

Slovakia

report from 2015

<http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Slovakia/SVK-CbC-V-2014-037-ENG.pdf>

- **Context information from ECRI**

A recent survey of FRA indicates that the vast majority of LGBT persons in Slovakia avoid revealing their sexual orientation at work. Moreover 19% of the persons interviewed replied that they felt discriminated against because of their sexual orientation. Transgender people are obviously even more vulnerable to harassment and discrimination in employment due to their gender expression. This survey also measured LGBT persons' experiences of discrimination in areas other than employment, namely education, healthcare and social services, and when accessing goods and services available to the public. 33% of the respondents in Slovakia replied that during the last 12 months (i.e in 2012) they had personally felt discriminated against because of being LGBT.

Moreover, the psychiatric diagnosis of "transsexualism", which is required before a person can change name and identification number, in Slovakia still falls under the category of mental and behavioural disorder. The public health scheme only refunds sex-change treatment based on such a psychiatric diagnosis, which is not acceptable to everybody. These facts, coupled with the legislative issues mentioned in paragraphs 137 and 138, make access to health for transgender persons particularly difficult.

- **Transphobia and data on hate crimes in the country**

A mechanism for collecting disaggregated data on hate speech and racist homo/transphobic violence incidents should be put in place and the data made public. Gender reassignment treatment should be made available for transgender persons in Slovakia and the cost should be reimbursed by public health insurance schemes.

No official data on homo/transphobic violence in Slovakia exists and no incidents of this kind were reported in the Annual Report on Hate Crimes in the OSCE Region.⁵¹ The NGO Iniciativa Inakost launched an online tool for reporting homophobic violence - or to the same effect other homophobic incidents - and providing information for victims. The NGO will record incidents and help those who report crime in their contact with the authorities.

An amendment to the Criminal Code passed in May 2013 introduces sexual orientation among the aggravating circumstances of a criminal offence. The amendment will allow the police to record data about inter alia cases of homo/transphobic violence. ECRI therefore reiterates its recommendation already made in the Hate speech section on the need for detailed statistical data on racist and homo/transphobic crime. In so far as the policies' results are concerned, a recent study published by the IOM (already mentioned in the section on Racist and homo/transphobic violence) reported that 56 % of the migrants interviewed felt entirely or partially accepted in Slovakia (in the Asian community this number was only 32 %). Only 46 % of the respondents thought that they had the same rights as Slovak nationals. This should be contrasted to the findings of another recent study, according to which

one of the main objectives of the foreigners' integration policy - the gradual harmonisation of the legal status of foreigners living in Slovakia with the legal status of Slovak citizens - was being achieved.

- **Legislative issues**

There are legislative provisions relating to issues concerning transgender persons which are problematic, such as changing name and personal identification number given that in Slovakia this shows your gender. In principle such changes are made by the Ministry of Interior and are based on a written declaration of the person concerned or his/her legal representative and the presentation of a medical certificate stating that the person in question has undergone sex change (it appears that in the Slovakian language the word sex is also used for gender). The legislation is silent concerning specific medical requirements for changing sex. Many doctors interpret this requirement in a strict manner and in order to provide a certificate require proof of permanent change of the original reproductive organs or that the person has been diagnosed as permanently infertile. It appears therefore that the lack of clarity concerning the requirements for the change of name and personal identification number in the civil registry could be an obstacle for the acquisition of appropriate identity documents by transgender persons.

- **Education and awareness raising**

144. The above-mentioned FRA survey indicates that nine out of 10 persons interviewed in Slovakia have rarely encountered measures taken by their authorities to promote respect for the human rights of LGBT people. However in July 2012, the Government Council for Human Rights, Minorities, and Gender Equality decided to establish a Committee for LGBTI issues. The decision was unanimous and was taken on the initiative of nine different NGOs to promote policy with improvements in this area. The task of creating the Committee and establishing its activities was assigned to the Ministry of Foreign Affairs. Despite strong criticism by part of the public opinion of the inclusion of LGBT issues in the human rights agenda of the Government, the Committee has held several meetings.

145. ECRI hopes that this committee will become a forum for the discussion of the LGBT persons' problems that have identified in this report, such as hate speech and unclear legal and medical standards for gender reassignment, as well as the implementation of concrete education and awareness-raising activities in favour of LGBT persons.

- **List of recommendations from ECRI**

29. (§135) ECRI encourages the authorities to undertake research and collect data on LGBT persons in Slovakia as well as on discrimination and intolerance against them, while ensuring respect for the principle of confidentiality, informed consent and individuals' voluntary self-identification as a member of a particular group.

30. (§143) ECRI recommends that the authorities ensure that gender reassignment treatments, which are required by law to change name and gender identification in official documents, are made available for transgender persons in Slovakia and that their cost is reimbursed by public health insurance schemes.