

## **Annex 1 to Part B. Specific rights (arts. 5–30)**

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

Data is also collected based on defined types of complaints, including:

- Disputes concerning the right to equal treatment in social security
  - Disputes concerning the right to equal treatment in health care
  - Disputes concerning the right to equal treatment in the provision of goods and services
  - Disputes concerning the right to equal treatment in education
  - Disputes concerning the right to equal treatment in employment arrangements and similar legal arrangements
  - Other disputes concerning the right to equal treatment and protection from discrimination (under Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and Protection From Discrimination, and on amendment of certain acts (Anti-Discrimination Act))
- Preliminary analysis of the partial data from 2019 shows that previous deficiencies have been resolved and the quality of the collected data has been improved.

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

The purpose of personal assistance is to activate, support the social inclusion of a natural person with a severe disability, and support their independence and ability to make decisions and influence the fulfilment of family roles, work activities, educational activities and leisure activities. Personal assistance cannot be conditioned on the type of disability, the degree of disability or the severity of the disability.

If a child must still be placed in a facility, the provision of institutional care, urgent measures and upbringing measures in a professional surrogate family takes precedence over their implementation in separate groups and specialised separate groups (explicitly stated in the law). If the results of professional diagnostics or interim results of professional diagnostics show that the health condition of a child with a mental disorder requires nursing care in a specialised independent group or the child needs to be provided with special care in a specialised independent group due to their health, the Centre for Family and Children requests a medical examiner from the Office of Labour, Social Affairs and Family conduct an assessment to determine the need for special care in a specialised group (if the medical examiner does not verify the need for special care, children are integrated in separate groups).

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

The Slovak National Centre for Human Rights conducted training activities for 90 participants within workshops, community centres, schools and other institutions in 2012. In 2013, a total of 25 events were held for hundreds of participants in collaboration with labour inspectorates and the Slovak Catholic Charity. A total of 28 training activities for 635 participants were completed in 2014. A total of 27 training activities for 566 participants were completed in 2015, with 46 training activities for 1256 participants completed in 2016.

The Centre conducted 17 training activities for 511 participants in 2017, with 46 training activities for a total of 1026 participants in 2018, and has conducted 33 training activities for a total of 123 participants thus far in 2020.

These training activities are focused on all entities engaged in the rights of persons with disabilities, including central government authorities involved in the drafting and creation of nationwide strategies focused on promoting and protecting human rights and the action plans for specific periods. Training activities focused on these topics include the issue of the rights of persons with disabilities, which are an integral part thereof, and have improved awareness among adult target groups and among children and youth at the primary and secondary school levels, and in higher education. The Centre annually disseminates information on its available training activities to primary and secondary schools, institutions and organisations working directly with the issue of the rights of people with disabilities or that consider it a pressing topic to build awareness and that are involved in the drafting and creation of various strategies, projects and individual pieces of information used in their implementation. All of the Centre's activities are implemented in response to requests from entities, on a repeated basis and at regular intervals with institutions, primary or secondary schools, and in variants in the Centre's standard offer of activities lasting a minimum of 90 minutes and more.

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

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 preventative, diagnostic and therapeutic procedures for medical practice since 2018. Within the Slovak Psychiatric Association, an expert working group was established in February 2019 to update the existing professional guidelines issued by the Ministry of Health for the use of restraints for patients in medical facilities providing psychiatric care (Ministry of Health Bulletin No. 25/2009) and the creation of those that are lacking within the context of the use of restraints so as to comply with CPT requirements and under the UN Convention (CAT). The standard diagnostic and therapeutic procedure for ECT treatment took effect on 1 June 2020 upon its publication. A standard procedure for process management in relation to the hospitalisation of an adult patient in a psychiatric department without informed consent (involuntary hospitalisation) also took effect on 1 June 2020. The aim is to develop binding guidelines issued by the Ministry of Health and to design a system for their internal and external control with the ability to incorporate a feedback control mechanism, records, and registers.

The provisions of §1 of Act No. 301/2005 Coll., the Code of Criminal Procedure, establishes a general obligation on the part of law enforcement bodies and courts at each individual stage of criminal proceedings to proceed in such a way that the subject of the law is fulfilled, specifically proper detection of criminal offences and fair punishment of their perpetrators. This principle applies in general and law enforcement bodies under the Police Corps are obliged to respect this principle and other relevant provisions of the Code of Criminal Procedure in all criminal cases in which they conduct full or expedited investigations. Police officers are required to conduct expeditious, lawful and thorough investigations as required in relevant provisions of the Code of Criminal Procedure. Under §201 (3) of the Code of

Criminal Procedure, police officers shall perform all activities independently and they are obliged to conduct these activities in a lawful and timely manner, except in instances where a decision or approval from a judge is required in preparatory proceedings or from a prosecutor.

Bodies active in criminal proceedings and the court, inter alia, are subject to the principle of officiality as expressed in the provisions of §2 (6) of the Code of Criminal Procedure, according to which unless the Code of Criminal Procedure stipulates otherwise, law enforcement bodies and courts act ex officio. They are obliged to resolve matters involving detainment in a preferential and expeditious manner. Neither law enforcement bodies nor the courts take into consideration the content of petitions interfering with the fulfilment of these duties. Under this principle, law enforcement bodies are obliged to conduct activities related to criminal proceedings out of their official duties. Such principle may be broken in preparatory proceedings by the institute of consent from the victim in the case of the exhaustive list of criminal offences specified in §211 (1) of the Code of Criminal Procedure. The institute of consent from the victim may not be applied if there was death resulting from the criminal offence.

It is also necessary to note that health care providers do have an obligation to inform law enforcement bodies in certain instances. Health care providers are obliged under §79 (2) of Act No. 578/2004 Coll. on Health Care Providers, Health Care Workers and Professional Organisations in Health Care to notify law enforcement bodies of:

- a) completed suicides, suicide attempts and cases where there is a reasonable suspicion that another person may have been involved in a case resulting in injury or death,
- b) admission of a person to an institutional health care facility whose identity cannot be established or who is injured by a firearm or other weapon,
- c) the departure of anyone from a health care facility without the provider's consent and whose health poses a threat to themselves or their surroundings.

Supervision over compliance with the law prior to the commencement of criminal prosecution and in preparatory proceedings is within the competences of the prosecutor under §230 of the Code of Criminal Procedure. A review of the lawfulness of the procedure and decisions made by police officers in a criminal proceeding conducted by the prosecutor within prosecutor supervision guarantees a sufficient control mechanism with effective means of recourse to remedy any errors made by the police in a criminal proceeding and to therefore ensure the proper investigation of the criminal matter.

Under valid legislation, the rights of crime victims and their related rights as victims in criminal proceedings are guaranteed for their survivors as well. Act No. 274/2017 Coll. on Crime Victims and on amendment of certain acts, as amended by Act No. 231/2019 Coll. ("Crime Victims Act") grants the status of victim to a relative in the direct line, an adoptive parent, an adopted child, a sibling, a spouse and a person living at the time of death in the same household as the person who caused the crime as well as a person dependent on the person who caused the crime, if they have suffered injury as a result of that person's death. Such person may exercise the rights of the victim under the Crime Victims Act, including the right to indemnification and the victim's rights within criminal proceedings; likewise they

may file various petitions and requests within criminal proceedings, including a petition seeking compensation for damages and file means of appeal.

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

Vulnerable persons have access to psychiatric and social services and counselling, and to crisis intervention services. Women are lodged separately from men and families are only lodged in the detention unit together. In practice, women with children are only lodged at the Sečovce Detention Centre, the premises of which are specially adapted to meet their specific needs.

The detention centre is obliged with the consent of the detention centre's director to allow personnel of the International Organisation for Migration, other non-governmental or inter-governmental organisations to access a detention centre during the detention of a third party national. The duration of a third-country national's detention must be monitored and the reason for such detention must be reviewed to ensure it hasn't lapsed. Third-country nationals must be instructed in a language they understand or in a language in which it may be justifiably expected that they understand it, the ability to request an assisted, voluntary return, the ability to contact non-governmental organisations, and if the third-country national files a request for asylum or expresses the intent to file such request, then also the ability to contact the Office of the High Commissioner of the United Nations for Refugees. The detention centre is obliged to instruct a third-country national immediately after they are lodged of where they are located and their rights and obligations related to their lodging in the detention centre and its internal rules and regulations. These are repeated at regular intervals throughout their detention.

Within its organisational structure, a detention centre has systematic nurse stations that can professionally provide the necessary health care for persons with disabilities. When a person is released from detention, the detention facility is obliged to provide the third-country national with their travel documents and any materials collected during their intake inspection, except for the funds used under §80 (2) of the Alien Residency Act, which is held in violation of Slovak law. Under §97 (2) of the Alien Residency Act, a third-country national may submit requests and complaints to Slovak authorities that the police will then immediately forward for the purposes of exercising their rights.

With respect to general care for the health of detained third-country nationals, a third-country national is obliged under §95 of the Alien Residency Act to complete a medical examination in the scope specified by the physician, including all necessary diagnostic and laboratory examinations, immunisations and preventative measures defined by health protection authorities; particular attention is focused on vulnerable persons. If the health of a third-country national requires medical care that cannot be provided at the detention centre, such care shall be provided in a health care establishment outside the detention facility.

Members of the national unit for combating illegal migration when lodging detainees proceed shall comply with Act No. 171/1993 on the Police Force, where §44 of the act stipulates that persons are always lodged in a cell separately on the basis by gender,

between those under 18 years of age and adults, or detailed and arrested on the basis of an arrest warrant and who may be presumed to be the subject of joint criminal proceedings or their related offences. If a police officer determines that a person normally lodged in a cell who is clearly under the influence of alcoholic beverages, inebriating substances, psychotropic substances or medications, is injured, or if the person self-reports a serious injury or disease, the police officer shall order a medical exam and request a statement from the physician as to if they may be lodged in a cell.

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

Within the framework of the Code of Non-Dispute Civil Procedure, the standing of a person whose legal capacity is under review has been strengthened in proceedings on legal capacity:

- the person whose legal capacity is the subject of such proceeding has full procedural capacity, even though it may be restricted by a subsequent decision;
- a legal representative or a procedural guardian acts within the process to protect their rights; if such procedural acts are contradictory, the court shall determine which act is in the interests of such person;
- the court shall issue its decision in the case to the person whose legal capacity is the subject of such proceedings in addition to the legal representative or procedural guardian. If requested, the court shall deliver all documents related to the case to the person. In issuing its decision regarding legal capacity, the court shall always take testimony from the person whose legal capacity is the subject of such proceeding. If such “hearing” would be to the detriment of their health, the court shall conduct due diligence into the person. The institute of due diligence functions in this case to allow the court to get a more realistic understanding of the person whose legal capacity is the subject of such proceeding. If the person insists, the court is obliged to take their testimony;
- the person whose legal capacity is the subject of such proceedings may request that a trustee who is not their representative participate in the proceeding;
- proceedings to restrict legal capacity is combined with proceedings to define a guardian;
- if the court decides to restrict legal capacity, the court shall define the extent of such restriction in the pronouncement part of its decision with respect to how the person’s legal capacity is restricted and define a guardian for them.

The Code of 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), specifically:

- in addition to the lodged individual and the health care facility, the court may propose inviting a person close to the lodged individual if it considers it necessary for the purposes of conducting the proceedings and protecting the lodged individual;
- a specific process regime is stipulated in relation to the legal capacity of the lodged individual. Under §257 (1) of the Code of Non-Dispute Civil Procedure, “if an adult is lodged, they have the ability to act independently in front of the court in full during such proceedings, even if they lack full legal capacity”;
- if the acts taken by the legal representative or procedural guardian and the acts of the lodged individual are contradictory, the court shall assess the preferential interests of the lodged individual;

- the law specifies the range of those to whom the decision on the merits of the case is delivered, and a new feature in the legislation is delivery of the decision in the proceedings to the person whose legal capacity is concerned without exception. If requested, the court must deliver all documents related to the proceeding regardless of their representation;
- the law establishes a special court-keeping obligation of the court, which emphasizes the special criterion of procedural suitability with regard to the state of health of the lodged individual in terms of maintaining the principle of effective access to justice;
- under §259 of the Code of Non-Dispute Civil Procedure, due to the specific nature of such proceedings, the court will, for psychological reasons, allow the party to the proceedings (the lodged individual) to request the participation of their trustee, whose task is to provide moral intervention and to support the lodged individual;
- a new feature is the obligatory publication of the commencement of proceedings on the admissibility of further custody in a health care facility and exhaustively defines those persons with procedural legitimacy to file petitions to commence proceedings on the admissibility of further custody in a health care facility.

Anyone in a state of material need is entitled to legal assistance so long as the clear failure of the legal dispute can be precluded and the value of the dispute exceeds the minimum wage (€580 in 2020), except for those disputes in which the value of the dispute itself cannot be quantified in cash. Material need can be understood as a situation where a natural person is a recipient of benefits or allowances towards benefits in material need or a state where a natural person's income is less than 1.6 times the subsistence minimum, and such natural person is unable to secure legal services by selling or renting their property. An applicant for legal aid can visit an office or consulting office of the Legal Aid Centre (there are 15 legal aid centres offices and 28 consulting offices in Slovakia), where they will receive a legal aid application form (the application is free of charge), which they must then complete, attach the necessary documentation, and submit or send it to the relevant office depending on their place of permanent or temporary residence. An applicant may also use the institute of preliminary consultation if interested. Preliminary consultation is a voluntary consultation with one of the centre's lawyers and is available without submitting a legal aid application form or prior to its submission if a client needs an explanation of certain conditions for providing legal aid or basic legal counsel (such as clarification as to the type of dispute involved, whether the dispute will be unsuccessful or whether the resolution of the legal dispute falls within the competence of the centre).

An applicant/client is entitled to legal aid at no charge if they meet the following three conditions:

- they are in a state of material need; an applicant/client is considered in a state of material need when their income is less than 1.6 times the subsistence minimum, or they receive benefits in material need or allowances toward such benefits, and such natural person is unable to secure legal services using other property. (Example: 1.4 times the subsistence minimum for a single adult person is equal to €294.28. The number of persons assessed together increases the value of the subsistence minimum).
- clear failure of the legal dispute can be precluded: if the centre's assessment determines that the dispute in which the applicant requests legal aid is clearly destined for failure, for instance if the statute of limitations has expired or due to a lack of evidence.

- the value of the dispute exceeds the value of the minimum wage as defined by law; the fulfilment of this condition is required in disputes that can be quantified numerically and in which such value exceeds the amount of the minimum monthly wage. Fulfilment of this condition is not required if the value of the dispute cannot be quantified (e.g. a parent is seeking an increase in child support payments).

An applicant/client is entitled to legal aid with financial participation in the amount of 20% of the costs of legal aid when they meet the following three conditions:

- the applicant/client's income is more than 1.4 times the subsistence minimum but less than 1.6 times this amount and such natural person is unable to secure legal services using other property: (Example: 1.6 times the subsistence minimum for a single adult person is equal to €336.20)
- clear failure of the legal dispute can be precluded,
- the value of the dispute exceeds the value of the minimum wage as defined by law.

The Criminal Police Department within the Praesidium of the Police Corps and the Police Academy in Bratislava implement a system of accredited vocational education for police investigators and other designated police officers for working with victims of crimes with special emphasis on particularly vulnerable victims. This system of education contains basic vocational education (for around 3000 police investigators and other designated police officers in a total) and specialised vocational education (for 350 selected police investigators and other designated police officers within the Criminal Police Department's project in cooperation with the Police Academy in Bratislava named "Special interrogation rooms for child victims and other particularly vulnerable crime victims").

Act No. 382/2004 Coll. on Experts and Interpreters defines a group of interpreters in §20, specifically sign language interpreters, articulating interpreters and interpreters for the hearing impaired. The engagement of an interpreter in a proceeding in which such a person with a disability is involved ensures that the affected individual has access to all information during their interrogation by the police or in proceedings in front of the court, and thereby access to a fair trial.

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

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 ("Convention").

Under Article 1 of the Minister of Foreign Affairs' Decree of 18 August 1988 on the *Convention against Torture and Other Inhuman or Degrading Treatment or Punishment*, the term "torture" includes any action via which a person is intentionally subjected to severe pain or physical or emotional suffering with the goal of obtaining information or a confession from them or from a third party, to punish them for actions that they or a third party committed, or of which they are suspected, or with the goal of terrorising or coercing them or a third party, or for any other reason based on discrimination of any kind when such pain or suffering is caused by a public official or other person operating under official authorisation or at its initiative or with its express or tacit consent. This definition does not

include pain and suffering that is induced exclusively as a result of legal penalties that are inseparable from these sanctions or are caused by them.

Substantive sanctions for "torture" are stipulated in many of the substantive bases defined in a special part of Act No. 300/2005 Coll., the Penal Code, as amended ("Penal Code").

Title XII of the Special Part of the Penal Code ("Crimes against peace, against humanity, crimes of terrorism and extremism, and war crimes") defines the substantive bases of a number of crimes which include the act of torture or other inhuman or cruel treatment as defined by the Convention, in particular:

- genocide under §418 of the Penal Code,
- torture and other inhuman or cruel treatment under §420 of the Penal Code,
- inhumanity under §425 of the Penal Code (with reference to Article 7 of the Rome Statute of the International Criminal Court),
- wartime cruelty under §431 of the Penal Code,
- wartime injustice under §433 of the Penal Code (with reference to Article 8 of the Rome Statute of the International Criminal Court).

Pursuant to §420 of the Penal Code, torture consists of the conduct of an offender who, in connection with the exercise of authority by a public authority, at its initiative or with its express or tacit consent, abuses or tortures anyone else, or subjects them to other inhuman or cruel treatment, or causes them physical or mental suffering. The perpetrator of this crime may only be a person who has been entrusted with the power of a public authority, and the crime must be committed in connection with the exercise of this power.

Statistical data related to the crimes specified in the Title XII of the Special Part of the Penal Code for Slovakia (from 2016 to 2020) is provided in the following table.

§ PC*	2016		2017		2018		2019		2020**	
	Detected crimes	Number of cleared crimes (prosecuted persons)	Detected crimes	Number of cleared crimes (prosecuted persons)	Detected crimes	Number of cleared crimes (prosecuted persons)	Detected crimes	Number of cleared crimes (prosecuted persons)	Detected crimes	Number of cleared crimes (prosecuted persons)
418	0	0	0	0	0	0	0	0	0	0
420	0	0	1	0	0	0	0	0	0	0
425	0	0	0	0	0	0	0	0	0	0
431	0	0	0	0	0	0	0	0	0	0
433	0	0	0	0	0	0	0	0	0	0

Source: Crime Evidence and Statistical System, Praesidium of the Police Force

\* Penal Code

\*\*statistical data for the months of January to April 2020

The act of torture or inhumane and cruel and degrading treatment is contained in the substantive basis of the crime of abuse of a close or entrusted person, which is stipulated in §208 in Title III of the Special Part of the Criminal Code. *Abuse* is the ill-treatment of a close or entrusted person, which is characterised by an elevated degree of brutality and callousness and a certain permanence, which this person feels as a severe injustice. A person entrusted to the care or upbringing of a perpetrator may be a minor child or adult individual whose illness, age, physical or intellectual disability makes them dependent on the care of another person.

Statistical data on cases and criminal prosecutions for the crime of abuse of a close or entrusted person under §208 of the Penal Code in Slovakia (from 2016 to 2020) are provided in the table. It is impossible to select only those cases of abuse of a close or entrusted person in which the victim was a person with a disability from the available statistical data.

§208 PC*		2016	2017	2018	2019	2020***
Detected crimes		453	502	423	405	215
Cleared crimes		246	287	258	226	91
Total prosecuted and investigated persons		269	320	281	248	117
Completed		141	192	170	122	9
Petition for indictment under §209 CCP**		106	153	146	106	6
Deferral under §197/1c CCP with reference to §9/1 CCP or cessation under §197/2 CCP with reference to §215/2 CCP	inadmissibility of criminal prosecution or cessation of criminality of the act (ineffective criminal prosecution)	1	1	0	1	0
Deferral under §197/1c CCP with reference to §9/1d CCP	perpetrator died	0	0	2	1	0
Petition to enter a plea bargain under §232 CCP		20	17	5	2	1
Interruption of criminal prosecution under §228 CCP		1	1	1	1	0
Petition to halt criminal prosecution under §215 CCP		13	19	16	11	2

Source: Crime Evidence and Statistical System, Praesidium of the Police Force

\* Penal Code

\*\* Act No. 301/2005 Coll., the Code of Criminal Procedure, as amended ("Code of Criminal Procedure")

\*\*\* statistical data for the months of January to April 2020

Additionally, the provisions of §123 (3)(h) of the Penal Code qualifies torturous suffering as serious harm to health, whereas the infliction of serious injury is considered a qualifier within the substantive bases of certain crimes and such conduct is punishable by stricter criminal sentences that in the case of the basic substantive bases of these crimes.

The injured party has the right to claim damages within criminal proceedings. Under §46 (3) of the Code of Criminal Procedure, an injured party entitled to damages under the law based on a crime committed by the accused is also authorised to petition the court to impose an obligation on the defendant to compensate for these damages in its sentence.

The injured party must exercise such right by the end of the investigation or the expedited investigation at the latest. The petition must make clear the reasons and extent to which entitlement to damages is asserted.

A victim of a violent crime may request one-off financial compensation from the state under Act No. 274/2017 Coll. on Crime Victims and on amendment of certain acts, as amended by Act No. 231/2019 Coll.

The issue of crime victim compensation in Slovakia is the responsibility of the Ministry of Justice of the Slovak Republic. Data on compensation for crime victims is not subject to information processing within Police Corps information systems and the Police Corps has no relevant data on compensation provided to crime victims within such indemnification.

The public tender to select a contractor for the Detention Institute in Hronovce was completed. The Detention Institute will be a unique facility and the first of its kind in Slovakia. It is designed for 75 patients. These are persons to whom the court has ordered placement in a detention facility pursuant to §81 of Act No. 300/2005 Coll., the Penal Code. The security regime will be configured to maximally ensure the safety of residents, employees and the patients themselves. The facility is expected to have 183 employees, including health care professionals (physicians, nurses, attendants and assistants), auxiliary personnel (technical and office staff and cleaners), and staff of the Prison and Judicial Guard Corps. The expected value of the construction contract was set at €15.5 million according to a government material from 2017. Subsequent state expertise conducted by the Ministry of Transport and Construction based on the submitted documentation set the expected value of the contract at more than €18 million. The reasons for such increase include that the technical fit-out of the entire detention institute is designed in accordance with security requirements and with respect to the rights of future clients, which is demanding in terms of the design and meshing of these two aspects, and expensive technology required to meet energy efficiency requirements, which requires a change to the original design layout of the buildings.

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

Training is primarily focused on working with particularly vulnerable victims in special interrogation rooms. The course includes practical instruction in model situations that are recorded, with subsequent analysis of the recording; graduates also gain knowledge within this professional training with respect to working with the "demonstration dolls" method. As a part of this project, a special interrogation room was created at the Police Academy in Bratislava that is primarily intended for this training and instruction. A total of 14 other planned interrogation rooms will be constructed once the public procurement processes are complete. Special interrogation rooms within the project, with the exception of the room at the Police Academy in Bratislava, are planned to meet the needs of persons with disabilities (including barrier-free access, accessible sinks and toilets, etc.).

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

Within the process of preparing the updated document, various proposed measures, objectives and tasks are being submitted, which include the topics of personal assistance, activation and employment opportunities for persons with disabilities, the possibility of connecting social and employment services as well as other opportunities for individualised support of clients both in deinstitutionalised facilities and those in the process of transformation. Specific steps to achieve short-term and long-term goals in the deinstitutionalisation process will be defined in their final form as measures in the updated strategic document. Within support from the Structural Funds, the Ministry of Labour, Social Affairs and Family is planning to implement a DOP focused on the clients of facilities that have engaged in the deinstitutionalisation process via the national program and who are interested in continuing on via investment projects in the IROP. Individualised support for clients can only be implemented through quality professionals who are able to work with clients and prepare them for the deinstitutionalisation process in relation to their individual needs and the diverse range of provided services that are based on needs under transformation plans for social services facilities (communication with clients with autism, crisis communication, etc.).

Other significant changes included annulment of reductions in the cash benefits for care giving when a person with a severe disability attends an educational facility for more than 20 hours a week, annulment of the reductions in cash benefits for care giving when a person with a severe disability is hospitalised for more than 30 days, expansion of the persons eligible for parking passes and expansion of the persons eligible to receive cash benefits as compensation for increased expenses related to the operation of a passenger car (i.e. persons with a severe disability who are not dependent upon individual transport in a passenger car but who are on a chronic dialysis program or a transplant program as examples).

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

Železničná spoločnosť Slovensko, a. s. (Slovak railways, ZSSK) – transport in the public interest. ZSSK provides preferential spaces inside its trains marked with appropriate symbols for:

- a) persons with disabilities,
- b) persons with reduced mobility,
- c) holders of the card for natural persons with a severe disability,
- d) holders of the card for natural persons with a severe disability requiring a guide.

ZSSK gives priority when transporting disabled passengers to selected trains with special wagons and compartments for disabled passengers (with or without hydraulic lift platforms), including suitably adapted sanitary facilities and which are labelled in the timetable with the appropriate symbols. Depending on the nature of such travel, and when means are available, the carrier may arrange for transport in wagons that are not specially modified to accommodate disabled passengers.

Persons with disabilities, persons with reduced mobility, holders of the card for natural persons with a severe disability and holders of the card for natural persons with a severe disability requiring a guide may arrange for assistance at ticketing windows and the ZSSK

Contact Centre, by calling 18 188 (+ 421 24 48 58 188) or by sending an email to info@slovakrail.sk.

ZSSK performs all such transports under the following conditions:

- a) assistance is ordered at least 24 hours prior to the planned trip (including trips in trains with mandatory seat reservations),
- b) the traveller arrives at least 30 minutes in advance of the scheduled train departure on their trip,
- c) the wheelchair of a disabled passenger on such trip must be equipped with a hand brake and straps for securing the wheelchair inside the wagon.

ZSSK provides a fare discount to holders of the card for natural persons with a severe disability and holders of the card for natural persons with a severe disability requiring a guide as issued by District Offices of Labour, Social Affairs and Family of the Slovak Republic under Act No. 447/2008 Coll. on Cash Benefits to Compensate for Severe Disabilities.

ZSSK will transport the guide for the holder of the card for natural persons with a severe disability requiring a guide:

- in a 2nd class wagon at no charge and with waiver of payment of the additional fee for EC class trains, including if the card holder exercises their right to a discounted fare or a ticket for free transport,
- in a 1st class wagon at the fare specified in the ZSSK price list and for the additional fee per the valid price list when using an EC class train,
- for the additional fee per the valid price list when using an SC class train (excluding specially trained guide dogs).

ZSSK transports children under the age of 6 and holders of the card for persons with a severe disability at no charge in 2nd class wagons and including their guide. When using SC class trains, both are obliged to pay the additional fee per the price list. Holders of the card for natural persons with a severe disability requiring a guide are provided with free of charge transport for their wheelchair, pram for a disabled child and specially trained guide dog.

RegioJet a. s. – transport in the public interest:

The carrier transports holders of the:

- a) Card for natural persons with a severe disability,
- b) Card for natural persons with a severe disability requiring a guide,
- c) Card for nationals with a severe disability,
- d) Card for nationals with a severe disability requiring a guide issued by District Offices of Labour, Social Affairs and Family in Slovakia at the discounted "REGIO řzp" passenger fare.

If the holder of any of these cards is a child under the age of 6, the child and his/her guide are transported free of charge.

In addition to discounts, RegioJet provides holders of the card for natural persons with a severe disability requiring a guide and the card for nationals with a severe disability requiring a guide with free transport for:

- a) their guide,
- b) the wheelchair of a disabled passenger,

- c) the pram for a disabled child,
- d) a specially trained guide dog.

The conditions for providing discounts in rail transport in Slovakia are currently laid down in Slovak Government Resolution No. 530/2014 Coll. of 22 October 2014 and Slovak Government Resolution No. 590/2014 of 20 November 2014. Nationals of any European Union member state or with permanent residence in any European Union member state are entitled to free of charge domestic transport in 2nd class wagons, including pension recipients under Act No. 461/2003 Coll. on Social Insurance, as amended (recipients of old-age pensions, early old-age pensions, orphan's pensions, widow's or widower's pensions, and disability pensions). Holders of cards for persons with a severe disability or a severe disability requiring a guide or persons with disabilities without one of the above pensions are not entitled to free of charge transport. ZSSK does provide holders of cards for persons with a severe disability or a severe disability requiring a guide with a 60% discount on normal full-rate train fares.

All changes were based on the activities of the Categorisation Committee, whose members include representatives of persons with disabilities (members of the Committee for Persons with Disabilities at the Ministry of Labour, Social Affairs and Family). The maximum amounts to be taken into account in the price of devices was modified for a total of 26 devices. A total of 4 new devices were added to the list (portable ramps, a device to control a personal computer in a hands-free manner, shower seat for a WC bowl, and a portable digital reading device with a voice output) and 6 devices were removed due to a lack of use resulting from technical advancement and their obsolescence (light indicator, fax, typewriter phone, telephone handset mount, office typewriter and a navigation device for the visually impaired).

The Slovak Government's Council for Culture established a temporary working group in 2018 to assess the application of legislation to the benefit of persons with a disability with specific focus on copyright and media law. Members of this working group are representatives of persons with hearing and vision disabilities, representatives of radio and television broadcasters, the Ministry of Culture, the Ministry of Labour, Social Affairs and Family, the Broadcasting and Retransmission Council, the Office of the Commissioner for Persons with Disabilities, and other relevant members.

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

*Making audiovisual works accessible to people with visual and hearing impairments* - The Slovak Film Institute ("SFI") publishes media (DVD and Blue-ray) containing Slovak films with audio commentary for the visually impaired, along with Slovak subtitles for the hearing impaired, and English subtitles. The SFI is responsible for disseminating such media and all media published in previous years.

The following media with Slovak films were published in 2018:

- 3-DVD collection of animated films titled Best of Viktor Kubal
- DVD – *Tichá radosť*, a feature film directed by Dušan Hanák
- DVD – *Súkromné životy*, a feature film directed by Dušan Hanák

- DVD – *Nevera po slovensky*, a feature film directed by Juraj Jakubisko
- DVD – *Prípud Barnabáš Kos*, a feature film directed by Peter Solan
- Blu-ray – *Prípud Barnabáš Kos*, a feature film directed by Peter Solan
- 3 DVD – 6x *Dežo Ursíny* – selection of documentary works
- DVD *Obrazy (proti) extrémizmu*, containing sixteen short films, mainly non-fiction films (eight from the production of the Academy of Performing Arts and eight from the archive of the SFI), paired into socially important topics in cooperation with the Academy of Performing Arts.

The following media with Slovak films were published in 2019:

- DVD *Maľovanky – Spievanky* collection with a four-part animated cycle by director Helena Rabarová - Sláviková for children under 6
- 2-DVD with a selection of 16 documentaries from the period of the 1960s, Slovak documentary film 60. Rudolf Urc and Pavel Branko compiled the collection of works in this two DVD set
- 3-DVD – *Zlatý fond slovenskej kinematografie I. - Statočný zlodej, Skalní v ofsajde* and *Šťastie príde v nedeľu* – Slovak film comedies by director Ján Lacko, in an attractive collector's package
- 2- DVD – *Zlatý fond slovenskej kinematografie II. – Pásla kone na betóne* by director Štefan Uher and *Sladké starosti* by director Juraj Herz
- 2-DVD – *Zlatý fond slovenskej kinematografie III. – Katka* directed by Ján Kadár and *Čert nespí* directed by Peter Solan and František Žáček.

The SFI screens films with Slovak and Czech subtitles at Kino Lumière cinema, which enables the dissemination of cinematography for the hearing impaired: in 2018 there were a total of 3,827 screenings, of which 2,501 with subtitles (65.35%), in 2019 there were a total of 3,996 screenings 2,599 with subtitles (65.04%).

The SFI, in collaboration with the RATA civic association screens inclusive films at Kino Lumière cinema for children with autism spectrum disorder and with ADHD, with a total of 30 performances and 771 spectators.

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

Please note the following with respect to the text contained in §12 of the Family Act:

a) Deprivation of legal capacity:

Under §12 (1) of the Family Act, a person who is deprived of legal capacity cannot enter into a marriage. Legislators originally relied on the civil law concept that a couple's vows to enter into marriage constituted an expression of intent. Such expressions of consent have legal consequences, i.e. the establishment of a marriage, the establishment of marital rights and obligation associated therewith under the Family Act. They are legal acts. In order for a legal act to be legally relevant, such act may only be performed by a person with full legal capacity. The capacity of an individual to enter into a marriage is primarily derived from their ability to freely express their will to enter into a marriage. For a marriage to fulfil its purpose, such individuals must be psychologically competent to bear the consequences associated with entering into a marriage.

There have been changes in the legal system as part of procedural adjustments. Act No. 161/2015 Coll., the Code of Non-Dispute Civil Procedure led to the elimination of the court's ability to completely deprive an individual of their legal capacity effective 1 July 2016. The Convention itself does not explicitly resolve the issue of deprivation of legal capacity. It stipulates the obligation of states parties "to ensure that all measures relating to the exercise of legal capacity provide adequate and effective safeguards to prevent abuse in accordance with international human rights law. These safeguards shall ensure that measures relating to the exercise of legal capacity respect the rights, will and preferences of the person concerned, avoid conflicts of interest and undue influence, are proportionate and adapted to the person's situation, are applied as soon as possible and are subject to regular review by a competent, independent and impartial authority or court. These guarantees must be proportionate to the extent to which those measures affect the rights and interests of the person concerned". The cited convention does not expressis verbis imply a legislative prohibition on the possibility of deprivation of legal capacity; instead, it speaks to the need to adopt procedural guarantees which will prefer and emphasise the individualisation of interference into the mental integrity of the individual, with absolute deprivation representing an extreme measure, and therefore to ensure that interference into legal capacity, as far as circumstances allow, is minimised as much as possible. Deprivation of legal capacity should only be considered when no less restrictive measures exist, such as limiting legal capacity, the designation of a guardian under §29 of the Civil Code, etc. One of the guarantees is the fact that a person whose legal capacity has been deprived has the right to have their legal capacity restored, and the state is obliged to create a procedural mechanism that will allow continuous monitoring of the validity and justification of the duration of deprivation. In extreme cases, deprivation of legal capacity may be considered proportionate to what would endanger the person if he or she were not deprived of legal capacity (protection against that person's reckless conduct and abuse by third parties). Given this issue, the text contained in §12 (1) of the Family Act will be analysed in detail.

b) Restriction of legal capacity:

A person whose legal capacity is restricted may only enter into a marriage with the permission of the court. Under §10 of the Civil Code, if a natural person is only able to perform certain legal acts as a result of a mental disorder that is not simply temporary, or due to excessive consumption of alcoholic beverages or narcotics or poisons, the court may restrict their legal capacity and define the scope of such restriction within its decision. The law does not define exact (strict) criterion under which the court should base its decision as to the issue of permission to enter into a marriage. The court will generally assess such a person's degree of mental, rational and intellectual maturity and assess whether the person whose legal capacity has been restricted fulfils the preconditions compatible with the social purpose and functions of marriage.

c) Mental disorder which would result in the restriction of legal capacity:

A person affected by a metal disorder that restricts their legal capacity cannot enter into marriage. The court may permit such an individual to enter into marriage if their health is compatible with the purpose of marriage.

d) Mental disorder which would result in the deprivation of legal capacity:

If the marriage is entered into by a person deprived of legal capacity or by a person suffering from a mental disorder which would result in the deprivation of legal capacity, the court shall decide that the marriage is invalid, even without a petition.

#### e) Paragraph 5

Paragraph 5 resolves a situation where a person whose legal capacity is restricted or a person suffering from a mental disorder which would result in the restriction of legal capacity enters into marriage without the court's permission. The court does not in such case rule on the ex offio invalidity of the marriage, and instead may only respond to a petition from one of the spouses. The invalidation of an invalid marriage under §12 (5) occurs if the health of the given spouse does not improve to such a degree that it becomes compatible with the purpose of marriage by the time the court issues its decision on the invalidity of such marriage.

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

School integration of children and pupils with disabilities, without children with intellectual talents

Year		Number of integrated children and pupils										
		total	in which									
			syndrome	disability				communication disorders	physical	developmental disorders		other
				autism	intellectual	hearing	vision			behavioural	learning	
2013	kindergarten	513	52	111	34	30	115	109	49	13	.	
	primary	22,576	301	3,523	350	266	1,200	637	764	12,284	3,251	
	secondary	6,887	64	.	138	105	.	358	309	5,913	.	
	<b>total</b>	<b>29,976</b>	<b>417</b>	<b>3,634</b>	<b>522</b>	<b>401</b>	<b>1,315</b>	<b>1,104</b>	<b>1,122</b>	<b>18,210</b>	<b>3,251</b>	
2014	kindergarten	579	56	98	42	49	115	84	34	2	99	
	primary	25,443	406	3,652	358	269	1,448	590	778	13,765	4,177	
	secondary	7,660	79	.	165	178	.	333	300	5,985	620	
	<b>total</b>	<b>33,682</b>	<b>541</b>	<b>3,750</b>	<b>565</b>	<b>496</b>	<b>1,563</b>	<b>1007</b>	<b>1112</b>	<b>19,752</b>	<b>4,896</b>	
2015	kindergarten	592	69	71	41	36	145	66	28	6	130	
	primary	25,954	491	3,882	367	238	1,602	555	711	13,368	4,740	
	secondary	8,302	118	.	197	188	.	313	161	6,659	666	
	<b>total</b>	<b>34,848</b>	<b>678</b>	<b>3,953</b>	<b>605</b>	<b>462</b>	<b>1,747</b>	<b>934</b>	<b>900</b>	<b>20,033</b>	<b>5,536</b>	
2016	kindergarten	496	59	53	32	37	92	75	20	9	119	

	primary	26,781	617	3,811	393	264	1787	558	536	13,713	5,102
	secondary	8,798	128	.	197	186	.	313	124	7,046	804
	<b>total</b>	<b>36,075</b>	<b>804</b>	<b>3,864</b>	<b>622</b>	<b>487</b>	<b>1,879</b>	<b>946</b>	<b>680</b>	<b>20,768</b>	<b>6,025</b>
2017	kindergarten	550	77	47	44	34	135	66	26	9	112
	primary	27,868	705	3,670	433	276	2,103	507	561	14,147	5,466
	secondary	9,172	161	.	186	180	.	286	117	7,397	845
	<b>total</b>	<b>37,590</b>	<b>943</b>	<b>3,717</b>	<b>663</b>	<b>490</b>	<b>2,238</b>	<b>859</b>	<b>704</b>	<b>21,553</b>	<b>6,423</b>
2018	kindergarten	554	90	52	46	20	146	62	26	.	112
	primary	28,822	818	3,300	453	291	2,522	505	530	15,285	5,118
	secondary	9,519	201	.	183	148	.	246	101	7,744	896
	<b>total</b>	<b>38,895</b>	<b>1,109</b>	<b>3,352</b>	<b>682</b>	<b>459</b>	<b>2,668</b>	<b>813</b>	<b>657</b>	<b>23,029</b>	<b>6,126</b>

Kindergartens, special kindergartens without schools at health care facilities

Year		Kindergartens			Special kindergartens		
		number			number		
		of schools	of teachers	of children	of schools	of teachers	of children
2013	public	2,716	14,001	145,497	41	226	921
	private	89	505	3,970	7	26	128
	parochial	65	335	3,592	3	10	56
	<b>total</b>	<b>2,870</b>	<b>14,841</b>	<b>153,059</b>	<b>51</b>	<b>262</b>	<b>1,105</b>
2014	public	2,725	14,252	147,939	44	240	1,013
	private	101	559	4,528	7	29	133
	parochial	70	364	3,935	3	11	63
	<b>total</b>	<b>2,896</b>	<b>15,175</b>	<b>156,402</b>	<b>54</b>	<b>280</b>	<b>1,209</b>
2015	public	2,734	14,490	148,456	47	264	1,104
	private	127	671	5,240	7	30	141
	parochial	74	404	4,260	4	13	72
	<b>total</b>	<b>2,935</b>	<b>15,565</b>	<b>157,956</b>	<b>58</b>	<b>307</b>	<b>1,317</b>
2016	public	2,744	14,777	148,971	53	281	1,201
	private	137	738	5,632	7	32	138
	parochial	78	434	4,478	4	15	77
	<b>total</b>	<b>2,959</b>	<b>15,949</b>	<b>159,081</b>	<b>64</b>	<b>328</b>	<b>1,416</b>
2017	public	2,742	14,975	149,017	55	310	1,291
	private	156	842	6,444	8	38	155

	parochial	86	473	4,848	4	19	75
	total	2,984	16,290	160,309	67	367	1,521
2018	public	2,748	15,211	150,340	60	329	1,384
	private	164	913	6,947	9	45	190
	parochial	89	512	5,055	5	19	93
	total	3,001	16,636	162,342	74	393	1,667

Year	Special schools without schools at health care facilities (without intellectually talented)		
	Number of pupils in special kindergartens	Number of pupils in special kindergarten classes	
2013	public	772	149
	private	128	0
	parochial	47	9
	total	947	158
2014	public	864	149
	private	133	0
	parochial	54	9
	total	1,051	158
2015	public	949	155
	private	141	0
	parochial	60	12
	total	1,150	167
2016	public	1,039	162
	private	138	0
	parochial	59	18
	total	1,236	180
2017	public	1,139	152
	private	149	6
	parochial	68	7
	total	1,356	165
2018	public	1,209	175
	private	178	12

	parochial	85	8
	total	1,472	195

Numbers of specialised employees at 15 September 2009 by type of school and region

(total)

	School psychologist	School special pedagogue	Teacher's assistant	Other specialists (therapeutic educator, social pedagogue)
1. Kindergarten	16	52	276	0
2. Primary	314	831	3902	167
3. Special kindergarten and special primary	44	0	903	0
4. Secondary	132	57	109	0
<b>Total</b>	<b>506</b>	<b>940</b>	<b>5190</b>	<b>167</b>
<b>Bratislava</b>	<b>119</b>	<b>129</b>	<b>455</b>	<b>18</b>
1. Kindergarten	6	0	17	0
2. Primary	72	120	342	18
3. Special kindergarten and special primary	15	0	92	0
4. Secondary	26	9	4	0
<b>Trnava</b>	<b>55</b>	<b>61</b>	<b>428</b>	<b>2</b>
1. Kindergarten	4	2	28	0
2. Primary	34	54	317	2
3. Special kindergarten and special primary	1	0	72	0
4. Secondary	16	5	11	0
<b>Trenčín</b>	<b>33</b>	<b>100</b>	<b>411</b>	<b>19</b>
1. Kindergarten	0	2	7	0
2. Primary	25	90	330	19
3. Special kindergarten and special primary	1	0	65	0
4. Secondary	7	8	9	0
<b>Nitra</b>	<b>53</b>	<b>113</b>	<b>552</b>	<b>17</b>

1. Kindergarten	0	3	19	0
2. Primary	34	100	441	17
3. Special kindergarten and special primary	4	0	80	0
4. Secondary	15	10	12	0
<b>Žilina</b>	<b>56</b>	<b>199</b>	<b>758</b>	<b>8</b>
1. Kindergarten	1	4	20	0
2. Primary	35	182	610	8
3. Special kindergarten and special primary	3	0	111	0
4. Secondary	17	13	17	0
<b>Banská Bystrica</b>	<b>54</b>	<b>97</b>	<b>765</b>	<b>17</b>
1. Kindergarten	0	4	40	0
2. Primary	42	89	613	17
3. Special kindergarten and special primary	5	0	103	0
4. Secondary	7	4	9	0
<b>Prešov</b>	<b>35</b>	<b>141</b>	<b>996</b>	<b>47</b>
1. Kindergarten	4	23	92	0
2. Primary	23	113	651	47
3. Special kindergarten and special primary	5	0	223	0
4. Secondary	3	5	30	0
<b>Košice</b>	<b>101</b>	<b>100</b>	<b>825</b>	<b>39</b>
1. Kindergarten	1	14	53	0
2. Primary	49	83	598	39
3. Special kindergarten and special primary	10	0	157	0
4. Secondary	41	3	17	0
<b>Total</b>	<b>506</b>	<b>940</b>	<b>5190</b>	<b>167</b>

**Financing of education for children and pupils with disabilities is currently** implemented using an increased coefficient for pupils with a disability, whereby **the amount of this coefficient is lower in a special school for the same disability than the amount defined for educating the same pupil in a conventional primary school**, see Annex 8 to Government Regulation No. 630/2008 Coll. laying down details of the breakdown of state budget funding for schools and school facilities (Classification of pupils with disabilities and general intellectual talent in special primary schools, in special classes in primary schools and in primary school classes for the calculation of the staff intensity coefficient).

Group	Coefficient for special primary schools	Coefficient for special classes in primary schools and for individually integrated pupils in primary school classes	Assignment of a student to a group according to disability and general intellectual talent
1.	1.000	1.500	pupil with general intellectual talent [ <u>§103 (1) (a) first point of Act No. 245/2008 Coll.</u> ],
2.	1.286	1.930	pupil with a developmental learning disability [ <u>§94 (2)(i) of Act No. 245/2008 Coll.</u> ], pupil with an intellectual disability educated according to variant A [ <u>§94 (2)(a) and §97 (5)(a) of Act No. 245/2008 Coll.</u> ], pupil with a behavioural disability [ <u>§128 (1) of Act No. 245/2008 Coll.</u> ], pupil with impaired activity and attention [ <u>§2 (n) of Act No. 245/2008 Coll.</u> ],
3.	1.500	2.265	pupil with an intellectual disability educated according to variant B [ <u>§94 (2)(a) and §97 (5)(b) of Act No. 245/2008 Coll.</u> ], pupil with impaired communication skills [ <u>§94 (2)(e) of Act No. 245/2008 Coll.</u> ], visually impaired pupil, pupil with residual vision and pupil with binocular vision impairment [ <u>§3 (2)(a), (b) and d) of Decree No. 322/2008 Coll.</u> ], deaf pupil, pupil with cochlear implant [ <u>§94 (2)(b) of Act No. 245/2008 Coll., §3 (1)(a) and (b) of Decree No. 322/2008 Coll.</u> ], pupil with physical disability other than non-walking pupils [ <u>§94 (2)(d) of Act No. 245/2008 Coll.</u> ],
4.	1.800	2.710	deaf pupil [ <u>§94 (2) (b) of Act No. 245/2008 Coll., §3 (1) (a) and (b) of Decree No. 322/2008 Coll.</u> ], blind pupil [ <u>§3 (2) (c) of Decree No. 322/2008 Coll.</u> ], pupil with physical disability, non-walking pupil [ <u>§94 (2) (d) of Act No. 245/2008 Coll.</u> ],
5.	2.250	3.390	pupil with an intellectual disability educated according to variant C [ <u>§94 (2) (a) a §97 (5) (c) of Act No. 245/2008 Coll.</u> ], pupil with multiple disabilities educated according to variant A [ <u>§94 (2) (a) and (k) and §97 (5) (a) of Act No. 245/2008 Coll.</u> ], a student with autism or other pervasive developmental disorders without mental disability [ <u>§94 (2) (f) of Act No. 245/2008 Coll.</u> ],
6.	4.500	6.790	pupil with multiple disabilities educated according to variant C [ <u>§94 (2)(a) and (k) and §97 (5)(b) and (c) of Act No. 245/2008 Coll.</u> ], pupil with autism or other pervasive developmental disorders with an intellectual disability [ <u>§94 (2)(f) of Act No. 245/2008 Coll.</u> ], deafblind pupil [ <u>§94 (2)(h) of Act No. 245/2008 Coll.</u> ].

Source: <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2008/630/20190101>

As an example, the allocation of funds for personnel costs to cover teacher's assistants for pupils with disabilities under the Ministry of Education, Science, Research and Sport and the Ministry of Interior is as follows:

- 2018: From 1 January 2018 to 31 August 2018: 2,312.47 teacher's assistants (€15,523,004); from 1 September 2018 to 31 December 2018: 2,374 teacher's assistants (€7,976,640).
- 2019: From 1 January 2019 to 31 August 2019: 2,377 teacher's assistants (€17,574,478); from 1 September 2019 to 31 December 2019: 3,108.3 teacher's assistants (€11,488,390).
- The monthly standard for a teacher's assistant was €840 in 2018 and €924 in 2019.

#### Current number of higher education students with specific needs:

Specific need	Number of students in public higher education
hearing-impaired students	43
deaf students	17
blind students	13
vision-impaired students	76
students with autism or other pervasive developmental disorders	37
students with a chronic illness	308
students with learning disabilities	304
students with physical disability of the lower extremities	137
students with physical disability of the upper extremities	79
students with mental illness	109
student with physical weakness	126
<b>Total</b>	<b>1,249</b>

#### Current number of special pedagogical workplaces in higher education:

Higher education institution	Assistance Centre
<b>Comenius University in Bratislava</b>	Support Centre for Students with Special Needs (CEZAP)
<b>Technical University in Košice</b>	Barrier-Free Centre, University of Technology in Košice (BBC TUKE)
<b>Alexander Dubček University in Trenčín</b>	Support Centre for Students with Specific Needs
<b>Pavol Jozef Šafárik University in Košice</b>	University Counselling Centre (UNIPOC)
<b>Constantine the Philosopher University in Nitra</b>	Counselling and Service Centre for Students
<b>University of Ss. Cyril and Methodius in Trnava</b>	Support Centre for Students with Specific Needs
<b>Catholic University in Ružomberok</b>	Counselling Centre (Catholic University Library)
<b>Trnava University, Trnava</b>	Student Support Centre

Slovak University of Technology Bratislava	STU Counselling Centre
FEM Slovak University of Agriculture in Nitra	Centre for Pedagogy and Psychological Counselling
University of Žilina	Psychological Support Centre

Coordinator for students with special needs operate at universities. A coordinator primarily

- a) actively participates in the identification of applicants for studies with special needs and students with special needs,
- b) evaluates the specific needs of applicants for studies with special needs and students with special needs, the scope of appropriate support services and participates in their provision,
- c) ensures cooperation with the workplaces and special-purpose facilities of the university or faculty and with the employees of the university, in particular provides them with information and counselling in connection with the specific needs of students,
- d) provides counselling for students pursuant to Paragraph 2 in the provision of support services and coordinates these services for them,
- (e) makes an annual proposal for the use of funds to support the study of students with special needs, in particular to provide material technical aids and equipment; the faculty coordinator submits a proposal to the university coordinator,
- f) annually submits to the higher education institution a report on the conditions of use of support services on behalf of the higher education institution; the faculty coordinator cooperates with the higher education institution's coordinator in the preparation of the report.

The kindergarten principal must always consider the following before deciding on the admission of a child with special educational needs: whether or not conditions are suitable for the admission of such a child (personal, spatial, material, etc.), and whether the school will be able to create such conditions after the admission of such a child. The number of children in a classroom after admission of a child with special educational needs under §28 (12) of the Education Act may be reduced (but, depending on the type and degree of disability, it may also not be reduced) by a maximum of two for each child with special educational needs. The maximum number of enrolled children with special educational needs in one class is two. If a child with special educational needs is admitted to a kindergarten established by a municipality, under §6 (3)(c) of Act No. 596/2003 Coll. the municipality shall create conditions for “ensuring the training and education of children and pupils with special educational needs in schools and school facilities of which it is the founder”.

The state educational program for pre-primary education in kindergartens sets out the state's basic expectations for the provision of institutional pre-primary education in kindergartens. Through it, the state guarantees the quality of institutional pre-primary education in all kindergartens included in the network of schools and school facilities. According to that document: “Every kindergarten should currently be able to provide the conditions for inclusive education. Such education consistently fulfils the idea of equal opportunities for all, equal access to education and, ultimately, assurance of consistent social inclusion. In terms of education, the idea of inclusion mainly concerns the approach taken towards children with special educational needs to include as many of these children as possible in mainstream schools and classes. Children with special educational needs are children with disabilities, children from socially disadvantaged backgrounds, as well as

children with talent. These children and their development require a support service that is more demanding and comprehensive compared to the service provided to children with standard development. Kindergartens must be prepared to provide such a comprehensive service, recognising that the degree of complexity and modification of the service and care depends on the specific form of the educational needs of specific children.”

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

*The following are provided in relation to the specified article:*

### **Development in the level of economic activity, employment, and unemployment of persons with disabilities**

%

Indicator	2017	2018
<i>Total</i>		
level of economic activity	19.8	20.9
level of employment	17.1	18.7
level of unemployment	13.8	10.4
<i>Men</i>		
level of economic activity	20.4	22.0
level of employment	17.4	19.2
level of unemployment	14.7	12.7
<i>Women</i>		
level of economic activity	19.4	19.9
level of employment	16.9	18.3
level of unemployment	13.0	8.1

Source: Statistical Office of the Slovak Republic, VZPS UDB 2017-2018

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). Their share in overall employment in Slovakia is also increasing. While persons with disabilities accounted for 2.6% of overall employment in 2017, this figure increased to 2.9% of total employment in Slovakia in 2018.

Another positive was that the share of working persons with disabilities who had stable work also increased in 2018 compared to 2017 (by 3 percentage points on average).

### **Share of working persons with disabilities by type of work (in %)**

Indicator	2017	2018
permanent work	70.2	73.2
temporary work	16.5	13.3
activation work	1.5	2.2

Source: Statistical Office of the Slovak Republic, VZPS UDB 2013-2018

The positive trend in the development of employment for persons with disabilities continued in 2019. An average of 78.7 thousand persons with disabilities were working in the 4th quarter of 2019, which was 3.0% of all persons working in Slovakia in the 4th quarter of 2019. In comparison with the same period in 2018, the number of working persons with disabilities increased year-on-year by 8.9%, while total employment growth in Slovakia over the same period was 0.1%.

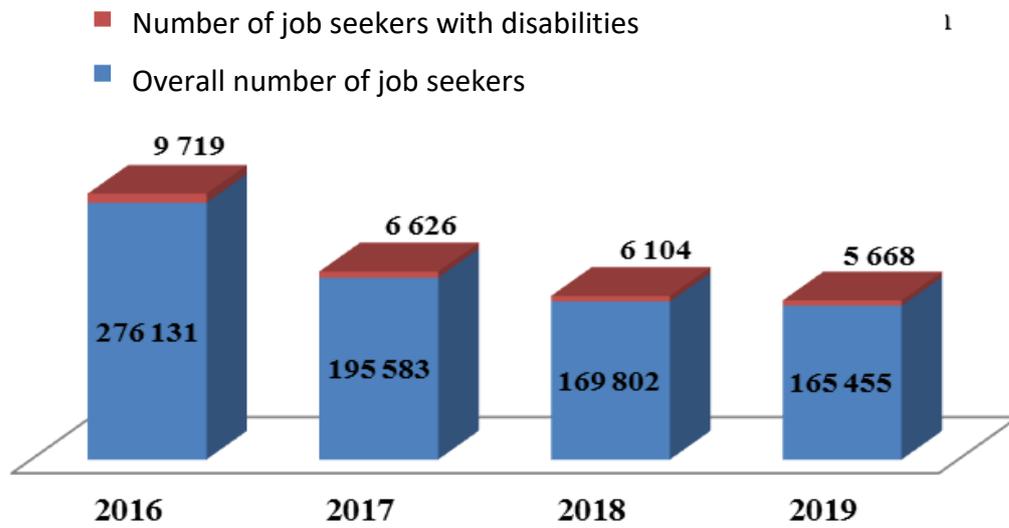
### **Situation on the labour market in the area of unemployment, including the unemployment of persons with disabilities**

An overview in the number of job seekers with disabilities in terms of the total number of job seekers from 2016 to 2019 is provided in the following table and chart:

Indicator / year	2016	2017	2018	2019
Number of job seekers (at 31 December of the given year)	276,131	195,583	169,802	165,455
Average official unemployment level (at 31 December of the given year) in %	9.48	7.06	5.42	5.00
Number of job seekers with disabilities (at 31 December of the given year)	9,719	6,626	6,104	5,668
Share of job seekers with disabilities (in %)	3.5	3.3	3.6	3.4

Source: Centre for Labour, Social Affairs and Family

### Number of job seekers with disabilities in comparison with the overall number of job seekers from 2016 to 2019



As is clear from the table and the chart, the number of job seekers with disabilities is falling in direct proportion to the overall number of job seekers. Over the observed period of 4 years, the number of job seekers with disabilities decreased by 4,051, which represents a decrease of 41,7 percent.

#### Development in the number of sheltered workshops and sheltered workplaces and the numbers of persons with disabilities

Development in the number of sheltered workshops and sheltered workplaces, including the numbers of persons with disabilities in sheltered workshops and sheltered workplaces, or who are self-employed within sheltered workshops, was as follows from 2016 to 2019:

Year (at the end of the year)	Number of sheltered workshops and sheltered workplaces	of which		Number of sheltered workplaces/sole proprietors* in total number of sheltered workplaces	Total number of persons working in sheltered workshops and sheltered workplaces	Number of persons with disabilities working in sheltered workshops and sheltered workplaces, including sole proprietors with disabilities who are self-employed in sheltered workplaces	Number of persons with disabilities working in sheltered workshops without persons with disabilities in sheltered workplaces
		Number of sheltered workshops	Number of sheltered workplaces				
2016	6,030	1,683	4,347	1,813	11,899	10,587	6,240
2017	5,991	1,660	4,331	1,841	11,830	10,503	6,172
2018	6,083	1,687	4,396	1,812	11,945	10,584	6,188
2019	5,694	1,554	4,140	1,728	11,129	9,875	5,735

*Source: Centre for Labour, Social Affairs and Family*

According to the list of sheltered workshops and sheltered workplaces maintained by the Centre for Labour, Social Affairs and Family at 31 December 2019, jobs created for persons with disabilities by employers operating in the open labor 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 registered 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.

The development of the social economy is potentially of great importance in terms of supporting employment and it is among the sectors with the most potential for regional and local development and for employment by creating jobs for disadvantaged or vulnerable groups, including persons with disabilities, through its entities, social enterprises.

Supported activities implemented in the area of social economy and social enterprises:

- the “Institute for Social Economy” national project - regional social economy centres were created within its activities within the territorial confines of each self-governing region. They provide, in a coordinated manner, interested parties and potential social economy subjects information about social enterprises and legislation, and direct and provide the necessary assistance and aid in starting up newly established social enterprises. Their key task is to provide initial general information free of charge to the general public in the local environment, to look for potential applicants and to motivate them to set up social enterprises to increase regional employment as well as subsequent sustainability.

- the “Support for Integration Enterprises” national project - under the Employment Services Act, Offices of Labour, Social Affairs and Family (“office”) are implementing 2 new active labour market measures focused on supporting registered integration social enterprises through placement benefits for integration enterprises (§53f) and compensation benefits for integration enterprises (§53g).

- the “Investment Assistance for Social Enterprises – grant component” national project - the objective of which is to verify the functionality of the configured investment support system for registered social enterprise on a pilot basis to ensure they survive their initial phase of operations and achieve a level of stability that enables them to improve their approach to employment and to avoid unemployment in connection with the needs of the labour market and regional labour markets through investment support for registered social enterprises.

Under Article 1, Basic Principles, of Act No. 311/2001 Coll., the Labour Code, as amended, natural persons have the right to work and the free choice of employment, **under just and satisfactory working conditions and with protection from arbitrary termination of employment in accordance with the principle of equal treatment** as stipulated for employment arrangements under the separate act on equal treatment in certain areas and protection from

discrimination, and on amendment of certain acts (Anti-Discrimination Act). They are entitled to such rights without any restrictions or discrimination based on **adverse health condition or disability**, except when a difference in treatment is justified based on the nature of the activities performed within employment or other circumstances under which such activities are performed, if such reason forms a real and decisive requirement for employment under the condition that the ultimate aim is legitimate and the requirement is reasonable.

Under Article 8, Basic Principles, of the Labour Code, employers are obliged to take measures in the interests of protecting the health and safety of employees at work and are responsible for injury caused to employees under the Labour Code suffered as a result of a work-related accident or occupational disease. Employees have the right to tangible security if unable to work, in their old age, and in relation to pregnancy and parenthood based on social security regulations. **An employer shall secure working conditions for an employee with a disability to enable them to succeed and develop their work-related abilities with consideration given to their health.** Employment arrangements at the time an employee is unable to work due to illness, injury, pregnancy or maternity and parenthood are subject to an enhanced level of legal protection.

Under §13 of the Labour Code, an employer is obliged to treat employees within employment arrangements in accordance with the principle of equal treatment as stipulated for employment arrangements under the separate act on equal treatment in certain areas and protection from discrimination, and on amendment of certain acts (Anti-Discrimination Act). The discrimination of employees due to their **health or disability** is prohibited within employment arrangements.

An employee **has the right to file a complaint with their employer** related to a violation of the above principle of equal treatment and the employer is obliged to respond to the employee's complaint without delay, to make remedy, to refrain from such conduct, and to mitigate the consequences thereof.

An employee who believes that their rights or legally protected interests have been affected due to failure to comply with the principle of equal treatment **may seek redress from the court** along with legal protection as stipulated under the separate act on equal treatment in certain areas and protection from discrimination, and on amendment of certain acts (Anti-Discrimination Act).

Under §66 of the Labour Code, an employer may only give an employee with a disability **notice with the prior approval of the relevant office of labour, social affairs and family**, otherwise the notice is null and void. Such approval is not required if the notice is given to an employee who has reached a specific age so as to be eligible for an old-age pension, or for the reasons specified in §63 (1)(a) and (e) of the Labour Code.

Under §41 (8) of the Labour Code, an employer, when hiring a natural person as an employee, must not violate the principle of equal treatment with respect to access to employment (§13 (1) and (2) of the Labour Code). If an employer violates such obligation during the formation of employment, a natural person has the right to reasonable cash compensation (§41 (9) of the Labour Code).

Under §90 (11) of the Labour Code, if an employer's operations allow, the employer must allow an employee at employee request and for health or other serious personal reasons **to appropriately modify their defined weekly working hours** or agree on such within the employment contract under the same conditions.

Under §158 (1) of the Labour Code, an employer is obliged to employ an employee with a disability in a suitable job and enable them to train or study to obtain the necessary qualifications and to take care of their advancement. An employer is also obliged to create conditions to enable an employee to succeed at work and improve facilities at the workplace to enable them to achieve, if possible, the same results as other employees, and to facilitate their work as much as possible.

An employer may establish a sheltered workshop or a sheltered workplace for an employee with a disability who cannot be employed under standard working conditions.

Under §159 of the Labour Code, an employer shall allow an employee with a disability to complete theoretical training or practical training (requalification) to preserve, increase, expand or otherwise change their existing qualifications or otherwise adapt technical developments to keep such employee employed.

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

The conditions for providing the cash benefits for compensation are laid down in the Act on Cash Benefits for Compensation. A total of 3 such cash benefits were subject to an age limit (cash benefit for personal assistance, cash benefit for the purchase of a passenger car and the cash benefit for care). At the instigation of the commissioner for persons with disabilities, the ombudsman filed a petition on 4 September 2018 to commence a proceeding in front of the Constitutional Court of the Slovak Republic given the age thresholds (from ages 6 to 65) for the cash benefit for personal assistance and the cash benefit for the purchase of a passenger car on the grounds that they were discriminatory. In a private session on 2 April 2020, the Constitutional Court decided that the age thresholds for providing the cash benefit for personal assistance under §22 (2) and the cash benefit for the purchase of a passenger car under §34 (3) do not comply with Article 1 (1) and (2), Article 12 (1) and Article 13 (4) of the Slovak Constitution, Article 2 (2) in connection with Article 9 of the International Covenant on Economic, Social and Cultural Rights and Article 5 (1) and (2) in connection with Article 19 (b) and with Article 20 (a) and (b) of the Convention (in the case of the cash benefit to purchase a passenger car). The Constitutional Court's ruling was published on 20 May 2020.