

## Combined second and third periodic reports of Slovakia

### A. Purpose and general obligations (arts. 1–4)

1. Slovak Government Resolution No. 25/2014 approved the *National Programme for the Development of Living Conditions for People with Disabilities 2014–2020*<sup>1</sup>. The basic objective of the National Programme was to use defined tasks and measures to achieve progress in protecting the rights of persons with disabilities as recognised under the UN Convention on the Rights of Persons with Disabilities (“Convention”) and progress in their application. Measures contained in the National Programme were compiled by individual areas based on the individual articles of the Convention. Representatives of central government authorities, the public administration and, in accordance with Art. 4 (3) of the Convention, persons with disabilities via their representative organisations, were involved in creating the programme, which is updated and assessed every 2 years.
2. The *Report on the Fulfilment of Measures under the National Programme for the Development of Living Conditions for People with Disabilities 2014–2020 and the proposal for its updating*<sup>2</sup> were approved by Resolution No. 587 of 14 December 2016. The document was the first summary report on the fulfilment of tasks under the National Programme, and it documents the fulfilment of tasks in the 2014–2015 period. It incorporated the individual final recommendations of the UN Committee on the Rights of Persons with Disabilities<sup>3</sup>, which were sent to the Ministry of Labour, Social Affairs and Family of the Slovak Republic (“Ministry of Labour, Social Affairs and Family”) based on defence of Slovakia’s initial report on the UN Convention on the Rights of Persons with Disabilities in April 2016.
3. Government Resolution No. 357/2018 approved the *Second Report on the Fulfilment of Measures under the National Programme for the Development of Living Conditions for People with Disabilities 2014–2020 and the proposal for its updating*<sup>4</sup> assess progress in fulfilling measures in the 2016–2017 period.
4. The *Final Report on the Fulfilment of Measures under the National Programme for the Development of Living Conditions for People with Disabilities 2014–2020* was prepared to provide more comprehensive information on progress in fulfilling measures in the 2018–2019 assessment period.

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<sup>1</sup> <https://www.employment.gov.sk/files/stredisknsky/rodina-socialna-pomoc/tazke-zdravotne-postihnute/narodny-program-rozvoja-zivotnych-podmienok-osob-so-zdravotnym-postihnutim-roky-2014-2020.pdf>

<sup>2</sup> <https://www.employment.gov.sk/files/slovensky/rodina-socialna-pomoc/tazke-zdravotne-postihnute/sprava-plneni-opatreni-vyplyvajucich-z-nprzpozp-2014-2016-navrhom-jeho-aktualizaci.pdf>

<sup>3</sup> <https://www.mpsvr.sk/files/slovensky/rodina-socialna-pomoc/tazke-zdravotne-postihnute/zaverecne-odporucania-k-vychodiskovej-sprave-slovenskej-republiky.docx>

<sup>4</sup> <https://www.mpsvr.sk/files/slovensky/rodina-socialna-pomoc/tazke-zdravotne-postihnute/vlastnymat.rtf>

5. Establishment and building the capacities of the focal points and coordination mechanisms is secured through 2 representatives of secondary focal points at the individual ministries, who participate in coordination, the collection and dissemination of information, and the implementation of the Convention itself. A named list with contact details for these representatives is published on the Ministry of Labour, Social Affairs and Family's website<sup>5</sup>. The Office of the Commissioner for Persons with Disabilities commenced its activities in 2016, and Slovakia's commitments under the Convention and the Optional Protocol to the Convention, including monitoring, constitute the basic framework for the office in performing its tasks. In addition, the Office of the Ombudsman and the Slovak National Centre for Human Rights are also focused on protecting the rights of persons with disabilities and discrimination.
6. The Office of Slovak Government Plenipotentiary for the Roma Community and its inter-sectoral policies operate under the *Strategy of the Slovak Republic for Roma Integration to 2020*<sup>6</sup> which is one of the chief strategic documents of the Slovak government. The strategy creates individual action plans for the following areas: education, employment, health, housing, financial inclusion, non-discrimination and access to mainstream society, known as the Roma Integration through Communication initiative. Action plans are updated at two-year intervals. Fulfilment of the actions plans leads to a reduction in health differences between Roma and the majority population, to protection and dignity for marginalised Roma communities, to better health care, to health support and disease prevention activities, to improved living conditions, and to the accessibility of health care services. The Office of Slovak Government Plenipotentiary for the Roma Community monitors progress in implementing individual measures under the action plans and submits a monitoring report to the Slovak government on an annual basis.
7. Progress achieved within the national programme is assessed every 2 years through individual reports.
8. Close consultation involving persons with disabilities and their representative organisations is secured by staffing of the Committee for Persons with Disabilities (a permanent advisory body to the Slovak Government's Council for Human Rights, National Minorities and Gender Equality ("Government Council")), in which individual groups of organisations bringing together persons with disabilities have representatives by statute (mental disability, chronic illness, mental and behavioural disorders, hearing impairment, physical disability, visual impairment). Representatives of individual stakeholder departments and members of the Committee for Persons with Disabilities include parties at the local and regional government level (Association of Self-Governing Regions SK8, Association of Towns

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<sup>5</sup> <https://www.mpsvr.sk/files/slovensky/rodina-socialna-pomoc/tazke-zdravotne-postihnutie/sekundarne-kontaktne-miesta-18.12.2019.docx>

<sup>6</sup> [http://www.minv.sk/swift\\_data/source/romovia/dokumenty/StrategiaSR\\_integraciaRomov.pdf](http://www.minv.sk/swift_data/source/romovia/dokumenty/StrategiaSR_integraciaRomov.pdf)

and Municipalities of Slovakia, and Union of Towns of Slovakia). Consultation within specific decision-making processes is ensured by inviting them to join working groups and their engagement in inter-departmental dispute proceedings.

## **B. Specific rights (arts. 5–30)**

### **Equality and non-discrimination (art. 5)**

9. The Ministry of Justice of the Slovak Republic (“Ministry of Justice”) created an Analytical Centre in 2016 with the goal of streamlining the court system and improving the enforceability of rights in Slovakia. The Analytical Centre systematically collects, processes, assesses and provides relevant data obtained from functional information systems for the purposes of departmental and international statistics (see Annex 1). Anti-discrimination disputes are maintained as a separate category, and they should no longer be intermixed with consumer or legal disputes. Courts are obliged to specify the basis on which discrimination occurred.
10. In addition, the Ministry of Justice has supported a nationwide survey with respect to discrimination and intolerance faced by LGBTI persons within a grant scheme. The *Inakosť* non-profit organisation is leading the project focused on the LGBTI community. The survey gathered data from 2,088 respondents who identify as gay, lesbian, bisexual or transgender and who are over the age 15 using an online questionnaire that was distributed to 30,000 people and is among the largest surveys of its kind in Slovakia. The Committee for LGBTI Rights is focused on opportunities to gather data through the 2021 Census of Individuals, Houses and Flats.
11. While parliament rejected a proposal to amend the Anti-Discrimination Act in 2019<sup>7</sup> intended to update legislation in line with recommendations from the UN Committee for the Rights of Persons with Disabilities<sup>8</sup>, the Convention itself is directly applicable and has priority over the law. Slovak courts apply those provisions that guarantee a greater level of protection for human rights and freedoms.
12. Within its grant scheme, the Ministry of Justice provided subsidies to promote and protect human rights and freedoms and to prevent all forms of discrimination, including cross-cutting discrimination such as racism and other acts of intolerance. Subsidies in support of human rights are provided to improve efficacy in exercising rights and freedoms, to support non-profit organisations, education and training, to raise awareness, to provide counselling, monitoring and free legal assistance, as well as analytical and expert activities, to support for cultural and socio-scientific activities, and to improve the quality of life of disadvantaged groups. Lists of the

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<sup>7</sup> <https://www.nrsr.sk/web/Dynamic/DocumentPreview.aspx?DocID=473730>  
<https://www.nrsr.sk/web/Dynamic/DocumentPreview.aspx?DocID=473731>

<sup>8</sup> §2a (1) of the Anti-Discrimination Act was amended to include rejection of reasonable accommodation as discrimination on the grounds of disability...”

supported entities and subsidy amounts (2017, 2018, 2019, 2020) are available on the Ministry of Justice's website<sup>9</sup>.

Among the projects supported in 2020 with a total of €769,500, many were focused on persons with disabilities, the promotion of accessibility, mental health, children and parents with hearing impairments, the deaf, a cultural festival for blind children and young people from marginalised groups, and an ongoing project to advocate for persons with mental disabilities.

13. The Ministry of Justice has long supported the non-profit organisation Human Rights League, which specialises in assisting migrants and refugees. It has also supported several LGBTI projects, other projects focused on helping seniors, children and women, including equality between men and women and marginalised groups.
14. In addition, the Ministry of Justice provides subsidies to accredited entities who provide specialised assistance to particularly vulnerable victims. The definition of a particularly vulnerable victim under Act No. 274/2005 Coll. on Crime Victims includes persons with disabilities, and the provisions make a direct reference to the Convention.
15. Out of the 11 entities accredited to work with victims, 9 are currently registered with the Ministry of Justice and provide specialised and professional assistance to particularly vulnerable victims. Specialised professional assistance to particularly vulnerable victims under the law includes targeted and integrated professional activities and general professional assistance services, crisis psychiatric intervention, assessments of hazards and threats to life and health, mediation in the provision of social services in emergency housing facilities, and specialised social counselling if the life or health of a particularly vulnerable victim is at immediate risk. A list of the entities providing such specialised professional assistance is provided on the Ministry of Justice's website<sup>10</sup>.
16. The topic of LGBTI discrimination is covered in more detail by the Committee for LGBTI Rights, which is a permanent advisory body to the Government Council for questions related to the rights of gay, lesbian, bisexual, transgender, and intersex people. Analysis of the legal status of unmarried couples was prepared at the behest of the Committee for LGBTI Rights. A list of unregulated life situations faced by unmarried persons is published on the Ministry of Justice website. As part of the Committee's activities, negotiations are also under way with the Ministry of Health of the Slovak Republic ("Ministry of Health") and the Ministry of the Interior of the Slovak Republic ("Ministry of Interior") regarding changes in legislation on gender reassignment conditions in accordance with the latest medical knowledge and international treaties governing human rights and freedoms to which Slovakia is bound.

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<sup>9</sup> 1. <https://www.justice.gov.sk/Stranky/Ministerstvo/Dotacie/Dotacie-na-podporu-ludskych-prav.aspx>

<sup>10</sup> <https://www.justice.gov.sk/Stranky/Registre/Zoznamy-vedene-MS-SR/Register-pomoc-obetiam-zoznam.aspx>

17. In order to improve and streamline the right to a fair trial, some activities will focus on educating and sensitising people on disability discrimination so that they can both identify such discrimination, and also effectively prevent it in the exercise of their power. The Judicial Academy of the Slovak Republic, as an educational institution with nationwide competence, provides, organises and conducts training for judges, prosecutors, as well as professional staff within the judiciary, and regularly organises educational activities with a focus on equality and non-discrimination.
18. Judicial training in the field of equality and discrimination is also provided by the Slovak National Centre for Human Rights ("Centre") or the Citizen, Democracy and Responsibility organisation, which is supported under the Ministry of Justice grant scheme.
19. According to data from the Ministry of Justice Analytical Centre, we do not record any court decisions in 2018 or 2019 concerning disability-based discrimination. The Centre recorded a total of 9 complaints lodged in 2018 where clients objected to discrimination motivated by their disability.

#### **Women with disabilities (art. 6)**

20. Slovakia is a democratic country based on the civic principle, and all policies, legislation and regulation of relations concerning women and girls with disabilities are included in strategic materials, laws and other regulations. All strategic materials, policies and other important documents are subject to the consultation process with representative organisations of persons with disabilities in accordance with Art. 4 (3) of the Convention.

#### **Children with disabilities (art. 7)**

21. The National Coordination Centre for Resolving Violence Against Children ("National Coordinator Centre") is in the process of preparing an update to the National Strategy to Protect Children from Violence, one of the basic postulates of which is the non-discrimination of children, in any way or approach. At the same time, the Strategy to Protect and Support Children in the Online Environment was approved. It reflects the threats to children and interventions, regardless of their ethnicity, faith, disability or otherwise. The National Coordination Centre has repeatedly conducted a campaign focused on sensitising the public with respect to any violence committed against children within preventative efforts.
22. Slovakia does not maintain any statistical data concerning access for children with disabilities to services provided to the general public, disaggregated by age, sex, ethnic origin, and place of residence.
23. The National Coordination Centre conducted training for employees who work with the victims of violence committed against children in 2019, but with particular focus on minor perpetrators of such violence. A special part of this training was focused on violence committed against disadvantaged children, either as a result of a disability

or their belonging to any marginalised group. This issue is often overshadowed within generally discussed topics and the National Coordinator Centre will implement the same training program in 2020, but is currently working on a modified version to meet distance learning requirements.

24. The Authority for Social Protection of Children and Social Guardianship (“Authority”) cannot remove a child from the care of their parents or other person who has custody of such child by issuing a decision to impose upbringing measures. An assessment of a child’s and their family’s situation is at the essence of working with children and their families, with the subsequent determination of the level of danger to which the child is exposed. The level of danger to which the child is exposed is definitive for the work of the Authority and the Centre for Family and Children, as it facilitates the identification of a family’s potential, possible areas of family rehabilitation, and helps indicate options for how to proceed.
25. An amendment to the Act on Social Protection of Children and Social Guardianship took effect in April 2018, the objective of which included improving the accessibility of professional assistance to children and their families to improve preventative measures prior to taking extreme measures resulting in the removal of a child from their parents’ care. Expected benefits include a reduction in the number of court orders placing children in institutional care or removing children from their normal family environment, increasing the number of children returned to their biological families and preventing crisis situations before they occur.
26. At the core of these changes is the establishment of a new type of facility (a new type of Centre for Family and Children facility was created upon agreement between the representatives of state-operated and non-state Social Protection of Children and Social Guardianship facilities instead of the former orphanages, crisis centres and re-socialisation centres) and a fundamental change in the conditions under which these facilities create the conditions for the development of outpatient and field measures, and at the same time offer the means to secure voluntary stays involving children, and children with parents.
27. This created the space necessary to support and assist families with children who have disabilities or other disabled family members (such as parents). The outpatient and field measures for these families include, for example, skills training, programs to help them adapt to new situations (a sudden change in health, accepting a child with a disability and the like) in families and in their home environments. The amendment created the conditions necessary for targeted support in the form of stays upon agreement with parents and based on recommendations the Authority for the Social Protection of Children and Social Guardianship (including training to care for a child with a disability or in the service of a child, etc.).
28. In Slovakia, courts and the Authority respect the principle of preference towards relocating children who cannot grow up in their natural family environment into a substitute environment (with priority given to formal care from close relatives) over care provided in facilities to implement a court order (see Annex 1). If a parent can

no longer care for their child and such care cannot be provided by a relative or close person, the child is then placed into surrogate family care (foster care and adoption). Those interested in providing surrogate family care must complete preparation for surrogate family care, within which surrogate family care modules are prepared for difficult-to-accommodate children, including children with disabilities, to increase their chances of placement in surrogate families.

29. A significant change in the support of care for children with disabilities who are dependent on the help of another natural person is expansion of the personal assistance cash benefit (fully financed from the state budget) which began in 2018. The personal assistance benefit may also be granted to children for whom measures are carried out in Centres for Family and Children on the basis of a court order and to young adults (young people who have been placed as children in a facility via court order or a facility based on their request to continue to provide residential assistance), namely
- children with severe disabilities placed in professional surrogate families (it is not possible for personal assistance to be provided by a professional surrogate parent),
  - to accompany a child to and from school if the school is outside the premises of this facility,
  - young adults to promote their autonomy and independence.
30. On 20 May 2020, the Constitutional Court of the Slovak Republic ruling in case file no. PL. ÚS 16/2018-104 of 2 April 2020 concerning the nonconformity of Act No. 447/2008 Coll. on Cash Benefits to Compensate for Severe Disabilities with the Slovak Constitution and the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of Persons with Disabilities was published in the Collection of Acts of the Slovak Republic under no. 124/2020 Coll. On the date of the publication of the Constitutional Court's ruling in the Collection of Acts of the Slovak Republic, the provision concerning a cash benefit for personal assistance in §22 (2), first sentence in the part "from the 6th year of age and until reaching the 65th year of age" was annulled (as of 20 May 2020, the lower age threshold was no longer applied in proceedings concerning the cash benefit for personal assistance).

#### **Awareness-raising (art. 8)**

31. The Government Office of the Slovak Republic launched an advertising campaign in 2018 with Eugen, a guide for Euro fund supported projects focused on the topic of persons with disabilities. The topic of persons with disabilities is reflected in the advertising spot "Barrier-free access"<sup>11</sup>. The advertising campaign received significant support and was broadcast in media with strong reach and across Slovakia. It was then referenced in internal materials, periodicals and other forms of communication.
32. The Slovak National Centre for Human Rights organises various training activities and seminars on topics including "Equality and non-discrimination", "Accessibility and

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<sup>11</sup> [https://youtu.be/SgKjL\\_E\\_6hE](https://youtu.be/SgKjL_E_6hE)

employment”, “Preventing and eliminating discrimination”, which are directly related to the rights of persons with disabilities (see Annex 1).

### **Accessibility (art. 9)**

33. On a strategic level, transport accessibility for persons with disabilities is resolved in the Strategy for the Development of Public Personal and Non-Motorised Transport of the Slovak Republic to 2020 (Government Resolution No. 311/2014 as a part of the Strategic Plan for the Development of Transport Infrastructure to 2020). Approved priorities are transposed primarily into Operational Programme Integrated Infrastructure via which these priorities are being implemented. The focus in Priority Axis 1 is the modernisation of rail infrastructure and the renewal of mobile means and in Priority Axis 3 (Public passenger transport) the priority is the modernisation of rolling stock and trolleybuses, construction and modernisation of tram lines and transfer terminals for integrated passenger transport. The implementation of these measures makes a significant contribution to ensuring the accessibility of transport to persons with disabilities, especially in relation to ensuring barrier-free access.
34. The Ministry of Transport and Construction of the Slovak Republic adopted Decree No. 5/2020 in 2019, which implements certain provisions concerning the ordering of public passenger transport services and taking effect on 1 February 2020. Among other details, the decree introduces a uniform structure of basic tariff groups, where travel fares are modified and simplified for persons with severe disabilities.
35. Based on a proposal from the Commissioner for Persons with Disabilities, and with support from members of parliament, an amendment to Act No. 182/1993 Coll. on the Ownership of Flats and Non-Residential Premises was adopted, according to which consent from the owners of flats and non-residential premises to install lift equipment in common areas of apartment buildings is no longer required. Effective from 1 February 2020, the amendment prevents flat owners from refusing to install lift equipment in common areas of apartment buildings. This ensures that persons with reduced mobility have the right to access the outdoors.
36. Within legislative measures adopted in connection with Act No. 50/1976 Coll. on Land Use Planning and the Building Code (Building Act) and other measures adopted to ensure persons with disabilities have access to publicly accessible new constructions and existing buildings, we note that we have not succeeded in fulfilling the measures under the amendment of the Building Act and implementing regulations; however, the Ministry of Transport and Construction of the Slovak Republic (“Ministry of Transport and Construction”) is working on the draft of new building regulations. New proposed regulations were reviewed and discussed with representatives of organisations representing persons with disabilities.
37. Public buildings are still being constructed and are still receiving statutory permitting with barriers in place, including structures such as schools, health care facilities, and



governmental buildings. Structures that are declared to be barrier-free often have many design flaws, access may not be ensured to all areas or spaces intended for the public and they may lack the required fittings (elements) under the decree, etc.

38. Measures to ensure accessibility, use and support of universal design are based on the proposed decree "General technical requirements for barrier-free use of buildings", which will be Annex 1 to the draft construction act, which also sets out technical requirements for buildings used by persons with reduced mobility or orientation.
39. In the field of construction, this primarily involves ensuring accessibility, the highest possible level of ease of access to buildings, the flexibility of premises, ease of orientation and safety in the use of materials and equipment for the interior and exterior of buildings.
40. In the proposed new decree "Annex 1 General technical requirements for barrier-free use of buildings", additional paragraphs will be added in the part dedicated to barrier-free requirements dealing with the fact that accessibility will also apply to changes in completed buildings and changes in use of buildings, but only in justified cases, because barriers cannot be removed from some finished buildings or other buildings subject to landmark protection for serious reasons, or only to a limited extent.
41. Discounted loans are available with support from the State Housing Development Fund for the purposes of refurbishing residential buildings to make changes to common areas and common facilities in residential buildings that provide access to flats in the building for persons with limited mobility. This includes constructing ramps for individuals in wheelchairs to access the building, adding lifts, etc.
42. Support for acquiring cost-effective and accessible social housing in the form of non-refundable grants or discounted long-term loans is provided without regional restrictions across Slovakia.
43. The Office of the Deputy Prime Minister for Investment and Informatisation fulfilled the obligation to fully transpose Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on accessibility of websites and mobile applications of public sector entities ("Directive") by transposing it into Decree No. 78/2020 Coll. on Standards for Information Technologies in Public Administration which is a by-law standard under Act No. 95/2019 Coll. on Information Technologies in Public Administration. The same office ensures full compliance with the obligations imposed by the Directive and that arise based on its role as the sponsor of this Directive. The office also issued methodology guidance with respect to monitoring the accessibility of websites in 2019, which provides detailed procedural and technical processes for assessing websites in terms of accessibility based on globally recognised principles and compliance with Slovak legislation. Mandatory monitoring of the websites of central government entities as

required under the Directive is currently under way. The resulting monitoring report will then be sent to the European Commission as required under the Directive.

#### **Right to life (art. 10)**

44. The primary role of the Department of Standardised Preventative, Diagnostic and Therapeutic Procedures within the Ministry of Health is the coordination and execution of a project named “Creation of New and Innovative Standard Clinical Procedures and their Implementation into Medical Practice” (see Annex 1). Some of these procedures are in the implementation process, which includes legislative changes, the preparation of material and technical equipment, resolving the matter of human resources, and the training of experts and professionals. This is a major shift as these standard clinical procedures concentrate the most important and the latest scientific knowledge into a specific clinical problem, while optimising a physician’s decisions and recommending adequate and effective treatment.
45. So far, no secure psychiatric departments have been established in Slovakia. The plan is to construct or renovate existing premises in five psychiatric hospitals with total capacity of around 100 beds (5 x 20) (ensuring geographical and personnel coverage), which are in the phase of project engineering documentation and budgeting. As a temporary substitute for these secure departments and until they are constructed at these psychiatric hospitals, the plan is to establish approximately 2 isolation rooms until they can be constructed (which will gradually and first replace net beds); work is currently being performed on a schedule and budget for their completion. An expert working group for secure beds was established within the Slovak Psychiatric Association in February 2019 to focus in detail on this topic and monitoring of the overall process, in particular within cooperation with the Ministry of Health. Within this context, the experts are planning a working trip to facilities where such a system of restraints is properly configured and established under the requirements of European standards and CPT standards. It is expected that the establishment of such secure departments will lead to an overall decrease in the use of restraints and create opportunities to gradually eliminate the use of net beds.
46. Slovak laws guarantee every individual, without exception, protection of their basic rights and freedoms. Slovakia has entered into commitments arising from a number of international instruments relating to the protection of human rights and freedoms, including protection against torture and other inhuman or degrading treatment or punishment. Cases of non-compliance or violations of human rights and freedoms may be punished as criminal offences and subject to punishment accordance with the relevant provisions of Act No. 300/2005 Coll., the Penal Code. Criminal law legislation does not contain discrimination provisions according to which cases involving crimes against persons with disabilities or persons lodged in psychiatric establishments would be assessed unequally in terms of an objective criminal investigation (see Annex 1).
47. In connection with the mechanism of measures to ensure the observance of human rights in places of psychiatric treatment, we state that this mechanism is provided

and implemented by the relevant institutions in Slovakia. Supervision over the observance of legality in institutional health care facilities in which persons who are not required to have informed consent are in institutional care is the subject of prosecutor supervision pursuant to §18 (2) of Act No. 153/2001 Coll. on the Prosecutor's Office. Institutional psychiatric care facilities are the subject of visits made by the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT).

#### **Situations of risk and humanitarian emergencies (art. 11)**

48. The early warning system in Slovakia currently provides the following:

- *for the hearing impaired* - through broadcasts on public media (RTVS), broadcasts on regional media (regional television stations) through a prepared banner with exact text information that informs such hearing impaired persons of important emergency alerts and reactions to them. The official websites of relevant state bodies (such as the official website of the Ministry of Interior) also function as a communication channel for informing hearing impaired individuals in such situations. Another group of informal media includes social media or the social media pages of relevant state authorities and institutions.
- *for the blind* - warning and notification through the civil defence warning and notification network consisting of electric motor and electronic sirens.

49. The legislative basis for this specific issue is provided primarily by Act No. 404/2011 Coll. on Alien Residency, internal regulations, international conventions, and recommendations from various international institutions. When implementing activities related to administrative deportation and detention proceedings, the principles of ethics and non-discrimination are followed for all persons with disabilities, and there are protective measures in place for this target group.

50. In connection with detaining persons with disabilities as a special category of third country nationals, the Alien Residency Act stipulates several specific rules. Under §88 (8) of the Alien Residence Act, vulnerable persons may only be detained when absolutely necessary and for the shortest length of time possible. In the case of vulnerable persons who include the victims of human trafficking, a decision on detention is rendered null and void at the moment such person is included in the Ministry of Interior's program to support and protect the victims of human trafficking.

51. Persons with disabilities are given special attention by the Police Alien Detention Unit ("Detention Unit") when health care services are provided (see Annex 1).

#### **Equal recognition before the law (art. 12)**

52. The Ministry of Justice planned to resolve this topic, including a new strategy for guardianship within its Material Plan for Adult Guardianship Report in Slovakia. The Ministry of Justice continued in 2018 and 2019 on legislative work to draft these reforms within an expert working group. Given that analysis of this problem has

raised a number of legal and application problems and an associated variety of different legal opinions to resolve them, this topic was not closed in 2019 in any form that could be or would be suited for submission into the legislative process. With respect to the above, no partial amendment of the Civil Code is being considered.

53. The text of the Material Plan for Adult and Senior Guardianship was created within this working group, which was created in June 2017 by Slovakia's deputy prime minister and Slovakia's minister of justice. The working group was established in a multi-disciplinary manner and at the supra-departmental level. In addition to representatives of the individual sections at the Ministry of Justice, the Ministry of Labour, Social Affairs and Family, the Ministry of Health and the Ministry of Interior, the working group also included representatives of non-governmental organisations provide assistance to seniors and persons with disabilities, the ombudsman for persons with disabilities, forensic experts, lawyers, guardianship judges, notaries, lawyers, psychiatrists, neurologists, psychologists, public guardians, providers of health care and social services, and bankruptcy trustees. Foreign experts from the Czech Republic who were involved in the drafting of the new Civil Code (Act No. 89/2011 Coll., the Civil Code) were also represented in the group and which in general cover the specifics of guardianship law.
54. With cooperating entities and organisations, the Ministry of Justice will once again take up this issue in the 2020 to 2024 election period.
55. In connection with the issue of equality before the law regulated in Art. 12 (c) (measures taken to ensure that persons with disabilities have the right to control their financial affairs and to have access to bank loans, mortgages and other forms of financial credit without any discrimination, as well as measures taken to involve the private banking sector in this effort, with the exception of the right to own and inherit property), Slovak law governs the principle of equal treatment under Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and on Protection against Discrimination and on Amendments to Certain Acts (Anti-Discrimination Act). This principle is based on the prohibition of discrimination on the basis of a disability. When the Anti-Discrimination Act is applied in relation to persons with disabilities in general, and to protect the finances of consumers on the financial market, there is no specific need to provide a clear amendment to legislation under the purview of the Ministry of Finance of the Slovak Republic ("Ministry of Finance").
56. The Ministry of Finance strives to continuously monitor the issue of protecting persons with disabilities on the financial market and in various questions related to the protection of persons with disabilities.
57. All persons who meet the conditions laid down by law have the right to secure a loan, mortgage or other form of financial loan from a bank or non-bank organisations without any discrimination. At present, we do not see incentives that point to the disadvantage of persons with disabilities in the provision of banking services and that reflect the need to introduce specific rules in the financial sphere. However, we also see an opportunity to engage the financial sector within efforts to improve the

conditions for persons with disabilities in terms of the competitiveness of the individual entities operating on the financial market.

### **Access to justice (art. 13)**

58. The Slovak parliament at its session held on 21 May 2015 approved a draft of procedural codes taking effect on 1 July 2016 (Code of Dispute Civil Procedure<sup>12</sup>, Code of Non-Dispute Civil Procedure<sup>13</sup>, and the Code of Administrative Procedure<sup>14</sup>).
59. Article 4 of the Code of Non-Dispute Civil Procedure includes the following statement among its basic principles: *"The court shall apply and interpret the law equally in relation to all parties to the proceedings. If a minor is a party to the proceedings, the court shall act in its best interests and, where appropriate, inform the child of all relevant questions concerning the course of the proceedings and the merits. If the party to the proceedings is a person with a disability, the court shall ensure effective access to justice on an equal basis with the other parties to the proceedings."*
60. Within the framework of the Code of Non-Dispute Civil Procedure, the standing of the person whose capacity is under review has been strengthened in proceedings on legal capacity (see Annex 1).
61. The Code of Non-Dispute Civil Procedure also included changes to legislation for detention proceedings (on the admission of an individual and maintaining custody in a health care facility, see Annex 1).
62. The mechanism for providing free-of-charge legal assistance in court proceedings is laid down in Act No. 327/2005 Coll. on Providing Assistance to Persons in Material Need and on amendment of Act No. 586/2003 Coll. on advocacy and on amendment of Act. No. 455/1991 Coll. on Trade Licensing (Trade Licensing Act) as amended and as amended by Act No. 8/2005 Coll. (see Annex 1).
63. Within the justice department, the area of education and training primarily falls under the auspices of the Judicial Academy of the Slovak Republic ("Academy").
64. Training for members of the Police Corps ("police") concerning the rights enshrined in the Convention takes place mainly in the form of retraining that covers relevant and generally binding legislation and internal regulations (see Annex 1).

### **Liberty and security of the person (art. 14)**

65. Relevant provisions of laws regarding the deprivation of liberty were not annulled. Under the provisions of Art. 46 (1) of Act No. 460/1992 Coll., the Slovak Constitution, *Everyone may exercise their rights in front of an independent and impartial court in*

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<sup>12</sup> Act No. 160/2015 Coll. Code of Dispute Civil Procedure

<sup>13</sup> Act No. 161/2015 Coll. Code of Non-Dispute Civil Procedure

<sup>14</sup> Act No. 162/2015 Coll. Code of Administrative Procedure

*accordance with the procedure established by law and, in cases established by law, in front of another body of the Slovak Republic.* Under the provisions of §17 (1) to (3) of the Health Care Act, if a person believes that they have not been correctly provided with health care services, or they believe that another decision made by an attending health care professional in connection with providing health care or services relating to providing health care is incorrect, they have the right to request the health care provider provide remedy (“provider”); such request is submitted in writing. The provider is obliged to respond to the requesting party in writing as to the manner in which the request will be resolved within 30 days of the requesting party filing their request, unless the contents of such request indicate that immediate action or action in a shorter period of time is necessary. If the provider does not comply with the request or inform the requesting party of the manner in which their request will be resolved within 30 days of the requesting party filing their request, such individual has the following right:

- to request that the Health Care Surveillance Authority conduct surveillance under a special regulation if the request concerns the correctness of the provided health care,
- to contact the authority responsible for conducting surveillance under a special regulation if the request concerns another decision made by the attending health care professional in connection with providing health care or services relating to providing health care.

#### **Freedom from torture or cruel, inhuman, or degrading treatment or punishment (art. 15)**

66. Slovakia is a party to fundamental UN conventions in the area of human rights and fundamental freedoms, including the Convention against Torture and Other Inhuman or Degrading Treatment or Punishment (see Annex 1). The Optional Protocol to the Convention against Torture (OP-CAT) has not yet been ratified by Slovakia.

67. Pursuant to § 40 (2) of Act No. 576/2004 Coll. on Health Care, Services Related to the Provision of Health Care and on amendment of certain acts, sterilisation may only be performed on the basis of a written request and written informed consent after prior instruction of a person who is legally competent, or the legal representative of a person incapable of giving informed consent, or court decision at the request of their legal representative. Given the above, so called forced sterilisation may be performed in Slovakia without a court order.

68. In order to eliminate shortcomings that could lead to the occurrence of illegal sterilisations, Slovakia has adopted systemic, legislative and other practical measures. The institute of informed consent, which is defined in the Health Care Act, was introduced. §6 of the cited Act imposes an obligation on the attending health care professional to inform about the purpose, nature, consequences and risks of any provision of health care. Instruction shall be given by the health care professional in a comprehensible, considerate, non-coercive manner and with the opportunity and sufficient time to freely choose informed consent and in a manner appropriate to the intellectual capacity, maturity, and health of the person to be instructed. The

medical procedure of sterilisation is defined in §40 of the Health Care Act as the prevention of fertility without removing or damaging a person's reproductive organs. The conditions for sterilisation are defined in a special, effective and systematic manner in the same Act. Sterilisation may only be performed based on a written request, which a person submits to the provider performing the sterilisation and written informed consent after prior instruction of a person who is legally competent, or the legal representative of a person incapable of giving informed consent, or court decision at the request of their legal representative. Instruction preceding to informed consent must be provided in the manner stipulated by the referenced Act and must include information on alternative birth control and family planning methods, a possible change in life circumstances which led to the request for sterilisation, the medical consequences of sterilisation as a method aimed at irreversibly preventing fertility and the possible failure of sterilisation. Sterilisation cannot be performed in less than 30 days after informed consent. Legislation contains templates of informed consent in the official language and the languages of national minorities. A group of experts was created at the Ministry of Health in 2003 with the goal of identifying the real status of illegal sterilisations in Slovakia. The report on the expert group's findings was then submitted to the Slovak Government's Committee for Human Rights and National Minorities. Since 2004, the Ministry of Health has not received information on any new sterilisation without informed consent, or any new initiative to investigate the provision of health care in connection with sterilisation (or sterilisation without informed consent). We can therefore assume that the measures implemented by Slovakia are effective.

69. Projects are currently being prepared to create secure departments in health care facilities where institutional psychiatric care is provided. These are facilities in Hronovce, Kremnica and an expansion to existing capacities at the Philippe Pinel Psychiatric Hospital in Pezinok. The entire process is currently in the design phase (see Annex 1).
70. The primary role of the Department of Standardised Preventative, Diagnostic and Therapeutic Procedures ("standard clinical procedures") within the Ministry of Health is the coordination and execution of a project named "Creation of New and Innovative Standard Clinical Procedures and their Implementation into Medical Practice". Some of these procedures are in the implementation process, which includes legislative changes, the preparation of material and technical equipment, resolving the matter of human resources, and the training of experts and professionals. This is a major shift as these standard clinical procedures concentrate the most important and the latest scientific knowledge into a specific clinical problem, while optimising a physician's decisions and recommending adequate and effective treatment.
71. An expert working group for "Psychiatry" was created within the implementation of this project and the group has been intensively working on the preparation of standard diagnostic and treatment procedures for medical practice since 2018. According to the project plan, the expert group is to prepare approximately 30 primary diagnoses. This standard has the name standard procedure for process

management in relation to the hospitalisation of an adult patient in a psychiatric department without informed consent (involuntary hospitalisation).

72. Ensuring that every person has access to sexual and reproductive health, including minors, who, under national law, are considered to be a person under the age of eighteen whose interests are a primary consideration in decision-making, in particular the level of childcare, the provision of the development of a relationship with both parents and the protection of their physical, mental and emotional development, is secured under the Family Act; it also provides for respect for the right of parents/legal guardians in the protection and upbringing of their children. Informed consent from a parent/legal guardian is based on this premise and is required for all health procedures, including abortion, prescriptions, etc. In order to protect the child's health, informed consent is given by the court if the parent refuses.
73. Decisions on the price and payment for drugs under public health insurance is within the competencies of the member states and part of the national health system. Prescription birth control for health reasons is generally available and fully covered under public health insurance. We consider the classification of emergency contraception products that result in abortion as birth control, which is primarily intended to prevent pregnancy, to be problematic. Surrogate motherhood is not allowed under legislation.
74. A conscientious objection is established by the Code of Ethics under the Act on Health Care Providers, Health Care Workers and Professional Organisations in Health Care. Health care professionals cannot be expected to perform procedure or otherwise participate in them if they conscientiously object to them, except in cases of imminent danger to life or health. While health care facilities will accept conscientious objections from their staff, there is no health care provider that refuses to perform or prohibits abortion.
75. Act No. 448/2008 Coll. on Social Services stipulates in §10 the objection of a social services provider to protect the health, lives and dignity of the recipients of social services. According to this legislation, non-physical and physical restraint of a recipient of the social services may not be used in the provisioning of social services in a facility. If the life or health of the recipient of the social service or other natural persons is directly endangered, only those restraints defined by law may be used on such a recipient of the social services, and only for the time strictly necessary to eliminate the direct threat. The use of non-physical restraints on a recipient of social services has priority over the use of any physical restraints. The use of any non-physical or physical restraint must be recorded in a register of restraints, which a social services provider must have established for such purposes. The social services provider is obliged to report every such recorded use of restraints to the Ministry. The provider is likewise obliged to report the use of restraints to the legal guardian of the recipient of the social services or their court-appointed guardian. If a court-appointed guardian of the recipient of social services is an institution, the social services provider is obliged to immediately inform a person close to the recipient of



the social services of the fact that restraints were used on the recipient of the social services.

76. When providing social services to a child and when providing care for a child under this act, the social services provider shall adhere to the prohibition on the use of any forms of corporal punishment and sanctions and use only upbringing means and methods that do not humiliate, insult, or neglect the child in any way, including negligent treatment, or which do not otherwise affect the dignity of the child and do not endanger their life, health, physical, emotional, intellectual and moral development.

**Freedom from exploitation, violence and abuse (art. 16)**

77. Police officers (police investigators and other designated police officers) are required to conduct expeditious, lawful and thorough investigations as required in relevant provisions of the Code of Criminal Procedure.
78. The Criminal Police Department within the Praesidium of the Police Corps in cooperation with the Police Academy in Bratislava implements professional training for police investigators and other designated police officers for working with victims of crimes under the name *“Particularly vulnerable crime victims, investigation and treatment of victims”*. The course began in the last quarter of 2018 and continued in 2019 and around 3000 police officers have completed it. Within this training, and during a lecture on the topic of *“Communication with particularly vulnerable victims”* special attention is devoted to communication with victims with various types of disabilities (vision, hearing, physical and intellectual disabilities, etc.) and attention is given to communication with victims of violence against women and domestic violence.
79. Specialised professional training for police officers has been delivered since April 2019 within the *“Special interrogation rooms for child victims and other particularly vulnerable crime victims”* project (which will be implemented between 2018 and 2021) (see Annex 1).
80. Two educational documents were prepared in 2019 within this project in collaboration with psychiatrists and other professionals entitled *“Methodology for working with crime victims in specialised interrogation rooms (investigator’s handbook)”* and *“Special forms of instruction for crime victims within criminal proceedings”*, which are implemented within police service activities when conducting interrogations of particularly vulnerable crime victims in criminal proceedings. Within this prepared methodology, a special section is devoted to communicating with victims with disabilities, and it includes information on the types of disabilities (hearing, vision, and intellectual disabilities, autism and Asperger's syndrome).
81. The Slovak parliament did not express its agreement with the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic

Violence on 25 February 2020. The Convention will therefore not be ratified by the president. Given the vote by the members of parliament, the Slovak president then informed the Council of Europe via letter that Slovakia could not become a party to the Convention.

82. A shelter, as defined in Act No. 448/2008 Coll. on Social Services, is classified as a social services facility that lodges natural persons in an unfavourable social situation who lack accommodation or cannot use their current housing. In such a facility, clients are provided with accommodations for a specific period of time, social counselling, assistance in asserting their rights and legally protected interests, necessary clothing and footwear, services related to the development of work skills and conditions for food preparation, personal hygiene, cleaning, laundry, ironing and hobby activity. Services are provided separately for individuals and for families with a child or children or individuals with a child or children. The central register of social services records a total of 6 such shelters in 2019 providing social services specifically to victims of domestic violence, or women and girls at risk of violence.

83. Act No. 448/2008 Coll. on Social Services defines emergency housing facilities in §2 (2)(g) as facilities that provide social services to persons in unfavourable social situations due to a threat posed by the behaviour of others or if they become a victim due to the behaviour of others. These persons are provided with accommodations for a specific period of time, social counselling, assistance in asserting their rights and legally protected interests, and conditions for food preparation, personal hygiene, cleaning, laundry, ironing and mending clothing, and hobby activity. The central register of social services records a total of 34 such emergency housing facilities in 2019 providing social services specifically to victims of domestic violence, or women and girls at risk of violence.

84. A total of 619 beds are available to women experiencing violence in emergency housing facilities that provide secure accommodations to women experiencing violence and their children. A total of 18 counselling centres for women experiencing violence are available within out-patient services. Specialised services for women experiencing violence are built on the principle of non-discrimination, and are therefore accessible to women with disabilities, and many facilities have specific conditions in place for women with disabilities, such as barrier-free family rooms. Specialised services for women experiencing violence provide psychiatric assistance, social counselling and legal assistance, over the long term and at absolutely no charge. Women and girls who are crime victims also have the opportunity to seek assistance in information offices for crime victims which were established by the Ministry of Interior in every self-governing region. These offices provide counselling to crime victims and have the ability to facilitate additional expert assistance including psychiatric assistance, social counselling and legal assistance. The Institute for Labour and Family Research operates the Slovak national hotline for women experiencing violence ("national hotline"), which is accessible 24/7 at the following toll-free number: 0800 212 212. The national hotline provides counselling to women and girls and third parties looking for ways to help them. The national hotline communicates via email to make its services more accessible to those women who

are unable to communicate over the phone also as a result of a disability. The coordination and methodology centre for the prevention of violence against women within the Institute for Labour and Family Research provides additional training to relevant professions, secures regional partnerships and collaboration, conducts monitoring and research activities, while taking into consideration the inter-sectional nature of disabilities and exposure to violence against women.

### **Living independently and being included in the community (art. 19)**

85. Currently, social services facilities engaged in the Deinstitutionalisation – Support for Transformation Teams national project (“national project”) are preparing in terms of methodology and qualitative aspects for deinstitutionalisation (“DI”) and quantitative data will be available after assessing the activities of this national project. Specific data on the deinstitutionalised clients of such social services facilities will be available at the conclusion of the engagement of such social services facilities in the project, after the preparation of a transformation plan, a process that is expected to take around 20 months. Around 24 social services facilities from the first cycle are set to complete their activities in the first quarter of 2021. The collection of data concerning progress in the deinstitutionalisation process and services provided at the community level will be facilitated by the Information System for Social Services (“IS SOCS”) to be deployed by the Ministry of Labour, Social Affairs and Family.
86. Ministry of Labour, Social Affairs and Family engaged in an update of the Deinstitutionalisation Strategy in 2019 in collaboration with relevant partners with professional competencies within this area (see Annex 1).
87. Under the auspices of the Ministry of Labour, Social Affairs and Family, an amendment to Act No. 447/2008 Coll. on Cash Benefits for the Compensation of Severe Disability (“Act on Cash Benefits for Compensation”) took effect in 2018 that modified the conditions for providing various cash benefits as compensation to the benefit of persons with severe disabilities, and which also fundamentally streamlined the tools for integrating such persons with severe disabilities into society.
88. The cash benefit for personal assistance, which is intended to support independence, decision-making, and taking up work, educational and leisure time activities, saw the hourly personal assistance rate rise from €2.78 to €3.82 and the cancellation of considerations for the actual income of the person with the severe disability.
89. In an effort to support informal caregivers for persons with severe disabilities, all cash benefits for care giving were increased significantly (for caregivers of working age from €249.53 to €369.36 per month, for caregivers receiving an old-age pension from €92.52 to €184.71 per month), while the income exemption for persons with severe disabilities increased (from 1.7 to 2 times the subsistence minimum) and the cash benefit for care giving also increased for caregivers of working age who care for minor children from €49.80 to €100 per month.

90. A government regulation taking effect on 1 July 2019 once again increased the basic cash benefit amount for care giving (for caregivers of working age who care for 1 person with a severe disability on a daily basis from €369.36 to €430.35, and for caregivers receiving an old-age pension from €184.71 to €215.18). The hourly rate for personal assistance was raised from €3.82 to €4.18.
91. Social services facilities that entered into the deinstitutionalisation process through the national project under the Ministry of Labour, Social Affairs and Family prepare a transformation plan. The transformation plan includes a commitment that they will not accept new clients into their original high capacity building.
92. This change in the system of social services and support for their transition to a community level is and will remain applied via strategic materials, national priorities, legislative changes and the implementation of national and demand-based projects implemented with support from the Structural Funds.

### **Personal mobility (art. 20)**

93. In accordance with the provisions of §88 (1) of Act No. 363/2011 Coll. on the Scope and Conditions for Reimbursement of Medicines, Medical Devices and Dietetic Foods under Public Health Insurance and on amendment of certain acts, a health insurance company shall provide insured persons with a contribution for the payment of medicines, medical devices or dietetic foods prescribed by non-contractual providers, provided that the criteria specified by the health insurance company are met and they are published on its website; the contribution is approved by the health insurance company on the basis of a written request from the insured person. The needs of all persons with disabilities, including those with severe disabilities, are considered in the categorisation of medical devices.
94. Amendments to Ministry of Labour, Social Affairs and Family Measures No. 7/2009 Coll., laying down the list of devices and the maximum amounts to be taken into account in the price of the devices, took effect in 2017 and 2019. The list of devices and the maximum amounts to be taken into account in the price of the devices was modified to better compensate for the social consequences for persons with severe disabilities and to better reflect the market prices of such devices.
95. The development of transport services and the transport of persons with disabilities was supported by the Ministry of Labour, Social Affairs and Family for select social services providers through subsidies (the Act on Subsidies under the auspices of the Ministry of Labour, Social Affairs and Family), whereby subsidies were approved for the purchase of specialised 7-seat or 9-seat passenger vehicles with lifting ramps for 4 applicants in 2019 in a total amount of €89,000.
96. As part of the modernisation and improved dispatching of railway lines, as well as in the renovation of station buildings and platforms, visual and automatic voice information systems for the travelling public are being built at railway stations and stops. These information systems inform passengers and passengers about the

current running of trains (arrivals, departures, transfer options, delays, etc.) and about operational and safety measures related to passenger transport. In an effort to simplify train travel for immobile passengers, Slovak Railways has implemented a project to introduce lifting platforms operable with the assistance of staff at the railway station and carriers, and the construction of barrier-free access is taking place in parallel with the modernization of railway lines; such activities include widening doors for immobile persons in wheelchairs, barrier-free passages to platforms; establishment or reconstruction of sanitary facilities for wheelchair users; as well as other visual and audio markings of access points, etc. The project to refresh ZSSK (Slovak railways) rolling stock is also under way, within the framework of which regional and suburban trains are being replaced on Slovak railways. These trains are low-floor, with multifunctional spaces for passengers with wheelchairs and are also equipped with an information system. As for measures to facilitate access by creating public signs using Braille, such signs are located at the lifts at Bratislava Central Station, as well as in the underpasses leading to the lifts, from the back of the railing. Gradually, with the modernization of the rolling stock of the Železničná spoločnosť Slovensko, a.s., trains equipped with modern elements allowing barrier-free access to the train are being placed into service, with features including a boarding ramp for persons with reduced mobility, and with adapted interior elements such as seats, toilet for persons with reduced mobility, as well as Braille labels (see Annex 1).

#### **Freedom of expression and opinion, and access to information (art. 21)**

97. The Office of the Deputy Prime Minister for Investment and Informatisation in relation to the transposition of Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies is responsible as the sponsor for performance of duties, testing of accessibility and for informing entities other than public sector entities by systematically providing training for public sector entities and the suppliers of information systems to public sector entities. Within these organised training activities, this office increases awareness of persons with disabilities on accessible websites and mobile apps and increases the awareness of public sector entities and private sector contractors. The office organises three types of training activities, specifically for the editors of websites, developers and those who evaluated websites, while these training activities include a practical example of working with support equipment for the blind, and the experience of blind people when working on websites. Members of the working group engaged in the drafting of standards for the accessibility of websites and mobile apps include representatives of the Blind and Vision Impaired Union of Slovakia and representatives of the National Council of Persons with Disabilities in Slovakia, whose participation contributes to an overall increase in awareness and information on the topic of the accessibility of websites and mobile apps.
98. If a visually impaired individual requests a decision in a specific case to be issued in Braille, they may file such request under Act No. 211/2000 Coll. on Free Access to Information and on amendment of certain acts (Freedom of Information Act). An

accessible form of releasing information to a requesting party who is blind or visually impaired under the above-mentioned Act includes information written

- a) in Braille, or
- b) in enlarged font.

99. A blind person is entitled to request access to information in Braille. When submitting such request, he/she will present a copy of the ID card of a citizen with a severe disability with a red stripe, on the back of which is marked the type of disability "Blind". A visually impaired person is entitled to request access to information in an enlarged font. When submitting such request, he/she will present a copy of the ID card of a citizen with a severe disability. The obliged party is not authorised to restrict the overall scope of the accessible information to which the requesting party has a right under the law. Costs to disclose information in an accessible form to a person with a sensory disability are covered by the obliged party.

100. An amendment to Act No. 448/2008 Coll. on Social Services executed under Act No. 280/2019 Coll. was adopted in 2019 and which defined qualification prerequisites necessary to conduct work activities in the field of social services in a new manner, which specifically involves sign language interpretation, articulatory interpreting or tactile interpreting, within the framework of interpreting services provided pursuant to §44 of the Social Services Act. The new legislation conditions the fulfilment of the qualification prerequisites necessary for interpreting in the field of social services by fulfilment of the conditions under Act No. 382/2004 Coll. on Experts, Interpreters and Translators and on amendment of certain acts, and, for the purposes of interpretation under the Social Services Act, as an alternative, by completion of an interpreting course in the relevant format accredited by the Ministry of Labour, Social Affairs and Family under the assumption that secondary vocational training has been completed at a minimum. Within this context, the Ministry of Labour, Social Affairs and Family is preparing an informative framework of course curricula for articulatory interpreting, for sign language interpretation and for tactile interpretation, the minimum scope of such courses, and the qualification requirements for a person interested in completing such course. The transitional provisions of the Social Services Act ensure recognition of the fulfilment of qualification prerequisites for all interpreters who have provided such interpreting services at any point prior to the new legislation taking effect and who meet the qualification prerequisites under the prior legislation.

101. Under §18 (2) of Act No. 308/2000 Coll. on Broadcasting and Retransmission and on amendment of Act No. 195/2000 Coll. on Telecommunications ("Broadcasting and Retransmission Act") a broadcaster is obliged under the law to provide multi-modal access to a program service, so that in the broadcast of each television program service it broadcasts digitally

- 50% of all broadcast programs have subtitles for persons who are hearing impaired,
- 3% of all broadcast programs are interpreted into sign language for the deaf or provided in sign language to the deaf,

- 20% of all broadcast programs are accompanied by voice commentary for the blind.
102. Licensed broadcaster obligations are regulated by and subject to the provision of §18a of the Broadcasting and Retransmission Act, according to which a licensed broadcaster is obliged to ensure multi-modal access to a program service, so that in the broadcast of each television program service it broadcasts digitally
- 10% of all broadcast programs are accompanied by subtitles for persons who are hearing impaired or interpreted into sign language for the deaf or provided in sign language to the deaf,
  - 3% of all broadcast programs are accompanied by voice commentary for the blind.
103. Under the provisions of §18b of the Broadcasting and Retransmission Act, a broadcaster and audio-visual media service provider is obliged to clearly mark on request all programs that are accompanied by subtitles for the hearing impaired, voice commentary for the blind or which are interpreted into sign language for the deaf or broadcast or provided in sign language to the deaf and to notify the Broadcasting and Retransmission Council of the manner in which those programs are marked. The broadcaster is obliged to apply the designation when broadcasting programs, in announcements about the broadcasting of such programs and in the program offer of its own broadcasting, as well as in the program overview, which it provides for publication in periodicals and other mass media. An on-demand audiovisual media service provider is obliged to apply the designation in its program catalogue.
104. Multi-modal access to a program service is an ancillary content service broadcast in parallel with the relevant television program service allowing deaf or blind people to access broadcast programs or other components of the program service, in particular through subtitles for the hearing impaired, sign language for the deaf and voice commentary for the blind.
105. In order to facilitate access for hearing impaired and visually impaired persons to the broadcasting of a television program service, as well as to distributed Slovak audiovisual works and audiovisual works in the Slovak original language version, an amendment to the Broadcasting and Retransmission Act, specifically Act No. 278/2015 Coll., was adopted effective on 1 January 2016. Its adoption introduced the new concept of "subtitles for persons with hearing impairment". Specific requirements are set out in the Ministry of Culture of the Slovak Republic ("Ministry of Culture") Decree No. 12/2016 Coll. on Subtitles for Persons with Hearing Impairment ("Decree No. 12/2016 Coll."). Act No. 278/2015 Coll. introduced the explicit obligation for retransmission operators to provide retransmission of program services, including multi-modal access, as well as an obligation for an audiovisual work distributor who publicly distributes a Slovak audiovisual work or an audiovisual work in the Slovak original language version, to provide subtitles for the hearing impaired for such audiovisual work and voice commentary for the blind, which also

amended the Act No. 40/2015 Coll. on Audiovisuals and on amendment of certain acts (see Annex 1).

106. In accordance with the empowering provisions of §18aa of the Broadcasting and Retransmission Act which took effect on 1 January 2016, Decree No. 12/2016 Coll. was adopted and further stipulated the requirements that subtitles accompanying television program service programming and audiovisual media service upon request must meet.
107. Consultation with representatives of organisations of persons with disabilities is an integral part of drafting and applying legislation focused on the rights of persons with disabilities (see Annex 1).
108. The Ministry of Culture is currently working on a draft law that will transpose Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) in view of changing market realities into Slovak law. This legislative draft will include measures intended to improve the accessibility of audiovisual content for persons with visual and hearing impairments.
109. Act No. 185/2015 Coll., the Copyright Act, contains in §46 a general exception under copyright for persons with disabilities, and it defines when, for what purpose, in what way and to what extent it is possible to use a work without the consent of the author for the needs of persons with disabilities. At the same time, this provision allows an audiovisual work to be adapted without supplementing the verbal expression of its visual component or by separating its audio component, without the author's consent, solely for the needs of persons with disabilities and to the extent justified by their disability. The provision also allows, without the author's consent, the production of an audio recording of a verbal work exclusively for the needs of persons with disabilities and to the extent justified by their disability. This provision ensures the possibility of transforming copyrighted content into various accessible formats for persons with disabilities, which also leads to improved access to information.

### **Respect for home and the family (art. 23)**

110. Under the conditions laid down in §12 of Act No. 36/2005 Coll. on the Family and on amendment of certain acts ("Family Act"), mental disorder is one of the reasons for marriage annulment. The provisions of §12 resolve the issue of capacity to enter into marriage with respect to the psychological preconditions of the couple (see Annex 1). We are of the opinion that it cannot be said here that this is a "denial of the right of certain persons with disabilities to marry". It is currently apparent from the ongoing discussions that a solution to the problem will be proposed as part of guardianship reform.



111. Parents who do not have full legal capacity (are restricted or deprived of legal capacity) do not have any parental rights or obligations under the Family Act. This should be eliminated within “guardianship reform”.
112. Under Ministry of Justice Decree No. 207/2016 Coll., which lays down the details of enforcing decisions in matters concerning minors, it follows that the enforcement of a decision must be as sensitive as possible and must be in accordance with the child's treatment regimen and should do as little harm as possible to the child. According to the Code of Non-Dispute Civil Procedure, grounds for postponing the enforcement of a decision include, *inter alia*, situations where the life, health or favourable development of the minor would be seriously endangered by such enforcement.

#### **Education (art. 24)**

113. A key document to develop, adopt and implement a strategy on quality inclusive education is the National Education and Training Development Program “*Quality and Accessible Education for Slovakia, 2018 – 2027*” approved by Government Resolution No. 302 dated 27 June 2018. This document presents the strengthening of inclusion in the education system across all levels of education, including continuing adult education, while “the resulting model does not count on the complete demise of special schools”. The implementation of its action plan will also result in an inclusive education strategy, the preparation of which is entrusted to a directly managed organisation of the Ministry of Education: the Research Institute of Child Psychology and Pathopsychology.
114. A total of €8,773 was allocated for the preparation of an inclusive education strategy in 2019 and €70,000 was planned for 2020.
115. Education and training of children with disabilities is carried out in schools for children with disabilities in accordance with the Education Act; these schools are special schools and in other schools according to this Act, i.e. school integration (see Annex 1).
116. Children are admitted to pre-primary education in kindergartens in accordance with the relevant legislation. When admitting children to kindergarten, the principle of equal treatment and the prohibition of any form of discrimination and especially segregation must be observed (§3 (c) and (d) of the Education Act). Children with special educational needs can also be admitted to pre-primary education. According to the Education Act, a special educational need means “a requirement to adjust the conditions, content, forms, methods and approaches in training and education for a child that result from his or her health disadvantage or talents or his/her development in a socially disadvantaged environment, the application of which is necessary to develop the child's abilities or personality and to achieve an adequate level of education and integration into society.”

117. The provisions of §145 (1) and (2) of the Education Act are important with respect to the admission of children with special educational needs into kindergarten, which stipulate the following: The rights established by this Act (the Education Act) are equally guaranteed to every child in accordance with the principle of equal treatment in education established by a special regulation (Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and on Protection Against Discrimination and on amendment of certain acts, the Anti-Discrimination Act). The exercise of rights and obligations arising from the Education Act must be in accordance with good morals. No one may abuse these rights and obligations to the detriment of any other child.
118. According to the Education Act, teaching assistants can also work in kindergartens. A municipality, under §6 (12)(h) of Act No. 596/2003 Coll., when determining the amount of funds earmarked for wages and the operation of the kindergarten, may take into account the number of children with special educational needs in the kindergarten and the need to provide a teaching assistant for children with special educational needs in the kindergarten. Beginning in 2021, on the basis of the amendment to the Act on the Financing of Primary Schools, Secondary Schools and School Facilities, the education and training benefit provided by the Ministry of Education for children for whom pre-primary education will be compulsory is set to be used, *inter alia*, to secure teaching assistants and professional staff (in particular speech therapists and psychologists). There are currently 276 teaching assistants in kindergartens (as of 15 September 2019).
119. In order to improve the level of the educational environment for pupils with disabilities in schools at the regional education level, the Minister of Education approved the material *“Model of Objectification of the Number of Professional Staff in Schools”*. It contains measures to make the education of pupils with special educational needs more effective without discrimination and on the basis of equal opportunities in the inclusive education system. Based on the material, the Education Act implemented an obligation for primary and secondary schools that are not special schools and which educate more than 20 individually included students with disabilities, except for students with disabilities educated in special classes, to employ a professional employee: a special school pedagogue, a school speech therapist, a school psychologist or a therapeutic educator.
120. The Ministry of Education, Science, Research and Sport of the Slovak Republic, as the intermediary body for Priority Axis 1 Education within Operational Programme Human Resources is implementing numerous activities to support the inclusive dimension of education. These activities include, for example, “Teacher's assistant for pupils with disabilities” as an instrument for integrating pupils with disabilities into the mainstream educational process. A teacher’s assistant, with the help of a special educator and school psychologist, helps improve the instruction process for pupils with disabilities. A teacher's assistant is involved in creating equal opportunities in education, and in overcoming architectural, informational, linguistic, health, social or cultural barriers. Several calls were announced within Priority Axis Education of Operational Programme Human Resources focused on the support of inclusion

through the support of newly created jobs of teaching assistant, teacher's assistant and members of the inclusive team (school psychologist, special pedagogue and social pedagogue). These include the "Greater success in primary school" and the "Greater success in primary school II" calls supporting inclusive education at the primary school level (total allocation of EUR 50 million (EU funds) for both calls), as well as the national "Assistance professions in education for children and pupils" program which was designed to ensure the implementation of inclusive education principles in kindergartens and at the primary and secondary school levels (total allocation: EUR 40,607,050.00 (EU funds)).

121. Funds for the education of children and pupils with disabilities are currently allocated in a standardised manner and they may be used to finance payroll costs, including premiums for mandatory public health insurance and social insurance, contributions towards old-age pension savings, contributions towards supplementary pension savings, operations involving the modernisation of teaching aids, special teaching aids and compensatory aids and to resolve urgent and emergency situations.
122. Non-standardised funds which are allocated via grants on an annual basis are another source of funding and include the benefit for personnel costs for teaching assistants for pupils with disabilities as distributed by the founders of individual schools under §4a of Act No. 597/2003 Coll. on the Financing for Primary Schools, Secondary Schools and School Facilities.
123. A child or a pupil with a disability has, under valid legislation, the right to education using special forms and methods that meet their needs and to the creation of the necessary conditions to facilitate and permit this form of education. They also have the right to use special textbooks, educational texts, workbooks, multi-media aids and special didactic and compensatory aids during such education; deaf children and pupils are guaranteed the right to education using Slovak sign language as their natural form of communication; blind children and pupils are guaranteed the right to education using Braille; children and pupils with impaired communication skills are guaranteed the right to education through alternative means of communication.
124. Under Act No. 131/2002 Coll. on Higher Education and on amendment of certain acts ("Higher Education Act"), every student has the right to study their selected educational program at university if they meet the basic admission requirements under §56, other conditions specified by the university to provide the selected educational program under §57 (1), the conditions defined in an agreement under §54a (2) and the conditions under §58a (4). The rights established by the Higher Education Act are equally guaranteed to all applicants and students in accordance with the principle of equal treatment in education established by a special act (Anti-Discrimination Act).
125. Universities, including colleges, which prepare teachers for the exercise of their profession in accordance with Act No. 131/2002 Coll. on Higher Education and on amendment of certain acts, create a generally accessible academic environment

by creating appropriate study conditions for students with special needs without reducing the requirements for their study performance. A student with special needs is considered to be a student with sensory, physical and multiple disabilities, chronic illness, impaired health, mental illness, autism or other pervasive developmental disorders, or learning disabilities.

126. Depending on the extent and type of specific need, the student is entitled to support services, especially to ensure the ability to use specific educational resources, individual educational approaches, especially individual teaching of selected subjects for students with sensory disabilities, special conditions for performing study obligations without reducing requirements for study performance, an individualised approach on the part of higher education instructors, waiver of tuition fees in justified cases, if the study is longer than the standard length of the relevant academic program. A student with special needs may be awarded a social scholarship even after exceeding the standard length of study, if such extension is caused by their disability. Details on the minimum entitlements of students with specific needs for support services depending on the type of specific need are regulated by Ministry of Education, Science, Research and Sport Decree No. 458/2012 Coll. on the minimum entitlements of a student with special needs.
127. To support the study of students with special needs, special pedagogical workplaces and coordinators for students with special needs operate at universities.
128. Special pedagogical workplaces to support the study of students with special needs fulfil the role of methodological, knowledge and coordination centres and are established at Comenius University in Bratislava and Technical University in Košice.
129. Public universities have also created a financial fund to support the study of students with special needs, which can be used to financially provide appropriate study conditions for students with special needs with regard to their specific needs.
130. According to the methodology of the breakdown of subsidies from the state budget to public universities, public universities are provided with funds which are purposefully tied to the provision of support services to students with special needs. An amount of EUR 700,000 has been allocated for 2020 to support the study of students with special needs.
131. With respect to the recruitment of persons with disabilities, Slovakia has of yet not adopted any specific measures to employ teachers with disabilities. Such recruitment is implemented in accordance with Article 1 of Act No. 311/2001 Coll., the Labour Code, i.e. the right to work and to free choice of employment in accordance with the principle of equal treatment established in the field of employment arrangements by a special law on equal treatment in certain areas and protection against discrimination and amending certain acts (Anti-Discrimination Act), without any restrictions or discrimination on health grounds, disability, unless the difference in treatment is justified by the nature of the activities pursued or in the circumstances in which those activities are pursued, where that reason

constitutes a genuine and decisive requirement of employment, provided that the objective is legitimate and the requirement is proportionate.

132. The Ministry of Education, Science, Research and Sport has not yet accredited sign language education. Education in sign language is provided by universities in the field of special pedagogy with a focus on the pedagogy of the hearing impaired. During their studies, students take courses such as Basics of sign language, Sign language lexicon, Communication with the deaf, Finger alphabet, and Linguistics of sign language.
133. Slovak sign language courses are provided by many institutions, e.g. Support Centre for Students with Special Needs, Comenius University, the Nepočujúce Dieťa ("Deaf Child") non-profit organisation, Effeta Nitra, Christian Centre for the Deaf in Bratislava and Banská Bystrica, etc.

### **Health (art. 25)**

134. The themes of the Convention consisting, *inter alia*, of those relating to human rights, dignity, independence, the needs of persons with disabilities, discrimination, ethical standards, etc. are integrated within the process of obtaining professional competency to perform individual medical professions requiring the completion of higher education, higher vocational education, upper secondary vocational education or secondary vocational education in Slovakia into subjects focused on the social, ethical, moral and legal aspects of providing health care.
135. In the context of higher education, higher vocational education, upper secondary vocational education or secondary vocational education, these theses are included in subjects related to health ethics, health care organisation and social care. Subjects dealing with this issue are named differently, but they are part of every academic program that must be completed to obtain professional competence to perform a medical profession.
136. As part of the specialised study of health professionals, the area focused on persons with disabilities includes the following minimum standards:
- for the medical profession of physician
    - minimum standards for specialised academic programs in the specialised fields of paediatric surgery; gynaecology and obstetrics; paediatrics and general medicine;
    - minimum standards for certification academic programs in certified occupational activities in aero-medical and occupational medicine;
  - for the medical profession of nurse - the minimum standard for a specialised academic program in the specialised field of nursing care in paediatrics;
  - for the medical profession of midwife - the minimum standard for a specialised academic program in the specialised field of midwifery in the family and community;
  - for the medical profession of psychologist - the minimum standard for a specialised academic program in the specialised field of clinical psychology.

137. Within the framework of further education of health care workers, the issue of the rights of persons with disabilities is a part of the minimum standards of specialisation academic programs in the relevant specialised fields intended for several health professions.

138. Access to the website of the Ministry of Health, where according to §6c (2) of Act No. 576/2004 Coll. on Health Care, Services Related to the Provision of Health Care and on amendment to certain acts:

“The Ministry of Health will publish on its website a list of civic associations, non-profit organisations, foundations, churches and religious societies that provide financial, material and psychological assistance to women during pregnancy. The list according to the first sentence shall be updated by the Ministry at least once a calendar quarter. The details and conditions of publication in the list referred to in the first sentence shall be laid down by the Ministry of Health in a generally binding legal regulation.”

#### **Habilitation and rehabilitation (art. 26)**

139. Social rehabilitation is one of the explicitly specified professional activities provided within the framework of social services in all social services facilities conditioned by dependence. For this reason, Slovak Government Regulation No. 354/2018 Coll. was amended to include work as a Social Rehabilitation Instructor at three levels (secondary education and levels I and II of higher education) from 1 January 2019. Recently, the number of entities requesting accreditation for social rehabilitation as an independent professional activity has also increased.

#### **Work and employment (art. 27)**

140. According to §14 (2) of the Employment Services Act (Act No. 5/2004 Coll.), a Slovak national has the right to access employment with no restrictions in accordance with the principle of equal treatment in employment arrangements and in similar legal arrangements laid down in a special act (Anti-Discrimination Act). In addition, measures to increase the employment rate and reduce unemployment for persons with disabilities ("PWD") have been implemented within employment services, regardless of gender. Persons with disabilities for the purposes of the Employment Services Act include anyone who is recognised as disabled under specific regulations (Act No. 461/2003 Coll. on Social Insurance as amended by Act No. 310/2006 Coll., Act No. 328/2002 Coll. on Social Security for Police Officers and Soldiers and on amendment of certain acts).

141. The standing of persons with disabilities improved on the labour market in Slovakia thanks to measures, program and project solutions, the individualised approach of the office towards its clients and positive economic developments from 2016 to 2019. Based on data available from the Statistical Office of the Slovak Republic ("Statistical Office") from the labour force sample survey, the level of economic activity and the level of employment have increased while the level of unemployment of persons with disabilities, including women with disabilities, has

decreased. The total number of working persons with disabilities in 2018 was 14.7% higher than in 2017, while the tempo of their year-on-year growth significantly outpaced overall employment growth in Slovakia over the same period (1.4% was the average in Slovakia). The registered unemployment rate gradually decreased in Slovakia. The number of job seekers, including the job seekers with disabilities, decreased. Over the monitored period, the total number of job seekers was reduced by 40.1% and the number of job seekers with disabilities was reduced by 41.7%, which was 1.6 percentage point higher decrease compared to the overall decrease in the number of job seekers. Authorities registered a total of 165,455 job seekers, of which 5,668 job seekers with disabilities, at 31 December 2019 (see Annex 1).

142. Specific measures were implemented to increase the level of employment and to decrease the unemployment of persons with disabilities  
*targeted specifically at persons with disabilities and focused on creating and maintaining jobs*

Through the national projects “Support for employment of persons with disabilities 2”, “3” and “4”, public funds, including funding from the European Social Fund (ESF), were used to support jobs created by employers in sheltered workshops, and by employers on the open market as sheltered workplaces and jobs that involve self-employment created for job seekers with disabilities as sheltered workplaces and which, when supported with public funds, function in the natural competitive environment of the open market and therefore meet the criteria for persons with disabilities functioning and supported on the open market. Similar progress was achieved in instances when persons with disabilities took up jobs with employers on the open market which were created and adapted to the specific needs of persons with disabilities and which were supported with contributions from public funds and formally characterised as sheltered workplaces, even though they were jobs on the open market. Within this group, measures were also taken to support employers who had not established sheltered workshops, and who employed persons with disabilities at a level of more than 25% of their total employees.

Persons with disabilities are employed in sheltered workshops and sheltered workplaces under employment arrangements and receive a wage or remuneration for their work in accordance with domestic regulations concerning employee remuneration.

*targeted at disadvantaged groups on the labour market, including support for job creation for persons with disabilities as one of the disadvantaged groups*

Jobs that permitted persons with disabilities as disadvantaged job seekers to integrate into the open market were supported, while the most widely used were measures to support the employment of disadvantaged job seekers (§50), to support the development of local and regional employment (§50j) and to increase employment through various supporting projects and programs (§54) under the Employment Services Act.

*to increase employability*

Professional counselling services and education and training for the labour market were provided, the aim of which is to provide job seekers, including persons with

disabilities, with individualised support to develop their employability. Job seekers with disabilities were assigned to activation activities within efforts to increase their employability.

*to support employment of persons with disabilities or employers who employ persons with disabilities within the social economy*

The area of the social economy and social enterprises in Slovakia has been governed by the Act on the Social Economy and Social Enterprises (Act No. 112/2018 Coll.) since 1 May 2018 which creates a comprehensive framework for the sector of the social economy in general and social enterprises in particular. The social economy is an innovative tool for supporting regional and local employment and represents the sector of the economy that carries out a certain business activity, but its main mission is to fulfil a certain social goal. Such social goals from an economic perspective include employing the long-term unemployed and other disadvantaged and vulnerable groups. Implementation of this new and complex legislation is expected to create an attractive and supportive environment for entities in the social economy to launch the development of the social economy sector in Slovakia.

143. In terms of their area of activity, a registered social enterprise may include
- an integration enterprise,
  - a social housing enterprise, and
  - a registered general social enterprise.
144. An integration enterprise is a public benefit enterprise whose positive effect is the promotion of employment through the employment of disadvantaged and vulnerable persons, a positive effect being considered achieved if the integration enterprise employs at least 30% of disadvantaged persons and vulnerable persons within employment agreed at least to the extent of half of the established weekly working time, and in the case of disadvantaged persons under §2 (5)(b), at least to the extent of a quarter of the established weekly working time (§12 (1) and (2) of the act).
145. Persons with disabilities are one such group of disadvantaged persons. In the context of the direction of advanced European legislation, this act extends a broader view towards persons with disabilities, including those recognised as disabled (§2 (5)(b)(1)) and persons who are not recognised as disabled but who have long-term disabilities reducing their physical, mental and sensory abilities, which prevent their full and effective participation in the work environment compared to a healthy person according to a medical assessment of fitness for work not older than one year or according to a decision not to award a disability pension, but which recognises a reduction in their ability to conduct gainful employment of more than 20% compared to a healthy person not older than two years; a long-term disability is a disability which, according to the findings of medical science, lasts at least two years (§2 (5)(b)(2)).
146. Support activities are implemented with respect to this act that are co-financed with ESF funds through (see Annex 1).



147. Among the examples of good practices, Profesia (the operator of the most visited job portal in Slovakia, [www.profesia.sk](http://www.profesia.sk)) created the “Helping from the Heart” program to improve the chances of persons with disabilities to find work on the open market. The program gives persons with disabilities an opportunity to find employment or otherwise perform short-term or seasonal work. Job providers looking to employ someone with a disability will find information in the program on how to identify suitable jobs for these individuals, and the profiles of suitable job seekers are available, with the opportunity to connect with certified professionals who have long been involved in the employment of the disabled.

The Institute for Occupational Rehabilitation of Persons with Disabilities is engaged in the program and helps

- provide career counselling services,
- in the restoration of working habits and assessing the potential of a client for work activities,
- perform the function of a work adaptation assistant when incorporating a client into a specific job,
- prepare employers to accept employees with disabilities into the work team and prepare an enterprise's internal employees who will assume responsibility for guiding the person with a disability in their work agenda after their incorporation.

148. A working group established by the Ministry of Labour, Social Affairs and Family prepared the “*Step by Step*” call, which aims to increase the employability, employment and sustainability of employment of people in the target group. The main activity is to accompany, lead and support in solving personal and professional obstacles of people from the target group (divided into NEET up to 29 years with lower than secondary vocational education and into inactive persons and disadvantaged job seekers with lower than secondary vocational education, including persons with disabilities if they meet the conditions of these groups) to enter and remain on the labour market. Step by Step is a fusion on employment services and social work. As a result of the transfer of funds to measures to address the consequences of the COVID-19 pandemic, this call will be subject to further assessment as part of the continuation of the originally planned calls and awards. The Ministry of Labour, Social Affairs and Family does not have statistical data available on the number and types of jobs for persons with disabilities, the results of recruitment and duration of stay in jobs by persons with disabilities.

149. Regarding the measures taken to ensure the transition of persons with disabilities, including those transitioning from institutional to community care, from unemployed or employed in sheltered workshops into employment on the open market, please note that under the leadership of the Institute for Labour and Family Research and expert working group prepared in 2017 the “*Action Plan for the Transition from Sheltered Workshops to Employment for Persons with Disabilities on the Open Market (draft)*”. This plan follows the recommendations of the UN Committee on persons with disabilities in Slovakia and recommendation no. 74 of the UN Committee. Its primary objective is to intensively create conditions and provide real support for the employment of persons with disabilities, including women with

disabilities, on the open market. This material builds on the conceptual bases for the formation of the action plan and on analysis of the development of the standing of persons with disabilities on the labour market. It focuses on the terminology questions related to the employment of persons with disabilities and its conceptual definition in current legislation, especially the legal definition of terms sheltered workshop and sheltered workplace in the Employment Services Act, while these term definitions are characterised in relation to the development of the overall situation in employing persons with disabilities as problematic, given analysis of the current situation, lists of sheltered workshops and sheltered workplaces, where sheltered workplaces account for the vast majority (~ 72%). These are jobs created for persons with disabilities by employers operating in the open market. As stated in the material, these sheltered workshops and sheltered workplaces may be considered a form of employment of persons with disabilities on the open market based on the manner in which they actually operate, while only a small share in the total number of sheltered workshops clearly fulfils the characteristics of segregated employment of persons with disabilities.

150. The expert working group states that there is an erroneous misconception that Slovakia only provides a minimum of support for employment of persons with disabilities from public funds on the open market and that support for their employment in sheltered (segregated) environments is due to the definition traits applied to sheltered workshops and sheltered workplaces (sheltered workplaces are workplaces at which a natural person or legal entity creates a job for a person with a disability and a job is not created in a sheltered workshop; a sheltered workshop is a workplace at which a legal entity or natural person creates more than one job for persons with disabilities and at which at least 50% of employees are persons with disabilities) mean that most of the active labour market measure allowances targeted to support the employment of persons with disabilities under valid legislation is bound to the establishment of sheltered workshops and sheltered workplaces. It is therefore necessary to harmonise the conceptual/definitional apparatus characterising the employment of persons with disabilities in Slovakia with the conceptual apparatus of the EU, or the conceptual definition apparatus of official institutions, which, on the basis of the above-mentioned contexts and conceptual inconsistencies, have reached the above-mentioned conclusion. This plan is the basis for the process of future potential incorporation of the proposed changes and measures in the area of support for the employment of persons with disabilities.

151. According to the list of sheltered workshops and sheltered workplaces maintained by Labour, Social Affairs and Family Centres ("centres") at 31 December 2019 showed that jobs created for persons with disabilities by employers operating in the open market as sheltered workplaces accounted for a majority, 4,140 or 72.7%, of the total number of sheltered workshops and sheltered workplaces. There were 1,554 sheltered workshops, a reduction of 129 from the same period in 2016. The number of persons with disabilities working in sheltered workshops (without persons with disabilities employed or self-employed in sheltered workspaces) was 5,735, a decrease of more than 500 persons with disabilities compared to 2016 (source: centres).

152. Ensuring that persons with disabilities transition from sheltered workshops to the open market is assured within social economy measures through the transformation of sheltered workshops to registered integration social enterprises (“integration enterprises”), and in connection with the adoption of the Act on the Social Economy and Social Enterprises. Permitting sheltered workshops to transform into integration enterprises anticipates a gradual reduction in the number of sheltered workshops and in the number of persons with disabilities employed in sheltered workshops. According to available statistical data, the number of legal entities at 7 March 2020 which have provided compensatory contributions to integration enterprises (§53g) registered as the Provider in a contractual arrangement, i.e. a valid job provider, and for which the centres record a valid sheltered workshop/sheltered workplace role is 14 (source: Employment Services Information System (ISSZ), department of centre information system methodology). These legal entities employed 216 persons with disabilities at 31 December 2020 (source: Ministry of Labour, Social Affairs and Family, department of social economy, own calculations).
153. A new active labour market measure was implemented effective on 1 May 2018 in the form of placement allowances for integration enterprises (§53f) with the goal of increasing support and the motivation of integration enterprises to provide suitable support and assistance to disadvantaged persons (including persons with disabilities) during their employment in the integration enterprise so that they find employment on the open market with the help of the integration enterprise and without other supporting financial mechanisms. The objective here is to motivate the integration enterprise to secure employment for their employee, who was a disadvantaged person, or assistance in finding employment by employers who are not integration enterprises, party dependent upon an integration enterprise or sheltered workshop.
154. An applicant (integration enterprise) has a legal right to the placement allowance if it meets the substantive conditions for its provisioning. Under §53f (1)(a) of the Employment Services Act, the office provides placement allowances to integration enterprises that terminate employment upon agreement within two years from the establishment of employment with an employee who was a disadvantaged person and who subsequently establishes employment with an employer that is not an integration enterprise, party dependent upon an integration enterprise or sheltered workshop within one month of the termination of their employment at the integration enterprise, if employment by such employer is agreed at a minimum of one half of the weekly working time; the integration enterprise is obliged to demonstrate the agreed scope of weekly working time. The allowance is provided upon a written agreement to provide the allowance concluded by the office and the integration enterprise during the existence of such employment under §53f (1)(a), within 12 calendar months from the end of employment by the integration enterprise at the latest.

155. Given the gradual increase in employment, reduction in the unemployment of persons with disabilities, and reduction in the number of sheltered workshops and sheltered workplaces in which they work, it can be said that persons with disabilities are finding work in particular on the open market.
156. With respect to measures adopted to remedy barriers and discrimination faced by persons with disabilities in the process of finding work and at the workplace, including instances where individualised measures are rejected, please note that the Employment Services Act, specifically §14 (1) to (3) stipulates the right of access to employment. Everyone has the right to file a complaint with the office in relation to a violation of these rights and duties. The office is obliged to take up and respond to such complaints without any undue delay, to remedy, and refrain from such action and elimination of its consequences. Anyone who believes that their rights or legally protected interests are affected due to failure to comply with the rights under §14 (1) to (5) may assert their legal protection in court under a special act (Anti-Discrimination Act).
157. Applicable provisions of the Labour Code cover labour and employment arrangements (see Annex 1).

#### **Adequate standard of living and social protection (art. 28)**

158. The issue of people with disabilities is also included in the national strategy, which focuses on promoting social inclusion and combating poverty. It is the National Framework Strategy for the Support of Social Inclusion and the Fight against Poverty ("National Framework Strategy"), which is connected to the National Programme for the Development of Living Conditions for People with Disabilities 2014–2020. The National Framework Strategy systematises approaches to tackling poverty and social exclusion and developing them under a single framework in relation to the objectives of the Europe 2020 strategy.
159. Conditions for the acquisition of rental and affordable housing for socially vulnerable groups have been created since 2000. To procure these flats, municipalities are provided with advantageous loans from the State Housing Development Fund (low interest rate and long loan maturity period) and subsidies through the Ministry of Transport and Construction. People with severe disabilities have more favourable conditions for obtaining a rented apartment compared to others (the upper income limit of a household of which a person with a severe disability is a member to obtain a rental apartment is higher, the floor area of a barrier-free apartment may be 10% greater than a normal apartment and a longer rental period is standard).
160. An amendment to legislation in the area of housing support created more favourable conditions effective from 1 January 2020 for
- a) procurement of rental housing (including barrier-free) for socially vulnerable groups of the population.
  - b) procurement of rental apartments in the private sector

c) construction of social services facilities and renovation of social services facilities to extend the circle of applicants to include a different legal entity.

161. With the adoption of Act No. 112/2018 Coll. on the Social Economy and Social Enterprises, a legal framework was created for the establishment of a specific type of registered social enterprise, a social housing enterprise, to secure adequate and dignified housing for a specifically defined circle of natural persons after meeting legal conditions.
162. Defining this type of registered social enterprise within the provisions of the Act on the Social Economy strengthens the space for the development of rental housing in Slovakia, which is inspired mainly by the model from Austria. The creation and subsequent operation of social housing enterprises is not intended to replace or otherwise interfere into the functioning social housing model in Slovakia, which is based on a combined subsidy from the Ministry of Construction and Transport and advantageous loans from the State Housing Development Fund. This is a complement to the existing model.
163. The provisioning of socially beneficial rental housing, which is a “social service of general importance” under Regulation (EU) No 1304/2013 of the European Parliament and of the Council of 17 December 2013 on the European Social Fund and repealing Council Regulation (EC), represents the provision of housing, the administration of this housing, the maintenance performed within the provided housing or the renewal of the housing stock by a social housing enterprise, which the enterprise provides by construction, renovation or acquisition of flats or apartment houses from third parties and their subsequent rental to a defined group of natural persons.
164. Socially beneficial housing under the Act on the Social Economy and in the context of the regulation is defined as follows: provision of housing, administration, maintenance and renewal of the housing stock through construction, renovation or acquisition of flats for rent to eligible persons or through rent of flats to such natural persons. Socially beneficial rental housing is a social service of general interest according to a special regulation.
165. Social services of general importance, to which the provision of socially beneficial housing belongs, is intended for a specific group of natural persons. Eligible persons to whom it is possible to provide rental housing in accordance with the Act on the Social Economy are (among other conditions) natural persons who, in accordance with Act No. 40/1964 Coll., the Civil Code, form a common household.
166. The condition that the entitled persons are natural persons who form a common household is not the only condition for the fulfilment of the right to the provision of rental housing. Another condition is that the persons who form a common household have a common monthly income, which in total does not exceed four times the amount of the subsistence minimum. The nominal amount of the

subsistence minimum for all jointly assessed persons living in the same household depends on the number of persons who make up this household.

167. A general registered social enterprise is an enterprise that is not an integration enterprise and is not a social housing enterprise under §11 (2)(a) and (b) of the act. This likewise does not mean that a general registered social enterprise is unable to provide a socially beneficial service in the area of employment or providing housing, administration, maintenance and renewal of the housing stock.
168. Such an enterprise is classified as a general enterprise given that it can achieve or generate a positive social impact by providing a socially beneficial service in general in any area of social life under §2 (4)(a) to (j) of Act No. 112/2018 Coll.
169. The enterprise, just as an integration enterprise or a social housing enterprise, must focus on the implementation of a selected socially-beneficial service (or combination thereof) and achieve a positive social impact through such provisioning. Social enterprises such as an integrated enterprise focus in particular on disadvantaged and vulnerable people for the purpose of their employment (jobs created for this purpose) while social housing enterprises and general social enterprises tend to perceive disadvantaged and vulnerable persons more within the context of customers of their goods and services.”
170. With effect from 1 January 2018, the multi-source financing of social services is also being strengthened by another amendment to the Act on Social Services. This new legislation focuses on the co-financing of nursing care in social services facilities including facilities for seniors, care service facilities, social services homes and specialised facilities using public health insurance funds. The legal basis is the conclusion of a social services facility nursing care agreement with the relevant health insurer under health care regulations in the scope of a lump sum payment for a specific limit on the minimum number of beds for lump sum payment for providing nursing care in such social services facilities (nursing care in social services facilities may be reimbursed under public health insurance in the scope of a minimum number of beds, ~ 10,000 beds, in a lump sum amount as defined by Ministry of Health measures, currently at a rate of €3.30 each (per person per day).
171. The Statistical Survey on Income and Living Conditions of Households in the Slovak Republic, EU SILC, provides an overview of the basic details on household income and size, the structure of such income, housing living conditions and poverty indicators. The poverty of persons with disabilities is also monitored using this source. Outputs are available on the web portal of the Statistical Office and from EUROSTAT.

#### **Participation in political and public life (art. 29)**

172. §4 (c) of Act No. 180/2014 Coll. on the Conditions for the Exercise of Voting Rights and on amendment of certain acts, according to which the deprivation of legal capacity is considered grounds for losing the right to vote, was annulled by

judgement no. 130/2017 of the Constitutional Court of the Slovak Republic dated 22 March 2017, taking effect on 31 May 2017 and valid on 31 November 2017. This provision is not enforced for this reason. Legal capacity is a condition for exercising passive voting rights. The lack of legal capacity is therefore an obstacle to the right to be elected (§6 (c) of Act No. 180/2014 Coll.).

173. Under §8 (1) of Act No. 180/2014 Coll. on the Conditions for the Exercise of Voting Rights, the following is stipulated: The mayor of a city or town, and the mayor of a borough in the cases of Bratislava and Košice (“mayor of a municipality”) designates the voting districts and voting places within the term specified in the decision to call an election for the purposes of casting ballots and counting the votes of voters. The mayor of a municipality shall consider ensuring the easiest possible access for voters with disabilities when defining the voting place.

174. Under §24 (6), (7) and (9) of Act No. 180/2014 Coll. on the Conditions for the Exercise of Voting Rights, the manner in which people with disabilities vote is laid down as follows:

(6) A voter who is unable to mark their ballot due to a disability or because they are unable to read or write and who notifies such fact to the district election commission prior to voting has the right to take another person capable of marking their ballot per their instructions and under the law with them into the designated voting booth and to place their ballot inside the official envelope; such person may not, however, be a member of the district election commission. Both persons prior to entering the designated voting booth shall be instructed by a member of the district election commission of the manner of voting and the factual basis constituting the crime of interfering with the preparation and course of an election or referendum.

(7) For serious, primarily health-related reasons, a voter may request, alone or through another person, the municipality, and on the date of the election, the district election commission to vote outside of the designated voting place, but only in the territory of the relevant voting district for which the district election commission was established. In such case, the district election commission shall dispatch two of its members to the voters with a portable ballot box, ballots, envelopes and with a list of those voters who requested voting outside of the designated voting place. The dispatched members of the district election commission shall ensure that voting privacy be maintained and that the voters sign for acceptance of the ballot and the envelope; if a voter is unable to do so or if they refuse to sign for acceptance of the ballot and the envelope, the member of the district election commission shall record such fact in the list. Dispatched members of the district election commission shall take measures during signature of the voter to protect the personal data of other voters on the list. This list of voters is then connected to the overall list of voters. The district election commission shall circle the number(s) of the voter(s) in the list of voters immediately upon the return of the members of the commission dispatched with the portable ballot box to the voting place.

(9) A voter who is unable to insert the envelope into the ballot box due to a disability may request that another person place such envelope into the ballot box, but not a member of the district election commission.

### Participation in cultural life, recreation, leisure and sport (art. 30)

175. In 2017, the Ministry of Culture prepared an informational material on the gradual elimination of barriers in cultural institutions under the founding authority of the Ministry to provide them with information on making culture accessible to people with disabilities and with the ambition to encourage the process of gradual removal of physical and information barriers and strengthen accessibility of cultural institutions and cultural activities in formats accessible to people with disabilities (accessible via the Ministry of Culture website<sup>15</sup>).
176. The Ministry of Culture created a stable financial mechanism to support the culture of people with disabilities and other disadvantaged groups in the form of the Culture of Disadvantaged Groups subsidy program, which it uses to promote projects in the area of culture organised primarily by non-governmental organisations and local government bodies are supported. The funding allocated to this subsidy program in 2017 was increased by 161.12%, and in absolute terms from €375,300 to €980,000.
177. Within efforts to raise awareness about this issue, the Ministry of Culture implemented an interactive professional training event in 2018 under the name *“Open – Accommodating – Accessible”*<sup>16</sup> (cultural institutions on the road to the removal of barriers) for the statutory representatives of organisations under the Ministry’s founding authority (audiovisual recordings<sup>17</sup>).
178. The Ministry of Culture adopted the departmental-level Measures to Secure and Improve Access to Culture for People with Disabilities (removal of physical and information barriers) in 2020 which contains specific measures to improve the accessibility of culture for people with disabilities with a timeline to completion by the end of 2022.
179. At EU level, two legislative proposals, a directive and a regulation, have been adopted to harmonize the provisions of the Marrakesh Treaty with the EU legal framework. The directive and the regulation were published in the Official Journal of the EU on 20 September 2017. The deadline for transposition of the directive into Slovak law expired on 11 October 2018. The regulation has been applied throughout the EU since 12 November 2018. The provisions of the directive were transposed into Act No. 215/2018 Coll. on Copyrights, which amends Act No. 185/2015, the Copyright Act, as amended by Act No. 125/2016 Coll. which amends certain acts. This amendment of the Copyright Act introduced the new exception under copyright law in §46a for the needs of people with reading disabilities in accordance with the directive. The amendment was discussed during its preparation with representatives of organisations of the blind and partially sighted as well as with other stakeholders

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<sup>15</sup> [http://www.culture.gov.sk/extdoc/7335/info\\_debar\\_all](http://www.culture.gov.sk/extdoc/7335/info_debar_all)

<sup>16</sup> <http://www.culture.gov.sk/posobnost-ministerstva/kultura-znevyhodnenych-skupin-obyvateľstva-/metodicke-materialy-pre-pripravu-kulturnych-podujati-117.html>

<sup>17</sup> <https://www.youtube.com/watch?v=GEi2vp0rC48&list=PLSIlc2-x40bup2Aq93WY42iDfiyV0dQEY>



(representatives of libraries and schools providing services to people with reading disabilities). The amendment entered into force on 11 October 2018, which corresponds to compliance with the transposition deadline of the Directive.

### **C. Specific obligations (arts. 31–33)**

#### **Statistics and data collection (art. 31)**

180. Act No. 280/2019 Coll., which amends the Act on Social Services and taking effect on 1 January 2021, is deploying the IS SOCS information system in which data will be aggregated and collected to ensure all data is current, verifiable and relevant for the needs of fact finding in the field of social services (including data on recipients of social services with disabilities), and to improve the process of medium-term planning for the development of social services and their related co-financing, both at the level of self-government and the state.
181. The Statistical Office aggregates information, including statistical and survey data, for the purposes of implementing policies and measures contributing to improved living conditions for people with disabilities and measures to implement the Convention. The Statistical Office has the annual task under the National Programme for the Development of Living Conditions for People with Disabilities 2014–2020 to calculate selected indicators of the social situation of people with disabilities and their publication on the Statistical Office's portal. The Statistical Office sends this report every year and publishes it on the Statistical Office's portal under the name “Selected Indicators of the Social Situation of People with Disabilities”.
182. A short set of questions from the Washington Group on Disability Statistics will not be included in the next census in 2021. In the negotiations on the comments of the Office of the Commissioner for People with Disabilities with respect to the Census Act, it was agreed that their requirements would be covered by the EHIS (European Health Information Survey) sample survey. This data will be more detailed in terms of content. As this is a sample statistical survey, the data will be recalculated for the entire population by special weights and will be provided by the Statistical Office by the end of 2020.

#### **International cooperation (art. 32)**

183. The European Consensus on Development (ECD) was revised and entered into force in 2017. The implementation of the revised consensus is monitored on an ongoing basis. The ECD focuses particular attention on people with disabilities (para 30 and 31 ECD) who are often considered the most impoverished and vulnerable within a given community and who face a higher level of discrimination. EU development cooperation under the new ECD should take into consideration the specific needs of people with disabilities and promote their rights in accordance with the Convention and in accordance with the ‘leave no one behind’ principle of Agenda 2030.

184. Citizens with disabilities are represented in the Government Council for Agenda 2030 for Sustainable Development through a representative of the Government Council (Deputy Chairman of the Committee for Persons with Disabilities) and through the Government Plenipotentiary for the Development of Civil Society, who is also Deputy Chairman of the Government Council for Non-Governmental Non-Profit Organisations members of which are the Association of Organisations of Disabled Citizens of Slovakia and the National Council of Persons with Disabilities in Slovakia. These representatives also actively participated in the participatory processes of creating National Priorities for the Implementation of the 2030 Agenda for Sustainable Development (2018) as well as the follow-up Vision and Development Strategy of the Slovak Republic until 2030 (the material is to be submitted to the Slovak Government by 31 December 2020).

### **National implementation and monitoring (art. 33)**

185. In order to ensure cooperation with the main contact point in the implementation of activities arising from the Convention, central state administration bodies nominated two contact persons within their departments responsible for collecting and processing documents for the report on legislative proposals, changes and progress in the area of the rights of persons with disabilities. At the same time, the nominees are members of an inter-departmental working group for the preparation and updating of the "National Programme for the Development of Living Conditions for People with Disabilities", as well as for the preparation of the second and third periodic reports on the implementation of the Convention.
186. The Ministry of Justice commenced the legislative process to amend Act No. 308/1993 Coll. on the Establishment of the Slovak National Centre for Human Rights in 2018. Following the unsuccessful inter-departmental comment procedure on the draft amendment, which proposed the transformation of the Slovak National Centre for Human Rights into a body for equal treatment and the transfer of the agenda of the National Human Rights Institution (NHRI) to the Public Defender of Rights (May 2018) in which the main contradictions, which included the financing of the ombudsman and the withdrawal of the mandate of the NHRI, were not overcome, the Ministry of Justice submitted a new draft amendment. A second draft amendment was submitted for the inter-departmental commenting process in October 2018 and it proposed the strengthening of the Centre as the NHRI with the withdrawal of the mandate of the equal treatment body in relation to the extension of its powers, changes to the formation and composition of the management board and changes to the election and conditions for performing the role of executive director. This proposal aimed to align legislation with the Principles on the Status of National Institutions for the Promotion and Protection of Human Rights (the so-called Paris Principles). The draft amendment was approved by the Slovak government and submitted to the Slovak parliament in January 2019. The draft amendment to the act was not adopted in the third reading in June 2019 despite the adoption of amendments and the favourable opinions provided by the Constitutional Law Committee and the Committee on Human Rights and National Minorities. While the Slovak parliament rejected a parliamentary proposal to amend the Anti-

Discrimination Act in 2019 that was intended to update legislation in line with recommendations from the UN Committee for the Rights of Persons with Disabilities, the Convention itself is directly applicable and has priority over the law. According to §7 (5) of the Slovak Constitution, international treaties on human rights and fundamental freedoms, international treaties where no law is required for their implementation, and international treaties which directly establish the rights or obligations of natural persons or legal entities and which have been ratified and proclaimed in the manner prescribed by law take precedence over laws. Given the sensitivity of the legislation contained in Act No. 308/1993 Coll. to the amendments, the Ministry of Justice will consider whether to proceed with its amendments.

187. The Ministry of Finance increased funding for the Centre during this period by increasing the Centre's budget for 2019 to €787,215, which is a 42% increase compared to 2018. Thanks to this budget increase, the Centre had the funds necessary to hire 7 new employees (a 40% increase). Despite the failure to adopt legislative changes, the Centre's funding was maintained in 2020 and is operating with a subsidy from the Ministry of Finance in the amount of €797,822. According to information from the Ministry of Finance, such an increased subsidy would be provided to the Centre in the next budgetary period.
188. The involvement of people with disabilities and their representative organisations into the independent monitoring framework is guaranteed by the staffing in the chamber for non-governmental organisations within the Committee for Persons with Disabilities. Periodic reports are also discussed at the meetings of the Government Council (as a permanent professional, advisory, coordinating and consultative body of the Slovak Government), where representation in the Committee for Persons with Disabilities, the Committee for Children and Youth, and the Committee for Gender Equality is guaranteed through the deputy chairs of these committees, who are representatives of civil society.
189. On 15 June 2020, the department for implementing the UN Convention on the Rights of Persons with Disabilities (as the main contact point for the implementation of the UN Convention on the Rights of Persons with Disabilities) was dissolved within organisational changes implemented at the Ministry of Labour, Social Affairs and Family.