation with Covid-19 funding measures in preventing health care, monitoring of risks of spreading of the virus in the communities and through social and humanitarian aid.⁷⁸

⁷¹ Slovakia, Ministry of Interior (*Ministerstvo vnútra SR*) (2020), 'Dôležité informácie', Press release, 17 March 2020, available at: https://www.minv.sk/?spravy_rk&sprava=dolezite-informacie

⁷² Slovakia, The Government of the Slovak Republic (*Vláda SR*) (2020), Resolution 112/2020 adopted on 15 March 2020, available at: <https://rokovania.gov.sk/RVL/Resolution/18251/1>

⁷³ SITA, 'Obyvateľov osád budú testovať vojenský lekári', 1 April 2020, available at:

<https://kosice.korzar.sme.sk/c/22374129/obyvatelov-romskych-osad-budu-testovat-vojenski-lekari.html>

⁷⁴ Hospodárske noviny, 'Pribudol rekordný počet nakazených. V piatich osadách zistili desiatky prípadov, oznámil Matovič', 8 April 2020, available at: <https://slovensko.hnonline.sk/2128001-pribudol-rekordny-pocet-nakazenych-v-piatich-osadach-zistili-desiatky-pripadov-oznamil-matovic>

⁷⁵ Slovakia, Government of the Slovak (*Vláda SR*) (2020), Resolution 195/2020 adopted on 2 April 2020, available at: <https://rokovania.gov.sk/RVL/Negotiation/1046>

⁷⁶ Mária Šimoňáková, 'Päť osád na Spiši uzavreli pre koronavírus. Budú izolované.', *Korzár*, 8 April 2020, available at: <https://spis.korzar.sme.sk/c/22379906/pat-osad-na-spisi-uzavreli-pre-koronavirus-budu-izolovane.html>

⁷⁷ TA3, 'V osade v Žehre zrušili karanténu. Radosť ľudí zachytili na videu.', 15 May 2020, available at: <https://www.ta3.com/clanok/1183343/v-osade-v-zehre-zrusili-karantenu-radost-ludi-zachytili-na-videu.html>

⁷⁸ Slovakia, Ministry of Interior of the Slovak Republic (*Ministerstvo vnútra SR*) (2020), National Project Called Support of Actions Targeting Adverse Situations associated with COVID-19 in municipalities with the presence of marginalized Romani communities, information available at the web site of the Ministry of Interior:

The closure of schools and shift to distance learning from March in academic year 2019/2020 had, according to data published by the Ministry of Education, Research, Science and Sports, a particularly negative impact on Romani children from marginalised communities. According to their data, 7.5% (52 000) of pupils of primary and secondary schools did not at all participate in distance learning. Furthermore, 18.5 % (128 000) primary and secondary school pupils did not study online. The most critical situation concerned situation in schools with a high share of Romani children in regular and special schools.⁷⁹ To remedy the disproportionate impact on socially disadvantaged schools, the Ministry of Education, Research, Science and Sport allocated €500 000 for voluntary summer schools lasting up to two weeks in August 2020. Each school could apply for a grant up to €2600 depending on the duration of the schools (for more information please see also chapter 6 of this report).⁸⁰ The impact of this measure has not been evaluated yet.

In November, the Ministry of Education introduced the Zero Action Plan of the Strategy of Inclusive Approach in Education (*Nultý akčný plán Stratégie inkluzívneho prístupu vo výchove a vzdelávaní*)⁸¹ to promote inclusive education (for more information please see chapter 2 of this report).

<http://www.minv.sk/?tlacove-spravy&sprava=ministerstvo-vnutra-schvalilo-dva-projekty-na-zmiernenie-nasledkov-pandemie-v-marginalizovanych-romskych-komunitach-financovane-z-eurofondov>

⁷⁹ Slovakia, The Institute of Educational Policy, Ministry of Education, Research, Science and Sport (*Inštitút vzdelávacej politiky, Ministerstvo školstva, vedy, výskumu a športu SR*) (2020), Hlavné zistenia z dotazníkového prieskumu v základných a stredných školách o priebehu dištančnej výučby v školskom roku 2019/2020, available at:

<https://www.minedu.sk/data/att/17338.pdf?fbclid=IwAR24OOMwMpxCr6Zdm33AHN2pQSNllulHopJpRD3eTDsVYHluL0eq7QyE3Og>

⁸⁰ Information available at the web site of the Ministry of Education, Research, Science and Sport on 11 June 2020 at: <https://www.minedu.sk/deti-mozu-ist-cez-prazdniny-do-letnej-skoly-ministerstvo-skolstva-im-rozdeli-pol-miliona-eur/>

⁸¹ Slovakia, Ministry of Education of the Slovak Republic (*Ministerstvo školstva SR*) (2020), *Nultý akčný plán Stratégie inkluzívneho prístupu vo výchove a vzdelávaní*, available at: <https://www.minedu.sk/nulty-akcny-plan-strategie-inkluzivneho-pristupu-vo-vychove-a-vzdelavani-na-rok-2021/>

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

Extension of residence permits and other authorisations to stay that expired during COVID-19 pandemic measures.

Slovak Republic	Category of TCN	Brief description of the measure	Legal source (legislation or case law as relevant) with hyperlink	Comments
	<p>Complete this row if measures concern all/most of the TCN listed below whose (national or EU law based) permission to stay expired during COVID-19 related travel restrictions. In this case indicate in the next rows the categories to which the measure applies</p>	<p>On Wednesday, March 11, 2020, the Government of the Slovak Republic declared an emergency in connection with the risk of spreading COVID-19, with effect from Thursday 12 March 2020.</p> <p>The competent state authorities of the Slovak Republic have further reacted to the crisis caused by the spreading of the novel communicable COVID-19 disease in March 2020:</p> <ul style="list-style-type: none"> - by preparing and adopting amendments to the legal instruments for admitting TCNs (both entry and stay) mainly by Act No. 404/2011 Coll. on Residence of Foreigners (...) (hereinafter only as "Act on Residence of Foreigners"), - by adopting practical measures impacting the functioning of state authorities carrying tasks in the field of migration – in the field of border protection and granting residence to TCNs. <p>Admission policy changed for the duration of the declared state of</p>	<p>On 7 April 2020, the National Council of the Slovak Republic passed the Act No. 73/2020 Coll. amending and supplementing some acts within the purview of the Ministry of Interior of the Slovak Republic ("<i>Ministry of Interior</i>") in relation to COVID-19 (hereinafter referred to as the "Act No. 73/2020 Coll."). Act No. 73/2020 Coll. introduced a new transitional provision of Act on Residence of Foreigners, Article 131i. Article 131i has been introduced by "Article XVI, Transitional provisions related to the crisis situation caused by COVID-19". This Act entered into force on 9 April 2020, and it is available at: https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2020/73/2020409</p> <p>Moreover, another two relevant acts impacting the</p>	<p>Governmental measures were adopted in consultation with the informal group of NGOs or international institutions working with immigrants. This informal group is called: "Coordination group - assistance to foreigners in the Slovak Republic during the Coronavirus", its members are: IOM International Organization for Migration, Mareena, Human Rights League (HRL), Centre for the Research of Ethnicity and Culture (CVEK), Marginal, Slovak Catholic Charity, Milan Šimečka Foundation, Humanitarian Council, various cultural mediators and members of informal migrant communities.)</p> <p>Official websites of state authorities rarely contain complete information in English. IOM International Organization for Migration provides overview at: https://www.mic.iom.sk/en/news/637-covid-19-measures.html</p>

		<p>"crisis" and for the period of two months after its end, as well as possibilities of TCNs to enter the territory of the SR, leave the territory of the SR, legally extend residence and the possibility to apply for residence.</p> <p>Pursuant to Article 131i (1) of the Act on Residence of Foreigners: The validity of a temporary and permanent residence or tolerated stay that would otherwise expire during an extraordinary situation or a state of emergency declared in connection to the COVID-19 disease (hereinafter referred to as "crisis situation") or expire within one month of withdrawal of a crisis situation shall be extended until two months after the withdrawal of the crisis situation. (At the moment of preparation of this study still ongoing). At the end of 2020, the crisis remains.</p> <p>Pursuant to Article 131(9) of the Act on Residence of Foreigners, enforcement of the administrative expulsion decision is postponed for the duration of the crisis.</p>	<p>legal status of TCNs in Slovakia, were amended in May 2020:</p> <ul style="list-style-type: none"> - Act No. 5/2004 Coll. on Employment Services (...). The relevant amendment available at: https://www.slovlex.sk/pravne-predpisy/SK/ZZ/2020/127/20200521.html This amendment has been adopted with the aim to harmonise the law governing the employment of TCNs in Slovakia with the amendment to the Act on Residence of Foreigners (Act No. 73/2020 Coll.). More info for TCNs employed in Slovakia during the crisis situation has been published at the Central Office of Labour, Social Affairs and Family website: https://www.upsvr.gov.sk/sluzby-zamestnanosti/aktuality/zamestnanie-statneho-prislusnika-tretej-krajiny-pocas-krizovej-situacie.html?page_id=997258 - Act No. 580/2004 Coll. on Health Insurance (...). The relevant amendment is 	
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			<p>available at: https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2020/125/20200521.html</p> <p>This Amendment has been adopted mainly to address the unusual situation of TCNs in times of ongoing crisis (for instance if they lose their health insurance or if they cannot be insured).</p>	
	<p>Holders of visas issued based on the Visa Code No. 810/2009 (as last amended by Regulation (EU) No. 2019/1155) (Schengen visas)</p>	<p><u>Special provisions for this category:</u> For the duration of the crisis, the Act on Residence of Foreigners guarantees an authorised residence to those TCNs who entered the territory of the SR legally before the declaration of the crisis (e.g. Schengen visa holders) and did not have a residence granted pursuant to the said Act for the period exceeding 90 days. Within the meaning of this provision, above TCNs are entitled to stay in the territory of the Slovak Republic not only during the crisis but also for one month after the crisis is revoked,.</p>	<p>Article 131i(2) of the Act on Residence of Foreigners. Available at: https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2020/73/20200409</p>	
	<p>Visa-free TCN who reached the maximum of 90 days in any 180-day period under Article 4 of the Visa List Regulation (Regulation (EU) 2018/1806)</p>	<p><u>Special provisions for this category:</u> For the duration of the crisis, the Act on Residence of Foreigners also guarantees an authorised residence to those TCNs who entered the territory of the Slovakia legally before the declaration of the crisis (e.g. under visa-free regime) and did not have a residence granted pursuant to the said Act for the period exceeding 90</p>	<p>Article 131i(2) of the Act on Residence of Foreigners. Available at: https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2020/73/20200409</p>	

		days. Within the meaning of this provision, above TCNs are entitled to stay in the territory of the Slovak Republic during the crisis and one month after the crisis is revoked.		
	Holders of long-term visas issued by the EUMS (under Regulation (EU) No. 265/2010 and beyond, under national law)	See the first row.		
	Holders of residence permits issued under Regulation (EC) No. 1030/2002 (as last amended by Regulation (EU) 2017/1954)	See the first row.		
	Holders of local border traffic permit under Regulation (EC) No. 1931/2006	<p>Regularly updated Measures of the Public Health Office of the Slovak Republic allow entry exceptions to this category of TCNs:</p> <ul style="list-style-type: none"> - persons who have a permanent or temporary residence in the Slovak Republic and have an employment relationship, a similar employment relationship or a place of work (freelancers), in border areas on territory of the neighbouring state at a distance up to 30 km from the open border crossing to the territory of the Slovak Republic and are holders of a relevant certificate. - persons who have permanent residence or temporary residence in the border areas of a neighbouring state within 30 km of an open border crossing to the territory of the Slovak Republic and are in employment 	<p>The most recent "Measure of the Public Health Office of the Slovak Republic at a time of public health emergency" (<i>Opatrenie Úradu verejného zdravotníctva Slovenskej republiky pri ohrození verejného zdravia</i>) is available at: https://www.uvzsr.sk/docs/info/ut/ciastka_29_2020.pdf</p> <p>Updated versions of the Measure of the Public Health Office of the Slovak Republic are published at: https://www.uvzsr.sk/index.php?option=com_content&view=article&id=4132:covid-</p>	

		<p>relationship, similar employment relationship or their place of employment / work (freelancers), is on the territory of the Slovak Republic at a distance of 30 km from the open border crossing to the territory of the Slovak Republic, and are holders of a relevant certificate.</p>	<p>19-zavery-z-rokovania-vlady-sr-a-ustredneho-krizoveho-tabu-sr-povinnos-nosenia-ruok-na-verejnosti-zatvorenie-obchodov-v-nedeu-vyleneny-nakupny-as-pre-seniorov-otvorenie-vybranych-prevadzok-v-obchodnych-domoch-karantenne-opatrenia-a-pod&catid=250:koronavirus-2019-ncov&Itemid=153 and https://www.minv.sk/?vestnik-vlady-sr</p> <p>Quarantine obligations of persons entering the territory of the Slovak Republic including exemptions for this category of foreigners are regulated by Decrees of the Public Health Office of the Slovak Republic. The latest decree no. 29/2020 has been published in the Government Gazette (<i>Vestník</i>) on 20 December 2020. https://www.uvzsr.sk/docs/info/ut/ciastka_29_2020.pdf</p>	
	Any other category of TCN not listed above.	See the first row.		

Notes:

TCN = third-country nationals

EUMS = EU Member State

Chapter 5. Information society, privacy and data protection

1. Legal and political initiatives that have been implemented to support access to, and use of, personal data.

The first legal provision that was introduced in response to the COVID-19 pandemic and concerned the access to, and the use of, personal data was the Act No. 62/2020 Coll. on certain emergency measures in connection with the spread of dangerous human infectious disease COVID-19 and in the judiciary and amending certain laws⁸². The National Council of the Slovak Republic passed this act in the fast-track legislation process on 25 March 2020. Among other laws, it amended the Act No. 351/2011 Coll. on Electronic Communications⁸³. Pursuant to the amendment, in times of the officially declared state emergency, or emergency in healthcare, which occurred in causal connection with a pandemic or spreading of a dangerous contagious human disease, the providers of telecommunication services are obliged to store and process data that are subject to telecommunications secrecy (telephone number, name, surname, title and address of permanent residence of the communication network user, business name and registered office of the legal entity or business name of the natural person - entrepreneur's place of business; as well as location data on the user's terminal equipment and on the time of location data) and make them available upon written request to the Public Health Office of the Slovak Republic⁸⁴. As justified in the explanatory memorandum to the Act, the purpose of this provision is "early identification of persons potentially infected with the disease and prevention of its further spreading by monitoring movement and contacts of already identified infected individuals"⁸⁵.

⁸² Slovakia, Act no. 62/2020 Coll. on certain emergency measures in connection with the spread of dangerous human infectious disease COVID-19 and in the judiciary and amending certain laws (*Zákon o niektorých mimoriadnych opatreniach v súvislosti so šírením nebezpečnej nákazlivej ľudskej choroby COVID-19 a v justícii a ktorým sa menia a dopĺňajú niektoré zákony*).

⁸³ Slovakia, Act no. 351/2011 Coll. on electronic communications as amended (*Zákon o elektronických komunikáciách*).

⁸⁴ Slovakia, Act no. 62/2020 Coll. on certain emergency measures in connection with the spread of dangerous human infectious disease COVID-19 and in the judiciary and amending certain laws (*Zákon o niektorých mimoriadnych opatreniach v súvislosti so šírením nebezpečnej nákazlivej ľudskej choroby COVID-19 a v justícii a ktorým sa menia a dopĺňajú niektoré zákony*), § 63 par. 18 letters a), b), and c), par. 19 and par. 20.

⁸⁵ Slovakia, Explanatory memorandum to Act no. 62/2020 Coll. on certain emergency measures in connection with the spread of dangerous human infectious disease COVID-19 and in the judiciary and amending certain laws (*Zákon o niektorých mimoriadnych opatreniach v súvislosti so šírením nebezpečnej nákazlivej ľudskej choroby COVID-19 a v justícii a ktorým sa menia a dopĺňajú niektoré zákony*). LIT276370SK. Available at <https://www.noveaspi.sk/products/lawText/7/276370/1/2/dovodova-sprava-c-lit276370sk-dovodova-sprava-k-zakonu-c-62-2020-zz-o-mimoriadnych-opatreniach-v-justicii-v-suvisllosti-s-covid-19>.

However, the compliance of this amendment with the Charter of Fundamental Rights and Freedoms, Convention for the Protection of Human Rights and Fundamental Freedoms and the Charter of Fundamental Rights of the European Union was challenged by a group of 34 deputies of the National Council of the Slovak Republic from oppositional political parties, who filed an application for the commencement of proceedings before the Constitutional Court of the Slovak Republic. On 13 May 2020, the Constitutional Court of the Slovak Republic issued a resolution⁸⁶ with which it suspended some of the provisions introduced by the amendment, specifically § 63 par. 18 letter c), pursuant to which the providers of telecommunication services were obliged to “process [data] exclusively to the extent necessary to identify users in order to protect life and health”, § 63 par. 19 pursuant to which “the data processed under par. 18 shall be provided by the company to the Public Health Office of the Slovak Republic on the basis of a reasoned written request”, and § 63 par. 20 pursuant to which “The Public Health Office of the Slovak Republic may collect, process and store data processed pursuant to paragraph 18 during the duration of an emergency situation or emergency situation in healthcare, until 31 December 2020 at the latest” of Act No. 351/2011 Coll., on electronic communications. This resolution was introduced into the Slovak legislation under 144/2020 Coll.⁸⁷ on 5 June 2020.

As a part of the proceeding at the Constitutional Court, the Office for Personal Data Protection was requested to provide the assessment of the challenged provisions introduced to Act No. 351/2011 Coll. on Electronic Communications by the Act No. 62/2020 Coll.. As a part of the assessment, the Office for Personal Data Protection pointed out that the substantive and procedural conditions of access to retained data by competent national authorities are absent in the amendment, and that the amendment did not sufficiently detail the conditions of independent supervision and disposal of data. The Office for Personal Data Protection further pointed out that the amendment did not meet the requirements of Art. 15 of Directive 2002/58 / EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (“ePrivacy Directive”), and failed to specify in what ways the processing of data complies with the principles of necessity, appropriateness and proportionality.⁸⁸

⁸⁶ Slovakia, Constitutional Court of the Slovak Republic (*Ústavný súd SR*), Resolution of the Constitutional Court of the Slovak Republic PL. ÚS 13/2020-103, 13th May 2020. Available at https://www.ustavnysud.sk/documents/10182/1270838/PL_+US+13_2020+-+Rozhodnutie+-+Uznesenie+z+predbezneho+prerokovania.pdf/464a47b6-66b4-4545-9a9f-eb0f10b4bd80

⁸⁷ Slovakia, Constitutional Court of the Slovak Republic (*Ústavný súd SR*), Resolution of the Constitutional Court of the Slovak Republic 144/2020 Coll. č. k. PL. ÚS 13/2020-103 from 13 May 2020. Available at https://www.slov-lex.sk/static/pdf/2020/144/ZZ_2020_144_20200605.pdf.

⁸⁸ Slovakia, Constitutional Court of the Slovak Republic (*Ústavný súd SR*), Resolution of the Constitutional Court of the Slovak Republic PL. ÚS 13/2020-103, 13th May 2020. Available at https://www.ustavnysud.sk/documents/10182/1270838/PL_+US+13_2020+-+Rozhodnutie+-+Uznesenie+z+predbezneho+prerokovania.pdf/464a47b6-66b4-4545-9a9f-eb0f10b4bd80. Point 60, pp. 21-22.

The second legal provision that was introduced in response to the COVID-19 pandemic and concerned the access to, and the use of, personal data was the Act no. 119/2020 Coll. amending Act no. 355/2007 Coll. on the protection, support and development of public health and Act no. 351/2011 Coll. on electronic communications⁸⁹. As a part of the amendments to the Act no. 355/2007⁹⁰, the Act no. 119/2020 Coll. introduced a legal possibility of monitoring one's obligation to stay in home isolation (either upon receiving a positive test or upon returning from a high-risk foreign country) via a smartphone application. The amendment also introduced a legal possibility of tracking the contacts of an infected person via a smartphone application. Pursuant to the § 60a par. 1 of the amendment, "The Public Health Office is the operator of a mobile application for monitoring compliance with the ordered isolation and a mobile application for monitoring contacts with other facilities through which it processes personal data of a natural person for the purpose of protecting life and health in connection with the spread of COVID-19; for this purpose, the Public Health Office may process personal data under the conditions set out in par. 2 to 8 and § 60b to 60e." § 60b of the provision specifies the types of personal data that the application can process, § 60c specifies the conditions of the processing and sharing the data with the Public Health Office, and § 60d the Guarantees for the rights and freedoms of natural persons. The National Council of the Slovak Republic passed this act in the fast-track legislation process on 15 May 2020.

Given that the Act no. 119/2020 Coll. was passed in the fast-track legislation process, the Office for Personal Data Protection did not have a legal opportunity to comment on the legal provision as a part of the standard comment round. As the legal expert of the Office for Personal Data Protection clarified, the legal options of the Office to comment on the proposed legislation were rather limited. Although the representative of the Office became a member of the inter-ministerial working group on the use of technology and data to combat the crisis caused by COVID-19 convened by Ministry of Investment, Regional Development and Informatisation of the Slovak Republic, it was without the possibility of voting. The first meeting of this group took place on 11 May 2020 and, although the representative of the Office explicitly asked about the possibility of sending comments on the draft law 119/2020, the Office was not given the opportunity to express its expert opinion. The representative

⁸⁹ Slovakia. Act no. 119/2020 Coll. amending Act no. 355/2007 Coll. on the protection, support and development of public health and on the amendment of certain acts as amended and amending Act no. 351/2011 Coll. on electronic communications as amended (*Zákon ktorým sa ktorým sa mení a dopĺňa zákon č. 355/2007 Z. z. o ochrane, podpore a rozvoji verejného zdravia a o zmene a doplnení niektorých zákonov v znení neskorších predpisov a ktorým sa mení a dopĺňa zákon č. 351/2011 Z. z. o elektronických komunikáciách v znení neskorších predpisov*). 15 May 2020. Available at <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2020/119/20200518>.

⁹⁰ Slovakia. Act no. 355/2007 on the protection, promotion and development of public health and on the amendment of certain laws (*Zákon o ochrane, podpore a rozvoji verejného zdravia a o zmene a doplnení niektorých zákonov*) from 21 June 2007 as amended. Available at <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2007/355/20130701.html>.

of the Office nonetheless sent his legal opinion to the members of the working group by e-mail. However, no agreement was reached on the interpretation of the ePrivacy Directive with other members of the working group⁹¹.

Finally, the third legal provision that was introduced in response to the COVID-19 pandemic and concerned the access to and the use of personal data was the Act no. 242/2020 Coll. amending Act no. 351/2011 Coll. on electronic communications Act no. 355/2007 Coll. on the protection, promotion and development of public health⁹². Through the amendment to the Act no. 351/2011 Coll. on electronic communications, this Act reintroduced the legal obligation for the providers of the telecommunication services to process, store, and provide localization data of mobile phone users. More specifically, § 57 par. 14 of the amendment specified that "for the purposes of providing information to participants in the public interest on the basis of § 42 par. 4, an undertaking may, after taking appropriate technical and organizational measures to protect privacy and personal data to the extent and for the time necessary, process the location data of subscribers without the consent of the participant concerned". The § 63 par 21 of the amendment further specified that "based on a written request from the Public Health Office of the Slovak Republic, the company will provide within 24 hours data on the participant to whom the information was sent according to § 42 par. 5 in the range of a telephone number for the purpose of protecting persons from imminent danger or for the purpose of taking measures in the event of danger to life and health during an emergency situation or emergency. If the expiry of the period referred to in the previous sentence falls on a Saturday or a non-working day, the undertaking shall provide the data following the next working day. For the purposes of providing the data referred to in the first sentence, an undertaking may, after taking appropriate technical and organizational measures to protect privacy and personal data to the extent and for the time necessary, process traffic data to the extent of identifying the subscriber's login to the network participant. The Office of Public Health of the Slovak Republic may, after taking appropriate technical and organizational measures to protect privacy and personal data, collect, process and store data processed pursuant to the first sentence for a maximum period of 60 days from the date of their provision to enterprises; after the expiry of this period, the Public Health Office of the Slovak Republic shall immediately destroy these data. The Public Health Office of the Slovak Republic is entitled to obtain this data only for the purpose of preventing the emergence and spread of a pandemic or dangerous contagious human disease".

⁹¹ Information provided on request by email by the legal expert of the Office for Personal Data Protection, 15 September 2020.

⁹² Slovakia, Act no. 242/2020 amending Act no. 351/2011 Coll. on electronic communications, as amended, and amending Act no. 355/2007 Coll. on the protection, promotion and development of public health and on the amendment of certain laws, as amended (*Zákon ktorým sa mení a dopĺňa zákon č. 351/2011 Z. z. o elektronických komunikáciách v znení neskorších predpisov a ktorým sa mení a dopĺňa zákon č. 355/2007 Z. z. o ochrane, podpore a rozvoji verejného zdravia a o zmene a doplnení niektorých zákonov v znení neskorších predpisov*). 2 September 2020. Available at <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2020/242/20200909>.

The compliance of Act no. 242/2020 Coll. with the Constitution of the Slovak Republic and the Convention for the Protection of Human Rights and Fundamental Freedoms was challenged by the President of the Slovak Republic who returned the first version of the Act from July 15 2020 back to the National Council with a recommendation not to pass the act as a whole. The main reasoning of the President was that the act violates the right for the protection against unauthorized interference with privacy and the right to protection against unauthorized collection, disclosure or other misuse of personal data⁹³. However, the National Council of the Slovak Republic broke the veto of the president and passed the Act nonetheless. Act no. 242/2020 Coll. thus came into effect on 9 September 2020. The negotiations between the president and the National Council attracted rich media attention⁹⁴.

In October and November 2020, several rounds of population-wide testing for coronavirus took place in Slovakia. In the first round only, 3 625 332 residents of Slovakia were tested which is 66,4% of the population of the country⁹⁵. The testing was not performed by health care professionals only, but also by army and volunteers. This opened the question on how to ensure that the processing of personal data, including health data, such as test results that fall into the category of sensitive personal data, will be in line with Act no. 18/2018 on personal data protection⁹⁶. Prior to testing, the Office for Personal Data Protection published on its webpage a statement in which it listed a number of conditions that have to be met so that the collection and processing of personal data during the testing would be in line with the Slovak legislation⁹⁷. This recommendation entailed instructions on how to ensure that the documents containing personal data will be processed and stored in a safe manner. However, as of the end of 2020, neither the Ministry of Defence that acted as the gestor of the population-wide testing, nor the Public Health Office that represents the state body with primary responsibility for addressing the pandemic of Covid-19 and processing health data, nor the Regional Public Health Offices that participated in the organization of population-wide testing

⁹³ Slovakia, President of the Slovak Republic (*Prezidentka SR*), Decision of the President of the Slovak Republic on the return of the Act from 15 July amending Act no. 351/2011 Coll. on electronic communications, as amended, and amending Act no. 355/2007 Coll. on the protection, promotion and development of public health and on the amendment of certain laws, as amended. 3 August 2020. Available at <https://www.prezident.sk/upload-files/53854.doc>.

⁹⁴ SME.sk, 'Čaputová znova nepodpísala zákon o elektronických komunikáciách. Parlament prelomil prezidentkino veto.', Available at <https://domov.sme.sk/c/22484659/caputova-znova-nepodpisala-zakon-o-elektronickych-komunikaciach.html>.

⁹⁵ Slovakia, Ministry of Interior of the Slovak Republic (*Ministerstvo vnútra SR*), 'Prvé kolo celoplošného testovania bolo úspešnou operáciou', press release from 2 November 2020, available at <https://www.minv.sk/?tlacove-spravy&sprava=prve-kolo-celoplosneho-testovania-bolo-uspesnou-operaciou>.

⁹⁶ Slovakia, Act 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.

⁹⁷ Slovakia, Office for Personal Data Protection of the Slovak Republic (*Úrad na ochranu osobných údajov*), 'Statement of the Office on the planned comprehensive testing of the population in Covid 19', 21 October 2020, available at <https://dataprotection.gov.sk/uouu/>.

in specific regions were able to specify how the safety of the personal data during and after the testing was ensured. Information requests have been sent to all three state bodies; however, neither of them was able to specify how the documents containing personal data of population participating in the population wide testing has been processed after the population-wide testing and whether they have been destroyed or stored⁹⁸.

Pursuant to the Resolution of the Government of the Slovak Republic No. 693⁹⁹ issued on October 28, 2020, in the period following the first round of the population-wide testing, free movement of natural persons was limited and conditioned by their ability to provide a document containing proof of a negative test result. The Office for the Personal Data Protection repeatedly criticised this resolution in the form of a statement published at the office website¹⁰⁰. In the statement, they criticised mainly that fact that Resolution No. 693 did not specify who and under what conditions could request natural persons to provide a document with test results containing also personal data. A Decree no. 16 issued by the Public Health Office of the Slovak Republic¹⁰¹ later specified under what conditions the document can be requested; however, the Office for the Personal Data Protection found this specification insufficient and criticized the Resolution No. 693 for having insufficient legal base¹⁰².

⁹⁸ The information request has been originally sent to the Regional Public Health Office in Bratislava on 27 November 2020. On the same day, the Regional Public Health Officer referred the information request to the Ministry of Defence because of not being able to provide the requested information. The Ministry of Defence referred the information request to the Public Health Office on 2 December 2020. The information request was finally addressed by the Head of the Health Protection and Promotion Section and Specialized Activities of the Public Health Office on 8 December 2020 and a response was sent by email. However, the Head of the Health Protection and Promotion Section and Specialized Activities of the Public Health Office was not able to provide the requested information because of not possessing information about the whereabouts of the documents.

⁹⁹ Slovakia, Government of the Slovak Republic (*Vláda SR*) (2020), Resolution of the Government of the Slovak Republic No. 693 on the proposal for further extension of measures within the declared state of emergency pursuant to Article 5 of Constitutional Act No. 227/2002 Coll., on State Security in Time of War, State of War, State of Emergency and State of Emergency, as amended No. 587 of September 30, 2020, October 28, 2020, available at https://korona.gov.sk/wp-content/uploads/2020/10/zakavychadzania-2.11.-693_2020.pdf.

¹⁰⁰ Slovakia, Office for Personal Data Protection (*Úrad na ochranu osobných údajov*), ‘Preliminary opinion of the Office on proving a negative test result / certificate from the population-wide testing’, 29 October 2020, available at <https://dataprotection.gov.sk/uouu/sk/content/predbezne-stanovisko-uradu-k-preukazovaniu-sa-negativnym-vysledkom-testu-certifikatom-z>.

¹⁰¹ Slovakia, Public Health Office of the Slovak Republic (*Úrad verejného zdravotníctva*), Decree of the Public Health Office of the Slovak Republic ordering measures in the event of a threat to public health regarding the regime of entry of persons into the premises of the employer's premises and premises, 30 October 2020, available at https://korona.gov.sk/wp-content/uploads/2020/10/vyhla-s-ka_u-vz_vstup_do_prev-dzok.pdf.

¹⁰² Slovakia, Office for Personal Data Protection (*Úrad na ochranu osobných údajov*), ‘Preliminary opinion of the Office on proving a negative test result / certificate from surface testing – update’, 30 October 2020, available at <https://dataprotection.gov.sk/uouu/sk/content/predbezne-stanovisko-uradu-k-preukazovaniu-sa-negativnym-vysledkom-testu-certifikatom-z-0>.

Conditioning of the free movement by the provision of the document with a negative test was later invalidated and since November 14, 2020 is no longer in place¹⁰³.

2. Artificial intelligence and big data

As of the end of 2020, Slovakia does not have any legislative provisions that would legally define the terms Big Data, Internet of Things, and Artificial Intelligence and specify the conditions of data collection via these means. According to the spokesperson of the Ministry of Investments, Regional Development and Informatisation of the Slovak Republic, no new legislation or regulations that would regulate data collection via the methods of Big Data, Internet of Things, or Artificial Intelligence has been adopted in 2020¹⁰⁴. None of these technologies or means of data collection were used to address the pandemic of Covid-19¹⁰⁵.

In response to the White Paper on Artificial Intelligence published by European Commission on 19 February 2020¹⁰⁶, Slovakia adopted an official position paper in which it welcomes the initiative of European Union to approach the questions related to development, use, and regulation of AI in a coordinated manner¹⁰⁷. The position paper expresses a commitment of Slovakia to

¹⁰³ Slovakia, Covid-19 information portal <https://korona.gov.sk>.

¹⁰⁴Information provided on request by email by a spokesperson of the Ministry of Investments, Regional Development and Informatisation of the Slovak Republic, 29 September 2020.

¹⁰⁵Information provided on request by email by a spokesperson of the Ministry of Investments, Regional Development and Informatisation of the Slovak Republic, 29 September 2020.

¹⁰⁶ European Commission (2020), White Paper on Artificial Intelligence: a European approach to excellence and trust, published on February 19, 2020, available at https://ec.europa.eu/info/publications/white-paper-artificial-intelligence-european-approach-excellence-and-trust_en.

¹⁰⁷ Slovakia, Ministry of Investments, Regional Development and Informatisation of the Slovak Republic (*Ministerstvo investícií, regionálneho rozvoja a informatizácie Slovenskej republiky*) (2020), Position paper LPEU/2020/48 COM(2020)65 White Paper on Artificial intelligence, adopted on 7 July 2020, available at https://www.slov-lex.sk/legislativne-procesy?p_p_id=processDetail_WAR_portlets&p_p_lifecycle=0&p_p_state=normal&p_p_mode=view&p_p_col_id=column-

contribute actively to the international cooperation aimed at development of AI technologies and their introduction to public administration. Basic rights and ethical questions are mentioned on several occasions in the position paper, typically as a part of insistence on developing reliable and safe AI systems. A longer provision concerning basic rights is located in the section of the position paper that addresses safety measures. The position paper explicitly states that “In assessing individual measures, whether from the point of view of the ecosystem of excellence or the ecosystem of trust, special consideration will be given to the protection of the fundamental rights and freedoms of individuals. These include, in particular, the right to privacy with regard to the processing of personal data, respect for human dignity, pluralism, inclusion and non-discrimination. Adherence to the requirements for the protection of the fundamental rights and freedoms of individuals and the protection of personal data in the relevant European and national legislation will be key in this process”¹⁰⁸.

As of the end of 2020, safety concerns and issues related to basic rights in relation 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.

Please fill in the table below with any initiatives you may identify in your country:

MS	Actor*	Type*	Description	Are Ethical concerns mentioned? (yes/no)	Are Human Rights issues mentioned? (yes/no)	Reference
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[2&p_p_col_count=1&processDetail_WAR_portletsel_idact=5&processDetail_WAR_portletsel_action=files&processDetail_WAR_portletsel_cisloLP=LPEU%2F2020%2F48&processDetail_WAR_portletsel_startact=1593644623000](https://www.slov-lex.sk/legislativne-procesy?p_p_id=processDetail_WAR_portletsel&p_p_lifecycle=0&p_p_state=normal&p_p_mode=view&p_p_col_id=column-2&p_p_col_count=1&processDetail_WAR_portletsel_idact=5&processDetail_WAR_portletsel_action=files&processDetail_WAR_portletsel_cisloLP=LPEU%2F2020%2F48&processDetail_WAR_portletsel_startact=1593644623000).

¹⁰⁸ Slovakia, Ministry of Investments, Regional Development and Informatisation of the Slovak Republic (*Ministerstvo investícií, regionálneho rozvoja a informatizácie Slovenskej republiky*) (2020), Position paper LPEU/2020/48 COM(2020)65 White Paper on Artificial intelligence, adopted on July 2020, pp. 5-6, available at https://www.slov-lex.sk/legislativne-procesy?p_p_id=processDetail_WAR_portletsel&p_p_lifecycle=0&p_p_state=normal&p_p_mode=view&p_p_col_id=column-2&p_p_col_count=1&processDetail_WAR_portletsel_idact=5&processDetail_WAR_portletsel_action=files&processDetail_WAR_portletsel_cisloLP=LPEU%2F2020%2F48&processDetail_WAR_portletsel_startact=1593644623000.

*For the actors, please pick from the following suggestions:

Government/ Parliamentary

DPA

NGO/Other Non Profit

Academia

Domestic Courts

Business

Independent State Institution

Other

** for the type, please pick from the following suggestions:

National Draft Acts / Adopted Acts

report/study

other projects

Chapter 6. Rights of the child

1. Measures taken during the COVID 19 to ensure the well-being of children living in poverty and the protection of children from violence.

Measures to address the specific vulnerabilities of children living in poverty	Income support During COVID 19, the Ministry of Labour, Social Affairs and family adopted a new Directive No. 102/2020 on some measures regarding social affairs and family during the state of emergency. According to this directive, parents had the right to receive parental benefits for a prolonged time. Usually, the parents have the right to receive parental benefits up to the three years of age of a child (up to six years in case of a child with a disability). If the parent has no job or other income and the right to receive parental benefit would expire in March 2020 and later, they had the right to receive parental benefits until the end of the crisis ¹⁰⁹ . This provision applied to all parents, not only to the single parent families. On 29 September, this provision was cancelled due to the improvement of the situation with COVID-19. ¹¹⁰ However, since the state of emergency was introduced again in October 2020, the government adopted a new provision, according to which the parents have the right to receive prolonged parental benefits again – until the end of the state of emergency under the same conditions as during the spring. ¹¹¹ No special measures to support single parent families have been adopted. Regardless of the situation with COVID-19, there has been a change in providing benefits to parents since January 2020. The parental benefit for children up to three years of age (and up to six years of age in case of a child with a
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¹⁰⁹ Slovakia, Government of the Slovak Republic (*Vláda SR*) (2020), The directive no. 102/2020 on some measures regarding social affairs, family and labour services during the emergency state regarding the COVID 19 (*Nariadenie vlády 102/2020 o niektorých opatreniach v oblasti sociálnych vecí, rodiny a služieb zamestnanosti v čase mimoriadnej situácie, núdzového stavu alebo výnimočného stavu vyhláseného v súvislosti s ochorením COVID 19*), 30 April 2020.

¹¹⁰ Slovakia, Government of the Slovak Republic (*Vláda SR*) (2020), Nariadenie vlády Slovenskej republiky, ktorým sa mení a dopĺňa nariadenie vlády Slovenskej republiky č. 102/2020 Z. z. o niektorých opatreniach v oblasti sociálnych vecí, rodiny a služieb zamestnanosti v čase mimoriadnej situácie, núdzového stavu alebo výnimočného stavu vyhláseného v súvislosti s ochorením COVID-19 v znení nariadenia vlády Slovenskej republiky č. 184/2020 Z. z., 29 September 2020, available at: <https://rokovania.gov.sk/RVL/Material/25300/1>.

¹¹¹ Slovakia, Government of the Slovak Republic (*Vláda SR*) (2020), Nariadenie vlády 302/2020 Z. z. o niektorých opatreniach v oblasti sociálnych vecí, rodiny a služieb zamestnanosti v čase mimoriadnej situácie, núdzového stavu alebo výnimočného stavu vyhláseného v súvislosti s ochorením COVID-19 v znení neskorších predpisov, 29 October 2020, available at: <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2020/302/>

	<p>disability) has increased from 220,70EUR to 270Eur for those who did not have right to maternal benefits and to 370EUR for those who have right also to maternal benefits¹¹².</p> <p>The law on state-provided alimony was also amended as of January 2020. The amendment aimed to support the single-headed families, where the second parent does not comply with financial duties. The state provided alimony has been accessible to a broader number of families. The maximum amount of state-provided alimony also increased from 1,2 of the living wage to 3,7 of the living wage for one child (362,9 EUR)¹¹³.</p> <p>Free meals</p> <p>Suspension of schooling caused also closure of school canteens where lunches were provided free of charge to all children. Poor children, especially children from marginalised Roma communities are largely dependent on free lunches due to their family's low socio-economic status. According to the Institute of Educational Policy, up to 110 thousand children (not exclusively Roma though) are dependent on lunches free of charge¹¹⁴.</p> <p>However, state has not taken any compensation measures to provide free meals to children from deprived communities.</p> <p>The situation remained the same during the second wave of the pandemic. Since October 2020, secondary level of elementary schools and all secondary schools have been closed and pupils are educated distantly. Thus, younger pupils (from pre-schools and the first level of primary schools – grades 0-4) have access to free meals. However, older pupils still lack access to free meals.</p> <p>Support for distance learning</p>
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¹¹² Slovakia, The amendment of the Act no. 571/2009 on parental benefit (*Novela zákona č. 571/2009 o rodičovskom príspevku*), 1 January 2020, available at: <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2009/571/>

¹¹³ Slovakia, The amendment of the Act no. 210/2008 on state provided alimony (*Novela zákona č.201/2008 o náhradnom výživnom*), 1 January 2020, available at: <https://www.zakonypreludi.sk/zz/2008-201>

¹¹⁴ Bednárík, M (et.al) (2020), *Ako v čase krízy zabezpečiť vzdelávanie pre všetky deti*, Bratislava, Institute of Education Policy (*Inštitút vzdelávacej politiky*), April 2020, available at: <https://www.minedu.sk/komentar-012020-ako-v-case-krizy-zabezpecit-pristup-k-vzdelavaniu-pre-vsetky-deti/>

	<p>Ministry of Education provided some support for distance learning, especially by providing methodical support to teachers and parents (throughout web portal www.ucimenadialku.sk, online webinars, etc.), or public TV broadcasting for children who have no internet access. However, the state did not provide any technical supporting measures for Roma children from socially disadvantaged communities. No tablets, PCs or other technical equipment were provided by the state¹¹⁵.</p> <p>In September 2020, the Institute for Educational Policy published the results of their research, pointed out that more than 52 thousand children were completely excluded from the education. Almost 130 thousand of children did not receive any form of online education. That means they learned only thanks to the printed materials sent them by teachers via post office or via community centres¹¹⁶.</p> <p>From 25 October 2020, distance education at the second stage of primary schools and at secondary schools was introduced. Ministry of Education thus provided free access to MS teams to all schools to support distance learning and allocated 6 million Euro from their own sources to secure digital technologies for schools¹¹⁷.</p> <p>Ministry of Education in cooperation with all mobile operators increased the data usage (free of charge) for all teachers, who need to communicate with pupils via their mobile phones¹¹⁸.</p> <p>On 10 November, the State pedagogical institute, in cooperation with Slovak public television (RTVS) re-introduced TV broadcasting for pupils on distance learning¹¹⁹.</p>
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¹¹⁵ For more information, please see: FRA (2020) Implications of COVID-19 pandemic on Roma and Travellers communities - Slovakia, June 2020, available at:

https://fra.europa.eu/sites/default/files/fra_uploads/sk_report_-_covid-19_impact_on_roma_en.pdf

¹¹⁶ Ostertagová, A. – Čokyna, J. (2020), *Hlavné zistenia z dotazníkového prieskumu v základných a stredných školách počas dištančného vzdelávania*, Bratislava, Inštitút vzdelávacej politiky, September 2020, available at:

https://www.minedu.sk/data/att/17338.pdf?fbclid=IwAR3C5m1e7Q6lfd2_DaCfzQF87WmWG4ytaMgR-YgWA3_IP3HEkSR0g5ZVXew

¹¹⁷ Slovakia, Ministry of Education of the Slovak Republic (*Ministerstvo školstva SR*), 'Minister školstva oznámil investíciu 6 miliónov eur na digitálne technológie a predstavil opatrenia pre školy', press release, 23 October 2020, available at: <https://www.minedu.sk/minister-skolstva-oznamil-investiciu-6-milionov-eur-na-digitalne-technologie-a-predstavil-opatrenia-pre-skoly/>

¹¹⁸ Slovakia, Ministry of Education of the Slovak Republic (*Ministerstvo školstva SR*), 'Učítelia v dištančnom vzdelávaní dostanú mobilné dáta navyše', press release, 24 October 2020, available at: <https://www.minedu.sk/ucitelia-v-distancnom-vzdelavani-dostanu-mobilne-data-navyse/>

¹¹⁹ Slovakia, Ministry of Education of the Slovak Republic (*Ministerstvo školstva SR*), 'Televízne vyučovanie pokračuje aj počas druhej vlny', press release, 10 November 2020, available at: <https://www.minedu.sk/televizne-vyucovanie-pokracuje-aj-pocas-druhej-vlny-pandemie/>

<p>Measures to protect children from violence</p>	<p>Helpline</p> <p>During the situation with COVID 19, no special National helpline was set up. However, currently there is not any helpline for children threatened by violence. The National Coordination Centre, which is in charge of protection children from violence, currently prepares the nationwide helpline within the National project – Supporting the protection of children from violence. The helpline will run from January 2021¹²⁰</p> <p>Currently – any suspicion of child violence can be reported on the regional offices of labour, social affair and family, or free telephone line 0800 191 222. Website www.detstvobeznasilia.sk (childhood without violence) also provides links and contacts on other victim support NGOs.</p> <p>However, the capacities were not increased during the COVID 19 and no special measures have been taken by the state to protect children from violence during the crisis.¹²¹</p> <p>Campaign</p> <p>The National Coordination Centre had taken several actions for public awareness of child violence. The infographic about the threat of domestic violence during the pandemic and social isolation. The leaflets were spread on social media, the website of the Centre along with the short video describing the vulnerable situation of children and need of more sensitive attention of the public during the COVID crisis¹²².</p> <p>National Coordination Centre also published the information materials describing the rights and duties of victims. Accordingly, the information on "what to do and how to behave" and "where to seek help" was also part of the leaflet. The leaflets were distributed to different chains of groceries, drug stores, pharmacies.</p> <p>Accordingly, the NCC published the guideline "how to behave when a child confides the violent experience".</p>
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¹²⁰ Information provided by the head of National Coordination Centre, M. Vargová via email on 22 September 2020.

¹²¹ Information provided by the head of National Coordination Centre, M. Vargová via email on 22 September 2020.

¹²² Information provided by the head of National Coordination Centre, M. Vargová via email on 22 September 2020.

	<p>This guideline has been distributed via social networks, website and via the networks of regional coordinators¹²³.</p> <p>In November 2020, on European End Child Sex Abuse Day, the National Coordination Centre, in cooperation with the Council of Europe published a Slovak version of a brochure aimed at preventing online sexual exploitation and abuse of children, "So this is sexual abuse?". The brochure was created in collaboration with children, so that it introduces this topic to them in a more child-friendly way¹²⁴.</p>
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2. Legal and policy measures or initiatives developed about criminal proceedings

<p>Legislative changes</p>	<p>No change in legislation has been made in 2020¹²⁵.</p>
<p>Policy developments</p>	<p>No changes have been made in the training of judges or law enforcement officers. This topic is part of the curriculum of Police Academy and no amendments have been added in 2020. The last methodical guide was published in 2019¹²⁶.</p> <p>Current legislative documents and internal guidelines for law enforcement officers contain several principles following the directive (but have not been amended in 2020):</p> <ul style="list-style-type: none"> - Law enforcement officers are obliged to inform the minor suspects about their rights - The law enforcement officers are obliged to secure the presence of the legal representative of minor suspect - The law enforcement officer is obliged to secure the advocate to minor suspect - The law enforcement officer is obliged to analyse whether the minors suspect (younger than 15) was able to recognise the violation of law in his/her behaviour

¹²³ Information provided by the head of National Coordination Centre, M. Vargová via email on 22 September 2020.

¹²⁴ Information provided by the National Coordination Centre via telephone on 24 November 2020.

¹²⁵ Information provided by the Ministry of Justice via email on 23 September 2020.

¹²⁶ Information provided by the ministry of Interior upon request on 28 September 2020.

	<ul style="list-style-type: none"> - It is forbidden to detain the minor suspect (except the cases where the purpose of detention cannot be achieved otherwise) <p>The law enforcement officer is obliged to respect equality, any discrimination is forbidden¹²⁷</p>
Other measures or initiatives	No relevant changes in 2020 ¹²⁸ .

¹²⁷ Information provided by the Ministry of interior upon request via email on 28 September 2020.

¹²⁸ Information provided by the Ministry of justice via email on 23 September 2020 and by the Ministry of interior via email on 28 September 2020.

Chapter 7. Access to justice including crime victims

1. Victims' Rights Directive

In its memorandum, the new Government undertook to evaluate the current legal regulation of assistance to victims of crime, focusing on the real and timely availability of legal and psychological assistance. It will also review the current legislation concerning the compensation of victims of violent crimes¹²⁹.

The Ministry of Justice has prepared a draft amendment to the Act on Victims of Crime¹³⁰. The prepared amendment focuses on strengthening the rights of victims and protecting them from further victimization in the following areas:

1. Legal aid – extension to civil proceedings

According to the current regulation, legal assistance to victims is provided in criminal proceedings and in civil proceedings in the recovery of a claim for damages. In practice, however, it has been shown that victims need legal assistance in other civil proceedings in order to address comprehensively the life situation created by a crime, in particular the civil proceedings protecting the victim from further contact and victimization by the offender. It is therefore proposed to assist victims in civil proceedings as well.

2. Compensation – wider scope of victims and simpler access to compensation

For compensation purposes, it is proposed to extend the scope of victims of violent crime to the surviving relatives who lived in the same household as the deceased at the time of death if the violent crime caused death and to the victims of torture of the close and entrusted person, the crime of forced disappearance, which caused non-pecuniary damage.

To simplify the victims' access to compensation and to minimise the risk of victimisation caused by proceedings to claim for compensation from the offender, victims will be able to claim compensation from the state after the prosecution was initiated (and not after the criminal proceedings lawfully ended as it is now). After compensation of the victim, the right to compensation against the offender is shifted to the state, which will recover it from the offender.

The amount of compensation for survivors in the event that the victim died as a result of a violent crime is set as a fixed amount the same for each survivor, i. e. equally (twenty-five times the minimum wage). The proposed amendment

¹²⁹ Slovakia, Government of the Slovak Republic (*Vláda SR*) (2020), Programové vyhlásenie Vlády Slovenskej republiky, approved by the Government on 19 April 2020, available at: <https://rokovania.gov.sk/RVL/Material/24756/1>

¹³⁰ Slovakia, Ministry of Justice of the Slovak Republic (*Ministerstvo spravodlivosti SR*) (2020), LP/2020/449 Zákon, ktorým sa mení a dopĺňa zákon č. 274/2017 Z.z. o obetiach trestných činov a o zmene a doplnení niektorých zákonov v znení zákona č. 231/2019 Z.z. a ktorým sa mení a dopĺňa zákon Národnej rady Slovenskej republiky č. 171/1993 Z.z. o Policajnom zbore v znení neskorších predpisov, available at: <https://www.slov-lex.sk/legislativne-procesy/SK/LP/2020/449>

equalizes all surviving victims, but, at the same time, it enables to award compensation in the amount of fifty times the minimum wage to a single surviving victim if she/he was dependent on the sustenance of the deceased.

3. Intervention centres – coordinated professional assistance for victims of domestic violence

One of the rights of victims is the right to receive professional assistance, which is provided by the victim support organisations. In addition to the accredited organisations, there are also other organisations providing social services and counselling. The purpose and aim of the coordinated approach is to ensure the comprehensive protection of the victim, prevention of further violence and enabling the exercise of the victim's rights, such as the right to professional assistance and the right to protection against victimisation.

To provide the access of victims of domestic violence to comprehensive professional assistance guaranteed by the Victims Act, it is therefore proposed to create a network of so-called intervention centres. This model is based on the coordination of activities, linking police intervention with crisis intervention and professional assistance provided to the victim or person at risk of domestic violence immediately after the occurrence of domestic violence.

The decision to use or not to use these services is left entirely to the victim's discretion.

4. Financing victim support bodies – long-term scope

The current form of financing of the accredited organisations allows for a subsidy of up to EUR 50,000 within one year. This model is unsatisfactory in the end, as it creates an environment of uncertainty and allows neither the support and provision of continuous professional assistance, nor does it increase its quality and availability. In view of the above, it is proposed to adjust the financing and secure it through contracts signed for a longer period, e.g. 3 years.

The draft amendment was submitted to the preliminary commenting procedure in September 2020.¹³¹ The Government approved this legislation aimed at strengthening the rights of victims of crime and their protection on 16 December 2020 and submitted it to the Parliament that has not discussed it by the end of 2020.¹³²

In February, the Police Force announced the launch of the **„I Help to Protect“ mobile application**. Due to the outbreak of the new coronavirus pandemic,

¹³¹ Slovakia, Ministry of Justice of the Slovak Republic (*Ministerstvo spravodlivosti SR*) (2020), 'Zlepšujeme pomoc pre obeť trestných činov', Information published at the website of the Ministry on 18 September 2020, available at:

<https://www.justice.gov.sk/Stranky/aktualitadetail.aspx?announcementID=2920>

¹³² Slovakia, Ministry of Justice of the Slovak Republic (*Ministerstvo spravodlivosti SR*) (2020), 'Vláda schválila zlepšenie pomoci pre obeť trestných činov', Information published at the website of the Ministry on 16 December 2020, available at:

<https://www.justice.gov.sk/Stranky/aktualitadetail.aspx?announcementID=3073>

its launch had to be postponed, but the application is available free of charge from 21 May 2020 (see more in Annex 1 - the Promising Practise)¹³³.

Information offices for crime victims

The Ministry of Interior recorded an increased growth in the summer in the number of persons seeking help from information offices for victims of crime. This was recorded after the release of the COVID-19-related quarantine restrictions. Most clients sought help at the information office in Bratislava. The majority of them were victims of domestic violence. Many of them also used the opportunity to contact the information offices online through LiveChat, by email or phone call.

The information offices for victims of crime, so-called contact points, in the client centres in every region of Slovakia are focused on five target groups – seniors, victims of violent crime, victims of hate crime and extremism, victims of trafficking and youth victims. Their main task is to provide basic information to victims of crime and to mediate the provision of services in three selected areas – social and psychological counselling, legal guidance and support.

In Slovakia, this is the first introduction of a systemic service for crime victims under the auspices of the Ministry of Interior of the Slovak Republic in cooperation with individual partners. The aim is to create and provide generally available services in publicly accessible and well-known places.¹³⁴ The information offices for victims of crime are set up within the National Project: *Improving Access to Services to Crime Victims and Creation of Contact Points for Victims*, which is supported by the European Social Fund. The project is implemented from December 2015 to January 2021.

The main activities of the project are:

1. Building of a special workplace for the analysis of needs and victim support
2. Setting up a network of coordinators for victims of crime
3. Establishing a system of methodical management and coordination of individual contact points, setting up and approval of standards and methodologies from individual areas with a focus on the client's needs
4. Setting up a cooperation in the form of involvement of all the bodies concerned
5. Education of coordinators, assistants and members of Police Force at the level of country districts
6. Creation of a database of contact points supported within the National Project and their results, evaluation of the achieved results

¹³³ Slovakia, Ministry of Interior of the Slovak Republic (*Ministerstvo vnútra SR*) (2020), 'Pracoviská MV SR budú od pondelka verejnosti k dispozícii 6 hodín denne', 21 May 2020, available at <https://www.minv.sk/?tlacove-spravy&sprava=policia-spristupnila-mobilnu-aplikaciu-na-pomoc-obcanom-prva-verzia-je-pre-obete-domaceho-nasilia>

¹³⁴ Slovakia, Ministry of Interior of the Slovak Republic (*Ministerstvo vnútra SR*) (2020), 'Informačné kancelárie pre obeť trestných činov zaznamenali v lete nárast počtu klientov', 10 September 2020, available at: <https://www.minv.sk/?tlacove-spravy&sprava=informacne-kancelarie-pre-obete-trestnych-cinov-zaznamenali-v-lete-narast-poctu-klientov>

7. Preventive activities with the selected groups of victims¹³⁵.

Measures taken with regard to the COVID-19 pandemic within judicial proceedings

The courts have adopted several measures related to the coronavirus outbreak. At the beginning of the pandemic, they recommend the public only necessary contact with the courts, keeping social distance; they also shortened opening hours and tried to limit the number of persons present at the courts' premises¹³⁶. The Ministry of Justice published guidance on the activities of notaries and lawyers saying that their services are not limited at this moment, they just need to respect general recommendations to prevent spread of coronavirus (avoid gatherings of a large number of persons, disinfect the premises, etc.)¹³⁷. On 24 March, the Government approved a new law on certain emergency measures in relation to the spread of Covid-19, according to which in the state of emergency the courts shall hold hearings, main hearings, and public hearings only to the necessary extent. Because of the health protection reasons, the public shall be excluded from the hearings, main hearings, and public hearings¹³⁸.

During this time, courts only conducted proceedings in custody and imprisonment matters, in matters of care of minors, and proceedings whose deferral would cause irreversible and irreparable damage. Court staff were required to wear facemasks and disinfect their hands regularly. It was advised to use video conferences as much as possible when interrogating convicts.¹³⁹

As of 1 June 2020, all courts returned to their usual (pre-crisis) mode of operation, while following epidemiological measures (wearing of facemasks, regular hand disinfecting, regular disinfection of premises). All court proceedings were again open for public.¹⁴⁰ The Ministry of Justice was aware

¹³⁵ Slovakia, Ministry of Interior of the Slovak Republic (*Ministerstvo vnútra SR*) (2020), 'Národný projekt Zlepšenie prístupu obetí trestných činov k službám a vytvorenie kontaktných bodov pre obeť', available at: <http://www.minv.sk/?projekt-obete-trestnych-cinov-sluzby>

¹³⁶ Slovakia, Ministry of Justice of the Slovak Republic (*Ministerstvo spravodlivosti SR*) (2020), 'Ministerstvo spravodlivosti SR prijalo preventívne opatrenia proti šíreniu koronavírusu', Information published at the website of the Ministry on 11 March 2020, available at: <https://www.justice.gov.sk/Stranky/aktualitadetail.aspx?announcementID=2655>

¹³⁷ Slovakia, Ministry of Justice of the Slovak Republic (*Ministerstvo spravodlivosti SR*) (2020), 'Oznámenie Ministerky spravodlivosti k výkladu opatrenia ÚVZ SR', Information published at the website of the Ministry on 23 March 2020, available at: <https://www.justice.gov.sk/Stranky/aktualitadetail.aspx?announcementID=2706>

¹³⁸ Slovakia, Government of the Slovak Republic (*Vláda SR*) (2020), Návrh zákona o niektorých mimoriadnych opatreniach v súvislosti so šírením nebezpečnej nákazlivej ľudskej choroby Covid-19 a v justícii a ktorým sa menia a dopĺňajú niektoré zákony (The proposal of the Act on certain emergency measures in relation to the spread of dangerous contagious human disease Covid-19 and in the judiciary and amending certain laws), approved by the Government on 24 March 2020, available at: <https://rokovania.gov.sk/RVL/Material/24643/1>

¹³⁹ Slovakia, Ministry of Justice of the Slovak Republic (*Ministerstvo spravodlivosti SR*) (2020), 'Opatrenia rezortu v rámci ochrany pred COVID-19', available at <http://www.justice.gov.sk/Stranky/Ministerstvo/Opatrenia-COVID-19.aspx>

¹⁴⁰ SME Daily (2020), 'Súdy budú od júna fungovať ako pred korona krízou', *SME Daily*, 28 May 2020, available at <https://domov.sme.sk/c/22414330/sudy-budu-od-juna-fungovat-ako-pred-koronakrizou.html>

of the possible delays in proceedings and was working towards setting the maximum time in which court proceedings must take place.¹⁴¹ However, cases of domestic violence in which restrictions and duties were imposed were not to be deferred. Compliance with imposed restrictions and fulfilment of duties was to be monitored even via meetings in person with the victim.¹⁴²

In connection with the measures related to COVID-19 issued by the Public Health Office, the Ministry of Justice informed that, as of 4 September 2020, the courts would continue to provide all the services to the public, in compliance with that time measures issued by the Public Health Office.¹⁴³ Based on the resolution of the Government of the Slovak Republic (under No. 290/2020 Coll.), the freedom of movement and residence was restricted by a curfew from 24 October 2020 to 1 November 2020 (after it was extended until 14 November). This government resolution specifies exceptions to which the curfew does not apply. However, these exceptions do not include a hearing, a main hearing, a public session, or any other procedural act of the courts. For this reason, the Ministry of Justice of the Slovak Republic recommended that courts annul or adjourn court hearings, main hearings, and public sessions.¹⁴⁴

2. Violence against women

National Action Plan to Prevent and Eliminate Violence against Women

In an effort to change the situation and to start addressing the issue comprehensively and systematically, the Government adopted in 2013 a document focusing on the issue of violence against women – National Action Plan to Prevent and Eliminate Violence against Women for years 2014 - 2019¹⁴⁵. The aim of the National Action Plan was to develop, implement and coordinate a comprehensive national policy on the prevention and elimination of violence against women.¹⁴⁶

In October 2020, the Government accepted the Evaluation of the National Action Plan to Prevent and Eliminate Violence against Women for years 2014 - 2019. The most important events were the establishment of the Coordination and Methodological Centre for the Prevention of Violence against Women, the establishment of a national free non-stop hotline for women experiencing

¹⁴¹ Information provided by the spokesperson of the Ministry of Justice via telephone on 8 June 2020.

¹⁴² Slovakia, Ministry of Justice of the Slovak Republic (*Ministerstvo spravodlivosti SR*) (2020), 'Opatrenia rezortu v rámci ochrany pred COVID-19', available at <http://www.justice.gov.sk/Stranky/Ministerstvo/Opatrenia-COVID-19.aspx>

¹⁴³ Slovakia, Ministry of Justice of the Slovak Republic (*Ministerstvo spravodlivosti SR*) (2020), 'Aktualizovaný prehľad opatrení proti šíreniu ochorenia COVID-19', available at <https://www.justice.gov.sk/Stranky/aktualitadetail.aspx?announcementID=2904>

¹⁴⁴ Slovakia, Ministry of Justice of the Slovak Republic (*Ministerstvo spravodlivosti SR*) (2020), 'Usmernenie MS SR v súvislosti so zákazom vychádzania od 24. októbra do 1. novembra', available at <https://www.justice.gov.sk/Stranky/aktualitadetail.aspx?announcementID=2980>

¹⁴⁵ Slovakia, Government of the Slovak Republic (*Vláda SR*) (2013), Národný akčný plán na prevenciu a elimináciu násilia na ženách na roky 2014 – 2019, approved by the Government on 13 December 2013, available at: <https://rokovania.gov.sk/RVL/Material/10435/1>

¹⁴⁶ Ministry of Labour, Social Affairs and Family (*Ministerstvo práce, sociálnych vecí a rodiny*) (2013), 'Národný akčný plán pre elimináciu a prevenciu násilia na ženách na roky 2014-2019', available at https://www.gender.gov.sk/wp-content/uploads/2012/06/NAP_nasilie_print.pdf

violence, and several amendments to laws were adopted.¹⁴⁷ The preparation of a new plan for the next period (2021 - 2026) has begun, but it has not been submitted yet.¹⁴⁸

ISTANBUL CONVENTION

Even though Slovakia was one of the first states to sign the Istanbul Convention, the Convention has not been ratified by Slovakia yet. Even more, the Parliament of Slovak Republic decided that the Slovak Republic intends not to be a contracting party to the Convention. In March 2019, the National Council (the Parliament) of the Slovak Republic halted the process of ratification of the Istanbul Convention¹⁴⁹. Subsequently, the National Council discussed on the position of Slovak Republic in relation to the Istanbul Convention again in November 2019, and asked the Government to withdraw the signature from the Convention. After several discussions on what the procedure for withdrawal from the Convention is, the Prime Minister asked 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 Convention¹⁵⁰. However, according to the President of Slovak Republic, the document is not ratified at this moment and thus it is not legally binding for the Slovak Republic¹⁵¹. According to the opponents of the Istanbul Convention, 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 woman¹⁵². Not only politicians criticised the document, also representatives of the Catholic Church, other Christian churches and religious organisations expressed their negative opinion¹⁵³.

¹⁴⁷ Slovakia, Government of the Slovak Republic (*Vláda SR*) (2020), 'Správa o plnení Národného akčného plánu na prevenciu a elimináciu násilia na ženách na roky 2014 - 2019 - návrh - nové znenie', available at: <https://rokovania.gov.sk/RVL/Material/25386/1>

¹⁴⁸ Information provided by the Coordination and Methodological Centre for the Prevention of Violence against Women, Mrs Burajová via telephone on 26 November 2020.

¹⁴⁹ Slovakia, National Council of the Slovak Republic (*Národná rada Slovenskej republiky*) (2019), Uznesenie Národnej rady Slovenskej republiky z 26. marca 2019 k procesu ratifikácie Dohovoru Rady Európy o prechádzaní násiliu na ženách a domácomu násiliu a boji proti nemu Slovenskou republikou. Available at: <https://www.nrsr.sk/web/Dynamic/DocumentPreview.aspx?DocID=464791>

¹⁵⁰ Slovakia, Government of the Slovak Republic (*Vláda Slovenskej republiky*) (2019), Ratifikácia Dohovoru Rady Európy o prechádzaní 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>

¹⁵¹ Slovakia, President of the Slovak Republic (*Prezidentka SR*) (2020), 'Istanbulský dohovor neplatí, nie je dôvod riešiť ho krátko pred voľbami', 10 February 2020, available at: <https://www.prezident.sk/article/istanbulsky-dohovor-neplati-nie-je-dovod-riesit-ho-kratko-pred-volbami/>

¹⁵² 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-istanbulskym-dohovorom-a-ustavou-sr-vlada-nebude-suhlasit-s-jeho-ratifikaciou/>

¹⁵³ Catholic Church in Slovakia (*Katolícka cirkev na Slovensku*) (2018), Vyhlásenie najvyšších predstaviteľov kresťanských cirkví v Slovenskej republike k tzv. Istanbulskému dohovoru (Statement of highest representatives of Christian churches in Slovak republic in respect of the Istanbul convention), from 13 February 2018, available at: <https://www.kbs.sk/obsah/sekcia/h/dokumenty-a-vyhlasenia/p/ekumenicke-dokumenty/c/spolocne-vyhlasenie-k-istanbulskemu-dohovoru>

Measures and situation related to the COVID-19 pandemic

The Government Office of the Slovak Republic points out on its website "korona.gov.sk" that the COVID-19 pandemic has brought a significant increase in domestic violence cases. Because of the accompanying pandemic phenomena, such as stress, isolation, loss of economic security and labour constraints, domestic violence is estimated to have increased by 30-40%. The website also published a security plan for victims of domestic violence during the Covid-19 quarantine. The plan includes instructions for women experiencing domestic violence together with advice and guidance for anyone who identifies a woman experiencing domestic violence, and a list of contacts of social services that can provide help¹⁵⁴. From 30 March to 14 June 2020, the Coordination and Methodological Centre for Prevention of Violence against Women and Institute for Labour and Family Research conducted weekly surveys of service providers for women experiencing violence to find out how many clients were looking for help and how many of them needed crisis accommodation. 1,251 women turned to services in the observed period, 362 of them were women who had not previously used their services. After an initial reduction in the use of services by women experiencing violence at the beginning of the quarantine, there was an increase after Easter, which, except of one week, continued until June. At the beginning of the quarantine, women found it difficult to find a safe way to seek help. In the middle of April, thanks to the media coverage of the issue and organisations providing services to women experiencing violence, there was a gradual increase in the number of clients who turned to them. With the freeing of quarantine measures and growing possibility of seeking help, the number of clients continued to rise. While in the first week of April, organisations were contacted by an average of 3 women, it was 9 women by the beginning of June.

In addition, the increase in partner violence against women during the quarantine period can be confirmed. The stated numbers of women are significantly higher than they were in the same period last year. The National Line for Women Experiencing Violence, which operates within the Institute for Labour and Family Research, reports up to twice the number of women who called the line for the first time.¹⁵⁵ While in April and May 2019, the national line registered 49 new clients, this year it was 96 for the same period.¹⁵⁶

However, cases of domestic violence in which restrictions and duties were imposed were not to be deferred. Compliance with imposed restrictions and fulfilment of duties was to be monitored even via meetings in person with the victim.¹⁵⁷

¹⁵⁴ Korona.gov.sk (2020), 'Pomoc obetiam domáceho násillia', available at <https://korona.gov.sk/pomoc-obetiam-domaceho-nasilia/>

¹⁵⁵ Slovakia, Institute for Labour and Family Research (*Inštitút pre výskum práce a rodiny*), 'Tlačová správa: Dáta potvrdili, že násillie na ženách počas koronakrízy výrazne stúplo', Press release from 18 June 2020, available at: https://ivpr.gov.sk/wp-content/uploads/2020/06/TS_zistovanie_kr%C3%ADzov%C3%A9-ubytovanie_2020_final.pdf

¹⁵⁶ Information published on the website of the Coordinating-methodical centre for gender-based and domestic violence, available at: <https://www.zastavmenasilie.gov.sk/news/data-potvrdili-ze-nasilie-na-zenach-pocas-koronakrizy-vyrazne-stuplo/>

¹⁵⁷ Slovakia, Ministry of Justice of the Slovak Republic (*Ministerstvo spravodlivosti SR*) (2020), 'Opatrenia rezortu v rámci ochrany pred COVID-19', available at <http://www.justice.gov.sk/Stranky/Ministerstvo/Opatrenia-COVID-19.aspx>

The Ministry of Justice issued guidelines for parole and mediation officers. It is advised to pay increased attention to cases of domestic violence and make a record from each phone call with victims of domestic violence.¹⁵⁸

¹⁵⁸ Slovakia, Ministry of Justice of the Slovak Republic (*Ministerstvo spravodlivosti SR*) (2020), 'Opatrenia rezortu v rámci ochrany pred COVID-19. Opatrenia pre rezort spravodlivosti platné od 2. Júna 2020', press release, available at <http://www.justice.gov.sk/Stranky/Ministerstvo/Opatrenia-COVID-19.aspx>

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

1. CRPD policy & legal developments

In April 2020, the Constitutional Court decided on the complaint submitted to the Court by the Public Defender of Rights (ombudsperson). In its complaint, the ombudsperson challenged some provisions of the Act no. 447/2008 Coll on financial benefits to compensate for severe disabilities¹⁵⁹, stating age limits for persons with disabilities to get financial benefits for personal assistance (available only for persons between 6 and 65 years of age) and financial benefits for the purchase of the motor vehicle (available only for persons younger than 65 years of age). The ombudsperson considers the existing provisions of the law to be discriminatory for certain age categories of persons with disabilities (case law included in Annex 2).

In December 2018, the Slovak Republic signed the Optional Protocol to the Convention against torture and other cruel, inhuman and degrading treatment or Punishment¹⁶⁰. 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 that time Government, 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 Children¹⁶¹. However, during 2020, the amendment of legislation remained only in the preparatory phase and has not been discussed by the Government and Parliament so far. It is unknown whether the new Government led by PM Igor Matovič intends to proceed with putting the legislation changes based on the Optional Protocol into practice.

The Ministry of Education has taken several steps to promote inclusive education and to desegregate the schooling system in Slovakia. Nowadays,

¹⁵⁹ Slovakia, Act no. 447/2008 Coll on financial benefits to compensate for severe disabilities as amended, 20 November 2008.

¹⁶⁰ 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

¹⁶¹ Slovakia, Government of the Slovak Republic (*Vláda SR*) (2018), Návrh na podpis Opčného protokolu k Dohovoru OSN proti mučeniu a inému krutému, neľudskému alebo ponižujúcemu zaobchádzaniu alebo trestaniu (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/>

many children with disabilities are educated in special schools. For more information, please see Chapter 2 of this report.

As for the process of deinstitutionalisation of the facilities for persons with disabilities, the process of transformation of involved institutions has been ongoing within 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. The involved institutions undergo training, receive expert support and prepare plans of transformation of the institutions into community-based services. The overall aim of the project is to fulfil the right of persons with disabilities on independent living in the community¹⁶².

Persons with disabilities living in institutions were significantly influenced by the COVID-19 pandemic. Since the social services facilities have been recognized as being of a high risk of the spread of coronavirus during the first wave of the pandemic, they were under lockdown without the possibility for the clients to leave the facility, or to be visited by their relatives or close persons. This measure was gradually relaxed from the beginning of June¹⁶³. As the situation has worsened during autumn, the social service facilities have been under lockdown again, leaving the clients isolated from the outside world. More negative impact has been reported on particular categories of persons with disabilities, f.e. on persons with autism, who are not able to communicate via mobile phone or other equipment¹⁶⁴.

The Ministry of Labour, Social Affairs and Family recommends in its guidance from 3 July 2020¹⁶⁵, that the social services facilities shall be equipped with protection material at least for 14 days, they shall have crisis plan, a new client of the facility shall have a negative test for coronavirus, or must be isolated for a necessary time from other clients (not more than 14 days), visits by a person from the county with a high incidence of the disease shall not be allowed, other visits shall avoid physical contact with the visited

¹⁶²Slovakia, 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/>

¹⁶³ Slovakia, The Ministry of Labour, Social Affairs and Family (*Ministerstvo práce, sociálnych vecí a rodiny*), (2020) 'Postupné zmiernovanie opatrení v sociálnych službách', 29 May 2020, available at <https://www.employment.gov.sk/sk/informacie-media/aktuality/postupne-zmiernovanie-opatreni-socialnych-sluzbach.html>

¹⁶⁴ Npdi.gov.sk, 'Prečo dnes ešte viac ako inokedy, potrebujeme deinštitucionalizáciu a komunitné služby', 29 April 2020, available at: <https://npdi.gov.sk/preco-dnes-este-viac-ako-inokedy-potrebujeme-deinstitucionalizaciju-a-komunitne-sluzby/>; aktuality.sk, 'Pre moje autistické dieťa v tomto štáte nie je miesto', 29 September 2020, available at: <https://www.aktuality.sk/clanok/825820/albertova-pre-moje-autisticke-dieta-v-tomto-state-nie-je-miesto-podcast/>

¹⁶⁵ Slovakia, Ministry of Labour, Social Affairs and Family of the Slovak Republic (*Ministerstvo práce, sociálnych vecí a rodiny SR*) (2020), *Usmernenie k príprave na druhú vlnu pandémie ochorenia COVID-19 k 3.7.2020*, available at: <https://www.employment.gov.sk/sk/informacie-media/aktuality/pred-druhou-vlnou-pandemie-pomahame-chranit-tych-najzranitelnejsich.html>

person(s), social events and other group sessions within the facilities shall be cancelled.

During the first wave of the pandemic in spring 2020, there were many local initiatives to help persons with disabilities and seniors living in the community, like helping with shopping, getting medicine from the drugstore, helplines where people could turn for help¹⁶⁶. However, no coordinated or systemic effort has been recorded to reduce the isolation of persons with disabilities and seniors living in social services facilities. The Ministry of Labour, Social Affairs and Family published a list of psychologists who could be contacted by persons feeling isolated during the pandemic¹⁶⁷. However, no specific measures for persons living in residential care homes or other social services facilities have been adopted, resp. it is not known whether the psychologists are accessible for those persons. Private initiatives occurred to enable communication of persons living in residential care homes with their relatives. For instance, the Association of social services providers delivered around 550 tablets to residential care homes to enable communication of their clients with their close persons. Several private companies were involved in the project who donated the tablets and association secured their distribution to clients of the residential care homes¹⁶⁸.

Persons with hearing impairment reported not having enough actual information on the pandemic and adopted measures. During the first wave as well as the second wave of pandemic politicians and moderators on TV wear facemasks, which prevents persons with hearing impairment to read from their lips. Commissionaire for persons with disabilities organised a meeting of stakeholders to propose solutions to this situation¹⁶⁹.

For more information on the impact of the COVID-19 pandemic on persons with disabilities, please see the FRANET country report from April 2020¹⁷⁰, June 2020¹⁷¹, July 2020¹⁷² and November 2020¹⁷³.

¹⁶⁶ Bratislava.sk, Infolinka pre seniorov, available at: <https://bratislava.sk/sk/sprava/infolinka-pre-seniorov>

¹⁶⁷ Slovakia, The Ministry of Labour, Social Affairs and Family (*Ministerstvo práce, sociálnych vecí a rodiny*), (2020) 'Pomoc pre seniorov, osoby so zdravotným postihnutím, deti a mládež pri sociálnej izolácii', available at <https://www.employment.gov.sk/sk/koronavirus-pracovna-socialna-oblast/zavolajte-nam-pomozeme-vam/>

¹⁶⁸ Asociácia poskytovateľov sociálnych služieb (*Association of Social Services Providers*), Projekt „tablet zo srdca“, 14 May 2020, available at: <https://apssvsr.sk/aktuality/projekt-tablet-zo-srdca-je-tu/>

¹⁶⁹ FB post on the FB page of the Commissionaire for Persons with Disabilities from 10 November 2020, available at: <https://www.facebook.com/komisar.sk/posts/378709483563266>

¹⁷⁰ FRA (2020), Coronavirus COVID-19 outbreak in the EU. Fundamental Rights Implications – Slovakia, April 2020, available at: https://fra.europa.eu/sites/default/files/fra_uploads/slovakia-report-covid-19-april-2020_en.pdf

¹⁷¹ FRA (2020), Coronavirus pandemic in the EU – Fundamental Rights Implications – Slovakia, June 2020, available at:

https://fra.europa.eu/sites/default/files/fra_uploads/sk_report_on_coronavirus_pandemic_june_2020.pdf

¹⁷² FRA (2020), Coronavirus pandemic in the EU – Fundamental Rights Implications – Slovakia, July 2020,

https://fra.europa.eu/sites/default/files/fra_uploads/sk_report_on_coronavirus_pandemic_july_2020.pdf

¹⁷³ FRA (2020), Coronavirus pandemic in the EU – Fundamental Rights Implications – Slovakia, November 2020, available at:

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 Commissioner for persons with disabilities submitted her regular report to the National Council of the Slovak Republic in March 2020¹⁷⁴. The Commissioner's report points to the persistent problem of breaking the rights of persons with disabilities. In the area of employment, persons with disabilities often face a problem of not getting their salary, that employers do not create suitable working conditions and employment contracts use very often-complicated language, which is a barrier for persons with disabilities to understand their rights. Within the area of financial benefits for compensating of the disability, persons with disabilities meet with inappropriate behaviour of officials of the Offices of labour, social affairs and family, they are also not assessed properly when asking for benefits, they fear that if they ask for some kind of benefit they will lose another one they already got. For the area of civil rights, the legal counselling is not available for persons with disabilities, courts consider on the restitution of legal capacity for an unreasonably long time, the restriction of legal capacity of persons with disabilities is very broad and their carers are not controlled. The commissioner also received many submissions on the shortcomings in the area of health care, e.g. the lack of dental treatment options under general anaesthesia. Persons with disabilities also face barriers when accessing social services and education. The Commissioner's report proposes also necessary amendments to the legislation.

https://fra.europa.eu/sites/default/files/fra_uploads/sk_report_on_coronavirus_pandemic_november_2020.pdf

¹⁷⁴ Slovakia, Commissionaire for the persons with disabilities (*Komisar pre osoby so zdravotným postihnutím*) (2020), *Správa o činnosti komisára pre osoby so zdravotným postihnutím za rok 2019*, March 2020, available at: <https://www.nrsr.sk/web/Dynamic/DocumentPreview.aspx?DocID=477134>

Annex 1 – Promising Practices

Thematic area	<p>EQUALITY AND NON-DISCRIMINATION</p> <p>Please provide one example of a promising practice to tackle discrimination against older people or LGBTI people such as awareness raising campaigns or ethical codes for healthcare staff held in your country in 2020. Where no such examples are available, please provide an example of an awareness raising campaign held in your country in 2020 relevant to equality and non-discrimination of older people or LGBTI people, preferably one conducted by a national equality body.</p>
Title (original language)	Za pekné pondelky
Title (EN)	For Brighter Mondays
Organisation (original language)	Nadácia Pontis in cooperation with the Slovak National Human Rights Centre
Organisation (EN)	Pontis Foundation
Government / Civil society	Civil society
Funding body	EC Rights, Equality and Citizenship Programme
Reference (incl. url, where available)	https://zapeknepondelky.sk/
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	<p>Start date: 19 October 2020</p> <p>Finishing date: N/A</p>
Type of initiative	Awareness raising campaign
Main target group	General public with a specific focus on employers and employees

Indicate level of implementation: Local/Regional/National	national
Brief description (max. 1000 chars)	The campaign is aimed at raising awareness of discrimination in the workplace. It draws attention to the problem of lingering prejudice in the workplace against various groups (e.g. LGBT, persons with disabilities, ethnic minorities etc.). The campaign features a video showing a Monday morning of three different people: a young shop assistant with a disability, middle-aged gay man, and a working mother. All of them are getting ready for work on a Monday – they don't mind the hassle and the stress related to work. However, all of them have one thing in common – they are worried they would have to face prejudice at work again because of their sexual orientation, disability, or family situation. The campaign seeks to point out how prejudice can hamper one's job performance and well-being.
Highlight any element of the actions that is transferable (max. 500 chars)	The campaign creators launched a website with separate sections for employees and employers where they can learn more about discrimination in the workplace and benefits of diversity.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	The campaign engaged a range of ambassadors including large companies employing thousands of people, such as Coca-Cola, Tesco, Dell, Accenture and the Capital City of Bratislava. These ambassadors should supposedly promote and practice ideas of the campaign in their workplaces and may serve as multipliers of the message.
Give reasons why you consider the practice as having concrete measurable impact	N/A
Give reasons why you consider the practice as transferable to other settings and/or Member States?	Discrimination in the workplace is a topic that still needs tackling in many Member States. The campaign uses visual means of communication accessible to general public and features stories that easy to relate to.
Explain, if applicable, how the practice involves beneficiaries	N/A

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.	N/A

Thematic area	RACISM, XENOPHOBIA AND RELATED INTOLERANCE Please provide one example of a promising practice to address racism and xenophobia in the context of the COVID-19 pandemic. Where no such practice exists, please provide one example of a promising practice related to combating racism, xenophobia and related intolerances.
Title (original language)	Kóduj proti nenávisti
Title (EN)	Code against hate
Organisation (original language)	DigiQ
Organisation (EN)	DigiQ
Government / Civil society	Civil society
Funding body	EU Rights, equality and citizenship programme, KPMG, Facebook
Reference (incl. url, where available)	https://codeagainsthate.eu/ https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/how-to-participate/org-details/905746037/project/850419/program/31076817/details
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	25 September – 27 September 2020
Type of initiative	Cooperation of NGOs and private companies
Main target group	Coders, software developers, IT students, academics and humanities experts from Slovakia, Estonia, Poland, the Czech Republic, Slovenia, Nigeria, Mexico, Costa Rica and India found solutions in competition teams on how to use technology to reduce online hate speech.

Indicate level of implementation: Local/Regional/National	international
Brief description (max. 1000 chars)	During a three-day event, an online hackathon, (September 25 - September 27, 2020), participants from around the world discussed innovative solutions that can help reduce hate speech on the Internet. The aim of the event was to design a preventive tool that allows discussions on social networks to contain less hatred. Hackathon was organized within an international project (The Open Code for Hate-Free Communication) by the NGO Digital Intelligence (Slovakia), which deals with cyber security and mitigation of hatred in the online environment.
Highlight any element of the actions that is transferable (max. 500 chars)	The event was international; participants from various countries took part.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	The activity took place in online environment.
Give reasons why you consider the practice as having concrete measurable impact	The activity had concrete outputs. Several tools were designed which were evaluated by the jury at the end of the event.
Give reasons why you consider the practice as transferable to other settings and/or Member States?	N/A
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and	N/A

implementation of the practice.	
Explain, if applicable, how the practice provides for review and assessment.	N/A

Thematic area	<p>ROMA EQUALITY AND INCLUSION</p> <p>Please provide one example of promising practice in relation to the legal and policy developments in regard to Roma/Travellers (or any group covered by this term as per the Council of Europe definition) in 2020 that relate to the (1) application of the EU Framework on national Roma integration strategies and (2) the preparations for the new post-2020 initiative on Roma equality, inclusion and participation or in relation to any measures in your country in 2020 to address Roma inclusion and prevent discrimination, hate crime and hate speech with a particular focus on COVID-19.</p>
	No promising practice has been identified for this thematic area.

Thematic area	<p>INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION</p> <p>Please, provide one example of a promising practice related to any of the topics addressed in the chapter – i.e. in relation to data protection, and/or artificial intelligence systems - in 2020.</p>
	No promising practice has been identified for this thematic area.

Thematic area	RIGHTS OF THE CHILD Please provide one example of a promising practice relating to the topics addressed in this chapter.
Title (original language)	Krízová linka pomoci – pandémia COVID 19
Title (EN)	Crisis helpline – COVID 19
Organisation (original language)	IPčko
Organisation (EN)	IPčko
Government / Civil society	Civil society
Funding body	Combination of different sources
Reference (incl. url, where available)	https://oz.ipcko.sk/pandemia-covid-19-ipcko-vdaka-krizovej-linke-pomoci-pomaha-nonstop/
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	29 April 2020
Type of initiative	Internet helpline
Main target group	Children and young people
Indicate level of implementation: Local/Regional/National	national
Brief description (max. 1000 chars)	IPčko provides psychological counselling for young people since 2002. However, since the pandemics of the COVID 19 have a negative impact on the psychological health of young people, the new need to provide more complex services emerged. Thus, IPčko started to provides not only online (chat) counselling, but also a telephone helpline, video

	counselling and counselling via email. They also strengthened their capacities – the therapists, psychologists and counsellor have been trained to provide more accurate support to children and young people threatened by the violence, suicidal thoughts and other negative impacts of the current situation on children and youth.
Highlight any element of the actions that is transferable (max. 500 chars)	The most important element, which is transferable is the form of providing support and counselling. Young people use mainly online technologies and thus the counselling via chat, video interviews and other modern technologies we find very appropriate and transferable.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	Besides the widening of the forms of support, IPčko also strengthened their capacities. The number of people providing online support and counselling to children and young people increased from 60 to 80.
Give reasons why you consider the practice as having concrete measurable impact	It is difficult to measure the impact, but IPčko gathers precise data on numbers of beneficiaries – the young people seeking help via online helpline. The current numbers (since the beginning of the pandemic) are not available yet, but according to information available on their website – Ipčko provided more than 150 000 cases of counselling since the establishment in 2002.
Give reasons why you consider the practice as transferable to other settings and/or Member States?	
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	N/A

Explain, if applicable, how the practice provides for review and assessment.

It is too soon to provide the quality assessment, but the organisation collects precise data and at the end of the year, more concrete statistics will be available.

Thematic area	ACCESS TO JUSTICE, INCLUDING RIGHTS OF CRIME VICTIMS Please provide one example of a promising practice relating to the topics addressed in this chapter.
Title (original language)	Aplikácia Pomáham chrániť
Title (EN)	'I Help to Protect' application
Organisation (original language)	Policajný zbor Slovenskej Republiky
Organisation (EN)	The Police Force of the Slovak Republic
Government / Civil society	Government
Funding body	The Ministry of Interior
Reference (incl. url, where available)	https://www.minv.sk/?tlacove-spravy&sprava=policia-spristupnila-mobilnu-aplikaciju-na-pomoc-obcanom-prva-verzia-je-pre-obete-domaceho-nasilia
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	Start: 21 May Finishing date: not available
Type of initiative	Mobile application helping citizens in danger
Main target group	First version: victims of domestic violence, In the future: for all citizens in need
Indicate level of implementation: Local/Regional/National	First version: Regional In the future: National
Brief description (max. 1000 chars)	In the first phase, the 'I Help to Protect' application will be available only within the Trenčín region to test and improve its functionalities before its launch in the entire territory of the Slovak Republic. The idea is that the application will connect citizens with

	<p>the operations centers via a single button for a range of critical life situations. It will also provide additional services: information about the nearest police department, its agenda, missing and wanted persons, traffic situation and a number of other functions. The first version of the 'I Help to Protect' application will offer the possibility of calling for help only in case of domestic violence. After the registration, the user gets to the home page of the application; their GPS coordinates are located and can call for help with a single press of a button. The operational center will be notified of the request for help, obtain the location of the sender and send a police patrol to check the situation. In case of error, the request for help may be withdrawn, but this does not mean that the patrol will not be sent.</p> <p>After pressing the Call for help button, the user will be able to complete the next steps by simply sending more specific information relating to the circumstances. He or she will be able to specify whether there is a weapon in the apartment or house or to write a short text.</p>
<p>Highlight any element of the actions that is transferable (max. 500 chars)</p>	<p>NA</p>
<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>The application offers easy and fast call for help in critical situations and can be a safer alternative to calling for help in the event of an acute threat.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>While using the application, the number of users and reasons for calling for help can be easily collected and analyzed</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>This is the very first version of the application with the ambition of becoming a unique service for the public unparalleled in Europe.</p>

Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	The Police Force welcomes the opinions and suggestions of the general and professional public through private messages sent to the "The Police of the Slovak Republic" FB page.
Explain, if applicable, how the practice provides for review and assessment.	NA

Thematic area	DEVELOPMENTS IN THE IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD) Please provide one promising practice example of projects or programmes implementing the CRPD or furthering the rights of persons with disabilities.
Title (original language)	Inklulinka
Title (EN)	Inklulinka
Organisation (original language)	Nadácia pre deti Slovenska, Platforma rodín detí so zdravotným postihnutím
Organisation (EN)	Children of Slovakia Foundation, Platform of families of children with disabilities
Government / Civil society	Civil society
Funding body	Funds of the Children of Slovakia Foundation
Reference (incl. url, where available)	https://www.platformarodin.sk/inklulinka/zvladnemetodoma/

Indicate the start date of the promising practice and the finishing date if it has ceased to exist	September 2020 - ongoing
Type of initiative	private
Main target group	Families of children with disabilities, parents, other family members, carers
Indicate level of implementation: Local/Regional/National	national
Brief description (max. 1000 chars)	Inklulinka is a helpline for parents of children with disabilities, or other family members who seek for advice in various areas of the life of a child with disability. Counselling is provided by experienced parents who have their own experiences in addressing everyday life situations when raising a child with disability. The provided counselling concerns the following main areas: how to get benefits and services for compensation of the disability, how to secure education of the child, and what are the competencies of various public institutions in relation to disability.
Highlight any element of the actions that is transferable (max. 500 chars)	The counselling is provided by experienced parents. Besides the official information, they can provide their own experience and understanding of the situation of the person calling.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	The expertise is handed further to other parents who may potentially be also "experts" giving advice to other people in the future.
Give reasons why you consider the practice as having concrete measurable impact	The project has started in September 2020, thus it is too early to assess on measurable impact.
Give reasons why you consider the practice as transferable to	In other member states, the advice and counselling can be organised in similar way.

other settings and/or Member States?	
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	The information is not available.
Explain, if applicable, how the practice provides for review and assessment.	The information is not available.

Annex 2 – Case Law

Thematic area	EQUALITY AND NON-DISCRIMINATION Please provide one high court decision addressing discrimination against older people or against LGBTI people. Where relevant, always highlight any relevance or reference to multiple or intersectional discrimination in the case you report.
Decision date	30 January 2020
Reference details	81 (10-13) H&M Vianoce 2019, available at http://www.rpr.sk/sk/nalezy/handm-vianoce-2019
Key facts of the case (max. 500 chars)	In 2019, Advertising Board recorded a complaint filed by two natural persons who objected the televised H&M Christmas advertisement in which two gay men were kissing. One of the complainants argued that the advertisement was offensive and had a negative impact on minors. The other complainant argued that the advertisement was undignified, offensive and inappropriate.
Main reasoning/argumentation (max. 500 chars)	The Advertising Board quoted statement of H&M who argued that the advertisement was in line with company's global rules of rejecting all form of discrimination and with international human rights treaties. In its statements, the company referred to relevant Slovak legislation and the Convention for the Protection of Human Rights and Freedoms. The Arbitration Committee of the Advertising Board concluded that the advertisement does not contain offensive imagery and only depicts normal celebration of Christmas as experienced by diverse people. It further argued that not including gay couple in the advertisement would be discriminatory. As to the complainant's objection that the advertisement negatively affects minors the Committee argued that, to the contrary, the ad is an example of tolerance.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	No key issues clarified by the case.

Results (sanctions) and key consequences or implications of the case (max. 500 chars)	No sanctions were imposed.
Key quotation in original language and translated into English with reference details (max. 500 chars)	<p>„V súvislosti s možnou konfrontáciou reklamy maloletými osobami je Komisia toho názoru, že reklama nemá negatívny dopad na maloleté osoby, naopak je príkladom tolerance k rôznym spoločensky akceptovateľným vzťahom v kontexte vianočných sviatkov. V reklame nie je vyobrazené správanie, ktoré by bolo nejakým spôsobom poburujúce, či malo pohoršovať, a preto ju vyhodnotila ako neporušujúcu Kódex.“</p> <p><i>„With respect to possible viewing of the advertisement by minors the Committee is of the opinion that the said advertisement does not have negative impact on minors. To the contrary, it is an example of tolerance of diverse acceptable relationships in the context of Christmas holidays. The advertisement does not depict behaviour that would be in any way outrageous or offensive and therefore the Committee concluded the advertisement does not violate the Codex of the Advertisement Board.“</i></p>

Thematic area	<p>RACISM, XENOPHOBIA AND RELATED INTOLERANCE. Please provide the most relevant high court decision concerning the application of <u>either</u> the Racial Equality Directive <u>or</u> the Framework Decision on racism and xenophobia, addressing racism, xenophobia and other forms of intolerance more generally.</p>
	No case law has been identified for this thematic area.

Thematic area	<p>ROMA EQUALITY AND INCLUSION Please provide the most relevant high court decision addressing violations of fundamental rights of Roma and Travellers.</p>
Decision date	1 September 2020

Reference details	R.R. and R.D. v Slovakia, Judgment of the European Court of Human Rights (ECtHR), Application no. 20649/18
Key facts of the case (max. 500 chars)	The case concerns a large-scale police operation conducted on 19 June 2013 in a Roma settlement in Moldava nad Bodvou. The operation occurred after an altercation between members of the community and a motorized police patrol, involving throwing of stones at the police car, on 15 June 2013, during a celebration marking an end of a community project. Both applicants were at home during the operation on 19 June 2013, police entered into their flats, taken out of their homes, handcuffed, beaten them with batons and military boots in mud and then taken to police station. One of the applicants was beaten at the station with military boots and tied to a wall. Both applicants' homes were damaged during the police operation.
Main reasoning/argumentation (max. 500 chars)	<p>The ECtHR ruled that the state authorities violated both their right to protection from police violence and their right to an effective investigation of police violence, including an investigation into a possible racial motive as for preparing a police action. In so doing, their guaranteed right to protection against inhuman or degrading treatment or punishment under Article 3 of the Convention in its material and procedural parts, and also Article 14 of the Convention, which prohibits discrimination in the enjoyment of guaranteed rights and freedoms, have been violated.</p> <p>The ECtHR stressed that the responsible public authorities had not sufficiently explained the proportionality of the police use of coercive measures and pointed out that the criminal investigation into the matter was only initiated several months after the whole incident, which may have had a negative impact on the effectiveness of the whole investigation.</p>
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	Investigation of the police mistreatment, investigation of a racist motive in police action, proportionality of the use of force during police operations

Results (sanctions) and key consequences or implications of the case (max. 500 chars)	<p>€20, 000 each applicant in respect to non-pecuniary damages and €6,500 for the legal costs.</p> <p>The case will also likely have implication for the pending cases against 6 Roma witnesses of the police raid that are currently on a trial for perjury for submitting false testimonies in the case.¹</p>
Key quotation in original language and translated into English with reference details (max. 500 chars)	<p><i>"Moreover, the Court reiterates that the State authorities have the additional duty to take all reasonable steps to unmask any racist motive and to establish whether or not ethnic hatred or prejudice may have played a role in the events. Treating racially induced violence and brutality on an equal footing with cases that have no racist overtones would be to turn a blind eye to the specific nature of acts which are particularly destructive of fundamental rights." (paragraph 201)</i></p>

Thematic area	ROMA EQUALITY AND INCLUSION Please provide the most relevant high court decision addressing violations of fundamental rights of Roma and Travellers.
Decision date	28 May 2020
Reference details	Case of A.P. v. Slovakia, European Court of Human Rights, application no. 10465/17
Key facts of the case (max. 500 chars)	<p>On 10 February 2015, the father of a 15-years old boy (M.C.) reported to municipal police in Rudnany that his son was beaten by a group of boys. M.C. did not know the attackers but believed to be able to identify them by face. The matter was treated as suspicion of a minor offence and it was agreed that M.C would try to identify the boys next morning. The applicant A.P. claimed that on the morning on 11 February 2015 by two municipal officers in front of his school and later beaten the police car and at the municipal police station. After releasing from the police station, he sought doctor due to injuries.</p>

¹ Please see more specific information about these cases at the website run by a collation of human rights NGOs available at: <http://policajnarazia.sk>

<p>Main reasoning/argumentation (max. 500 chars)</p>	<p>The court argued that use of force by police officers against persons does not necessarily interfere with the human dignity and as such violates the Convention. However, the Slovak government has failed to show that violent action of the municipal police officers was necessary given the circumstances of the case. Moreover, the Court stated that the authorities failed to thoroughly investigate all the relevant case, including whether the use of force was necessary and proportionate in this case. The court thus found violation of his right to protection against inhuman or degrading treatment under Article 3 of the Convention.</p>
<p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>Police violence, necessary and proportionate use of force by police</p>
<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>€5,000 for non-pecuniary damages and €4,500 for the legal costs.</p>
<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p><i>In particular, the Court wishes to emphasise that for an investigation to be effective, the authorities must act of their own motion. The investigation should also be broad enough to permit the investigating authorities to take into consideration not only the actions of the State agents who directly used force but also all the surrounding circumstances. Although this is not an obligation of results to be achieved but of means to be employed, any deficiency in the investigation that undermines its ability to establish the cause of injuries or the identity of the persons responsible will risk falling foul of the required standard of effectiveness. (paragraph 71)</i></p>

<p>Thematic area</p>	<p>INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION Please provide the most relevant high court decision related to the topics addressed in the chapter, i.e. in relation to data protection, and/or artificial intelligence systems.</p>
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Decision date	13 May 2020
Reference details	Slovakia, Resolution of the Constitutional Court of the Slovak Republic PL. ÚS 13/2020-103, 13th May 2020. Available at https://www.ustavnysud.sk/documents/10182/1270838/PL_US+13_2020++Rozhodnutie++Uznesenie+z+predbezneho+prerokovania.pdf/464a47b6-66b4-4545-9a9f-eb0f10b4bd80
Key facts of the case (max. 500 chars)	On 14 April 2020, the Constitutional Court of the Slovak Republic received a proposal from a group of 34 deputies of the National Council of the Slovak Republic to initiate proceedings on the compliance of § 63 par. 18 letter b) and c) and par. 19 and 20 of the Act No. 351/2011 Coll. on Electronic Communications with Charter of Fundamental Rights and Freedoms, Convention for the Protection of Human Rights and Fundamental Freedoms and the Charter of Fundamental Rights of the European Union. The provisions were introduced into the Act No. 351/2011 Coll. by a Government Bill No. 62/2020 Coll. on Certain Extraordinary Measures in Relation to Dissemination dangerous contagious human disease Covid-19 and in the judiciary and amending certain laws that was adopted in a fast-track legislative procedure and promulgated on 27 March 2020. § 63 par. 18 of the newly amended act obliged the providers of telecommunication services to process and store telecommunication data during the period of officially declared health emergency. More specifically, under § 63 par. 18 they were obliged to a) process the telecommunication data in an anonymised form for statistical purposes necessary for the prevention, prevention and modelling of the development of threats to life and health, b) process the telecommunication data for the purpose of identifying the recipients of reports to whom it is necessary to notify special measures of the Public Health Office of the Slovak Republic in the interest of protection of life and health, and c) process the telecommunication data exclusively to the extent necessary to identify users in order to protect life and health. Under § 63 par. 19, they were obliged to provide the telecommunication data to the Public Health Office based on a written request. Furthermore, § 63 par. 20 granted legal capacity to the Public Health Office to collect, process and store telecommunication data for the duration of an emergency, until 31 December 2020 at the latest. The deputies requested suspension of these statutory provisions.
Main reasoning/argumentation	The petitioners claimed that the provisions of § 63 par. 18 letter b) and c) and par. 19 and 20 of the Electronic Communications Act were non-compliant with the Charter of Fundamental Rights and Freedoms, the Convention for the Protection of Human Rights and

(max. 500 chars)	<p>Fundamental Freedoms and the Charter of Fundamental Rights of the European Union. They pointed out that the contested provisions oblige providers of electronic communications services to process and store the data and provide them to The Public Health Office without the consent of the users. They also pointed out that no sufficient controlling mechanisms were introduced. They also pointed out that the provision does not specify who can gain access to personal data and what are the guarantees that basic rights of the data subjects will not be violated.</p>
<p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>In the opinion of the Constitutional Court, the challenged legal regulation introduced the obligation of comprehensive preventive collection of data by telecommunications operators which constitute a restriction on the right to privacy and personal data. The Constitutional Court concluded that "data collection according to § 63 par. 18 letter c) of the Electronic Communications Act and their subsequent use is set so wide that it can be used almost without restriction for any purpose in the context of a pandemic. The provision is formulated as a kind of general clause for various uses in practice. Given the seriousness of the interference with the right to privacy and the protection of personal data, this type of vague wording cannot be allowed in a democratic society. On the basis of the above, the Constitutional Court decided that there are grounds for suspending the effectiveness of § 63 para. 18 letter c) of the Electronic Communications Act."</p> <p>With respect to the access to data by The Public Health Office (§ 63 par. 19 and 20 of the Electronic Communications Act), the Constitutional Court decided that these provisions jeopardize the right to privacy and the right to the protection of individuals' personal data, as they do not provide sufficient legal safeguards against their misuse. On the basis of the above, the Constitutional Court concluded that "there are grounds for suspending the effectiveness of § 63 para. 19 and 20 to the extent that they relate to data pursuant to § 63 par. 18 letter c) of the Electronic Communications Act".</p> <p>With respect to the processing and storing the data for the purposes of notifying the users of telecommunication services (§ 63 par. 18 letter b) of the Electronic Communications Act), the Constitutional Court decided that the purpose of data collection is significantly more certain and does not require that the data will be passed to other bodies. Therefore, it decided that "the provision of § 63 par. 18 letter b) of the Electronic Communications Act therefore fulfils the condition of certainty."</p>

<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>The Constitutional Court suspended the effectiveness of § 63 par. 18 letter c) of Act No. 351/2011 Coll., on electronic communications, as amended and § 63 par. 19 and 20 to the extent that they apply to § 63 par. 18 letter b) and c) of Act No. 351/2011 Coll., on electronic communications, as amended.</p>
<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p><i>"Zber údajov podľa § 63 ods. 18 písm. c) zákona o elektronických komunikáciách a ich následné použitie je nastavené tak široko, že ho možno použiť takmer bez obmedzení pre akýkoľvek účel v kontexte pandémie. Ustanovenie je totiž formulované ako akási generálna klauzula pre rôzne spôsoby použitia v praxi. Vzhľadom na závažnosť zásahu do práva na súkromie a ochranu osobných údajov takýto typ neurčitej formulácie v demokratickej spoločnosti nemožno pripustiť. Ústavný súd na základe uvedeného uzavrel, že sú dané dôvody na pozastavenie účinnosti § 63 ods. 18 písm. c) zákona o elektronických komunikáciách (výrok č. 4 tohto uznesenia)."</i>(p.32)</p> <p><i>"Data collection according to § 63 par. 18 letter c) of the Act on Electronic Communications and their subsequent use is set so widely that it can be used almost without restriction for any purpose in the context of a pandemic. The provision is formulated as a kind of general clause for various uses in practice. Given the seriousness of the interference with the right to privacy and the protection of personal data, this type of vague wording cannot be accepted in a democratic society. Based on the above, the Constitutional Court concluded that there are grounds for suspending the effectiveness of § 63 para. 18 letter c) of the Electronic Communications Act (statement no. 4 of this resolution)."</i>(p.32)</p> <p><i>"Ako už bolo uvedené, zber identifikačných a lokalizačných údajov podľa § 63 ods. 18 písm. c) zákona o elektronických komunikáciách je príliš neurčitý. Prístup k nim podľa § 63 ods. 19 a 20 zákona o elektronických komunikáciách navyše ohrozuje právo na súkromie a právo na ochranu osobných údajov jednotlivcov, pretože neposkytuje dostatočné zákonné záruky proti ich zneužitiu. Ústavný súd na základe už uvedeného uzavrel, že sú dané dôvody na pozastavenie účinnosti § 63 ods. 19 a 20 v rozsahu, v akom sa vzťahujú na údaje podľa § 63 ods. 18 písm. c) zákona o elektronických komunikáciách (výrok č. 5 tohto uznesenia)."</i> (p.39)</p> <p><i>"As already mentioned, the collection of identification and location data according to § 63 par. 18 letter c) of the Electronic Communications Act is too vague. Access to them</i></p>

	<p><i>according to § 63 par. In addition, Articles 19 and 20 of the Electronic Communications Act jeopardize the right to privacy and the right to the protection of individuals' personal data, as it does not provide sufficient legal safeguards against their misuse. Based on the above, the Constitutional Court concluded that there are grounds for suspending the effectiveness of § 63 para. 19 and 20 to the extent that they relate to data pursuant to § 63 par. 18 letter c) of the Electronic Communications Act (statement no. 5 of this resolution).” (p.39)</i></p>
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Thematic area	RIGHTS OF THE CHILD Please provide the most relevant high court decision relating to the topics addressed in this chapter.
	No case law has been identified for this thematic area.

Thematic area	ACCESS TO JUSTICE, INCLUDING RIGHTS OF CRIME VICTIMS Please provide the most relevant high court decision relating to the topics addressed in this chapter.
	No promising practice has been identified for this thematic area.

Thematic area	Developments in the implementation of the Convention on the Rights of Persons with Disabilities (CRPD) Please provide the most relevant high court decision making reference to the CRPD or employing the CRPD in their reasoning.
Decision date	2 April 2020
Reference details	The Constitutional Court of the Slovak Republic, PL. ÚS 16/2018-104 ²
Key facts of the case (max. 500 chars)	In 2018, the Public Defender of Rights (ombudsperson) filled a complaint to Constitutional Court regarding the age limits for receiving the financial contribution for personal assistance and the age limits for receiving the financial contribution for the purchase of a motor

² Slovakia, Constitutional Court of the Slovak Republic (Ústavný súd SR) (2020), Nález Ústavného súdu Slovenskej republiky, PL. ÚS 16/2018-104, available at: https://www.ustavnysud.sk/ussr-intranet-portlet/docDownload/490dae0c-dab3-4eca-8a72-14938e36fdd1/Rozhodnutie%20-%20N%C3%A1lez%20PL.%20%C3%9AS%2016_2018.pdf

	vehicle ³ . Until that time, the financial contribution for personal assistance was limited for persons older than 6 years and younger than 65 years of age. The financial contribution for the purchase of a motor vehicle was limited for persons younger than 65 years of age. The ombudsperson considers such age limits stated by the Act no. 447/2008 Coll on financial benefits to compensate for severe disabilities to be discriminatory ⁴ .
Main reasoning/argumentation (max. 500 chars)	According to the ombudsperson, the mentioned provision of the law does not comply with the International Covenant on economic, social and cultural rights, the UN Convention on the rights of persons with disabilities (CRPD) as well as the Constitution of the Slovak Republic. The Constitutional Court agreed in its decision with the argumentation of the ombudsperson.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The rights of persons with disabilities, intersection discrimination, and the obligation of the state to adopt legislation that is not discriminatory towards persons with disabilities or certain categories of persons with disabilities.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	Public authorities responsible for the mentioned law are obliged to ensure that within 6 months after the decision was taken they put the legislation into compliance with the Constitution of the Slovak Republic, constitutional laws and international laws. If they do not, the challenged provisions of the law cease to apply.
Key quotation in original language and translated into English with reference details (max. 500 chars)	„102. Podľa ústavného súdu napadnutá právna úprava pôsobí diskriminačne, keďže zaobchádza s jednou skupinou osôb, a to s osobami s ťažkým zdravotným postihnutím, ktoré majú požadovaný vek v porovnaní s inou skupinou osôb, a to s osobami s ťažkým zdravotným postihnutím, ktoré nemajú požadovaný vek inak, a to tak, že zatiaľ čo osobám patriacim do prvej skupiny priznáva nárok na peňažný príspevok na osobnú asistenciu, resp. peňažný príspevok na kúpu osobného motorového vozidla, osobám patriacim do druhej skupiny uvedené peňažné príspevky nepriznáva, pričom obe skupiny osôb s ťažkým

³ Slovakia, Constitutional Court of the Slovak Republic (*Ústavný súd Slovenskej republiky*) (2018), Podaniena Ústavný súd Slovenskej Republiky, Spis. zn. 1681/2018/VOP, available at: <https://www.ustavnysud.sk/vyhľadavanie-podani#!DmsSearchFileView>

⁴ 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, pp. 17-18.

zdravotným postihnutím sa nachádzajú v rovnakej, resp. porovnateľnej situácii. Medzi situáciami oboch skupín osôb s ťažkým zdravotným postihnutím nie sú rozdiely takého charakteru a takej závažnosti, ktoré by požadovali nerovnaké zaobchádzanie s nimi."

„102. According to the Constitutional Court, the challenged legislation is discriminatory in that it treats one group of persons, namely persons with severe disabilities who have the required age compared to another group of persons, namely persons with severe disabilities who do not have the required age otherwise. In such a way that while persons belonging to the first group are granted the right to a cash contribution for personal assistance, resp. cash allowance for the purchase of a personal motor vehicle, to persons belonging to the second group does not grant the said cash allowances, while both groups of people with severe disabilities are in the same, respectively. comparable situation. There are no differences between the situations of the two groups of people with severe disabilities of such a nature and severity that would require unequal treatment. "