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**ECRI CONCLUSIONS
ON THE IMPLEMENTATION OF THE RECOMMENDATIONS
IN RESPECT OF THE SLOVAK REPUBLIC
SUBJECT TO INTERIM FOLLOW-UP**

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¹ Unless otherwise indicated, this analysis does not take into account any developments that occurred after 20 September 2022, the date on which the response of the authorities of the Slovak Republic to ECRI's request for information on measures taken to implement the recommendations chosen for interim follow-up was received.

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FOREWORD

As part of its sixth round of monitoring work, ECRI has renewed its process of interim follow-up with respect to two specific recommendations made in each of its country reports.

In line with the Information Document on ECRI's sixth monitoring cycle brought to the attention of the Ministers' Deputies on 9 May 2018², not later than two years following the publication of each report, ECRI addresses a communication to the Government concerned asking what has been done in respect of the specific recommendations for which priority follow-up was requested.

At the same time, ECRI gathers relevant information itself. On the basis of this information and the response from the Government, ECRI draws up its conclusions on the way in which its recommendations have been followed up.

It should be noted that these conclusions concern only the specific interim follow-up recommendations and do not aim at providing a comprehensive analysis of all developments in the fight against racism and intolerance in the State concerned.

² [CM/Del/Dec\(2018\)1316/4.1](#); [CM\(2018\)62-add10](#).

1. *In its report on the Slovak Republic (sixth monitoring cycle) published on 8 December 2020, ECRI recommended that the Slovak authorities develop an action plan for LGBTI persons, in close consultation with civil society, making provision inter alia to raise public awareness of the conditions in which LGBTI persons live, foster better understanding of their situation, protect them from hate crimes, hate speech and discrimination and make their right to equality effective.*

The Slovak authorities indicated to ECRI that seven years on since the failed attempt to adopt a draft Action Plan for LGBTI persons for the years 2016-2019,³ the lack of support across the political spectrum in combination with the decreasing level of social acceptance of LGBTI persons in the country⁴ have prevented them from making progress on the development of a new action plan on this matter.

In this connection, ECRI notes that several attempts in parliament or government to introduce legislation or guidance aiming at enhancing LGBTI equality have so far failed. By way of illustration, proposals to introduce “life partnerships”⁵ or “cohabiting partnerships”⁶ in law were rejected by Parliament in October 2022. Earlier in 2022, in March, the Ministry of Health adopted guidelines to unify procedures on health care provision in the context of gender reassignment.⁷ The guidelines *inter alia* removed the requirement imposed on transgender persons to undergo sterilisation as a pre-condition for legal gender recognition, which would have been, if implemented, a positive development. However, as a result of political pressure and lack of standardised procedures in the health sector, the Ministry suspended, as of May 2022, the application of these guidelines pending the adoption of standardised procedures.⁸ ECRI invites the authorities to proceed with the application of these guidelines without further delay, taking due account of ECRI’s relevant recommendations on this matter.

ECRI is also concerned to note that parliamentary sessions during which bills or legislative proposals dealing with LGBTI-related issues are debated, whether these aim at enhancing LGBTI equality or may instead lead to further inequalities for LGBTI people, serve as platforms for political LGBTI-phobic hate speech. The recent attack of 12 October 2022, when two LGBTI persons were shot dead and a third person was wounded outside a bar known to be frequented by LGBTI communities in Bratislava, could be regarded as a hate crime and has been considered at the highest political level as the result of the long-term use of anti-LGBTI hate speech in political discourse.⁹

In the light of the above, ECRI considers that it is high time for the authorities to adopt an action plan on preventing and combating intolerance and discrimination against LGBTI persons, as recommended in its sixth report on the Slovak Republic. In the meantime, it trusts that legislative initiatives aimed at combating anti-LGBTI hate speech and hate crime will be taken or firmly supported by the government.

In the present state of affairs, ECRI must conclude that its recommendation has not been implemented.

2. *In its report on the Slovak Republic (sixth monitoring cycle), ECRI recommended that the Slovak authorities take the necessary measures to properly prepare the transition for children aged five to compulsory schooling, including in municipalities with a significant proportion of Roma children. In particular, the authorities should build a sufficient number of nursery schools while also training and recruiting the required teaching staff with a view to providing a good standard of education, including in relation to the teaching of Slovak to children who do not speak it within their family.*

ECRI notes that with effect from 1 September 2021, kindergarten attendance has become compulsory for all children who have reached the age of five.¹⁰ At the same time, the Recovery and Resilience Plan of the Slovak Republic (RRP) introduced the right for children to be admitted to preschool education from the age of three. One of the RRP objectives, supported by specific funding in the area of education, is the construction of 12,352 kindergarten places by 1 September 2025 to meet the needs created by

³ See ECRI’s sixth monitoring cycle [report](#) on the Slovak Republic, § 25. On a positive note, some measures foreseen in this draft action plan were implemented during the reference period. These included the possibility of issuing new higher education certificates for transgender persons after gender reassignment and the financing, as from 2022, of professional assistance to victims of anti-LGBTI hate crimes.

⁴ According to the [2019 Eurobarometer on Discrimination in the European Union](#), the level of social acceptance of LGBTI people in the Slovak Republic was the lowest in all EU member States.

⁵ Unions of two persons irrespective of their sex, comparable to marriage in terms of both the scale of related rights and the form of the union created (see relevant legislative proposal [here – available in Slovak only](#)).

⁶ This type of partnership aimed at improving property and social security rights of unmarried couples (both same- and different-sex) living in the same household (see relevant legislative proposal [here – available in Slovak only](#)).

⁷ The guidelines are available [here \(available in Slovak only\)](#).

⁸ “[Health Ministry suspends protocol helping transgender people](#)”, article appeared on *The Slovak Spectator* on 19 May 2022.

⁹ The President of the Slovak Republic [stated](#) that such a hate crime was the result of animosity that had been “fuelled for a long time by stupid and irresponsible statements of politicians. Such hatred took innocent human lives”.

¹⁰ Further information on the amendments made to Act. No. 245/2008 (“School Act”) is available [here](#).

the introduction of mandatory preschool education for five-year-old pupils and new admissions to preschool education as from the age of three. Furthermore, the new Strategy of Inclusive Approach in Education and Training envisages *inter alia* the recruitment of up to 18,000 teacher assistants.

Measures to increase preschool attendance of Roma pupils are also envisaged in the new National Roma Strategy for 2021-2030.¹¹ 205 applications for the (re-)construction of kindergartens aiming at ensuring preschool education for Roma pupils were approved. Furthermore, under the auspices of the Office of the Plenipotentiary of the Government of the Slovak Republic for Roma communities, two national projects, PRIM I (2018-2020) and II (2020-2023) aimed at increasing the number of Roma children attending kindergarten through, *inter alia*, the provision of educational material packages, the involvement of parents in school activities and the provision of assistance to Roma kindergarten pupils and their families.¹²

Despite these initiatives, challenges to the provision of quality preschool education, including for Roma children, are yet to be met. The current insufficient capacities of kindergartens,¹³ the lack of appropriate territorial coverage,¹⁴ understaffing and persisting segregation issues continue to create barriers to inclusive education for Roma children, especially in smaller towns, as civil society partners indicated to ECRI. The declared objective of constructing 12,352 kindergarten places by 2025 and plans to recruit teacher assistants means, in practice, that the introduction of mandatory schooling for five-year-old children will not yield its full potential for some years. Furthermore, following the establishment of compulsory pre-school education for children aged five, some kindergartens clearly lack the capacity to accept children of a younger age.¹⁵

On a different note, one proposed amendment to the “School Act”, which was presented as aiming at enhancing inclusive education and providing linguistic support to children from disadvantaged backgrounds, has been criticised by civil society actors for potentially creating Roma-segregated classes.¹⁶ ECRI invites the authorities to ensure that risks of segregation of Roma children are anticipated and mitigated when such linguistic and other support measures are adopted and implemented.

ECRI concludes that its recommendation has overall been only partially implemented and takes note of the initial steps taken.

¹¹ Both the 2012-2020 and the 2021-2030 National Roma Strategies are available [here](#). The new strategy’s main objective is to ensure, by 2030, equal access for Roma, specifically marginalised Roma communities to quality education.

¹² Information on these projects is available [here \(available in Slovak only\)](#).

¹³ “[The state has a problem with the availability of pre-primary education](#)”, article appeared on SME on 4 February 2022 ([available in Slovak only](#)).

¹⁴ According to civil society estimates, in 2020, 20% of municipalities with marginalised Roma communities had no kindergartens at all.

¹⁵ *Ibid.*

¹⁶ [LP/2022/502 Act amending and supplementing Act No. 245/2008 on Upbringing and Education \(School Act\)](#).