European Union Agency for Fundamental Rights, selection of relevant and recent passages from published reports related to Slovakia

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(Tables, even though comparative in nature, have been included where they are unpublished or very central)

Contents

Annual Report 2012, unpublished draft (2013)

Since the draft will be published in late June no page numbers are available at this stage. Chapter headings have been included in the table of contents; relevant sub-headings within the draft have been put in Bold.

1 Asylum, Immigration and Integration

1.3.1 Alternatives to detention

"**Slovakia**'s new Law on Residence of Foreigners came into force in January 2012, introducing two alternative measures to detention with designated residence and the possibility of financial sureties.[1]"

1.3.2 Forced return monitoring

"In **Slovakia**, independent monitoring by NGOs is possible by law,[2] although no mechanism is in place and independent monitoring has not yet been performed systematically in practice.[3]"

National action plans on integration

"Slovakia, Ministry of Labour, Social Affairs and Family of the Slovak Republic (*Ministerstvo práce, sociálnych vecí a rodiny Slovenskej republiky*), *Action plan of migration policy in the domain of the Ministry of Labour, Social Affairs and Family of the Slovak republic 2012–2013 (Akčný plán migračnej politiky v podmienkach Ministerstva práce, sociálnych vecí a rodiny Slovenskej republiky na roky 2012–2013*), available at: http://ec.europa.eu/ewsi/en/resources/detail.cfm?ID_ITEMS=27508."

"Slovakia, Law No. 404/2011 on Residence of Foreigners that alters and amends certain laws (*Zákon o pobyte cudzincov a o zmene a doplnení niektorých zákonov*), 21 October 2011, available at: www.minv.sk/?pravne-normy-3."

[1] Slovakia, Law No. 404/2011 on Residence of Foreigners that alters and amends certain laws, 21 October 2011.
[2] Slovakia, Law No. 404/2011 on Residence of Foreigners that alters and amends certain laws, 21 October 2011, Section 84 (8).
[3] Statement by the Human Rights League, 10 September 2012.

2 Border control and visa policy

2.1.2 Persons held in airport transit zones – access to food, water and a place to rest

"The time span after which authorities must make food and water available varies considerably: (…) six hours in **Lithuania** and **Slovakia**[4]"

4 The rights of the child and protection of children

4.5 Family and parental care

"The Office of Public Defender of Rights in Slovakia released a report in November 2012[5] on the protection of the rights of children found abroad unattended by their parents. The report found that in some cases, public authorities had failed to act in a timely fashion in a child's best interest"

5 Equality and non-discrimination

5.1 Key developments: European aspects

"In **Slovakia**, the government approved a draft amendment to the Anti-discrimination Act, which extends the grounds upon which positive measures can be adopted to cover age, disability, race, nationality and ethnicity, sex and gender. The proposal also clarifies indirect discrimination as including also the risk of discrimination arising from a provision appearing to be neutral.[6]"

5.2 Key developments: national aspects

5.2.3 Discrimination on the ground of age

"However, legislation that tightens the criteria for receiving social services benefits in promotion of independent living can make institutional care unaffordable in practice for a large proportion of the elderly. It can also cause a public stir, as in **Slovakia** in 2012.[7]"

"Seven EU Member States, namely **Austria, Estonia, Hungary, Italy, Malta, Slovenia** and **Spain,** adopted the second approach and created new mechanisms dedicated to monitoring CRPD implementation. Many of these new mechanisms also systematically involve persons with disabilities through their representative organisations. A further eight Member States (**Bulgaria,** the **Czech Republic, Greece, Poland, Portugal, Romania, Slovakia** and **Sweden,** as well as **Croatia**) are in the process of establishing monitoring mechanisms. The **Bulgarian**, **Polish** and **Slovakian**[8] proposals involve NHRIs, equality bodies and ombudsman institutions."

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[4] Slovakia, Act on Residence of Foreigners, Art. 91.

5 Slovakia, The Office of Public Defender of Rights *(Kancelária verejného ochrancu práv)* (2012), *Správa verejnej ochrankyne práv o ochrane práv maloletých detí občanov Slovenskej republiky, ktoré sa v cudzine ocitli bez starostlivosti rodičov*, November 2012, available at: www.vop.gov.sk/files/ochrana_prav_deti.pdf.

[6] Slovakia, The Government of the Slovak Republic (*Vláda Slovenskej Republiky*) (2012), *Dôvodová správa k návrhu zákona, ktorým sa mení a dopĺňa zákon č. 365/2004 Z. z. o rovnakom zaobchádzaní v niektorých oblastiach a o ochrane pred diskrimináciou a o zmene a doplnení niektorých zákonov (antidiskriminačný zákon) v znení neskorších predpisov a ktorým sa mení zákon č. 8/2008 Z. z. o poisťovníctve a o zmene a doplnení niektorých zákonov v znení neskorších predpisov*, available at: www.rokovania.sk/File.aspx/ViewDocumentHtml/Mater-Dokum-150695?prefixFile=m

[7] Slovakia, Act No. 50/2012 Coll. entered into force amending Law No. 448/2008 on Social Services), 31 January 2012, see Art. 35.1.1.

[8] Slovakia, Bill to Amend Law No. 575/2001 on the Organization of Government and Central State Administration Organs as amended, 31 May 2012. See also: European Commission (2012d).

Table 7.1: The right to political participation of persons with mental health problems and persons with intellectual disabilities, by EU Member State and Croatia

EU Member State	Exclusion	Limited Participation	Full Participation
AT			X
BE	X		
BG	X		
CY		X	
CZ	X	X	
DE	X		
DK	X	X	
EE	X	X	
EL	X		
ES		X	X
FI		X	X
FR		X	X
HU		X	
IE	X		X
IT			X
LT	X		
LU	X		
LV	X		
MT	X	X	
NL			X
PL	X		
PT	X		
RO	X		
SE			X
SI		X	
SK	X		
UK			X
HR	X		

5.2.4 Discrimination on ground of disability

"The employment of persons with disabilities remains a key issue for policy makers, particularly in light of the economic crisis. The Institute of Labour and Family Research, an organisation subsidised by the Labour Ministry in **Slovakia**, conducted a study that found more compensation policy tools, such as benefits, than active integration and pro-employment policies and linked this to an employment rate of just 10 % for persons with disabilities.[9]"

5.2.5 Discrimination on the ground of sexual orientation and gender identity

"In **Slovakia**, a proposal was adopted for the establishment of a Committee for the Rights of LGBT and Intersex persons (*Výbor pre práva lesieb, gejov, bisexuálnych, transrodových a intersexuálnych osôb*); the committee is to be a permanent expert body of the Government

[9] Repková, K., and Kešelová, D. (2012), *Chránená práca pre občanov so zdravotným postihnutím v Európskej únii a odporúčania pre Slovenskú republiku*, Bratislava, Institute of Labour and Family Research.

Council and a platform for discussing ways to improve LGBTI persons' statuses and the observance of their human rights.[10]"

"In 2012, national equality bodies in **Bulgaria**, **Czech Republic**, **Estonia**, **Ireland**, **Luxembourg**, the **Netherlands**, **Slovenia**, and **Slovakia** processed complaints on more than one ground, according to informal communications with those bodies."

6 Racism and ethnic discrimination

6.1 Developments and trends in officially recorded crimes motivated by racism, xenophobia and related intolerances

Table 6.7: Status of official data collection on racist, anti-Roma, antisemitic, Islamophobic/anti-Muslim and (right-wing) extremist crime in EU Member States, December 2012

Limited data available	Good data available	Comprehensive data available
Bulgaria	Austria	Finland
Cyprus	Belgium	Netherlands
Estonia	Czech Republic	Sweden
Greece	Denmark	United Kingdom
Hungary	Germany	
Italy	France	
Latvia	Ireland	
Luxembourg	Lithuania	
Malta	Poland	
Portugal	Slovakia	
Romania	Spain	
Slovenia	Croatia	

Source: FRA, 2012

6.2 Developments concerning extremism in the EU in 2012

[10] Slovakia, Ministry of foreign affairs of the Slovak Republic (*Ministerstvo zahraničných vecí Slovenskej republiky*) (2012), *Dodatok k Štatútut Rady vlády Slovenskej republiky pre ľudské práva, národnostné menšiny a rodovú rovnos*, available at: https://lt.justice.gov.sk/Attachment/vlastny_material_doc.pdf?instEID=191&attEID=47475&docEID=260495&matEID=5403&langEID=1&tStamp=20120815101641040.

"Nevertheless, elements of right-wing extremist ideology and associated intolerant attitudes are found across all members of the general population, as evidence from **Austria**, **France**, **Germany**, **Slovakia**[11] and **Sweden** indicates."

6.3 Developments relating to ethnic data collection

"But other parties with such leanings [anti-immigrant, anti-foreigner or anti-Islam leanings] lost votes in 2012 elections, (…) while **Slovakia's** *Slovenská Národná Strana* lost its nine seats in parliament."

6.4 Developments in ethnic discrimination in healthcare, housing, education and employment in the EU

6.4.2 Ethnic discrimination in housing

"Spatial segregation is often accompanied by precarious living conditions, especially for Roma, as is the case in **Hungary** and **Slovakia**,[12] among others."

6.5 The situation of Roma populations in the EU

6.5.2 Discrimination against Roma populations in housing

"Similarly, the European Roma Rights Centre (ERRC) reported forced evictions in **Slovakia** where Roma families were evicted under the pretext of environmental law.[13]"

6.5.3 Discrimination against Roma populations in education

"The Roma Education Fund reported on *pitfalls and bias: entry testing and the overrepresentation of Romani children in special education* in the **Czech Republic**, **Hungary** and **Slovakia**.[14] It found that Roma pupils are disproportionately present in special education in these EU Member States, accounting for a majority of pupils in practical schools in the Czech Republic; between 20 % and 90 % of children in special education in Hungary; and, approximately 60 % of children in special primary and secondary education in Slovakia."

"Court proceedings in EU Member States illustrate the types of discrimination and segregation Roma pupils experience in education. In October 2012 the Prešov Regional Court,[15] **Slovakia**, confirmed a January 2012 district court verdict[16] of discrimination against Roma in the education system.[17]"

6.5.4 Discrimination against Roma populations in employment

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[11] Gallová Kriglerová, E. and Kadlečíková, J. (2012), *Verejná mienka v oblasti pravicového extrémizmu, Bratislava, Nadácia otvorenej spoločnosti*, Bratislava, Open Society Foundation, available at: http://www.cvek.sk/uploaded/files/vyskumna_sprava.pdf

[12] World Bank (2012a), *Policy advice on the integration of Roma in the Slovak Republic: employment and social protection, financial inclusion, education, housing, health, monitoring and evaluation*, 24 July 2012, p. 31–32.

[13] European Roma Rights Centre (ERRC) (2012a), 'Slovak Republic Targets Roma Homes as 'Waste'', Press release, 20 December 2012, available at: www.errc.org/article/slovak-republic-targets-roma-homes-as-waste/4081

[14] Roma Education Fund (2012), *Pitfalls and bias*: *Entry testing and the overrepresentation of Romani children in special education*, Budapest, Roma Education Fund, available at: https://urresearch.rochester.edu/institutionalPublicationPublicView.action?institutionalItemId=21704&versionNumber=1.; see also: Czech Republic, Ombudsman (2012).

[15] Slovakia, Prešov Regional Court No. 20, Co 125/2012, 30 October 2012.

[16] Slovakia, *Rozhodnutie Okresného súdu v. Prešove, č. konania* 25C 133/2010, 5 December 2011.

[17] *Ibid*.

"In September 2012, the World Bank launched its report on *Reducing vulnerability and promoting the self-employment of Roma in Eastern Europe through financial inclusion*.[18] The report shows that a substantial share of Roma adults reported that they had experienced discrimination because of their ethnicity over the last five years in all five countries covered by the survey: **Bulgaria**, **Czech Republic**, **Hungary**, **Romania** and **Slovakia**.

"Discrimination occurred in various areas, ranging from education to healthcare, housing and the labour market, the report shows. With regards to the labour market, Roma respondents in Slovakia reported the highest levels of ethnic discrimination among job seekers (78 %), closely followed by the **Czech Republic** (73 %) and **Bulgaria** (55 %). In comparison, Roma respondents in **Hungary** (45 %) and **Romania** (30 %) reported the lowest levels of discrimination.[19]"

7 Participation of EU citizens in the Union's democratic functioning

7.1 Voting rights in the EU

7.1.1 EU citizens' right to vote

"In many EU Member States, namely **Denmark**, **Estonia**, **Finland**, **Hungary**, **Ireland**, **Latvia**, **Luxembourg**, **Malta**, the **Netherlands**, **Portugal**, **Slovakia**, **Spain**, **Sweden** and the **United Kingdom**, nothing prevents non-national EU citizens from running for or being nominated to the position of mayor."

7.1.2 The right to vote: national-level trends

"The European Commission report also refers to the **Czech Republic, Germany, Greece, Latvia, Lithuania, Poland, Slovakia and Spain,** which limit the right of non-national EU citizens to become members of, or found, a political party.[20] (…) While several EU Member States make provision for non-national EU citizens to vote from abroad in parliamentary elections, few exercise this right. In **Slovakia**, for example, 8,018 citizens registered to vote from abroad in 2012,[21] with 7,051 of these exercising that right to vote via registered mail. With over 2,553,726 valid votes cast, votes from abroad accounted for just 0.28 % of the total vote in Slovakia,[22] but this still showed more than a doubling from the 3,427 citizens, or 0.14 % of the overall popular vote, who voted from abroad in 2006."

8 Key developments in access to efficient and independent justice

8.5 Facilitating access to justice

8.5.3 E-justice

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[18] World Bank (2012b), *Reducing Vulnerability and Promoting the Self-Employment of Roma in Eastern Europe Through Financial Inclusion*, 4 September 2012, available at www.romadecade.org/files/downloads/Employment % 20Resources/World % 20Bank % 20Financial % 20Inclusion.pdf.

[19] *Ibid*.

[20] European Commission (2012c), *Report from the Commission to the European Parliament and the Council on the application of Directive 94/80/EC on the right to vote and to stand as a candidate in municipal elections by citizens of the Union residing in a Member State of which they are not nationals*, COM(2012) 99 final, Brussels, 9 March 2012, p. 13.

[21] SITA Slovak News Agency (2012), '*Voľby: MV má na voľby vyčlenených 8 616 509 eur'*, 31 January 2012; available at: www.infovolby.sk/index.php?base=data/parl/2012/31010121.msx.

[22] Slovakia, Statistical Office of the Slovak Republic (*Štatistický úrad SR*) (2012), *Voľby do Národnej rady SR*, 2012; available at: http://app.statistics.sk/nrsr2012/menu/indexV.jsp?lang=sk.

"Several EU Member States, including **Austria**, **Belgium**, **Bulgaria**, **Denmark**, **Italy, Poland** and **Slovakia**[23] created webportals and other webtools in 2012 to raise legal awareness and educate the public, providing easily accessible and barrier-free information on the functioning of court proceedings, downloadable forms and relevant case law."

9 Rights of Crime Victims

9.2 Rights of victims of domestic violence and violence against women

"A number of Member States implemented national policies and other measures in 2012 as they prepared to ratify the Istanbul Convention. As part of its preparations, the **Slovakian** Ministry of Labour, Social Affairs and Family, for example, drafted amendments throughout the year to laws on the labour code, social services, equal treatment, socio-legal protection of children and social guardianship."[24]

"Slovakia also worked on improving the regional availability of assistance and services provided to women and children who are victims of domestic violence. The project's ambition is to develop a nationwide network of facilities that specialise in helping victims of domestic violence. An emergency hotline available 24/7 to provide free counselling to victims of domestic violence will be an integral part of the network. The project, which received financial support from the European Social Fund, also plans to establish the Coordination and Methodological Centre for Violence against Women and Domestic Violence (*Koordinačné a Metodické centrum prevencie a eliminácie násilia na ženách a domáceho násilia)*[25] to help eliminate such violence altogether. The government began elaborating a legal analysis and is to propose necessary legislative changes in 2013 with a view to implementing and ratifying the Istanbul Convention."

"EIGE's report, ***Violence against Women – Victim Support,*** **also highlights EU Member States' increasing acknowledgment that** imposing physical distance between the perpetrator and the victim **is key to** protecting victims of domestic violence from further violence. EIGE's research shows that the police in 10 Member States can expel the perpetrator from the residence on site and forbid him or her from approaching or contacting the victim for a set period of time: **Austria**, the **Czech Republic**, **Denmark, Finland**, **Germany**, **Hungary**, **Luxembourg**, the **Netherlands**, **Slovakia** and **Slovenia**.[26]"

9.4 Rights of victims of hate crime

Table 9.1: Classification of official data collection mechanisms pertaining to hate crime, by EU Member State, as of January 2013

Limited data	Good data	Comprehensive data
Few incidents and a narrow	*A range of bias motivations*	*A range of bias motivations,*

[23] Slovakia, Law No. 33/2011, including Law No. 38/1993, 1 May 2011.
[24] Information provided upon request by the Ministry of Labour, Social Affairs and Family.
[25] This section is based on information provided upon request by the Ministry of Labour, Social Affairs and Family on 23 August 2012.
[26] European Institute for Gender Equality (EIGE) (2012a), *Review of the Implementation of the Beijing Platform for Action in the EU Member States: Violence against Women – Victim Support*, Luxembourg, Publications Office of the European Union, p. 2, available at: http://eige.europa.eu/sites/default/files/Violence-against-Women-Victim-Support-Report.pdf, p. 24.

range of bias motivations are recorded *Data are usually not published*	*are recorded* *Data are generally published*	*types of crimes and characteristics of incidents are recorded* *Data are always published*
Bulgaria Cyprus Estonia Greece Hungary Ireland Italy Latvia Luxembourg Malta Portugal Romania Slovenia	Austria Belgium Czech Republic Denmark France Germany Lithuania Poland Slovakia Spain	Finland Netherlands Sweden United Kingdom

Inequalities and multiple discrimination in access to and quality of healthcare (March 2013)

http://fra.europa.eu/sites/default/files/inequalities-discrimination-healthcare_en.pdf

"The ECtHR, however, has never used the term 'multiple discrimination', including in other recent cases of forced sterilisation of Roma women. In the 2011 case of *V.C. v. Slovakia*,[27] the ECtHR decided in favour of a 20-year old Roma woman who was sterilised in a public hospital without her informed consent, but the ruling mentioned neither 'multiple discrimination' nor 'discrimination on more than one ground'. This judgment, the ECtHR's first in a case of a forcibly sterilised Roma woman, found breaches of Articles 3 and 8. The court did not then find it necessary to determine separately whether the facts of the case also gave rise to a breach of Article 14 of the Convention, especially because "the objective evidence is not sufficiently strong in itself to convince the Court that it was part of an organised policy or that the hospital staff's conduct was intentionally racially motivated" (paragraph 177). Similarly, in June 2012, the ECtHR delivered the judgment on *N. B. v. Slovakia*,[28] a case on forced sterilisation of a Roma woman at a public hospital and her subsequent failure to obtain redress. Even though the applicant complained that she was discriminated against on more than one ground (race/ethnic origin and sex), the ECtHR made no explicit reference in its judgment to discrimination or multiple discrimination; however, it stated that "the practice of sterilisation of women without their prior informed consent affected vulnerable individuals from various ethnic groups".74 It ruled that Articles 3 (prohibition of torture), 7 (no punishment without law) and 9 (freedom of thought, conscience and religion) of the ECHR had been violated." p.25

[27] ECtHR, *V. C. v. Slovakia*, No. 18968/07, 8 November 2011.
[28] ECtHR, *N. B. v. Slovakia*, No. 29518/10, 12 June 2012

"In several Member States, the highest rate of unmet medical needs is reported by migrants from other EU countries, rather than third-country nationals: in the Czech Republic the percentage reporting unmet needs among those born in Slovakia is almost three times higher than among native-born persons. This may reflect the large proportion of Roma among Slovak-born migrants, illustrating how data on country of birth often fail to capture ethnic identity." p.41

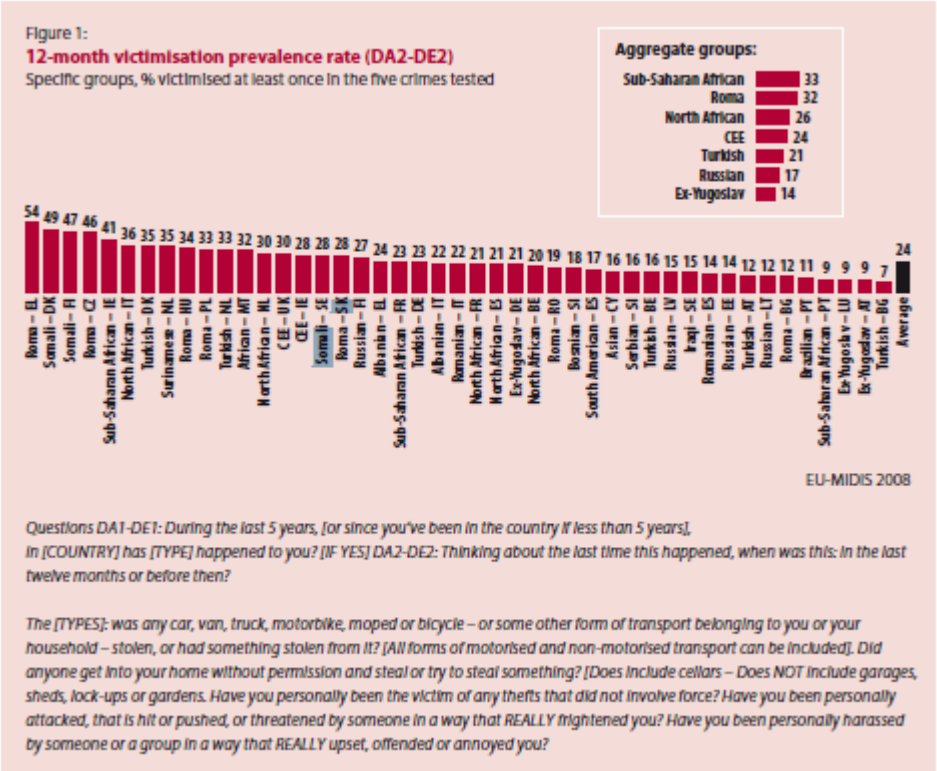
Access to justice in cases of discrimination in the EU – Steps to further equality (December 2012)

http://fra.europa.eu/sites/default/files/fra-2012-access-to-justice-social.pdf

"As of October 2012, 10 EU Member States have NHRIs deemed to be in full compliance with the Paris Principles and therefore holding A-status; and an additional seven Member States have institutions with B-status that could potentially become fully compliant in the near future. Of these 17, seven Member States have equality bodies that also serve as NHRIs, including Belgium, Bulgaria, Denmark, the Netherlands, Slovakia, Sweden and the United Kingdom." p.16

Data in Focus Report 6: Minorities as Victims of Crime (November 2012)

http://fra.europa.eu/sites/default/files/fra-2012-eu-midis-dif6_0.pdf



p.8

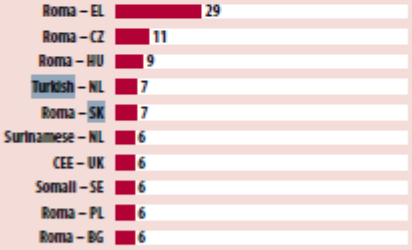
"Figure 1 shows that, for the seven EU Member States where Roma were surveyed, the overall victimisation rate across the five crime types surveyed during the previous 12 months ran from: Greece (54 %); Czech Republic (46 %); Hungary (34 %); Poland (33 %); Slovakia (28 %); Romania (19 %) to Bulgaria (12 %)." p. 9

Burglary

Figure 2:
Prevalence rate of specific crime: burglary (DB2)
% victimised at least once in the past 12 months

Aggregate groups:

Specific groups with highest prevalence rates (top 10):



EU-MIDIS 2008

Question DB1: During the last 5 years, did anyone get into your home without permission and steal or try to steal something? [Does include cellars – Does NOT include garages, sheds, lock-ups or gardens]. [IF YES] DB2: Thinking about the last time this happened, when was this: In the last 12 months or before then?

p.9

"The second and third highest rates for burglary, although considerably lower than the rate for Roma in Greece, are experienced by Roma in the Czech Republic (11 %) and Roma in Hungary (9 %). Roma – in Slovakia (7 %), Bulgaria (6 %) and Poland (6 %) – are also among the 'top 10' groups with the highest rates of victimisation for burglary." p.9

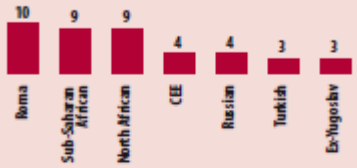
Assault and threat

Figure 3:

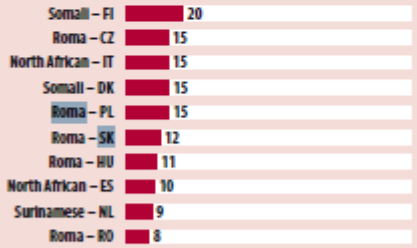
Prevalence rate of specific crime: assault or threat (DD2)

% victimised at least once in the past 12 months

Aggregate groups:



Specific groups with highest prevalence rates (top 10):



EU-MIDIS 2008

Question DD1: During the last 5 years, have you been personally attacked, that is hit or pushed, or threatened by someone in a way that REALLY frightened you? [IF YES] DD2: Thinking about the last time this happened, when was this: in the last twelve months or before then?

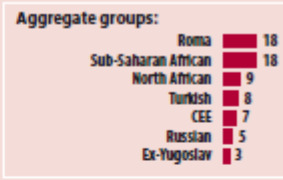
p.10

Figure 5:

In-person crime with a perceived 'racist' motive (DD4, DE5)

% of victims of serious harassment or assaults or threats with an anticipated racist/ethnic motive in the past 12 months (in the total population)

Aggregate groups:



EU-MIDIS 2008

Question DD4-DE5: Do you think that [this incident/any of these incidents] IN THE LAST 12 MONTHS happened partly or completely because of your immigrant/minority background?

p.11

Making hate crime visible in the European Union: acknowledging victims' rights (November 2012)

http://fra.europa.eu/sites/default/files/fra-2012_hate-crime.pdf

"Table 5: Classification of official data collection mechanisms pertaining to hate crime, information current as of September 2012, by EU Member State" p.36

"Nine EU Member States have good official data collection mechanisms pertaining to hate crime that record data on hate crimes with different bias motivations. These data are generally made publicly available: Austria, Belgium, Czech Republic, Denmark, France, Germany, Lithuania, Poland and Slovakia." p.38

"Slovakia collects official data for racist and extremist crimes. Statistical data are collected by: the national equality body, the National Centre for Human Rights (*Slovenské národné stredisko pre ľudské práva*); the police, through the Ministry of the Interior, which discloses monthly statistics on criminal offences on its website; and the General Prosecution Service, which does not specify the motivations underlying criminal offences. The information it records relates to the type of crime, the provisions of the law it relates to and whether or not racially motivated criminal offences were of a violent nature. Judicial decisions must be published and freely available on the internet since 1 January 2012, as a result of the coming into force of an amending piece of legislation on 1 May 2011.98 Since 1 January 2012, courts are also obliged to make judgments and procedural decisions accessible to whomever requests this information, on the basis of the Act on Free Access to Information (*Zákon o slobodnom prístupe k informáciám*)." p.40

Fundamental rights: challenges and achievements in 2011 (June 2012)

http://fra.europa.eu/sites/default/files/fra_uploads/2211-FRA-2012_Annual-Report-2011_EN.pdf

Chapters which did not tackle Slovakia were omitted.

1 Asylum, immigration and integration

1.1 Asylum

1.1.3 Regular deadlines for appeal

"Figure 1.1: Timelines to appeal (regular asylum procedure), in days, by country (…)

Figure 1.2: Timelines to appeal and right to stay (accelerated procedure), in days, 13 EU Member States and Croatia" p.43

"In the countries shown in Figure 1.1, with the exception of **Estonia**, **Italy**, **Slovakia** and **Spain**, an applicant rejected in the regular procedure is automatically protected from removal until the court or tribunal reviews the appeal or, if no appeal has been lodged, until the deadline for lodging one has expired. (…) In **Slovakia** no automatic suspension of removal is envisaged, for example, when the applicant has been convicted of a particularly serious crime or can reasonably be considered a danger to the security of the country."[29] p.42

[29] Slovak Act on Asylum, Art. 21. See also Poland, Art. 108 and 130 (3) of the Code of Administrative Procedure.

1.1.4 Accelerated procedures

"At the end of the reporting period, half of the EU Member States provided for accelerated procedures with shorter deadlines for appeal (see states listed in Figure 1.2). In three of them (**Germany**, **Slovakia** and in part in the **Czech Republic**), 25 applicants did not have an automatic right to stay in the host country during the appeals procedure, which could be granted on a case-by-case basis only, usually upon application (see Figure 1.2)." p.42

1.3 Integration

1.3.1 Health

"In March, the Ministry of Labour, Social Affairs and Family (*Ministerstvo práce, sociálnych vecí a!rodiny Slovenskej republiky*) of the **Slovak Republic** amended the concept for the integration of foreigners (*Koncepcia integrácie cudzincov v. Slovenskej republike*) that was adopted in May 2009.[30] This policy relates to the integration of third-country nationals residing legally in Slovakia. The policy introduces a number of measures that could lead to better health outcomes for third-country nationals, mainly through facilitating their independent access to the healthcare system.

Promising practice. Capturing migrant status in health databases. In 2011, the **Slovakian** Ministry of Health (*Ministrstvo za zdravje*) produced a draft proposal for a Healthcare Databases Act (*Predlog Zakona o!zbirkah podatkov v. zdravstvu*). This bill defines the rights, obligations and duties of healthcare providers and other operators in processing personal data and managing databases in the field of healthcare. It stipulates that several databases include data disaggregated by migrant status, including the chronic diseases registry; the preventive healthcare of children and youth registry; the preventive healthcare of adults registry; the reproductive healthcare registry; the database on treatment in hospitals and other stationary facilities; and the database on the health of the economically active population, work-related injuries and occupational disease and eligible sickness absence of employees." pp.55-56

4 The rights of the child and protection of children

4.3 Child trafficking

"A number of EU Member States also continued to develop legislation and policies to combat trafficking in 2011. These were **Austria, Bulgaria**, the **Czech Republic, Denmark, Greece, Ireland, Malta, Romania, Slovakia, Slovenia, Spain,** and the **United Kingdom**. In February, for instance, **Slovakia** adopted a national programme to combat trafficking covering the prevention, protection and prosecution of trafficking from 2011 to 2014." p.109

Participation of children *(this sub-heading is added)*

"In **Slovakia**, promotion of participation of children and young people in policy making has been emphasised in the work of the newly established Committee for Children and Youth (the expert body to the Government's Council for Human Rights, National Minorities and Gender Equality, the permanent advisory body to the Slovak Government). At its first session in August 2011, the Committee established a task force mandated to design a mechanism of direct participation and involvement of children and young people in the work of the Committee. Steps were taken to involve representatives of children and youth themselves in designing the proposed participation mechanism from the first stages of its creation, with a

[30] Slovakia, Ministry of Labour, Social Affairs and Family (2011), 'Materiály schválené vládou Slovenskej republiky', 1 December 2011, available at: www.employment.gov.sk/integracia-cudzincov-dokumenty.html.

view to create a child-friendly mechanism capable of reflecting their specific needs, language and perspective.[31]" p.115

5 Equality and non-discrimination

5.3 Discrimination on the grounds of sex

5.3.1 Institutional and legal developments in relation to discrimination on the grounds of sex

"The Council for Gender Equality (*Rada vlády SR pre!rodovú rovnost*) in **Slovakia** terminated its activities, and its mandate was transferred to the newly created Council for Human Rights, National Minorities and Gender Equality (*Rada vlády SR pre ludské práva, národnostné menšiny a!rodovú rovnost*). The!council supervises several committees, including the Committee for Gender Equality (*Výbor pre rodovú rovnost*).[32]" p.129

5.3.3 Protection against discrimination for pregnant workers and those on maternity leave

"A number of relevant developments in legislation and case law took place at the national level. In July 2011, the National Council of the **Slovak Republic** (*Národná rada Slovenskej republiky*) enacted changes to the Labour Code to improve labour market protection for pregnant women, mothers and also fathers. The amended Labour Code now reads: 'The employer may terminate probation employment of a pregnant woman, a mother within nine months of giving birth or a nursing mother only in writing and only in exceptional cases that are not related to the pregnancy or motherhood, and must justify it duly in writing, otherwise it shall be deemed null and void.'[33] A similar provision was incorporated into Law No.!346/2005 Coll. on Civil Service of Professional Soldiers of the Slovak Armed Forces (Article 1, Paragraph 112)." p.131

5.4.2 Promoting equality and combating discrimination through mainstreaming

"A Task Force for People with Non-Heterosexual Orientation (*Pracovná skupiny pre ludí s neheterosexuálnou orientáciou*) was established in **Slovakia**. This task force will serve as an advisory body under the government's Council for Human Rights, National Minorities and Gender Equality.[34]" p.134

5.4.3 Free movement and civil justice for LGBT persons

"The greatest number of developments at national level concerned changes to the definition of 'family member' to include same-sex partners for the purposes of free movement and

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[31] Slovakia, Ministry of Labour, Social Affairs and Family (2011). (*Ministerstvo práce, sociálnych vecí a rodiny Slovenskej republiky*) (2011), The decision of the Head of the Committee for Children and Youth on creation of a task force mandated to design a mechanism of direct participation and involvement of children and young people in the policymaking and monitoring of implementation of the CRC (*Rozhodnutie predsedu výboru pre deti a mládež o zriadení pracovnej skupiny pre tvorbu mechanizmu participácie detí a mládeže na tvorbe politík a!monitoringu uplatnovania Dohovoru o právach dietata z 18. augusta 2011*), 18 August 2011.

[32] Slovakia, Slovak Government's Council for Human Rights, National Minorities and Gender Equality. (*Rada vlády Slovenskej republiky pre ludské práva, nárdonostné menšiny a!rodovú rovnost*) (2011a), *Štatút Výboru pre rodovú rovnost.*

[33] Slovakia, Law No. 257/2011.

[34] Slovakia, Slovak Government's Council for Human Rights, National Minorities and Gender Equality (2011b); Slovakia, Slovak Government's Office (2011).

family reunification. **Austria, Estonia, Greece, Latvia, Malta, Romania, Slovakia** and **Slovenia** all instituted this change." p.134

6 Racism and ethnic discrimination

6.2 Developments and trends in officially recorded racist crime

"Table 6.1: Status of official data collection on racist crime, by country as of January 2012" p.157

FRA ACTIVITY

Conducting household surveys of Roma populations in the EU

In 2011, the FRA and the United Nations Development Programme (UNDP) in association with the World Bank (with funding from the European Commission) conducted two household surveys on the situation of Roma populations. The surveys were administered in a coordinated manner following a similar approach with regard to sampling design, interviewer training and applying a common set of core questions. This is the first time such a comprehensive data collection exercise has been attempted through international inter-agency cooperation. It allowed for selected data that were collected by both surveys to be pooled, thereby increasing the reach and representativeness of the surveys.

The FRA pilot survey comprised 11 EU Member States: **Bulgaria**, the **Czech Republic**, **France**, **Greece**, **Hungary**, **Italy**, **Poland**, **Portugal**, **Romania**, **Slovakia** and **Spain**. The UNDP/World/European Commission regional survey comprised five of these (**Bulgaria**, the **Czech Republic**, **Hungary**, **Romania** and **Slovakia**) plus another seven European countries (Albania, Bosnia and Herzegovina, Croatia, the Former Yugoslav Republic of Macedonia, Montenegro, Moldova and Serbia). In total, 22,203 persons who self-identify as Roma (14,925) and non-Roma (7,278) persons living in close proximity to Roma populations were interviewed in the 11 EU Member States, thereby covering 84,287 household members.

The results are representative for Roma living in areas in a higher than national average density. Although the results for non-Roma persons who were surveyed are not representative of the majority population as a whole, they do serve as a benchmark against which to evaluate the situation of the Roma in the Member States under analysis. This is because non-Roma persons who were interviewed share the same environment, labour market and social infrastructures with Roma populations; the surveyed populations are thus functionally equivalent.

The surveys covered the following thematic areas: socio-demographic characteristics of all household members; situation in employment, education, health and housing; neighbourhood and its infrastructure; integration, discrimination, rights awareness and active citizenship; and mobility and migration.

On a global level, the results of the survey show that the socio-economic situation of the Roma in the four key areas of health, education, employment and housing is worse on average than the situation of non-Roma living in close proximity.

The main findings of the survey are as follows:

- **in healthcare:**
  - one out of three Roma respondents aged 35 to 54 years reported health problems limiting their daily activities;
  - on average, about 20 % of Roma respondents were not covered by medical insurance or did not know if they were covered;
- **in education:**
  - on average, only one out of two Roma children surveyed attended pre-school or kindergarten;
  - during compulsory school age, with the exception of **Bulgaria**, **Greece** and **Romania**, nine out of 10 Roma children aged seven to 15 years were reported to be in school;
  - participation in education drops considerably after compulsory school: only 15 % of young Roma adults surveyed had completed upper-secondary general or vocational education;
- **in employment:**
  - on average, less than one out of three Roma were reported to be in paid employment;
  - one out of three Roma respondents said that they were unemployed;
  - others said that they are homemakers, retired, not able to work or self-employed;
- **in housing:**
  - on average, more than two persons lived in one room in the Roma households that were surveyed;
  - about 45 % of the Roma lived in households that lacked at least one of the following basic housing amenities, namely indoor kitchen appliances, such as a refrigerator, an indoor toilet, shower or bath and electricity;
- **poverty:**
  - on average, about 90 % of the Roma surveyed live in households with an equivalised income below the national poverty lines;
  - on average, 40 % of the Roma live in households where somebody had to go to bed hungry at least once in the last month, because they could not afford to buy food;
- **discrimination and rights awareness:**
  - about half of the Roma surveyed said that they had experienced discrimination in the past 12 months because of their ethnic background;
  - about 40 % of the Roma were aware of laws forbidding discrimination against members of ethnic minorities when applying for a job.

For more information on the FRA survey, see: FRA and UNDP (2012), The situation of Roma in 11 EU Member States – Survey results at a glance

p.168

6.7.1 Evidence of discrimination of Roma populations in healthcare

"The forced sterilisation of Roma women emerges as a particularly grave manifestation of ethnic discrimination in the health sector. In October 2011, the European Court of Human Rights (ECtHR) issued a landmark decision in *V.C. v.* **Slovakia**, ruling in favour of a Roma woman who was forcibly sterilised in 2000.50 The applicant complained that she had been sterilised without her full and informed consent and that the ensuing official investigation into her sterilisation had not been thorough, fair or effective. The forced sterilisation of Roma women, which originated under the former Communist regime and was once a widespread practice, occurred against a backdrop of persistently hostile attitudes towards people of Roma origin in Slovakia. On 12 December 2011, the Slovak Minister of Justice expressed her regrets in relation to this case, while pointing out that amended legislation introduced in 2004 (Act No. 576/2004 on healthcare, services related to healthcare and amending certain laws – *Zákonc. 576/2004 Z. o zdravotnej starostlivosti, službách súvisiacich s poskytovaním zdravotnej starostlivosti a o zmene a doplnení niektorých zákonov*) aligned patients' rights with international standards to prevent such situations from occurring in the future. This legislation came into force on 1 January 2005. The ECtHR ruled that forced sterilisation violated Article 3, prohibiting inhuman and degrading treatment, and Article 8, protecting respect for private and family life, of the European Convention on Human Rights. It found further that Article 14 on non-discrimination raised no separate issues and, therefore, it did not examine the state's compliance with its duty to investigate whether the applicant's sterilisation was racially motivated. The ECtHR ordered Slovakia to pay the applicant €31,000." p.169

6.7.2 Evidence of discrimination against Roma populations in education

"Similarly, the Prešov District Court in **Slovakia** ruled in December 2011 that an elementary school in the village of Šarisské Michalany had discriminated against Roma children by teaching them in separate classrooms without reasonable justification.[35] For several years the elementary school had organised separate mainstream education classes, while classes for Roma children were held on a different floor. This situation worsened in the 2008/2009 school year when the school transferred all the remaining Roma children out of the integrated classes and into the separate classes. The school appealed the Prešov District Court's decision in January 2012" p.171

6.7.3 Evidence of discrimination against Roma populations in employment

"The **Slovak** government adopted several policies addressing the integration of national minorities and migrants into the labour market, including the revised action plan of the decade of Roma inclusion.[36] In its section on employment, the action plan identifies several ways to increase the employability of disadvantaged population groups, such as providing social and counselling services. This action plan proposes several measures aimed at furthering the integration of disadvantaged population groups into the labour market, with special reference to marginalised Roma populations. It envisages the continuation of measures such as the 'office assistant' project, which has proved to be an effective means of integrating Roma job seekers into the labour market. Under this project, Roma people were

[35] Slovakia, *Rozhodnutie Okresného súdu v!Prešove, c. konania* 25C 133/2010, 5 December 2011.
[36] Slovakia, Deputy Prime Minister for National Minorities and Human Rights (*Podpredseda vlády pre ludské práva a!národnostné menšiny*) (2011), *Revidovaný akcný plan Dekády rómskej inklúzie*, available at: www.rokovania.sk/Rokovanie.aspx/BodRokovaniaDetail?idMaterial=19992.

employed by the local Offices of Labour, Social Affairs and Family to provide services mainly to unemployed, socially disadvantaged people." p.172

6.7.4 Evidence of discrimination against Roma populations in housing

"**Slovakia**'s national equality body, the National Human Rights Centre (*Slovenské národné stredisko pre ludské práva*, SNSLP), issued a *Report on Human Rights Implementation in Slovakia* focusing on implementation of the right to housing. In this report, the SNSLP points out that residential segregation of the Roma increased due to construction of various walls and fences designed to keep Roma populations away from the majority population. Local and municipal governments took, or tacitly endorsed, these initiatives. The SNSLP qualified these actions as involuntary residential segregation giving rise to the risk of creating concentrated pockets of ethnic minorities.[37]" p.173

8 Access to efficient and independent justice

8.3.5 E-justice

"The Ministry of Justice in **Slovakia** introduced an e-portal with an e-actions (*eŽaloby*) section through which citizens may file an action or a motion to on-going civil court proceedings. The section includes the relevant forms along with instructions on how to fill them in.[38]" p.207

Annual activity report 2011 (June 2012)

http://fra.europa.eu/sites/default/files/fra_uploads/2214-FRA-2012_Annual_Activity_Report_2011_EN.pdf

"The Roma pilot survey was carried out in 2011 in 11 EU Member States, namely: Bulgaria, the Czech Republic, Hungary, Romania, Slovakia, France, Greece, Italy, Poland, Portugal and Spain. The survey was conducted in close cooperation with a parallel and complementary survey carried out by the United Nations Development Programme (UNDP) and the World Bank funded by the European Commission and the Nordic Trust Fund. The FRA survey was conducted from May–July 2011 on a random sample of Roma and non-Roma living in areas with high density of Roma populations." p. 42

Involuntary placement and involuntary treatment of persons with mental health problems (June 2012)

http://fra.europa.eu/sites/default/files/involuntary-placement-and-involuntary-treatment-of-persons-with-mental-health-problems_en.pdf

"In 13 Member States two criteria – the risk of harm *and* the need for treatment – are listed alongside having a mental health problem. This is the case in **Denmark, Greece, Finland, France, Ireland, Latvia, Poland, Portugal, Romania, Slovakia, Slovenia, Sweden** and the **United Kingdom**. (…)In **Slovakia,** Article 6 (9) of the Healthcare Act provides two separate combinations of criteria to be fulfilled for the authorisation of involuntary placement to be

[37] Slovakia, Slovak National Centre for Human Rights (*Slovenské národné stredisko pre ludské práva*) (2011), *Správa o dodržiavaní ludských práv v Slovenskej republike,* Bratislava, Národné stredisko pre ludské práva., p. 47.

[38] 100 Slovakia, Ministry of Justice (2011), E-portal which features a special section of 'e-actions' (*eŽaloby*): https://portal.justice.sk/eZaloby/Stranky/Uvod.aspx.

lawful. First, a mental health problem or symptoms of a mental health problem plus the risk of danger to the person concerned and his/her vicinity; or second, a mental health problem or symptoms of a mental health problem and the danger of a serious deterioration in the mental health status of the person concerned." pp.31-32

"In Bulgaria, Cyprus, the Czech Republic, Greece, Ireland, Latvia, Slovakia and Spain national legislation does not explicitly include a prerequisite of exhausting all less restrictive facilities. The law leaves the decision about whether to place someone involuntarily to the persons involved in the assessment of a person's condition." p.33

"A small number of EU Member States laws do not refer to the person's opinion in the course of an involuntary measure. This is the case in the Czech Republic, Greece, Latvia, Malta, Slovakia and the United Kingdom." p.34

The situation of Roma in 11 EU Member States - Survey results at a glance (May 2012)

http://fra.europa.eu/sites/default/files/fra_uploads/2099-FRA-2012-Roma-at-a-glance_EN.pdf

In this short report (36 pages) there are 18 graphs relevant for Slovakia and its Roma population. Their titles have been cited below.

"Figure 2: Children aged 4 to starting age of compulsory education (Roma, non-Roma)" p. 13

"Figure 3: Children aged 7 to 15 not in school (%)(Roma, non-Roma)" p. 14

"Figure 4: Household members aged 20 to 24 with at least completed general or vocational upper-secondary education (pooled data) (%) (Roma, non-Roma)" p.15

"Figure 5: Household members aged 20 to 64 in paid employment (pooled data) (%) – excluding self-employment (Roma, non-Roma)" p.16

"Figure 6: Respondents* aged 20 to 64 who considered themselves as unemployed (%) (Roma, non-Roma)" p.17

"Figure 7: Respondents aged 18 and above stating that they are or will be entitled to private or state pension (%) (Roma, non-Roma)" p.18

"Figure 8: Roma children aged 7 to 15 who work outside the home (%)" p.18

"Figure 9: Roma respondents aged 16 and above looking for work in the past 5 years, who said that they experienced discrimination because of their Roma background (pooled data) (%)" p.19

"Figure 10: Respondents aged 35 to 54 with health problems that limit their daily activities (%) (Roma, non-Roma)" p.20

"Figure 11: Respondents aged 18 and above with medical insurance (pooled data) (%) (Roma, non-Roma)" p.20

"Figure 12: Average number of persons per room (excluding kitchen, corridor, toilet, bathroom and any room rented out) (pooled data) (%) (Roma, non-Roma)" p.22

"Figure 13: Persons living in households without at least one of the following basic amenities: indoor kitchen, indoor toilet, indoor shower/bath, electricity (pooled data) (%) (Roma, non-Roma)" p.23

"Figure 14: Persons living in households at risk of poverty (%) (Roma, non-Roma)" p.24

"Figure 15: Persons living in households in which someone went to bed hungry at least once in the past month (pooled data) (%) (Roma, non-Roma)" p.24

"Figure 16: Households with severe material deprivation (UNDP/World Bank/EC data) (%) (Roma, non-Roma)" p.26

"Figure 17: Roma respondents aged 16 and above who experienced discrimination because of their Roma background in the past 12 months (pooled data) (%)" p.26

"Figure 18: Respondents aged 16 and above who know about a law forbidding discrimination against ethnic minority people when applying for a job (pooled data) (%) (Roma, non-Roma)" p.27

"Table 1: EU Member States and sample sizes" p.30

Fundamental rights of migrants in an irregular situation in the European Union (November 2011)

http://fra.europa.eu/sites/default/files/fra_uploads/1827-FRA_2011_Migrants_in_an_irregular_situation_EN.pdf

"Table 2: Policy options for persons not removed due to practical or technical obstacles – certification given to persons concerned" p.33

"A similar obligation to report foreign student enrolment exists in Slovakia[39]" p.44

"According to the respondents to the national authority surveys, four EU Member States (Czech Republic, Estonia, Lithuania, and Slovakia) seem not to recognise the right to compensation for withheld wages.[40]" p.50

"In Slovakia, in cases where removal is suspended, the foreigner is granted a tolerated stay and provided with confirmation of the suspension; however, the law does not provide for any kind of public support for those individuals.[41]" p.67

"Similarly, Slovakia and Cyprus, which grant those who cannot be removed a right to stay, do not provide any kind of social support.[42]" p.69

"Table 8: Free healthcare entitlements for irregular migrant children" p.80

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[39] Slovakia, Aliens Act, Article 53(3).
[40] FRA national authorities questionnaire, responses from the Czech Republic, Estonia, Latvia, and Slovakia.
[41] Slovakia, *Zákon 48/2002*, 13 December 2001, Article 43. The tolerated stay is only a temporary form of stay and its purpose is to bridge the period until the impediment to the foreigner's departure is lifted. The tolerated stay permit was granted to 280 people in 2008 and 322 in 2009.
[42] Information provided to the FRA in 2009 by the Fralex focal points working on the FRA project on the rights of irregular immigrants in voluntary and involuntary return procedures. In Slovakia, municipalities might provide public support (including food, accommodation, and other material support) for persons in need, but there is no legal entitlement for such assistance.

"Table 10: The right to education for undocumented children, EU27; Slovakia: implicit right, guaranteed by Constitution, Chapter 2, Section V, Article 42 (1)" p. 89

"Similarly, in Slovakia, school administrations are required to report foreigners attending or leaving a school on the basis of the Act on Stay of Aliens (Article 53(3)).[43]" p.91

The legal protection of persons with mental health problems under non-discrimination law (October 2011)

http://fra.europa.eu/sites/default/files/fra_uploads/1797-FRA-2011-Legal-protection-persons-mental-health-problems-report_EN.pdf

"To take just few examples: in Slovakia, the Antidiscrimination Act, through which the Employment Equality Directive was implemented into Slovak law, does not define the term disability. However, in its Article 2a (11) (d), the Act states that 'discrimination due to disability shall also mean the discrimination due to a previous health impediment or the discrimination of a person in the event that based on external signs of a person it would be possible to presume that the person has a disability'.[44]" p.23

Respect for and protection of persons belonging to minorities 2008-2010 (September 2011)

http://fra.europa.eu/sites/default/files/fra_uploads/1769-FRA-Report-Respect-protection-minorities-2011_EN.pdf

"Figure 2.7: Reflection of diversity in terms of ethnic origin in the media in the EU27 and candidate countries, by country (%)[45]" p.65

"In 2008, in Slovakia, the Parliamentary Committee for Human Rights, Minorities and Status of Women adopted a resolution[46] calling on the government to legalise the gathering of data on ethnic origin in order to improve the monitoring of discrimination on 'racial' or ethnic grounds." p.36

"When the figures are broken down by minority and Member State, Africans in Malta had the highest rate of unemployment at the time of the survey interview (54%). They were followed by Roma in Slovakia (36%) and Roma in Bulgaria (33%)." p.42

"In Slovakia, a Roma woman took legal action on the grounds that she had been called a "gypsy", assigned to the worst jobs, and was the only employee whose contract was not extended." p.45

"The situation in Slovakia was also addressed in an expert opinion of the Slovak National Centre for Human Rights. This opinion focused on a wall in the village of Ostrovany which

[43] Local authority survey, response from Slovakia.
[44] Slovakia, Art. 2a (11)(d), Anti-Discrimination Act no. 365/2004 (*Antidiskriminačný zákon).*
[45] *Source: European Commission, Special Eurobarometer 317, 2009, p. 17.*
[46] Uznesenie Vyboru Narodnej rady Slovenskej republiky pre ľudske prava, narodnosti a postavenie žien k problematike zberu etnickych dat.

has separated the Roma and non-Roma population of the village since mid-October 2009. The Centre estimates that the authorities of Ostrovany did not remove suspicions that there was intent to separate Roma from non-Roma citizens and concluded that tensions would continue to rise in the village in consequence.[47]" p.49

"Some EU Member States, such as, Finland, Lithuania and Slovakia grant the right to vote and to stand as a candidate to all third-country nationals who have a permanent residence or who hold a long-term residence status." p.61

"Hungary passed a law on 26 May 2010 that offers Hungarian citizenship to persons of Hungarian ancestry residing abroad.[48]" p.63

Homophobia, transphobia and discrimination on grounds of sexual orientation and gender identity in the EU Member States (June 2011)

http://fra.europa.eu/sites/default/files/fra_uploads/1659-FRA-homophobia-synthesis-report-2011_EN.pdf

"Twenty Member States (Austria, Belgium, Bulgaria, Cyprus, Denmark, Estonia, France, Germany, Greece, Hungary, Ireland, Latvia, Lithuania, Luxembourg, the Netherlands, Romania, Slovakia, Slovenia, Sweden and the UK) have set up single equality bodies dealing with all grounds for discrimination in the 2000 directives, including discrimination based on sexual orientation." p.22

Access to justice in Europe: an overview of challenges and opportunities (March 2011)

http://fra.europa.eu/sites/default/files/fra_uploads/1520-report-access-to-justice_EN.pdf

"Also, it is possible to make a distinction between states with a separate judiciary for (at least some matters of) administrative law (the French Model)[49] from those opting for one single judiciary (the English Model)[50]. However, a large majority of Member States apply a separation.[51]" p.37

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[47] SNSĽP (2010) Odborne stanovisko k vystavbe muru v Ostrovanoch. At: www.snslp.sk/index.php/lang-sk/odbornestanoviska/155-odborne-stanovisko-k-vystavbe-muru-vostrovanoch-22-1-2010.html.

[48] See: http://eudo-citizenship.eu/citizenship-news/306-hungariangovernment-proposes-access-to-citizenship-for-ethnichungarians-in-neighbouring-countries. Slovakia reacted by amending its Citizenship Act on the same day to provide that, if a Slovak citizen acquires the citizenship of another state by an act of will (neither by marriage nor birth), that person will automatically lose Slovak citizenship.

[49] See Aguila, Y., Kreins, Y. and Warren, A. (2007) *La justice administrative en Europe. Observatoire des Mutations Institutionelles et Juridiques (OMIJ) de l'Universite de Limoges*, Paris: Presses universitaires de France, p. 16.

[50] See Aguila, Y., Kreins, Y. and Warren, A. (2007) *La justice administrative en Europe. Observatoire des Mutations Institutionelles et Juridiques (OMIJ) de l'Universite de Limoges*, Paris: Presses universitaires de France, p. 16.

[51] To the pure English model belong, apart from the United Kingdom itself, only Hungary, Ireland, Rumania, and Slovakia.(…)

"For example in France, Portugal and Spain mediation is mandatory part of court proceedings, while in Hungary and Slovakia they are mandatory but separate from court proceedings.[52]" p.45

"[Eligibility for legal aid] As Figure 9 shows, some jurisdictions only apply income tests, excluding merits, namely the following 18 countries: Belgium, Cyprus, the Czech Republic, Estonia, Finland, France, Greece, Germany, Hungary, Italy, Latvia, Lithuania, Luxembourg, Poland, Portugal, Romania, Spain and Slovakia." p.51

"Various non-discrimination NGOs or quasi NGOs offering legal and other advice to discrimination victims free of charge exist in other EU Member States, including Austria, the Czech Republic, Spain, France, Lithuania, Latvia, Poland, Slovakia, Sweden and the United Kingdom. In some of these countries (namely the Czech Republic, Romania, Poland and Slovakia), these organisations can, in addition, represent their clients (victims of discrimination) in court proceedings." p.54

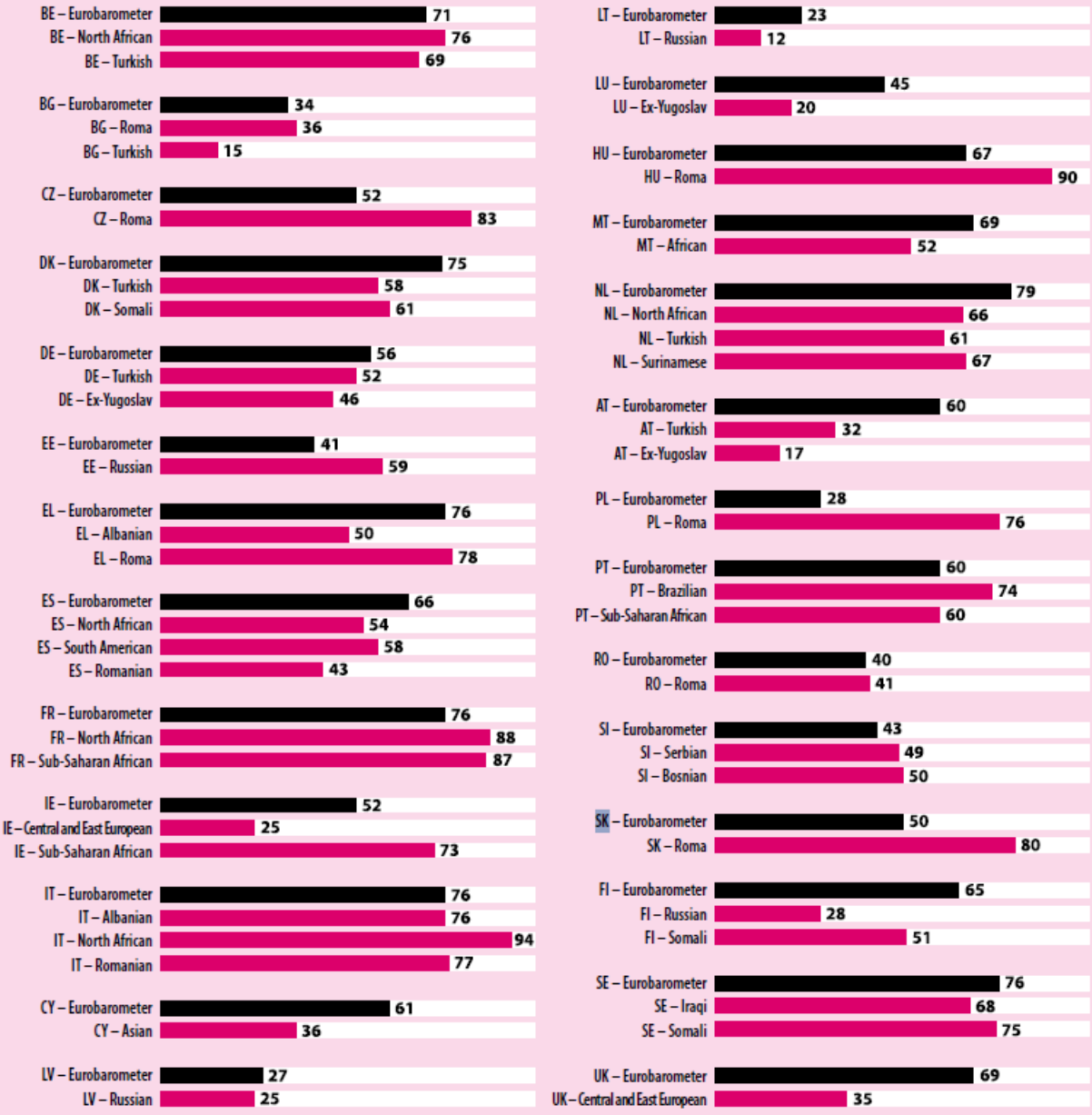
EU-MIDIS; Data in Focus Report 5: Multiple discrimination (February 2011)

http://fra.europa.eu/sites/default/files/fra_uploads/1454-EU_MIDIS_DiF5-multiple-discrimination_EN.pdf

[52] Chopin, I. and Gounari, E.N. (2009) *Developing anti-discrimination law in Europe. The 27 EU Member States compared*, report prepared for the European Network of Legal Experts in the non-discrimination field, Luxembourg: Publications Office, p. 58.

Figure 2

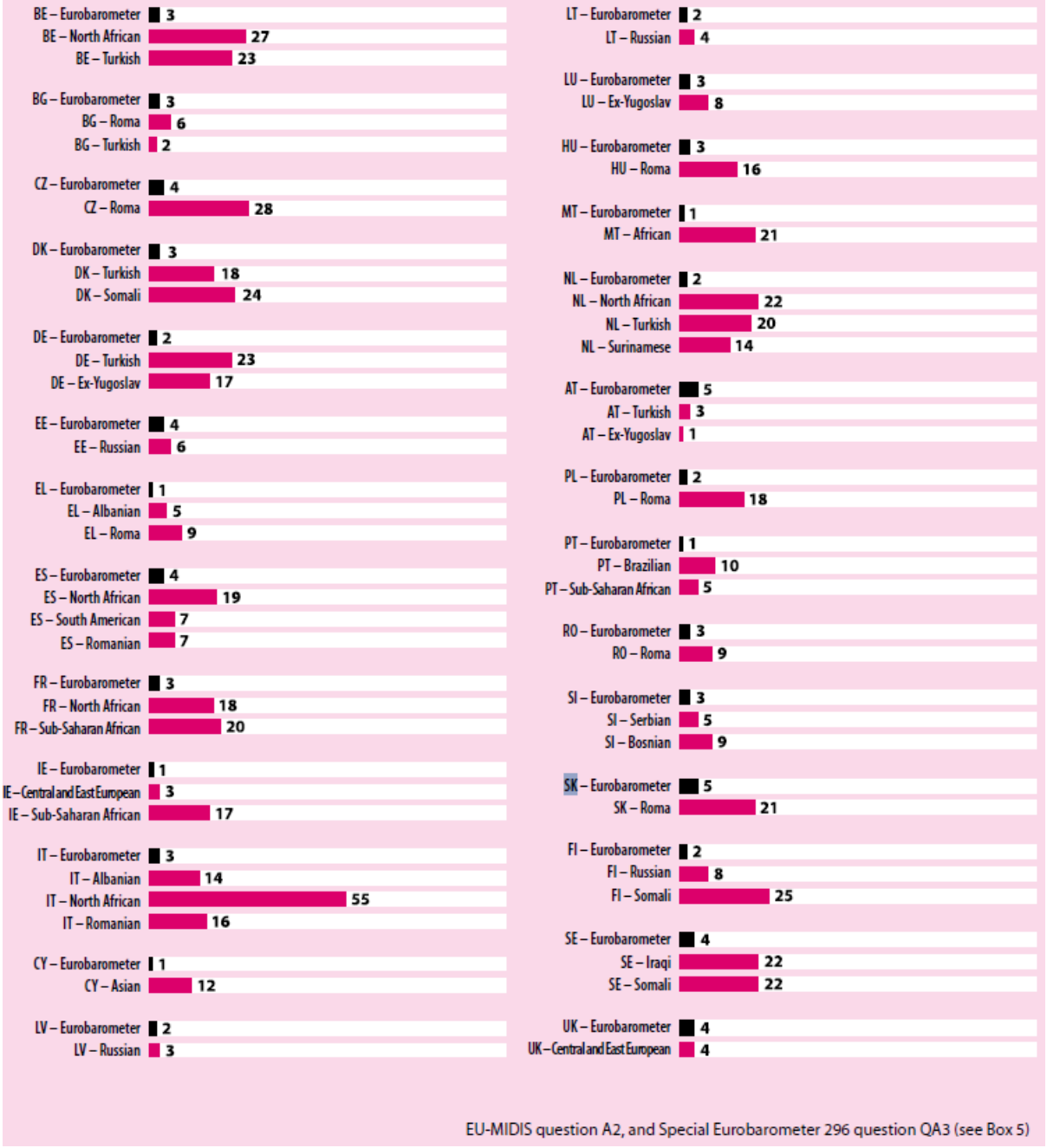
Comparison of perception of discrimination based on ethnic or immigrant origin as being 'very' or 'fairly' widespread, EU-MIDIS and Special Eurobarometer 296, all survey respondents (%)



EU-MIDIS and Special Eurobarometer 296, both question A1 (see Box 4)

Figure 4

Comparing results from EU-MIDIS and Special Eurobarometer 296: discrimination experiences on more than one ground, last 12 months – all survey respondents (%)



EU-MIDIS question A2, and Special Eurobarometer 296 question QA3 (see Box 5)

p.11

Detention of third-country nationals in return procedures (November 2010)

http://fra.europa.eu/sites/default/files/fra_uploads/1306-FRA-report-detention-december-2010_EN.pdf

"For example, according to information provided by NGOs in the Czech Republic and in Slovakia, court proceedings may last longer than the six months foreseen by law as maximum time limit for detention.[53]" p.42

"Several EU Member States have established time limits for appealing the detention order.[54](…) 15 days in Slovakia." p.43

"Domestic legislation may require persons who entered in an irregular manner to submit an application for asylum immediately or within a short time frame,[55] something which is difficult to achieve in the absence of legal counselling, as is often the case in detention facilities." p.47

"(…) six countries that allow the detention of children only when these are accompanied by their parents or legal representative.[56]" p.59

The right to political participation of persons with mental health problems and persons with intellectual disabilities (October 2010)

http://fra.europa.eu/sites/default/files/fra_uploads/1216-Report-vote-disability_EN.pdf

"2.1. Exclusion from political participation

A majority of European Union Member States links the right to political participation to the legal capacity of the individual. These Member States have an automatic or quasi-automatic exclusion provision in their legal systems. They deny the right to political participation to all persons under a protective measure such as a partial and plenary guardianship, regardless of their actual and/or individual level of functional ability or whether they have an intellectual disability or a mental health problem. These are shown in Map 1 below. Additional details with the specific legal norms can be found in Annex I, p. 28 below. The following paragraphs will provide examples of this approach.

In countries where there is an automatic exclusion it is either entrenched in the Constitution or prescribed in electoral legislation.

(…)

Similar provisions are prescribed by law in other countries, including: **Belgium**, the **Czech Republic**, **Denmark**, **Latvia**, **Portugal**, **Romania** and **Slovakia**." p.15

"2.2. Limited political participation

[53] Information provided by NGOs in the Czech Republic and Slovakia to the FRALEX national experts.(…)
[54] (…) Slovakia, Aliens Act Article 62.
[55] See, for example (…)Slovakia (Aliens Act, Article 12(2), where applications can be rejected as ill-founded if they are not submitted immediately after crossing the border.(…)
[56](…) Slovakia, Article 62 (7) Aliens Act (…)

Several EU Member States (Czech Republic, Denmark, Estonia, Finland, France, Slovakia, Slovenia and Spain; see Map 2) have adopted a variety of practices falling between the two ends of the spectrum, in which an assessment is made of the individual's actual ability to vote. This individualised decision triggers our classification since, in some cases, these countries have adopted either an exclusion policy coupled with an individualised assessment (such as **Estonia** and **Malta**) or a full participation policy complemented with a specific decision on voting capacity (**Spain** and **France**). Furthermore, among these countries a differentiation can be made between those in which the individual's situation is assessed by a medical practitioner and those in which the assessment is made by a judge." p.16