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Slovakia

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B-1049 Brussels*

Country report

Non-discrimination

Transposition and implementation at national level of
Council Directives 2000/43 and 2000/78

Slovakia

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Reporting period 1 January 2025 – 1 January 2026

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EXECUTIVE SUMMARY

1. Introduction

The Slovak Republic is a country of 5.4 million people. In addition to Slovak nationals, a wide range of minority groups live in the country. The largest groups are Hungarians (7.75 %) and the Roma minority. The official number of Roma in the last census (2021) was 67 179 (1.23 %),¹ although the *Atlas of Roma Communities 2019* contains data on approximately 417 000 Roma living in 825 municipalities and estimates that there are 450 000 people of Roma origin in Slovakia.² The other minority groups include Czechs, Ruthenians, Ukrainians, Croatians, Vietnamese, Germans, Poles, Bulgarians, Moravians and Jews.³

In Slovakia, many individuals and groups face serious discrimination due to some of their traits. For example, the Roma people face widespread and deep prejudice and discrimination, which exist in all areas of life and are often characterised by segregation and exclusion.

Roma living in segregated settlements face an increased threat of forced eviction. Data from the EU SILC_MRK survey by the Office of the Plenipotentiary for Roma Communities provides complex information about the continued housing of Roma in marginalised communities, including their social exclusion. It also highlights on-going inequalities in terms of the material quality of their housing, expenses for their housing and risks of losing their housing.⁴ In September 2025, the first instance court prohibited the municipality of Torysa from demolishing the long-term occupied home of a Roma family, recognising that an informal dwelling can be considered a protected 'home' under constitutional and European human rights standards. The case, litigated by a human rights NGO, is the first known Slovak ruling preventing the demolition of a Roma family home on human rights grounds, although it is not yet final.⁵

The segregation of Roma children in education is a very widespread problem, which has already been documented in many reports by national and international NGOs.⁶ Both key independent human rights institutions – the Slovak National Centre for Human Rights (the designated equality body) and the Office of the Public Defender of Rights – continuously raise this on-going problem and the need for the Government authorities to address it effectively.⁷ The meaning of 'school segregation' is explicitly defined in the Schools Act. In

¹ See: <https://www.scitanie.sk/en/population/basic-results/structure-of-population-by-ethnicity/SR/SK0/SR>.

² Ravasz, A. Kováč, Ľ. Markovič, F. (2021), *Atlas rómskych komunít 2019* (Atlas of Roma communities 2019), Bratislava, VEDA. Available at:

https://www.institutmatejabel.sk/files/uqgd/1a16af_0d81d887ecb3421bb8b19728c82c980f.pdf.

The data in the official census was based on people declaring their own ethnicity and many individuals did not openly declare themselves as Roma. Data in the *Atlas of Roma Communities* is based on perceived ethnicity attributed to them in the research, which explains a difference in numbers.

³ Each making up less than 1 % of the national population. See: <https://www.scitanie.sk/en/population/basic-results/structure-of-population-by-ethnicity/SR/SK0/SR>.

⁴ Office of the Plenipotentiary for Roma Communities (2022), *Príjmy a životné podmienky v marginalizovaných rómskych komunitách: Vybrané ukazovatele zo zisťovania EU SILC_MRK 2020* (Income and living conditions in marginalised Roma communities: Selected indicators from the survey). For an overview of the main findings from this survey, see its executive summary, available in English, pp. 7-11.

⁵ Decision of the District Court in Prešov, case no. 16C/34/2025, 17 September 2025. For more information, see Section 3.2.9 on Housing, p. 68 of this report.

⁶ See e.g. Amnesty International and the European Roma Rights Centre (ERRC) (2025), 'Separate and unequal: School segregation persists for Roma in Slovakia'. Available at: <https://www.errc.org/press-releases/slovakia-romani-children-face-entrenched-discrimination-as-school-segregation-persists>. Center for Civil and Human Rights (2024), *NGO alternative report to Committee on the Rights of Child concerning shortcomings in the implementation of the Convention in Slovakia*, pp. 15-19. Available at: <https://poradna-prava.sk/wp-content/uploads/2024/12/2024-Submission-of-alternative-report-by-the-national-NGO-to-the-UN-CRC-Committee-on-Slovakia.pdf>.

⁷ Public Defender of Rights (2025), *Správa o činnosti Verejného ochrancu práv za obdobie roka 2024* (Report on the activity of the Public Defender of Rights for 2024) pp. 129-132. Available at: https://vop.gov.sk/wp-content/uploads/2025/03/sprava_o_cinnosti_veřejneho_ochrancu_prav_2024.pdf; Slovak National Centre

recent years, including in 2025, the Ministry of Education has adopted several measures declaring the elimination of segregation and promoting inclusive education.⁸

In 2025, the Slovak Parliament approved a comprehensive package of education laws, described by the Ministry of Education as the most extensive school system reform in two decades. The legislation spans kindergartens, primary and secondary schools, vocational training and higher education, aiming to boost fairness, quality, efficiency and digitalisation while introducing clear rules and stronger inclusion. It includes targeted changes to eliminate school segregation and ensure equal access to education for all children, including those from marginalised Roma communities.⁹

The segregation of Roma children is the subject of cases in the domestic courts. The cases are litigated by NGOs, mostly as *actio popularis* claims or by legally representing individual claimants in court proceedings. The domestic courts are recognising and upholding the rights of Roma children and have issued several landmark decisions in this field.

The Supreme Court, in several judgments, has clearly concluded that the education of Roma children in a primary school attended solely by Roma children and built near the marginalised Roma community resulted in their segregation, which is illegal.¹⁰ The lower courts are now bound by this legal opinion and must decide other cases of segregation in line with it.¹¹ The Supreme Court did not rule on the claims requesting the adoption of desegregation measures and returned the cases back to the first instance courts for further proceedings and decisions.

In 2025, for the first time in Slovakia, the Ministry of Education in cooperation with municipalities, also based on the court decisions, developed desegregation plans and started to implement them. One of the localities where the desegregation process received significant media attention was Malý Slivník, where the school district has been changed and Roma children have started to attend non-segregated schools in the nearby town of Prešov using subsidies buses.¹²

In recent years, the domestic courts have also dealt with cases of misdiagnosis of Roma children educated in special schools for children with intellectual disabilities. Also in this regard, the jurisprudence developed in line with the case law of the European Court of Human Rights and the courts clearly states that such illegal placement constitutes discrimination against Roma children based on their ethnicity and that state authorities are responsible for this. In 2025 the Supreme Court annulled the appeal court decision due to procedural errors.¹³

The domestic courts also ruled in a landmark case concerning discrimination against a Romani child in access to education during the COVID-19 pandemic. In 2025 the first

for Human Rights (2025), *Report on the observance of human rights, including the principle of equal treatment, in the Slovak Republic for 2024*, pp. 56-76. Available at: <https://www.snsip.sk/wp-content/uploads/Human-Rights-Report-for-2024.pdf>.

⁸ An overview of the steps implemented by the Ministry of Education in the field of desegregation is available at: <https://www.minedu.sk/aktualne-kroky-ministerstva-v-oblasti-desegregacie/>.

⁹ See press release of the Ministry of Education on the adoption of the package of laws in education from 22 October 2025. Available in Slovak at: <https://www.minedu.sk/poslanci-narodnej-rady-sr-schvalili-balik-skolskych-zakonov/>.

¹⁰ Decision of the Supreme Court of the Slovak Republic, No. 5 Cdo/102/2020, 15 December 2022. Resolution of the Supreme Court of the Slovak Republic, no. 4Cdo/112/2021, 28 March 2023. Decision of the Supreme Court of the Slovak Republic, no. 5Cdo/220/2022, 12 July 2023.

¹¹ See, for example, Decision of the District court in Prešov, No. 29C/34/2023-42 of 6 November 2023, confirmed by the Decision of the Regional Court in Prešov, No. 16Co/4/2024 – 90 of 22 April 2024.

¹² More information is available at: <https://www.minedu.sk/terna/> and <https://poradna-prava.sk/en/aktuality/the-new-school-year-is-here-what-will-it-bring-for-roma-children-from-maly-slivnik/>.

¹³ Decision of the District Court in Prešov, case no. 15 C 14/2016- 557 of 24 November 2021 and Decision of the Regional Court in Prešov, case no. 20Co/21/2022-680, 28 February 2023. Decision of the Supreme Court of the Slovak republic, case no. Cdo/36/2024 of 27 March 2025. The case is now pending again before the Appeal Court. For more information, see Section 3.2.8 on Education, p. 60 of this report.

instance court ruled in the case again. It followed the legal opinion of the upper appeal court decision and dismissed the claim with the conclusion that no discrimination had occurred. The case was appealed by the applicant to the Appeal Court.¹⁴

In April 2023, the European Commission decided to refer Slovakia to the Court of Justice of the EU for failing to effectively tackle the issue of segregation of Roma children in education. In 2025 Advocate General Tamara Čapeta issued an opinion concluding that the Slovak Republic has systematically and persistently segregated Roma children in education and thereby failed to fulfil its obligations under Article 2(1) of Council Directive 2000/43/EC (the Racial Equality Directive). She proposed that the Court find that the disproportionate placement of Roma children in special schools, special classes or segregated classes within mainstream schools constitutes a breach of the principle of equal treatment on grounds of racial or ethnic origin. In her opinion, she emphasised that the continued segregation has severe and lasting consequences for affected children, depriving successive generations of Roma pupils of equal educational opportunities. The proceedings before the Court are still pending.¹⁵

Roma women are especially affected by multiple and/or intersectional discrimination. This includes their segregation in hospitals. This practice has been challenged by strategic litigation by NGOs since 2013. As of 2025, a case involving the segregation of Roma women in hospitals was still pending before the appeal court, challenging the decision of the District Court Bratislava III¹⁶ in which it dismissed the *actio popularis* claim submitted by an NGO, the Center for Civil and Human Rights (*Poradňa pre občianske a ľudské práva*).

Same-sex marriage and civil partnerships are not recognised in Slovakia. As of 2025, the Slovak Government had not adopted any comprehensive measures that would address homophobia and discrimination against LGBTIQ+ people in the Slovak Republic.

Same-sex couples and their children still lack basic legal protection, such as access to a partner's medical information. In 2025, the Slovak Parliament adopted a constitutional amendment¹⁷ strengthening the emphasis on national identity and formally recognising only two sexes, while expanding state authority in matters related to family and gender. The amendment was subsequently criticised by human rights organisations for its potential discriminatory impact on LGBTIQ+ people and possible incompatibility with European and international human rights standards.¹⁸ In November 2025 the European Commission announced that it had opened an infringement procedure against Slovakia, following this constitutional amendment.¹⁹

Persons with disabilities face numerous physical and societal barriers and segregation on a daily basis in all fields of life. In addition, children with disabilities face discrimination in access to education and are often placed in segregated special classes and/or schools. The

¹⁴ Decision of the District Court in Prešov of 20 January 2025, no. 18C 96/2022-307 following the legal opinion set by the Decision of the Regional Court in Prešov of 21 November 2024, No. 3Co/10/2024-294.

¹⁵ 'The European Commission decides to refer Slovakia to the Court of Justice of the European Union for not sufficiently addressing discrimination against Roma children in school', press release from the European Commission, 19 April 2023. Available at https://ec.europa.eu/commission/presscorner/detail/en/ip_23_2249. Opinion of Advocate General Čapeta delivered on 1 August 2025, European Commission v. Slovak Republic, Case C-799/23. Available at: <https://infocuria.curia.europa.eu/tabs/document?source=document&text=&docid=303045&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=5833498>.

¹⁶ Decision of the District Court Bratislava III, No. 14C/288/2013, 29 July 2022.

¹⁷ Constitutional Act of 26 September 2025 amending and supplementing the Constitution of the Slovak Republic No. 460/1992 Coll., as amended.

¹⁸ See ILGA: Annual Review of the Human Rights situation of lesbian, gay bisexual, trans, and intersex people, covering the period of January to December 2025. Available at: <https://www.ilga-europe.org/report/annual-review-2026/>.

¹⁹ Information about the issuing of a letter of formal notice to Slovakia (INFR(2025)2208) by the European Commission for a breach of the fundamental principles of Union law is available at: https://ec.europa.eu/commission/presscorner/api/files/document/print/en/inf_25_2481/INF_25_2481_DE.pdf.

educational system is still not inclusive and often falls short of educating such children in mainstream education. In 2025, the Bratislava Administrative Court, in its decision in the case of a child with disabilities, addressed the duty to provide reasonable accommodation in education.²⁰

Many other individuals and groups also face serious discrimination, often in combination based on several grounds.

2. Main legislation

The Slovak Republic is party to several international human rights treaties, including the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the European Convention on Human Rights; the UN Convention on the Elimination of All Forms of Racial Discrimination; and the UN Convention on the Rights of Persons with Disabilities.

The Constitution of the Slovak Republic states that human rights are guaranteed to every individual regardless of sex, race, skin colour, language, belief, religion, political affiliation or conviction, national or social origin, nationality (*národnosť*)²¹ or ethnic origin, property, lineage or any other status. The list of prohibited grounds of discrimination in the Constitution is open-ended ('any other status'), which is why it can be argued that sexual orientation, disability and age, as well as any other grounds covered by the legislation, are also constitutionally protected grounds.²² No person can be denied their legal rights, discriminated against or favoured on any of these grounds.

The Anti-Discrimination Act (ADA) now in force was adopted in May 2004.²³ The ADA meets the minimum standards required by the directives and goes beyond them in some instances.

The ADA prohibits discrimination on open listed grounds.²⁴ In addition to the ADA, several special laws in all the fields covered by the directives refer to the ADA, sometimes extending the scope of grounds protected by it. Some serious offensive and discriminatory behaviour is outlawed separately by the Criminal Code.

The ADA defines the principle of equal treatment not only as the prohibition of discrimination, but also as a duty to adopt measures to prevent it.²⁵ The principle of equal treatment applies to all fields covered by the directives (these are all contained in the ADA) and to all grounds covered by the ADA.

3. Main principles and definitions

²⁰ Decision of the Administrative Court in Bratislava, No. 1S/88/2023, 21 February 2025.

²¹ In Slovak law, the word 'nationality' (*národnosť*) is separate and distinct from the word 'citizenship' (*štátne občianstvo*). Whereas 'citizenship' is understood as meaning nationality in the sense of having a legal affiliation with a particular state (i.e. being a national or citizen of the Slovak Republic), 'nationality' is understood as an affiliation with a particular 'nation' (a group of people defined by common language, geographical and cultural roots etc.) or ethnic group. Thus, 'nationality' is often understood as meaning 'ethnicity', including in the practice of state bodies and public institutions.

²² See for example the findings of the Constitutional Court of the Slovak Republic, PL. ÚS 8/04-202, 18 October 2005 and No III. ÚS 64/00-65, 31 January 2001, for details see Sections 2.1. and 4.2. of this report.

²³ Act No. 365/2004 on Equal Treatment in Certain Areas and on Protection Against Discrimination (Anti-discrimination Act), as amended (*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*).

²⁴ Anti-discrimination Act, 365/2004, Section 2(1).

²⁵ Anti-discrimination Act, 365/2004, Sections 2(1) and 2(3).

The ADA defines direct discrimination; indirect discrimination; harassment; sexual harassment; instruction to discriminate; incitement to discrimination;²⁶ and victimisation.²⁷ Except for incitement to discrimination (which is a form that goes beyond the scope of the directives and does not conflict with them), the definitions follow the patterns of both Directives 2000/43/EC and 2000/78/EC. Discrimination by association is also prohibited, but this covers only race, nationality (*národnosť*), ethnicity, religion and belief.²⁸ In determining whether discrimination has occurred or not, no account is taken of whether the reasons for discrimination were based on facts or on a false assumption.²⁹

The ADA also imposes on employers a duty to provide reasonable accommodation. In particular, it obliges them to take appropriate measures to enable a person with a disability to have access to employment, promotion or other advancement at work, and to training. At the same time, accommodating the needs of a person with disabilities must not impose a disproportionate burden on an employer.³⁰

An exception grounded in genuine and determining occupational requirements is permitted if it is justified in accordance with rules that are identical to those in the directives.³¹

The ADA also defines other exceptions to the principle of equal treatment. Discrimination on the ground of religion or belief is allowed for churches and religious organisations if a person's religion is fundamental to the exercise of a certain occupation.³² The ADA stipulates that it does not apply to legal regulation of the status of third-country nationals³³ and states that, in the armed forces and security and rescue services, discrimination on the grounds of disability and age is allowed.³⁴

Under special circumstances, several exceptions concern differences in treatment on the ground of age, such as setting age restrictions for access to employment or entitlement to certain social benefits in employment or for the provision of insurance services.³⁵ Differential treatment on the ground of disability is not considered to be discrimination in providing insurance services or in employment where the health requirements are essential for carrying out certain occupational activities.³⁶

The existing legal rules and case law do not explicitly deal with situations of multiple and/or intersectional discrimination.

4. Material scope

The principle of equal treatment applies to all areas defined in the EU directives and, overall, goes beyond the scope of the directives.

In particular, the principle of equal treatment must be observed in the field of access to employment, occupation and other earning activity or function, including recruitment requirements, selection criteria and methods, vocational training, advanced vocational training and participation in active labour market policy programmes, including vocational guidance services, membership and activity in employees' organisations, employers' organisations and in organisations whose members carry out a particular profession,

²⁶ An instruction to discriminate is defined as abusive conduct towards a person in a subordinate position for the purpose of discriminating against a third person. Incitement to discrimination can be in the form of persuading, affirming or inciting a person to discriminate against a third person.

²⁷ Anti-discrimination Act, 365/2004, Section 2a(1)-(8).

²⁸ Anti-discrimination Act, 365/2004, Sections 2a(11)(b) and 2a(11)(c).

²⁹ Anti-discrimination Act, 365/2004, Section 3(3).

³⁰ Anti-discrimination Act, 365/2004, Section 7.

³¹ Anti-discrimination Act, 365/2004, Section 8(1).

³² Anti-discrimination Act, 365/2004, Section 8(2).

³³ Anti-discrimination Act, 365/2004, Section 4(1)(a).

³⁴ Anti-discrimination Act, 365/2004, Sections 4(1)(b) and 4(1)(c).

³⁵ Anti-discrimination Act, 365/2004, Section 8(3).

³⁶ Anti-discrimination Act, 365/2004, Sections 8(6) and 8(5).

including benefits provided by such organisations, and in the fields of social services, social insurance, old-age pension insurance, supplementary pension insurance, state social support and social advantages, healthcare, education, and goods and services, including housing (explicitly, housing provided to the public by legal entities and natural persons who are entrepreneurs).³⁷ In all these fields, discrimination is prohibited on all the grounds listed in the ADA. The implementation of the ADA applies to both the private and the public sector.

5. Enforcing the law

Although the national anti-discrimination legislation is relatively progressive, its implementation is still a challenge in practice. Discrimination seems to be widespread and present in all fields covered by the directives (and beyond) and seems to be taking place through more subtle forms than in the past, due to the introduction of non-discrimination language to the discourse. One of the reasons for the weak implementation of the legislation may be the fact that there is a very low level of enforcement through legal procedures. Based on information provided by the Ministry of Justice, in 2025 the ordinary courts issued only seven final decisions concerning discrimination. Of these decisions, the courts upheld the claim fully in only one case. The Ministry noted that these data may not be final.³⁸ The extreme length of the court proceedings also represents a significant barrier to access to justice.

Anyone who considers themselves to have been wronged by a breach of the principle of equal treatment can bring the alleged perpetrator to court. The person discriminated against (the claimant) can demand before a civil court (there are no special labour courts) that the person who breached the principle of equal treatment (the defendant) refrains from such conduct and, where possible, rectifies the illegal state of affairs. If the violation of the principle of equal treatment has considerably impaired the dignity, social status or social achievements of the victim, the victim may also seek financial compensation for non-pecuniary damages. The amount of compensation has no fixed scale.³⁹ A claimant can, in principle, claim other remedies, such as the court declaring the treatment by a defendant to be discriminatory. A person who has been discriminated against may also request material damages, if it is proved that such damage was caused by discriminatory behaviour.⁴⁰ The sanctions apply to all grounds of discrimination listed in the ADA. There are no differences in applicable sanctions for the different grounds of discrimination. The national legislation does not provide for any specific preventive and socio-preventive sanctions in cases of discrimination.

The existing case law shows that courts are still reluctant to impose sanctions on perpetrators that would be effective, proportionate and dissuasive. It is true, however, that in the awarding of financial compensation for non-pecuniary damages, court practice is changing slightly. For example, the Municipal Court of Bratislava awarded six claimants non-pecuniary damages of EUR 2 000 each in a discrimination case concerning racially motivated police brutality against the Roma minority. The Court awarded the requested amount in full.⁴¹

There is a shift of the burden of proof in court proceedings once the claimant has communicated to the court facts giving rise to a reasonable presumption that violation of the principle of equal treatment has occurred. The defendant must prove that there has

³⁷ Anti-discrimination Act, 365/2004, Sections 3(1), 5 and 6.

³⁸ Response from the Ministry of Justice of 28 January 2026 to a request for information of 12 January 2026 (on file with the author).

³⁹ Anti-discrimination Act, 365/2004, Section 9(1)-(3), in conjunction with Section 11(1).

⁴⁰ Anti-discrimination Act, 365/2004, Section 9(4).

⁴¹ Decision of the Municipal Court Bratislava IV of 19 April 2024, no. B1-16C/87/2016-394. The decision is not final and as such is not published.

been no discrimination against the claimant or that the treatment was necessary and justifiable.⁴²

Sometimes, in cases of discrimination that affect a larger or non-specified number of people or otherwise threaten the public interest, an NGO, or the Slovak National Centre for Human Rights, can sue the discriminating entity in its own name (*actio popularis*).⁴³

Sanctions for discriminatory behaviour can also be imposed through the administrative imposition of fines. The labour, trade and school inspectorates are the bodies in charge. However, in practice, proceedings before inspectorates are still not much used to enforce the anti-discrimination provisions.

The ADA contains a provision enabling public administration bodies and other legal entities to adopt positive action measures (entitled 'temporary equalising measures'). The Act stipulates that such measures should be aimed at removing disadvantages following from the grounds of racial or ethnic origin, affiliation with a national minority or an ethnic group, gender or sex, age or disability, and that their aim should be to guarantee equality of opportunity in practice.⁴⁴ Employment legislation provides for special protection for persons with disabilities, and there is a special quota system established for employers who employ at least 20 employees.⁴⁵

6. Equality bodies

The body designated for the promotion of equal treatment is the Slovak National Centre for Human Rights. The Centre is an independent, non-judicial body, subsidised mainly through the state budget.⁴⁶ It can issue expert opinions to assess possible breaches of the ADA. However, the opinions are not binding and as such the body cannot impose any sanction in cases in which a violation of the principle of equal treatment has been found. The Centre can also represent victims of discrimination in court proceedings and may also file an *actio popularis* claim. The Centre works on all the grounds defined by the ADA. For example, in 2025, the Centre dealt with 216 discrimination complaints, of which 26 concerned ethnic origin; 36 'health disability' and health condition; nine age; and six sexual orientation. Of 216 complaints, the Centre found discrimination in 26 cases. In 2025, the centre issued 30 expert opinions assessing possible breaches of anti-discrimination legislation; provided legal representation in five cases of discrimination before the courts; and litigated one *actio popularis* claim.⁴⁷ In 2025, the centre also carried out research activities⁴⁸ and submitted reports to international bodies.⁴⁹

7. Key issues

In general, the transposition of the directives has been carried out in a relatively satisfactory manner, going beyond the requirements of the directives in many instances, and, despite there being a lot of room for improvement (e. g. in some procedural rules), it

⁴² Anti-discrimination Act, 365/2004, Section 11(2).

⁴³ Anti-discrimination Act, 365/2004, Section 9a.

⁴⁴ Anti-discrimination Act, 365/2004, Section 8a.

⁴⁵ Pursuant to Act No. 5/2004 on Employment Services, Sections 63-65, any employer who employs at least 20 employees is obliged to ensure that persons with disabilities make up at least 3.2 % of the workforce, provided that the local labour office has jobseekers with disabilities on its register. Instead of employing a person with a disability, an employer can decide to buy goods or services from a sheltered workshop or a sheltered workplace or from a self-employed person with a disability.

⁴⁶ Act No. 308/1993 on Establishing the Slovak National Centre for Human Rights (*zákon č. 308/1993 Z. z. o zriadení Slovenského národného strediska pre ľudské práva*), Sections 1 and 2(1)-(3).

⁴⁷ Response from the Slovak National Centre for Human Rights of 20 January 2026 to a request for information of 13 January 2026 (on file with the author).

⁴⁸ Research reports and outcomes are available at: <https://www.snslp.sk/nasa-cinnost/vyskumna-cinnost/publikovane-vystupy-vyskumnej-cinnosti/>.

⁴⁹ Reports and statements are available at: <https://www.snslp.sk/nasa-cinnost/monitoring-a-reporting/tematicke-spravy-a-ine-stanoviska/>.

could serve as a good departure point for the implementation of the principle of equal treatment in practice. However, at the moment, implementation is still far behind the requirements of the directives. The main reasons for this are: barriers to access to courts and to justice in general; racial prejudice among judges and a lack of programmes to raise awareness among them; lack of case law; lack of data and statistics connected to discrimination and its grounds; lack of effectiveness in the functioning of the equality body; lack of public policies in the field of anti-discrimination lack of systemic desegregation of the school system in practice; lack of mainstreaming of the principle of non-discrimination and lack of coordination among public bodies responsible for non-discrimination; lack of resources invested by the Government in non-discrimination; lack of systemic support for NGOs by the Government and initiatives aimed at restricting the functioning of civil society; and a high level of occurrences and tolerance of racism and discriminatory attitudes in society as a whole. No issues of concern can be identified by the author of this report regarding the use of artificial intelligence in relation to the implementation of the national legislation transposing the directives or regarding the regulation of artificial intelligence.

INTRODUCTION

The national legal system

The Slovak Republic has a parliamentary form of government and a statutory law system, its basic law being the Constitution,⁵⁰ which lays down the scope of guaranteed fundamental rights. International treaties on human rights and fundamental freedoms; international treaties for the exercise of which no other law is necessary; international treaties that directly confer rights or impose duties on natural persons or legal persons and that were ratified by Slovakia and promulgated as prescribed by the law take precedence over national laws.⁵¹ Legally binding acts of the European Union take precedence over the laws of the Slovak Republic.⁵² Regulations of the Government and generally binding legal regulations of ministries have to be in compliance with the Constitution, international treaties that were promulgated as prescribed by the law, and with national laws.⁵³

The constitutional amendment adopted in 2025⁵⁴ may influence the practical interpretation of constitutionally guaranteed rights in Slovakia, particularly in relation to the scope and application of fundamental rights protection. It may also have implications for the interpretation and enforcement of the right to protection against discrimination within the national legal framework (for more detail on this amendment see Chapter 1 of this report).

In matters of local and regional self-governance and in the exercise of tasks stipulated by the law, municipalities and self-governing regions may adopt generally binding legal regulations.⁵⁵ In the field of non-discrimination, this has relevance mainly in the field of social protection (e.g. social services and social advantages), housing and education. Generally binding legal regulations of municipalities and self-governing regions must be in compliance with the Constitution; with international treaties that were promulgated as prescribed by the law; with laws; with governmental regulations; and with generally binding legal regulations of ministries.⁵⁶

Together with the Constitution, the Act on Equal Treatment in Certain Areas and Protection against Discrimination (Anti-discrimination Act),⁵⁷ which was adopted on 20 May 2004 and came into force on 1 July 2004, establishes the basic legal framework of Slovak anti-discrimination law.

According to the Anti-discrimination Act, the statutory obligation to observe the principle of equal treatment within the areas stipulated by law applies to 'everyone'.⁵⁸ The duty to observe the principle of equal treatment is defined as comprising the prohibition of discrimination⁵⁹ on the prohibited grounds (sex, religion or belief, race, affiliation with a nationality or an ethnic group, disability, age, sexual orientation, marital status and family

⁵⁰ The Constitution of the Slovak Republic No. 460/1992, as amended (*Ústava Slovenskej republiky č. 460/1992 Zb. v znení neskorších predpisov*), 1 September 1992. The version of the Constitution effective until 1 January 2022 can be found (in Slovak) at: <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/1992/460/20210101?ucinnost=01.01.2022>. All other laws published in the Collection of Laws from 1998 onwards can be found in Slovak at: <https://www.slov-lex.sk/domov>.

⁵¹ Article 7(5) of the Constitution.

⁵² Article 7(2) of the Constitution.

⁵³ Article 125(1)(b) of the Constitution.

⁵⁴ Constitutional Act of 26 September 2025 amending and supplementing the Constitution of the Slovak Republic No. 460/1992 Coll., as amended.

⁵⁵ Article 71(2) of the Constitution.

⁵⁶ Article 125(1)(d) of the Constitution.

⁵⁷ Act No. 365/2004 on Equal Treatment in Certain Areas and Protection against Discrimination, amending and supplementing certain laws (Anti-discrimination Act), as amended (*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*), 20 May 2004.

⁵⁸ Anti-discrimination Act, 365/2004, Section 3(1).

⁵⁹ Anti-discrimination Act, 365/2004, Section 2a(1). According to this Section, discrimination can take the following forms: direct discrimination, indirect discrimination, harassment, sexual harassment, victimisation, instruction to discriminate and incitement to discriminate.

status,⁶⁰ colour of skin, language, political or other opinion, national or social origin, property, lineage/gender or other status, or the reason of reporting criminality or other anti-social activity).⁶¹ It also requires 'measures for protection against discrimination'⁶² to be adopted.

In addition to the Anti-discrimination Act, the duty to observe the principle of equal treatment in particular spheres of life is regulated by other laws, which either refer to the Anti-discrimination Act or contain their own equal treatment/anti-discrimination clauses that usually duplicate some of the provisions contained in the Anti-discrimination Act and/or add details specific to the personal and material scope of the piece of legislation.

List of main legislation transposing and implementing the directives

Official title of the law: Constitution of the Slovak Republic⁶³ Name used in this report: - Abbreviation: - Date of adoption: 1 September 1992 Entry into force: 1 September 1992 Latest amendment: 26 September 2025 (No. 255/2025) Web link: https://www.slov-lex.sk/ezbierky/pravne-predpisy/SK/ZZ/1992/460/?ucinnost=01.01.2026 Grounds covered: sex, race, skin colour, language, belief, religion, political affiliation or conviction, national or social origin, nationality or ethnic origin, property, lineage/gender or any other status. The Constitutional Court has also confirmed that sexual orientation is a constitutionally prohibited ground of discrimination.⁶⁴ Material scope: all areas covered by directives, broader than the directives. Principal content: the general anti-discrimination framework
Official title of the law: Act on Equal Treatment in Certain Areas and Protection Against Discrimination⁶⁵ Name used in this report: Anti-discrimination Act Abbreviation: ADA Date of adoption: 20 May 2004 Entry into force: 1 July 2004 Latest amendment: 27 May 2025 (No. 150/2025) Web link: https://www.slov-lex.sk/ezbierky/pravne-predpisy/SK/ZZ/2004/365/?ucinnost=01.01.2026 Grounds covered: sex, religion or belief, race, affiliation with a nationality (<i>národnosť</i>) or an ethnic group, disability, age, sexual orientation, marital status and family status, colour of skin, language, political or other opinion, national or social origin, property, lineage/gender or other status, or the reason of reporting criminality or other anti-social activity Civil/administrative/criminal law: civil and to some extent also administrative Material scope: employment and occupation, social security, social advantages, healthcare, provision of goods and services including housing and education Principal content: the basic act transposing the directives
Official title of the law: Labour Code⁶⁶ Name used in this report: Labour Code Abbreviation: -

⁶⁰ Slovakia recognises only a union between a man and a woman as specified in the Slovak Constitution.

⁶¹ Anti-discrimination Act, 365/2004, Section 2(1).

⁶² Anti-discrimination Act, 365/2004, Section 2(3).

⁶³ Constitution of the Slovak Republic, 460/1992, Article 12(2).

⁶⁴ See the Finding of the Constitutional Court of the Slovak Republic, PL. ÚS 8/04-202, 18 October 2005.

⁶⁵ Act No. 365/2004 on Equal Treatment in Certain Areas and Protection Against Discrimination (Anti-discrimination Act) (*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)*).

⁶⁶ Labour Code No. 311/2001 (*zákon č. 311/2001 Z. z. Zákonník práce*).

Date of adoption: 2 July 2001
 Entry into force: 1 April 2002
 Latest amendment: 9 December 2025 (No. 406/2025)
 Web link: <https://www.slov-lex.sk/ezbierky/pravne-predpisy/SK/ZZ/2001/311/?ucinnost=01.01.2026>
 Grounds covered: sex, religion or belief, race, affiliation with nationality (*národnosť*) or an ethnic group, disability, age, sexual orientation, marital status and family status, colour of skin, language, political or other opinion, national or social origin, property, lineage/gender or other status, or the reason of reporting criminality or other anti-social activity, as well as trade union involvement, unfavourable state of health and genetic features
 Civil/administrative/criminal law: civil
 Material scope: employment
 Principal content: labour relations in private employment and in parts of public employment

Official title of the law: Act on Education⁶⁷

Name used in this report: Schools Act
 Abbreviation: -
 Date of adoption: 22 May 2008
 Entry into force: 1 September 2008
 Latest amendment: 21 October 2025 (No. 323/2025)
 Web link: <https://www.slov-lex.sk/ezbierky/pravne-predpisy/SK/ZZ/2008/245/?ucinnost=01.01.2026>
 Grounds covered: all grounds covered by the Anti-discrimination Act as well as social disadvantage
 Civil/administrative/criminal law: administrative
 Material scope: education
 Principal content: legal relations in pre-school, primary and secondary education

Official title of the law: Act on Healthcare, Services Related to the Provision of Healthcare and on amending and supplementing certain acts, as amended⁶⁸

Name used in this report: Healthcare Act
 Abbreviation: -
 Date of adoption: 21 October 2004
 Entry into force: 1 January 2005
 Latest amendment: 9 December 2025 (No. 406/2025)
 Web link: <https://www.slov-lex.sk/ezbierky/pravne-predpisy/SK/ZZ/2004/576/?ucinnost=01.01.2026>
 Grounds covered: sex, religion or belief, race, affiliation with a nationality (*národnosť*) or an ethnic group, disability, age, sexual orientation, marital status and family status, colour of skin, language, political or other opinion, national or social origin, trade union involvement, property, lineage/gender or other status
 Civil/administrative/criminal law: administrative
 Material scope: healthcare
 Principal content: legal relations in providing healthcare

Official title of the law: Act on Establishing the Slovak National Centre for Human Rights⁶⁹

Name used in this report: Act on the Centre

⁶⁷ Act No. 245/2008 on Education (Schools Act) (*zákon č. 245/2009 Z. z. o výchove a vzdelávaní (školský zákon) a o zmene a doplnení niektorých zákonov*).

⁶⁸ Act No. 576/2004 on Healthcare, Services Related to the Provision of Healthcare and on amending and supplementing certain acts, as amended (*zákon č. Act No. 576/2004 Z. z. o zdravotnej starostlivosti, službách súvisiacich s poskytovaním zdravotnej starostlivosti a o zmene a doplnení niektorých zákonov*).

⁶⁹ Act No. 308/1993 on Establishing the Slovak National Centre for Human Rights (*Zákon č. 308/1993 Z. z. o zriadení Slovenského národného strediska pre ľudské práva*).

Abbreviation: -

Date of adoption: 15 December 1993

Entry into force: 1 January 1994

Latest amendment: 15 March 2023 (No. 110/2023)

Web link: <https://www.slov-lex.sk/ezbierky/pravne-predpisy/SK/ZZ/1993/308/?ucinnost=01.01.2026>

Grounds covered: as for grounds the Act refers to the Anti- discrimination Act

Civil/administrative/criminal law: administrative

Material scope: employment and occupation, social security, social advantages, healthcare, provision of goods and services including housing and education

Principal content: rules on obligations and the functioning of the equality body

1 GENERAL LEGAL FRAMEWORK

Constitutional provisions on protection against discrimination and the promotion of equality

The Slovak Constitution includes the following Articles dealing with non-discrimination:

- Article 12 – a general clause. Article 12(1) states that 'people are free and equal in dignity and rights'. Article 12(2) stipulates that

 'fundamental rights and freedoms are guaranteed in the territory of the Slovak Republic to every person regardless of sex, race, skin colour, language, belief, religion, political affiliation or conviction, national or social origin, nationality or ethnic origin, property, lineage/gender⁷⁰ or any other status. No person shall be denied their legal rights, discriminated against or favoured on any of these grounds'.
- Article 12(3) of the Constitution guarantees free choice of 'nationality'.⁷¹ The right to be treated equally is an accessory right and can only be claimed in connection with the protection of particular fundamental rights and freedoms listed in the Constitution.⁷² The list of prohibited grounds of discrimination in the Constitution is open-ended ('any other status') and the Constitutional Court has already declared that sexual orientation is a constitutionally prohibited ground of discrimination.⁷³ Given the fact that the list is open-ended, it can be argued that disability and age, as well as any other grounds covered by the legislation⁷⁴ or even not covered by generally binding Slovak legal acts, are also constitutionally protected grounds.⁷⁵
- Article 24 – freedom of thought, conscience, religion and belief.
- Article 33 – the affiliation to any national minority or an ethnic group cannot be to the detriment of anyone.

These provisions apply to all areas covered by the directives. Their material scope is broader than those of the directives.

These provisions are directly applicable, but have only vertical effect. The Constitutional Court has held explicitly that Articles 12(1) and 12(2) of the Constitution do not have direct horizontal effect.⁷⁶

Thus, these provisions cannot be enforced against private individuals (although they can be enforced against the state).

⁷⁰ The Slovak Constitution uses the word *rod*, which is equivalent to both 'lineage' and 'gender'. The Constitutional Court has not interpreted the concept of *rod* directly yet. However, it has already used the word *rod* in the sense of gender when it referred to the 'gender context' of one of the cases that it was deciding (minimum pay threshold stated by law for nurses), albeit without a direct reference to the word *rod* contained in the list of prohibited grounds of discrimination in Article 12(2) of the Constitution. See the finding of the Constitutional Court of the Slovak Republic, PL. ÚS 13/2012-90, 19 June 2013, paragraph 139).

⁷¹ In Slovak law, the word 'nationality' (*národnosť*) is separate and distinct from the word 'citizenship' (*štátne občianstvo*). Whereas 'citizenship' is understood as meaning nationality in the sense of having a legal affiliation with a particular state (i.e. being a national or citizen of the Slovak Republic), 'nationality' is understood as an affiliation with a particular 'nation' (a group of people defined by common language, geographical and cultural roots etc.) or ethnic group. Thus, 'nationality' is often understood as meaning 'ethnicity', including in the practice of state bodies and public institutions.

⁷² Finding of the Constitutional Court of the Slovak Republic, I. ÚS 17/99, 22 September 1999.

⁷³ See the Finding of the Constitutional Court of the Slovak Republic, PL. ÚS 8/04-202, 18 October 2005, available at: <https://www.ustavnysud.sk/vyhľadavanie-rozhodnuti#!DecisionsSearchResultView>.

⁷⁴ Such as marital and family status, which are covered, for example, by the Anti-discrimination Act or by the Labour Code.

⁷⁵ The Constitutional Court has already stated that the fact of being a minister of a certain church constitutes just such 'another status' and hence such a person cannot be advantaged or disadvantaged on this ground. See the finding of the Constitutional Court of the Slovak Republic, No III. ÚS 64/00-65, 31 January 2001.

⁷⁶ See the Finding of the Constitutional Court, PL. ÚS 8/04-202, 18 October 2005, paragraph 13.

On 26 September 2025, the Slovak Parliament adopted an amendment to the Constitution of the Slovak Republic introducing several significant changes in the areas of family law, social rights, education and cultural and ethical matters.⁷⁷ The Constitution now explicitly recognises only two sexes – male and female – defined on the basis of biological criteria, and introduces a constitutional guarantee of equal pay for men and women for equal work. The amendment restricts adoption exclusively to married couples (husband and wife) and explicitly defines the parents of a child as a mother (a woman) and a father (a man). It also constitutionally prohibits surrogacy by banning agreements on 'bearing a child for another person'. The amendment places strong emphasis on Slovakia's cultural and ethical sovereignty, declaring that matters related to national identity, family, marriage, parenthood, protection of life, human dignity, public morality, culture and language fall within the exclusive competence of the state. It further stipulates that nothing in the Constitution or in constitutional laws may be interpreted as consent to the transfer of decision-making powers in these areas to supranational entities.

The reform has been criticised by human rights organisations as discriminatory and regressive, as it entrenches exclusionary definitions in the constitutional framework and limits the scope for future legislative reforms concerning civil unions, adoption and parental recognition for LGBTIQ+ persons.⁷⁸ The Public Defender of Rights has also expressed concern that the amendment may lead to a reduction in the level of protection of fundamental rights and freedoms, a failure to comply with the Slovak Republic's international obligations and a failure to respect binding judgments of the European Court of Human Rights and the Court of Justice of the European Union.⁷⁹ In November 2025 the European Commission announced that it had opened an infringement procedure against Slovakia, following this constitutional amendment.⁸⁰

⁷⁷ Constitutional Act of 26 September 2025 amending and supplementing the Constitution of the Slovak Republic No. 460/1992 Coll., as amended. Available at: https://www.slov-lex.sk/ezbierky/pravne-predpisy/SK/ZZ/2025/255/vyhlasene_znenie.

⁷⁸ See, for example, the statement by Amnesty International of 26 September 2025, available at: <https://www.amnesty.sk/parlament-prijal-zmenu-ustavy/>.

⁷⁹ Statement by the Slovak Ombudsman in response to the Amendment of the Slovak Constitution of 30 September 2025, available at: <https://vop.gov.sk/stanovisko-k-novele-ustavy-sr/>.

⁸⁰ Information about the issuing of a letter of formal notice to Slovakia (INFR(2025)2208) by the European Commission for breaches of the fundamental principles of Union law is available at: https://ec.europa.eu/commission/presscorner/api/files/document/print/en/inf_25_2481/INF_25_2481_DE.pdf.

2 THE DEFINITION OF DISCRIMINATION

2.1 Definition of the grounds of unlawful discrimination within the directives

a) Racial or ethnic origin

The terms 'racial origin' and 'ethnic origin' are used in the provisions of many laws (especially in connection with anti-discrimination provisions or provisions prohibiting racism and intolerance), albeit without any legal definitions.

Criminal law literature and commentaries state that race means a group of people differing from others due to various typical features, especially physical ones (e.g. colour of skin), regardless of the fact that the members of the race concerned live within the territory of the state. This could be a basis for interpretation of the term 'racial origin' used in legislation and by the courts.

Criminal law literature characterises an 'ethnic group' as a:

'historically formed group of people connected by common history, distinct cultural features (mainly language) and common mentality, traditions, and possibly a distinct way of life. Representatives of a given ethnic group have their own name ... and have an understanding of mutual belonging and at the same time distinctiveness from other communities. An ethnic group usually exists beyond the borders of one state. In Slovakia an example would be the Roma.'⁸¹

The Supreme Court has confirmed in its case law that the Roma represent an ethnic group.⁸² The Slovak courts have a strong tendency to interpret the concept of (Roma) ethnicity, in the context of hate speech and hate crimes, narrowly.⁸³ The Supreme Court has argued, *inter alia*, that the word 'Gypsy' (both as a noun and as an adjective) belongs to a group of words that are frequently used as a part of the codified state language, and that the usage of this word alone cannot indicate that a crime of defamation of nation, race and conviction pursuant to Section 423(1) of the Criminal Code has been committed.⁸⁴ The Slovak National Centre for Human Rights (the Slovak equality body), in its expert opinion on the ground of ethnic and racial origin, did not provide further explanation of how the concept of 'ethnic and racial origin' should be interpreted.⁸⁵

No incompatibility with Slovak law and no need for legislative changes have been identified in light of the recent CJEU judgment in Case C-417/23 ('Danish ghetto case'). Nevertheless, the ruling may serve as useful interpretative guidance for Slovak courts and authorities in the assessment of discrimination cases.⁸⁶

b) Religion or belief

Neither Slovak law nor case law provide a definition of the terms 'religion' or 'belief'. The Criminal Code instead uses the expression 'confession/creed', which is explained in law commentaries as 'the active or passive relation to a particular religion as to the general theory of the interpretation of the world presented by a particular faith'.⁸⁷

⁸¹ Samaš, O., Stiffel, H., Toman, P. (2006), *Trestný zákon – Stručný komentár* (The Criminal Code: a brief commentary), Bratislava, Iura Edition, spol. s r. o., pp. 301-302.

⁸² Decision of the Supreme Court of the Slovak Republic, 4 Tdo 49/2012, 19 March 2013, pp. 7-8.

⁸³ Decision of the Supreme Court of the Slovak Republic, 4 Tdo 49/2012, 19 March 2013.

⁸⁴ Decision of the Supreme Court of the Slovak Republic, 4 Tdo 49/2012, 19 March 2013, pp. 6-7.

⁸⁵ Slovak National Centre for Human Rights (2019), *Expert opinion on protected ground of racial and ethnic origin*, available at: <http://snslp.sk/wp-content/uploads/2019-20-Odborne-stanovisko-obsah-chroneneho-dovodu-rasy-a-etnicity.pdf>.

⁸⁶ Ruling of the CJEU, 18 December 2025, *Slagelse Almennyttige Boligselskab, Afdeling Schackenborgvænge*, C-417/23, ECLI:EU:C:2025:1017.

⁸⁷ See e.g., Stiffel, H., Kočica, J. (2001), *Trestný zákon: Stručný komentár* (The Criminal Code: A brief commentary), Bratislava, p. 403.

Act 308/1991 on Freedom of Religious Belief and the Status of Churches and Religious Societies uses the concept of religious belief but fails to define it. For the purposes of the Act, any person professing a religion is considered to be a believer.

The Slovak legal system makes no clear distinction between religion, confession/creed and belief.

Both the Constitution and the Anti-discrimination Act state explicitly that discrimination against a person without a religion shall be deemed to be discrimination on the ground of religion or belief. There was no recent case law issued by domestic courts in 2025; case law on the issue from previous years is included in previous country reports on Slovakia.⁸⁸

c) Disability

Neither the Anti-discrimination Act nor other acts include a definition of 'disability' that is to be used in the area of anti-discrimination. Disability (or some aspects of it) is defined by social security, employment and school legislation for the purposes of those areas (the duty to apply the principle of equal treatment in relation to disability applies to all of them).

The Labour Code defines an 'employee with a disability' as an employee who is officially acknowledged as disabled on the basis of the Social Insurance Act⁸⁹ and who submits to their employer a decision proving entitlement to a disability pension.⁹⁰ The Social Insurance Act defines the following conditions to qualify for a disability pension:

- at least 40 % loss of the ability to work (when compared to a 'healthy' person);
- attainment of a sufficient number of years of pension insurance⁹¹;
- long-term unfavourable state of health, i.e. state of health causing a loss of ability (at least 40 %) to perform gainful activities, which is expected, on the basis of medical assessment, to last at least one year.⁹²

In addition, Article 1 of the Basic Principles of the Labour Code and Section 13(2) of the Labour Code prohibit discrimination on the ground of unfavourable state of health and on the ground of genetic characteristics.

A similar test for determining whether someone has a disability is used by the Employment Services Act,⁹³ which regulates the system of institutions and measures to support and help participants in the labour market. This Act considers a person with a disability to be a citizen who is officially registered disabled in accordance with the Social Insurance Act and who can also prove their disability with a decision or a notification from the Social Insurance Agency.⁹⁴

⁸⁸ See, for example, Durbáková, V. (2022), *Country report: Non-discrimination – Transposition and implementation at national level of Council Directives 2000/43 and 2000/78 – Slovakia*, European Commission, *European network of legal experts in gender equality and non-discrimination*, pp. 18-19. Available at: <https://www.equalitylaw.eu/downloads/5805-slovakia-country-report-non-discrimination-2022-1-51-mb>.

⁸⁹ Act. No 461/2003 on Social Insurance, as amended (*Zákon č. 461/2003 Z. z. o sociálnom poistení v znení neskorších predpisov*), 30 October 2003.

⁹⁰ Labour Code, 311/2001, Section 40(8).

⁹¹ With exceptions, notably for persons who became disabled from birth or during childhood, who are deemed to satisfy the required insurance period and may become entitled to a disability pension from the age of 18 under the Social Insurance Act.

⁹² Social Insurance Act, 461/2003, Sections 70-72.

⁹³ Act No 5/2004 on employment services and on changing and supplementing other laws, as amended (*Zákon č. 5/2004 Z. z. o službách zamestnanosti a o zmene a doplnení niektorých zákonov v znení neskorších predpisov*), 4 December 2003.

⁹⁴ Employment Services Act, 5/2004, Section 9.

It is possible that the state authorities, as well as the courts, will in some cases base their understanding of the concept of 'disability' on the legal definition listed above when interpreting and applying the Anti-discrimination Act. This may become problematic, especially in cases where the concept of disability being defined falls outside the scope of employment. As the definition of disability in labour and social security legislation is very restrictive compared with the definition developed by the Court of Justice of the EU *Skouboe Werge and Ring*.⁹⁵ However, it must be considered that the Anti-discrimination Act also prohibits discrimination on the grounds of past disability and presumed disability ('discrimination against a person who could be presumed, based on external signs, to have a disability').⁹⁶ It should also be borne in mind that Slovakia signed and ratified the Convention on the Rights of Persons with Disabilities (CRPD), which, in conjunction with Article 7(5) of the Slovak Constitution, takes precedence over Slovak laws, and the Supreme Court has already confirmed this principle in a case that concerned the right of a child with a disability to inclusive education.⁹⁷ Therefore, for anti-discrimination purposes, the concept of disability should be understood much more broadly than the restrictive legal definitions that apply in fields covered by specific laws, mainly in the context of employment and social insurance.

Neither the Constitutional Court nor the Supreme Court has provided any explicit and comprehensive interpretative framework for the concept of disability as yet. However, in a case concerning an individual with psychosocial and intellectual disabilities⁹⁸ that were not temporary, the Constitutional Court took it as a given that the complainant had a disability (without examining the complainant's circumstances in relation to national, EU and international legal definitions of disability).⁹⁹

In a case that concerned the right of a child with special educational needs stemming from a combination of disabilities and disadvantages (Down's syndrome, an intellectual disability, a hearing impairment and a belated talking ability), the Supreme Court implicitly took it as a given that the claimant had a disability.¹⁰⁰

The Schools Act,¹⁰¹ which regulates legal relations in the field of primary and secondary education and in related facilities, defines in Section 2(k) a 'child with a disability or a pupil with a disability', a definition that was amended and expanded in 2025, with the amendment entering into force on 1 January 2026, as follows:

'a child with a disability or a pupil with a disability, in accordance with an international treaty by which the Slovak Republic is bound, means a child or pupil with a mental¹⁰² disability, hearing impairment, visual impairment, physical disability, intellectual

⁹⁵ CJEU, Joined Cases C-335/11 and C-337/11, *HK Danmark, acting on behalf of Jette Ring v. Dansk almennyttigt Boligselskab* (C-335/11), and *HK Danmark, acting on behalf of Lone Skouboe Werge v. Dansk Arbejdsgiverforening, acting on behalf of Pro Display A/S, in liquidation* (C-337/11), judgment of 11 April 2013.

⁹⁶ Anti-discrimination Act, 365/2004, Section 2a(11)(d).

⁹⁷ Decision of the Supreme Court of the Slovak Republic, ref. No 7Sžo/83/2014, 24 September 2015. The Supreme Court held that the CRPD 'was incorporated into the Slovak legal order, and hence is a part of it, with a regime of preferential application in relation to the national law (Article 7(5) of the Constitution). Due to the [CRPD's] legal force, it was the duty of the administrative bodies to interpret the particular provisions of the [Slovak] Schools Act in accordance with the Convention on the Rights of Persons with Disabilities, or the administrative bodies could directly apply the rules of international law contained in the Convention' (p. 9 of the decision).

⁹⁸ However, the disability of the complainant concerned was not clear from the decision – the Constitutional Court did not deal with the particular type of disability and the courts of first and second instance used disability terminology confusingly, randomly and interchangeably (in a literal translation, the courts of first and second instance used the terms 'psychiatric disorder' and 'mental disability'). The expert opinions issued during the proceedings, and to which the courts of first and second instance referred, used the terms (in a literal translation) 'psychiatric disorder' and 'mental retardation'.

⁹⁹ Finding of the Constitutional Court of the Slovak Republic, I. ÚS 313/2012-52, 28 November 2012.

¹⁰⁰ Decision of the Supreme Court of the Slovak Republic, ref. No 7Sžo/83/2014, 24 September 2015.

¹⁰¹ Act No. 245/2008 on Education (Schools Act), as amended (*zákon č. 245/2009 Z. z. o výchove a vzdelávaní (školský zákon) a o zmene a doplnení niektorých zákonov v znení neskorších predpisov*), 22 May 2008.

¹⁰² In Slovak, the act uses the word 'mental' (and not, for example, 'intellectual').

disability, impaired communication ability, autism or other pervasive developmental disorders, multiple disabilities, or a combination of disabilities without the possibility of determining a predominant disability, which may hinder the child's or pupil's ability to receive education on an equal basis with children and pupils without disabilities.'

The Schools Act also uses the term 'health disadvantage'. A child or a pupil with a 'health disadvantage' is defined, in Section 2(j), as a child or a pupil: with a 'disability'; or who is 'ill or their health is impaired'; or who has 'developmental disorders', or a 'behavioural disorder'.

The Slovak National Centre for Human Rights (the Slovak equality body) in its expert opinion on the ground of disability did not provide any guidance on how to interpret the concept of 'disability' for the purposes of non-discrimination law.¹⁰³

d) Age

Slovak law provides no specific definition, and neither does case law.

e) Sexual orientation

Slovak legislation provides no specific definition, and neither does case law.

2.2 Multiple and intersectional discrimination

In Slovakia, multiple discrimination is not prohibited by law.

Multiple discrimination is not taken into account when deciding discrimination cases (e.g. when imposing a sanction).

In Slovakia, intersectional discrimination is not prohibited by law.

Intersectional discrimination is not taken into account when deciding discrimination cases (e.g. when imposing a sanction).

There are no legal rules or case law that would explicitly deal with situations of multiple and/or intersectional discrimination. These concepts sometimes appear in policy documents but their use is more often theoretical rather than relating to the proposal and implementation of specific measures.

Section 2(1) of the Anti-discrimination Act, when listing the prohibited grounds of discrimination, does not contain any explicit prohibition of multiple discrimination and/or intersectional discrimination. However, nor does it say that discrimination or other breaches of the duty to observe the principle of equal treatment must take place on individual prohibited grounds of discrimination. Thus, it could be argued that the concept of prohibition of multiple discrimination and/or intersectional discrimination is contained in the Act implicitly (although it will be up to the courts to establish this interpretation more authoritatively, which has not happened so far).

In Slovakia, limited case law deals with multiple and/or intersectional discrimination. To the best knowledge of the author of this report, the element of multiple and/or intersectional discrimination has not been dealt with by the courts during 2025.

The human rights NGO the Center for Civil and Human Rights has brought two cases of multiple discrimination before domestic courts, using the concept of *actio popularis*. The

¹⁰³ Slovak National Centre for Human Rights (2019), *Expert opinion on protected ground of disability*, available at: <http://snslp.sk/wp-content/uploads/2019-22-Odborne-stanovisko-diskriminacia-z-dovodu-zdravotneho-postihnutia.pdf>.

first case concerns an allegedly discriminatory provision in the Act on Childbirth Allowance,¹⁰⁴ which was dismissed by domestic courts in 2024.¹⁰⁵ The domestic courts, in their reasoning, focused only on argumentation regarding the form of discrimination (indirect discrimination), but did not provide any specific argumentation regarding discriminatory grounds.

The second case concerns segregation of Roma women in maternity hospitals and qualifies it as intersectional discrimination on the grounds of ethnicity and sex. The case was dismissed by the first instance court in 2022 and is still pending before the appeal court.¹⁰⁶ However the court did not provide any specific argumentation on intersectional discrimination.

2.3 Assumed and associated discrimination

a) Discrimination by assumption

In Slovakia, discrimination based on a perception or assumption of a person's characteristics, is prohibited in national law.

Discrimination based on perception or assumption of what a person is, is prohibited by the Anti-discrimination Act, Section 3(3) and Section 2a(11)(d) (assumed discrimination on the ground of disability). There is no case law addressing assumed discrimination.

Section 3(3) of the Anti-discrimination Act stipulates that, in determining whether discrimination has occurred, no account shall be taken of whether the underlying reasons were based on facts or mistaken beliefs.

According to Section 2a(11)(d) of the Anti-discrimination Act, discrimination on grounds of past disability or discrimination against a person who could be presumed, based on external signs, to have a disability, are deemed to constitute discrimination based on disability.

To the knowledge of the author of this report, there is no relevant recent case law on this issue.

b) Discrimination by association

In Slovakia, discrimination based on association with persons with particular characteristics, is prohibited in national law.

Discrimination based on association with persons with particular characteristics is prohibited by the Anti-discrimination Act, Sections 2a(11)(b) and (c).

There is no relevant recent case law dealing with discrimination by association.

Sections 2a(11)(b) and (c) of the Anti-discrimination Act state that discrimination on the ground of someone's relationship with a person of a particular racial, national or ethnic origin will also be deemed to constitute discrimination based on racial, national or ethnic origin, and that discrimination on grounds of someone's relationship with a person of a

¹⁰⁴ Act No. 383/2013 on Childbirth Allowance and on Allowance on Multiple Concurrently Born Children and on changing and supplementing other laws (*zákon č. 383/2013 Z. z. o príspevku pri narodení dieťaťa a príspevku na viac súčasne narodených detí a o zmene a doplnení niektorých zákonov*), 23 October 2013. The relevant provision in relation to which the Center for Civil and Human Rights filed its claim is Section 3(4)(b).

¹⁰⁵ Decision of the District Court Bratislava I, ref. No 12C 231/2010-132, 16 May 2014; Decision of the Regional Court in Bratislava, ref. No. 14 Co 552/2014 – 180, 26 September 2017; Decision of the Supreme Court of the Slovak Republic, ref. No. 7Cdo114/2020, 27 October 2022; Decision of the Constitutional Court of the Slovak Republic, ref. no. IV. ÚS 197/2024, 24 April 2024.

¹⁰⁶ Decision of the District Court Bratislava III, No 14 C 288/2013, of 29 July 2022.

particular religion or belief, or discrimination against a natural person without a religion, will be deemed to constitute discrimination based on religion or belief.

These rules are, in principle, in compliance with the judgment in *Coleman v. Attridge Law and Steve Law*,¹⁰⁷ although the Anti-discrimination Act does not explicitly refer to association with a person with a disability (or to association with people possessing or presumed to possess other characteristics covered by the other prohibited grounds of discrimination contained in the Anti-discrimination Act).

2.4 Direct discrimination (Article 2(2)(a))

a) Prohibition and definition of direct discrimination

In Slovakia, direct discrimination is prohibited in national law. It is defined.

The Anti-discrimination Act prohibits direct discrimination in Section 2a(2). For such discrimination to occur, it has to take place in connection with a prohibited ground or grounds, listed in Section 2(1) (see also 'List of main legislation transposing and implementing the directives' under the introduction above).

Several cases of direct discrimination have either been decided by, or are pending before, national courts. However, in their decisions, the courts have not based their reasoning on this form of discrimination, but have focused instead on general reasoning about the violation of the principle of equal treatment.¹⁰⁸

Section 2a(2) of the Anti-discrimination Act defines direct discrimination as 'any action or omission where one person is treated less favourably than another is, has been or would be treated in a comparable situation.'

b) Justification for direct discrimination

The Anti-discrimination Act does not permit any general justification of direct discrimination.

There are a number of specific exceptions, called 'permissible differential treatment',¹⁰⁹ which will be dealt with in Sections 4 and 5 of this report.

2.5 Indirect discrimination (Article 2(2)(b))

a) Prohibition and definition of indirect discrimination

In Slovakia, indirect discrimination is prohibited in national law. It is defined.

According to Section 2a(3) of the Anti-discrimination Act, indirect discrimination means:

'an apparently neutral regulation, decision, instruction or practice that puts or could put a person at a disadvantage as compared with another person, unless such regulation, decision, instruction or practices are objectively justified by following a legitimate aim and are appropriate and necessary to achieving that aim.'

¹⁰⁷ Court of Justice of the EU, C-303/06, *S. Coleman v. Attridge Law and Steve Law*, 17 July 2008.

¹⁰⁸ See, for example, Durbáková, V. (2025), *Country report: Non-discrimination – Transposition and implementation at national level of Council Directives 2000/43 and 2000/78 – Slovakia*, European Commission, European network of legal experts in gender equality and non-discrimination. Available at: <https://www.equalitylaw.eu/downloads/6381-slovakia-country-report-non-discrimination-2025>.

¹⁰⁹ Anti-discrimination Act, 365/2004, Sections 8 and 8a.

There are three differences between the definitions of indirect discrimination contained in the directives and the definition contained in the Anti-discrimination Act, all of which seem to go beyond the scope of the directives.

The first difference is that, whereas the definition contained in the directives requires that the provision, criterion or practice in question 'would put' persons with a particular feature at a disadvantage, the definition in the Slovak Anti-discrimination Act is more concrete and admits both actual disadvantage ('puts at a disadvantage') as well as the possibility of disadvantage ('could put at a disadvantage').

The second difference is that, whereas the directives require a 'particular disadvantage' to take place in order to qualify certain treatment as indirectly discriminatory, the definition of indirect discrimination contained in the Slovak Anti-discrimination Act requires only a 'disadvantage'. It can thus be argued that, with regard to the concept of disadvantage, the Slovak definition may be even more favourable than the concept of 'particular disadvantage' as interpreted by the CJEU in *CHEZ*.¹¹⁰ However, judicial interpretation of the concept of 'disadvantage' in cases of indirect discrimination is still lacking in Slovakia.

The third difference is that the definition contained in the Anti-discrimination Act does not apply the 'collective approach' ('persons') but takes an individual approach ('person'). This may lead to more favourable conditions for proving indirect discrimination (there might be no need to provide very precise and significant statistical evidence), although it is unclear yet how the individualised concept of indirect discrimination will be applied. The use of the individual approach was rejected in 2023 by the District Court in Prešov, in its decision in a landmark case concerning discrimination against a Romani child in access to education during the COVID-19 pandemic.¹¹¹ The District Court concluded that the case constituted indirect discrimination and applied the 'collective approach', taking into account not only the situation of the individual claimant but the situation of Roma children in marginalised communities as such. However, in 2024, the Regional Court in Prešov, acting as the Court of Appeal annulled the judgment of the first instance court and referred the case back to the court of first instance for further proceedings and a new decision.¹¹² For more detail on this decision, see Section 12.2 below.¹¹³

Structural discrimination, such as the segregation of Roma children in education, has traditionally been litigated in Slovakia as a form of direct discrimination. It is therefore important to challenge the persistent misconception that structural discrimination can best – or only – be addressed through claims of indirect discrimination. While indirect discrimination may capture certain systemic effects of apparently neutral measures, segregation cases often involve intentional or explicit differential treatment that justifies qualification as direct discrimination. In this context, case C-799/23, a pending infringement action brought by the European Commission against Slovakia is particularly relevant. It concerns alleged systemic discrimination against Roma children in education, in particular their disproportionate placement in special schools or classes intended for pupils with intellectual disabilities and their segregation within mainstream education. The Commission argues that such practices constitute indirect discrimination on grounds of ethnic origin, contrary to Directive 2000/43/EC, while the Court is asked to assess whether Slovakia has failed to fulfil its obligations under EU equality law in light of these structural patterns.¹¹⁴

The Advocate General's Opinion supports the view that the overrepresentation of Roma children in special education may amount to systemic indirect discrimination and

¹¹⁰ CJEU, Case C-83/14, *CHEZ Razpredelenie Bulgaria AD v. Komisija za zashtita ot diskriminatsia*, 16 July 2015, para 109.

¹¹¹ Decision of the District Court in Prešov of 6 November 2023, no. 18C 96/2022-254.

¹¹² Decision of the Regional Court in Prešov from 21 November 2024, no. 3 Co/10/2024.

¹¹³ Decision of the District Court in Prešov of 20 January 2025, no. 18C/96/2022-254.

¹¹⁴ Case C-799/23, *European Commission v Slovak Republic*, pending before the Court of Justice of the European Union.

emphasises the need to examine the discriminatory effects of apparently neutral practices. In this regard, it is noteworthy that the Advocate General's Opinion followed the European Commission's approach.¹¹⁵ However, such an approach should not obscure the fact that structural and systemic forms of exclusion may also constitute direct discrimination, particularly where long-standing institutional practices result in the unequal and separate treatment of Roma.

b) Justification test for indirect discrimination

Indirect discrimination can be objectively justified by a legitimate aim if the regulation, decision, instruction or practice in question is appropriate and necessary to achieve that aim.

The domestic courts recently dealt with indirect discrimination and its justification in the landmark case discussed immediately above concerning discrimination against a Romani child in access to education during the COVID-19 pandemic.¹¹⁶ The state defended itself in the proceedings by arguing that it had taken measures that were justified to protect the life and health of the population during the pandemic. In its first decision the District Court did not dispute that the respondent state had to address the education of children in marginalised Roma communities during the pandemic, including with regard to health protection, but held that the measures taken should have responded to existing inequalities, which was not the case. In principle, the Court concluded that the state might have a legitimate aim in protecting children's health by interrupting education in schools, but the practice of not taking temporary compensatory measures to address existing inequalities of marginalised Roma children was not appropriate and necessary to achieve that aim.

However, in 2024, the Court of Appeal did not share this view. According to the Court of Appeal, the situation in question was caused by the pandemic and exceptional circumstances in which the protection of public health came first. That interest, according to the Court of Appeal, must be regarded as an objective, legitimate and rational justification for the situation, which was of a temporary nature. In line with the decision of the appeal court the District Court in Prešov considered the case again and concluded that the measures adopted by the state were objectively justified, legitimate and rational, given the temporary nature of the situation, and as such do not constitute indirect discrimination¹¹⁷ (for more detail on this decision, see Section 12.2 below).

2.5.1 Statistical evidence

a) Legal framework

In Slovakia, there is legislation regulating the collection of personal data.

The collection of personal data is regulated by the Act on Protection of Personal Data, transposing the EU General Data Protection Regulation.¹¹⁸

According to Section 16(1) of the Act on Protection of Personal Data, the 'processing of personal data which reveal racial or ethnic origin, political opinion, religious belief, philosophical beliefs, trade unions membership, genetic data, biometric data, data concerning health or data concerning a natural person's sex life or sexual orientation is

¹¹⁵ See Opinion of Advocate General Ćapeta – Case C 799/23.

¹¹⁶ Decision of the District Court in Prešov of 6 November 2023, no. 18C 96/2022-254; Decision of the Regional Court in Prešov of 22 October 2024 no. 3Co/10/2024-294. Decision of the District Court in Prešov of 20 January 2025. The case is now pending again before the appeal court.

¹¹⁷ Decision of the Regional Court in Prešov of 22 October 2024 no. 3Co/10/2024-294 and Decision of the District Court in Prešov of 20 January 2025, no. 18 C/96/2022 – 254.

¹¹⁸ Act No. 18/2018 on Protection of Personal Data and on changing and supplementing other laws (*Zákon č. 18/2018 Z. z. o ochrane osobných údajov a o zmene a doplnení niektorých zákonov*).

prohibited'. However, the legislation in Section 16(2) lists the conditions under which such data can be collected. The listing is fully in line with Article 9(2) of the GDPR in terms of the listed conditions though it does not provide for its exact wording.

In Slovakia, statistical evidence may be admitted in order to establish indirect discrimination. The use of statistical evidence before the courts follows the general admissibility conditions of evidence set by legislation. According to the general civil procedure legislation, anything can be used as evidence that can contribute to the proper clarification of the case and which has been obtained in a lawful manner.¹¹⁹

b) Practice

In Slovakia, statistical evidence is used in practice in order to establish indirect discrimination, as well as other types of discrimination, such as segregation.

When the concept of indirect discrimination does begin to be invoked, the Slovak courts are likely to look to other countries and/or the CJEU and/or the ECtHR for inspiration. However, since the concept of indirect discrimination is individualised under Slovak legislation (see Section 2.5(a)), as compared with the group approach adopted in most jurisdictions, inspiration taken from European or foreign courts could, in practice, lead to an unjustifiably and illegitimately restrictive interpretation of the Slovak legislation in force (the courts may seek more 'solid' statistical evidence than might be required by the Slovak legislation, which relies on an individualised rather than a group approach to indirect discrimination).¹²⁰

The relevant cases of discrimination initiated by NGOs relied on statistical data gathered by their own fact-finding and surveys and/or data collected by public institutions.

The relevance of this data has not been questioned in court proceedings. In 2025, an NGO, the Center for Civil and Human Rights, has brought several strategic individual cases where statistical data were used: 1. discrimination in access to education on behalf of Roma children who had been illegally placed in special classes for children with intellectual disabilities; 2. discrimination against a Roma child who had no access to online education during the COVID-19 pandemic due to limited internet access and digital technologies; and 3. discrimination against Roma in access to housing.¹²¹ In all three cases the complainants supported their legal arguments with statistical data. In a case of forced eviction brought against the Municipality of Torysa the claimant also referred to the statistical data contained in the Atlas of Roma communities.¹²²

2.6 Harassment (Article 2(3))

a) Prohibition and definition of harassment

In Slovakia, harassment is prohibited in national law. It is defined.

Section 2a(4) of the Anti-discrimination Act defines 'harassment' as

'such conduct which results or can result in an intimidating, hostile, shameful, humiliating, insulting, degrading or offensive environment and the purpose or effect of which is or can be violation of freedom or human dignity.'

¹¹⁹ Act. No. 160/2015 Coll. Of Laws Civil Dispute Act (*zákon č. 160/2015 Z.Z. Civilný sporový poriadok*).

¹²⁰ See for example the restrictive interpretation in the decision of the Regional Court in Bratislava, No. 14 Co 552/2014 – 180 from 26 September 2017.

¹²¹ This anti-discrimination lawsuit was submitted in May 2025 by four Roma women against the Municipality of Hermanovce. The case is now pending before the District Court in Prešov, case no. 17 C 29/2025, so far without a decision on the merits.

¹²² Decision of the District Court in Prešov of 17 September 2025, no. 16C/34/2025-119.

It should be noted that the definition of harassment does not explicitly stipulate that the conduct must be unwanted. This may lead to interpretations under which courts or defendants would require the application of 'objectivity tests' with regard to the capacity of the environment in question to meet the required statutory characteristics. The full material scope of protection against harassment of both directives is covered by domestic anti-discrimination legislation.

It is also worth noting that the general provision on prohibition of discrimination on the grounds contained in Section 2(1) of the Anti-discrimination Act ('observing the principle of equal treatment shall lie in prohibition of discrimination on the ground of sex, religion or belief, race...') provides the basic framework for applying the provisions on particular forms of discrimination in relation to the prohibited grounds (the definitions of the particular forms of discrimination do not reiterate that discrimination must take place on the prohibited grounds, but rather implicitly include the general definition contained in Section 2(1), which states that discrimination must take place on the prohibited grounds). Therefore, it can be argued that the definition of harassment contained in the Anti-discrimination Act is narrower than that contained in the directives, as it must take place 'on [the prohibited] grounds', as compared with the directives, in which it is sufficient for it to be 'related to' any of the grounds.

In Slovakia, harassment explicitly constitutes a form of discrimination. Section 2a(1) of the Anti-discrimination Act explicitly mentions harassment as a form of discrimination.

b) Scope of liability for harassment

In Slovakia, where harassment is perpetrated by an employee, the employer is liable and the employee would also probably be liable according to the share of liability established in the proceedings set by judicial interpretation.

The Anti-discrimination Act does not provide a direct answer as to who is to be held liable for unlawful actions breaching the principle of equal treatment; it only uses the term 'the person violating the principle of equal treatment'.¹²³ Section 11(1) of the Act further states that 'the claimant is obliged to identify the person who has allegedly violated the principle of equal treatment'.

The liability rules (although not explicit) are universal with regard to all forms of discrimination contained in the Anti-discrimination Act and to the duty to carry out measures to prevent discrimination (Section 2(3) of the Anti-discrimination Act).

Building on these general provisions, in Slovakia an employer or a provider of education, social protection (including healthcare), social advantages, goods or services can be held liable for third-party harassment, including situations where they fail to address harassment occurring between staff or persons under their supervision and third parties. Although the Anti-discrimination Act does not explicitly assign liability for breaches of the principle of equal treatment, its provisions and judicial interpretation indicate that liability may be shared between those who directly commit or omit discriminatory acts (e.g. employees or service providers) and those with overall responsibility (e.g. employers, school management or service providers).

The basic interpretative frameworks to answer the above question are provided by two specific provisions of the Anti-discrimination Act.

First, according to Section 3(1) of the Act, the duty to comply with the principle of equal treatment in all the areas covered by the Act lies with 'everyone'. Given the fact that the provision uses the term 'everyone' and does not mention that a particular breach of the

¹²³ Anti-discrimination Act, 365/2004, Section 9(2).

principle of equal treatment can only lead to the liability of one person, it is arguable that liability for breaches of the principle of equal treatment is not vested in sole and mutually exclusive liability holders but can lie in parallel with individuals who breach the principle of equal treatment with their direct personal actions/omissions (such as (co-)employees) and, at the same time, with persons with overall responsibility (such as employers).

Based on this interpretation, an employer or provider of education, social protection (including healthcare), social advantages, goods or services can also be held liable for third-party harassment, including situations where they fail to address harassment occurring between staff or persons under their supervision and third parties. However, what is problematic in the context of this interpretation is the fact that the principle of equal treatment applies only in connection with rights of persons as stipulated by special laws (Section 3(2) of the Anti-discrimination Act) and it is therefore hard to establish the rights to which, for example, an employee of a service provider is entitled as opposed to a customer of the service provider, or as opposed to a co-employee.

Secondly, the concept of the principle of equal treatment encompassing the duty to adopt measures to prevent discrimination (Section 2(3) of the Anti-discrimination Act) also has interpretative significance in terms of liability. Provided that some kind of causation is established between the actions/omissions of individuals in certain environments that are relevant from the point of view of the Anti-discrimination Act (such as workplaces), and negligence on the part of persons with decision-making/statutory powers in these environments is identified, the liability should also lie with these entities (e.g. employers). This interpretation implies that employers or providers of education, social protection (including healthcare), social advantages, goods or services can be held liable not only for their own actions or omissions but also for failing to prevent or address harassment and discriminatory behaviour between staff, persons under their supervision or third parties interacting in these environments.

Also relevant is the content of Section 5(2) of the Anti-discrimination Act, which stipulates that the principle of equal treatment must be applied in the fields of 'access and provision of' social security, healthcare, education and goods and services, including housing. Based on this provision, it follows that persons who access, as well as persons who provide, these services are entitled to protection against violations of the principle of equal treatment. Consequently, employers, schools and service providers can be held liable for breaches, including failing to prevent or address harassment and discriminatory behaviour between staff, persons under their supervision or third parties interacting in these environments, as 'everyone' is obliged to observe the principle of equal treatment.

However, the wording of Section 6(1) of the Anti-discrimination Act, which states that discrimination shall be prohibited in 'employment relationships, similar legal relationships, and in related legal relationships' is confusing in the framework of that interpretation. As labour legislation does not define any of the terms 'employment relationship, similar legal relationship, and related legal relationships' and legal theory defines legal relationships basically as relationships between employers and employees,¹²⁴ it is hard to state unambiguously whether there is individual liability for discrimination between co-workers – especially given that the Labour Code does not specify the duty to observe the principle of equal treatment/prohibition of discrimination among the explicit responsibilities of the employee.¹²⁵

Nevertheless, it can be argued that executive employees may bear personal liability for discriminatory conduct and that employers may be held liable for failing to prevent or address harassment and discriminatory behaviour within their workforce, including between co-workers or involving third parties under their supervision. Although the duty

¹²⁴ See for example Barancová, H., Schronk, R. (2007), *Pracovné právo* (Labour Law), Bratislava, Sprint, pp. 197-208.

¹²⁵ See Labour Code, 311/2001, Sections 81 and 82 respectively.

to act in accordance with the principle of equal treatment is not made explicit by legislation in the case of executive employees either, the Labour Code contains various specific duties of executive employees from which the duty to observe the principle of equal treatment can undoubtedly be inferred (at least to some extent).¹²⁶

There are also some additional statutory provisions that apply to liability for discrimination/other breaches of the principle of equal treatment. According to the general provisions of the Civil Code regarding liability for damages,¹²⁷ the damage is caused by a legal entity or a natural person, provided that it was caused during the performance of their business and by the people engaged to perform the business. It is of no importance whether the person engaged performs an activity in the context of an employment relationship, self-employment or on the basis of another type of legal relationship. According to the Civil Code, individuals acting on behalf of a legal entity or a natural person are not liable for damages without prejudice to their liability for damage as stipulated by labour regulations. Moreover, Section 192 of the Labour Code makes the employer responsible in relation to the employee for damage occurring to the employee due to a breach of legal regulations or due to intentional behaviour in breach of good morals during the performance of work or in direct connection with such behaviour. The employer is liable to the employee for damages occurring due to a breach of legal obligations by the personnel performing the tasks of the employer on behalf of the employer.

In a case concerning a police operation in the marginalised Roma community of Vrbnica, the first instance court ruled that the police officers involved unjustifiably used physical force against residents, including the applicants. In 2024, the court found that this conduct constituted discrimination in the form of harassment under the ADA. Specifically, the court noted that the violent actions of armed officers, such as beating defenceless individuals with batons to the point of causing visible injuries, created an intimidating, humiliating and degrading environment for the victims.¹²⁸

In a case concerning forced eviction of Roma, the courts also rather progressively concluded that the evictions amounted to harassment, which is a particularly harmful form of discriminatory treatment. By definition, according to the courts in this case, with harassment, it is not necessary to examine the comparator, i.e. the person in the same situation, as opposed to direct or indirect discrimination. More information on this case can be found in the previous country report on Slovakia.¹²⁹

2.7 Instructions to discriminate (Article 2(4))

a) Prohibition of instructions to discriminate

In Slovakia, instructions to discriminate are prohibited in national law. Instructions are defined. A definition is given in Section 2a(6) of the Anti-discrimination Act, and means

¹²⁶ See Labour Code, 311/2001, Section 82, which lists the fundamental obligations of executive employees and reads as follows: 'An executive employee, apart from the obligations stipulated in Section 81 [general obligations of an employee], shall also be obliged in particular:

- to manage and check the work of employees;
- to create favourable working conditions and ensure safety and health protection at work;
- to secure remuneration of employees in accordance with generally binding legal regulations, collective agreements and employment contracts, and to comply with the principle of equal pay for equal work or work of equal value (...);
- to create favourable conditions for improving the professional standard of employees and for satisfying their social needs;
- to ensure that breaches of labour discipline shall not transpire;
- to ensure the adoption of timely and effective measures for protection of the employers' property.'

¹²⁷ Civil Code (as amended), 40/1964, Section 420(2).

¹²⁸ Decision of the Municipal Court in Bratislava IV of 19 April 2024, no. B1-16C/87/2016-394.

¹²⁹ Durbáková, V. (2024), *Country report: Non-discrimination – Transposition and implementation at national level of Council Directives 2000/43 and 2000/78 – Slovakia*, European Commission, European network of legal experts in gender equality and non-discrimination, p. 28. Available at <https://www.equalitylaw.eu/downloads/6109-slovakia-country-report-non-discrimination-2024>.

conduct consisting of abuse of the subordinate position of a person for the purpose of discriminating against a third person.

In Slovakia, instructions explicitly constitute a form of discrimination (Section 2a(1) of the Anti-discrimination Act).

In Slovakia, instructions to discriminate require a hierarchical relationship between the instructor and the instructed person. A defining feature of an instruction to discriminate is the existence of a relationship of superiority and subordination. While this typically occurs in employment relationships, the principle is not limited to them and also applies to the civil service or similar hierarchical contexts.

There is insufficient practice and case law available to more closely define and comment on the scope of the prohibition against instructions to discriminate. However, based on the legislation and available literature, it can be stated that the scope of the prohibition is defined by the key defining feature of the instruction to discriminate, which is the abuse of subordination to discriminate against a third party. The prohibition clearly applies to direct instructions or orders that explicitly direct someone to discriminate (express instructions to discriminate). This includes situations where an individual or organisation directly tells another to treat someone less favourably based on one of the protected characteristics. The national expert is of the opinion that the prohibition may also apply to preferences, suggestions, pressure or persuasion that lead to discriminatory practices or have a discriminatory impact, even if they are not direct instructions to discriminate. However, this has not been addressed so far in case law.

The Anti-discrimination Act also defines incitement to discriminate as 'persuading, affirming or inciting a person to discriminate against a third person'.¹³⁰ Under Section 2a(1) of the Anti-discrimination Act, incitement to discriminate is considered a form of discrimination.

The full material scope of both directives regarding the protection against instruction to discriminate is covered by domestic anti-discrimination legislation.

b) Scope of liability for instructions to discriminate

In Slovakia, the instructor and the discriminator are liable according to their share of liability established in the case.

As instruction to discriminate is considered a form of discrimination, the general rules for liability for discrimination (see Section 3.1.2 of this report) apply also to liability for discrimination by employees or service providers in cases of instructions to discriminate given by their employers. The general liability rules described in detail in Section 3.1.2 below also apply to the individuals who give instructions to discriminate.

With regard to the individual liability of those who discriminate because they have received such an instruction, Section 81(a) of the Labour Code stipulates that an employee is obliged, *inter alia*, to follow the instructions of their superiors that have been given in accordance with legal regulations. It therefore follows that following instructions of superiors is legal only when these instructions do not violate the law (which is not the case when following an instruction to discriminate). Hence the rules of individual liability for following an instruction to discriminate are the same as the general rules for individual liability for any form of discrimination (see Section 3.1.2 below).

¹³⁰ See Anti-discrimination Act, 365/2004, Section 2(7).

The Civil Service Act¹³¹ stipulates that a civil servant has the right to refuse to carry out a civil task (a task to be carried out pursuant to this Act) that is in conflict with generally legally binding legal regulations¹³² (which also includes anti-discrimination legislation). A civil servant is also obliged to respect, *inter alia*, the Constitution and laws (which includes the duty to observe the principle of equal treatment) and apply them to the best of their knowledge and belief, and to respect and protect human dignity and human rights.¹³³ Civil servants are also obliged to follow the instructions of their superiors unless these instructions are in conflict with generally binding legal regulations¹³⁴ (which includes all anti-discrimination legislation). If a civil servant believes that an instruction given by their superior is in conflict with generally binding legal regulations, they are obliged to notify the superior in question of that fact before starting to follow the instruction. If the superior nevertheless insists on the civil servant following the instruction, they are obliged to notify them of that fact in writing.¹³⁵

To the knowledge of the author of this report, as of 2025, there have been no widely reported new Slovak court decisions expressly addressing instructions to discriminate as a distinct form of discrimination in addition to previously documented cases. The only case in which an instruction to discriminate was partially involved is that of a Roma man, IH, who sued a mobile operator. The domestic courts dismissed the claim, reasoning that the defendants were not responsible for the discriminatory treatment.¹³⁶ More information on this case can be found in the previous country report on Slovakia.¹³⁷

2.8 Reasonable accommodation duties (Article 2(2)(b)(ii) and Article 5 Directive 2000/78)

- a) Implementation of the duty to provide reasonable accommodation for persons with disabilities in the area of employment

In Slovakia, the duty to provide reasonable accommodation for persons with disabilities is included in the law and is defined.

Under Section 7 of the Anti-discrimination Act, an employer is obliged to take measures to enable a person with a disability to have access to employment; to exercise certain activities at work; to promotion or other advancement in employment; and to training. This does not apply if the adoption of such measures would impose a disproportionate burden on the employer.¹³⁸ To determine whether the measures give rise to a disproportionate burden, account must be taken of:

- the benefit that the adoption of the measure would mean for the person with a disability;
- the financial resources of the employer, including the possibility of obtaining funding or any other assistance for the adoption of the measure; and
- the possibility of attaining the purpose of the measure referred to in paragraph 1 in a different, alternative manner.¹³⁹

¹³¹ Act No. 55/2017 on Civil Service and on Changing and Supplementing Some Other Laws, (*zákon č. 55/2017 Z. z. o štátnej službe a o zmene a doplnení niektorých zákonov*).

¹³² Civil Service Act, 55/2017, Section 111(3).

¹³³ Civil Service Act, 55/2017, Section 111(1)(a).

¹³⁴ Civil Service Act, 55/2017, Section 111(1)(i).

¹³⁵ Civil Service Act, 55/2017, Section 111(3).

¹³⁶ Decision of the Slovak Supreme Court, No 3 Cdo 405/2015 – 773 of 8 December 2016.

¹³⁷ Durbáková, V. (2022), *Country report: Non-discrimination – Transposition and implementation at national level of Council Directives 2000/43 and 2000/78 – Slovakia*, European Commission, European network of legal experts in gender equality and non-discrimination, p. 30. Available at: <https://www.equalitylaw.eu/downloads/5805-slovakia-country-report-non-discrimination-2022-1-51-mb>.

¹³⁸ Anti-discrimination Act, 365/2004, Section 7(1).

¹³⁹ Anti-discrimination Act, 365/2004, Section 7(2)(a)-(c).

The measure will not be considered as giving rise to a disproportionate burden if its adoption by the employer is mandatory under separate provisions.¹⁴⁰

Employers' duties in this regard are also prescribed by the Labour Code: the third sentence of Article 8 of the basic principles and Section 158 of the Labour Code state that:

'employers shall be obliged to employ persons with disabilities in suitable positions, to enable them to receive training or to study with a view to acquiring necessary skills and shall also be obliged to support the upgrading of these skills. Furthermore, employers shall be obliged to create conditions for employees to have the possibility of applying themselves in work, and shall improve workplace facilities in order to enable these employees to obtain, wherever possible, the same work results as other employees, and to facilitate their work as best as they can.' (Section 158(1))

As regards employees with disabilities who cannot be employed under usual working conditions, employers 'may set up for them sheltered workshops or sheltered workplaces' (Section 158(2)). Moreover, 'employers shall enable their employees with disabilities to receive theoretical or practical training (retraining) aimed at maintaining, upgrading, expanding or changing their qualifications, or adapting to technological progress with a view to safeguarding their employment'. Employers must cooperate with trade unions or employee representatives in these activities.

However, the enforceability of the above-quoted provisions is very questionable. For example, according to Section 158(3) of the Labour Code, the duties of an employer stipulated by paragraphs 1 and 2 of Section 158 should be regulated in more detail by special regulations. However, no such regulations exist – unless Section 7 of the Anti-discrimination Act is perceived as this type of regulation (which should serve as the interpretative framework for Section 158 of the Labour Code in any case).

In the context of civil servants in the general public sector, the duty to provide reasonable accommodation for persons with disabilities is grounded in the principle of equal treatment as expressly incorporated into the Civil Service Act (Act No. 55/2017 Coll.). Under Section 4 para 1–3 of this Act, public authorities and service offices are required to treat civil servants in accordance with the principle of equal treatment established by anti-discrimination legislation, including in matters relating to performance of public service, remuneration, training, opportunities for advancement and other working conditions. This provision ensures that a civil servant with a disability cannot be disadvantaged in access to work, career progression or training on the basis of disability, effectively requiring reasonable accommodation in the civil service in line with the obligations of employers in the private sector.

Civil servants are entitled to equal treatment in selection and employment conditions and the civil service office concerned must observe anti-discrimination standards throughout the employment relationship. While the Civil Service Act does not contain detailed procedural rules on reasonable accommodation analogous to Section 7 of the Anti-discrimination Act, its incorporation of the principle of equal treatment creates a legal basis for expecting that reasonable accommodation – understood as modifications or adjustments necessary to enable a disabled person to perform their work – must be provided as part of equal treatment protections in public service.

b) Case law

To the knowledge of the author of this report, there is no case law as yet on the duty to provide reasonable accommodation in employment concerning both the private and the general public sector.

¹⁴⁰ Anti-discrimination Act, 365/2004, Section 7(3).

However, the Supreme Court, in a case on the right to inclusive education of a child with a disability, held that a refusal to provide reasonable accommodation is a form of discrimination.¹⁴¹ Although the case primarily applies to reasonable accommodation in education, it will probably have wider applicability in relation to reasonable accommodation in employment (and in other fields) given that the Supreme Court applied the CRPD and reiterated the constitutional principle that the CRPD is a part of the national legal order, has priority over national legislation and is even directly applicable. Also in 2025, the Bratislava Administrative Court addressed the duty to provide reasonable accommodation in education in a decision in the case of a child with disabilities¹⁴² (for more information on the case see Section 12.2 below).

c) Definition of disability and non-discrimination protection

There is no definition of disability contained in the Anti-discrimination Act, as referred to in the Civil Service Act, neither in general nor for the purposes of the duty to provide reasonable accommodation.

With regard to the absence of a definition of disability in the Anti-discrimination Act, which is the law referenced by the Civil Service Act in relation to the principle of equal treatment, it can be assumed that the same definition used in disputes in the private sector applies to cases involving civil servants.

A definition of an employee with disabilities for the purpose of the provision of reasonable accommodation is included in the Labour Code. According to this definition, an employee with disabilities is an employee recognised as disabled according to social security legislation and who provides a decision on their entitlement to disability pension to their employer (Labour Code, Section 40(8)). However, the only purpose of Section 40(8) of the Labour Code is to identify a duty to provide reasonable accommodation and not to claim protection from discrimination in general (Labour Code, Section 158).

This definition also applies under the ADA when reasonable accommodation is claimed. This would seem to be a breach of the EU Employment Equality Directive, which is not so restrictive. In any case, in the light of the above-mentioned Supreme Court decision in a case on the right to inclusive education of a child with disabilities, which applies the CRPD as a part of the national order, the CRPD guidance on the definition of disability is also applicable at the domestic level.

Please see Section 2.1(c) for further details.

d) Failure to meet the duty of reasonable accommodation for persons with disabilities

In Slovakia, failure to meet the duty of reasonable accommodation is recognised as a form of discrimination or, more accurately, as a violation of the principle of equal treatment in both the private and the general public sectors.¹⁴³ A breach of the employer's duty to provide reasonable accommodation for a person with a disability as well as a refusal or failure to take certain measures, is considered to be a breach of the principle of equal treatment.¹⁴⁴

It is regarded as a violation of this principle (which is broader than the prohibition of discrimination in its individual forms and encompasses also the duty to adopt measures to prevent discrimination) and it does not equate to direct or indirect discrimination. However, this does not mean that, in specific situations, the actions or omission of an employer

¹⁴¹ Decision of the Supreme Court of the Slovak Republic, No. 7Sžo/83/2014, 24 September 2015.

¹⁴² Decision of the Administrative Court in Bratislava, No. 1S/88/2023, 21 February 2025.

¹⁴³ Anti-discrimination Act, 365/2004, Section 7(4).

¹⁴⁴ Anti-discrimination Act, 365/2004, Section 7(4).

cannot, at the same time, also fall under definitions of the specific forms of discrimination as defined by the Slovak Anti-discrimination Act – mainly direct discrimination, indirect discrimination or harassment.

In 2015, the Supreme Court held (referring to the CRPD and applying it, but not referring to the Anti-Discrimination Act) that the failure to provide reasonable accommodation is a form of discrimination (see Section 2.8(e) below).

Given that the duty to provide reasonable accommodation is a part of the duty to observe the principle of equal treatment, it is judicially enforceable in accordance with Sections 9 to 11 of the Anti-discrimination Act, and all procedural rules contained in these Sections apply, including the shift in burden of proof. In principle, this applies not only to the duty to provide reasonable accommodation in employment entrenched in the Anti-discrimination Act (see Section 2.8(a) above), but also to fields falling outside the scope of employment given that the duty to adopt measures to prevent discrimination applies across all fields and grounds falling under the scope of the Anti-discrimination Act, and given that the Supreme Court has already held – referring to the CRPD and applying it – that the failure to provide reasonable accommodation is a form of discrimination.

In the field of employment, the observance of all the duties stipulated by the Anti-discrimination Act (and hence also of the duty to provide reasonable accommodation under Section 7), and the observance of the specific duties on the protection of employees with disabilities contained in the Labour Code (see Section 2.8(a) above), is also subject to supervision by the national labour inspectorate, and hence also to the fines imposed by it. On finding breaches of the Labour Code provisions on the conditions of work of persons with disabilities, the labour inspectorate is obliged to impose a fine of EUR 1 000 to EUR 200 000 (see Section 6.5(a) of this report for more details on labour inspection and on the fines). If reasonable accommodation is refused, an individual can claim a violation of the principle of equal treatment under the Anti-discrimination Act in court proceedings.

e) Duties to provide reasonable accommodation in areas other than employment for persons with disabilities

In Slovakia, there is a duty to provide reasonable accommodation for persons with disabilities outside the area of employment.

It should be noted that the Anti-discrimination Act, which generally applies to the fields of employment and occupation, social security, healthcare, provision of goods and services including housing and education (also in relation to disability) stipulates a legally enforceable duty to adopt measures to prevent discrimination in all the fields covered (Section 2(3) of the Anti-discrimination Act). Thus, the duty to provide reasonable accommodation for persons with disabilities outside employment can be regarded to be implicitly contained in this generally framed legal duty to prevent discrimination. It is, however, not accompanied by any kind of justification test (the provision on reasonable accommodation contained in Section 7 of the Anti-discrimination Act and quoted above in Sections 2.8(a) and 2.8(b) only applies to the field of employment). Furthermore, the UN Committee on Economic, Social and Cultural Rights has expressed its concern that the State Party's legislation defines only the failure to provide reasonable accommodation as discrimination against persons with disabilities in the context of employment. The Committee recommended that Slovakia should amend its anti-discrimination legislation to ensure formal and unequivocal recognition of the fact that a denial of reasonable accommodation constitutes discrimination.¹⁴⁵

¹⁴⁵ UN Committee on Economic, Social and Cultural Rights (2019) *Concluding observations on the third periodic report of Slovakia*, (E/C.12/SVK/CO/3), 14 November 2019. Available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fSVK%2fCO%2f3&Lang=en.

There are also some specific duties contained in other pieces of legislation. For example, the Schools Act contains special provisions designed to accommodate the needs of children and pupils with disabilities in kindergartens, primary and secondary schools and in school facilities.¹⁴⁶ A special provision was also included in the Act on Higher Education, guaranteeing reasonable accommodation for students with specific needs, including financial support in certain circumstances.¹⁴⁷

In 2015, the Supreme Court decided a case on the right to inclusive education of a child with a disability and held that a refusal to provide reasonable accommodation is a form of discrimination.¹⁴⁸ The Supreme Court held, referring to Article 2 of the CRPD, that a refusal to provide reasonable accommodation is a form of discrimination on the ground of disability and that this type of discrimination is prohibited.

Although the Supreme Court did not mention the Anti-discrimination Act in its decision at all, and although the case primarily applies to reasonable accommodation in education, it will probably have wider applicability in relation to reasonable accommodation in other fields – given that the Supreme Court applied the CRPD and reiterated the constitutional principle that the CRPD is a part of the national legal order, has priority over national legislation and is even directly applicable. More details on this case can be found in the 2022 country report.¹⁴⁹

f) Duties to provide reasonable accommodation in respect of other grounds

In Slovakia, there is a legal duty to provide reasonable accommodation in respect of other grounds in the public and the private sector.

The Anti-discrimination Act sets out in its basic provisions the general characteristics of the principle of equal treatment. According to this provision (Section 2(3) of the Anti-discrimination Act), compliance with this principle will also (apart from prohibition of discrimination on the specified grounds) involve the adoption of measures to prevent discrimination. From this principle, it can be inferred that the duty to provide reasonable accommodation applies not only to employers and persons with disabilities in the area of employment (for which a specific reasonable accommodation duty exists in the Anti-discrimination Act),¹⁵⁰ but to all other areas and grounds that are regulated by the existing laws prohibiting discrimination. However, this general duty to provide reasonable accommodation following from the duty to prevent discrimination is definitely not of the same quality for all grounds, as, for grounds other than disability, neither legislation nor case law provides any detail on how the duty is supposed to be fulfilled or whether justification is possible. To the best knowledge of the author of this report, no public or academic discussion has been conducted in Slovakia on those issues. Furthermore, there are no publicly reported documented instances in which reasonable accommodation has been made for the other grounds.

The author of this report is not aware of any collective agreements containing specific issues in this regard, such as days off for religious reasons.

No guidelines have been issued by the equality body or by any other body on how the duty to prevent discrimination should be carried out.

¹⁴⁶ Act No. 245/2008 on Education (Schools Act), as amended (*zákon č. 245/2008 Z. z. o výchove a vzdelávaní (Školský zákon) a o zmene a doplnení niektorých zákonov*).

¹⁴⁷ Act on Higher Education, 131/2002, Sections 16a, 57, 96 and 100. This act will be replaced by the new Act on Higher Education No. 300/2025 Coll. of Law effective from 1 March 2026.

¹⁴⁸ Decision of the Supreme Court of the Slovak Republic, No. 7Sžo/83/2014, 24 September 2015.

¹⁴⁹ Durbáková, V. (2022), *Country report: Non-discrimination – Transposition and implementation at national level of Council Directives 2000/43 and 2000/78 – Slovakia*, European Commission, European network of legal experts in gender equality and non-discrimination, pp. 34- 35. Available at: <https://www.equalitylaw.eu/downloads/5805-slovakia-country-report-non-discrimination-2022-1-51-mb>.

¹⁵⁰ Anti-discrimination Act, 365/2004, Section 7(4).

3 PERSONAL AND MATERIAL SCOPE

3.1 Personal scope

To the best knowledge of the author of this report there is no case law on discrimination stemming from and/or involving the use of artificial intelligence and/or automated systems.

3.1.1 EU and non-EU nationals (Recital 13 and Article 3(2), Directive 2000/43 and Recital 12 and Article 3(2), Directive 2000/78)

In Slovakia, there are no residence or citizenship/nationality requirements for protection under the relevant national laws transposing the directives. In other words, protection against discrimination in the national legal system is not conditional on a person's citizenship or nationality, and the Anti-discrimination Act has no specific requirements in this regard. Therefore, it can be concluded that persons with irregular status are entitled to the protection provided under this Act.

However, Section 4(1)(a) of the Anti-discrimination Act explicitly stipulates that the provisions of the Act will not apply to differences of treatment resulting from the requirements for entry and residence for foreigners in Slovakia, including the treatment of these foreigners provided for under separate provisions,¹⁵¹ except for citizens of EU Member States, a state which is party to the European Economic Area Agreement, Swiss citizens and stateless persons and their family members.

According to the Act on the Residence of Foreigners, a foreigner is anybody who is not a citizen of the Slovak Republic.¹⁵²

In addition, separate acts set out the requirement to be a citizen of the Slovak Republic for specific professions or employment.¹⁵³

Article 35 of the Constitution guarantees the right to choose a profession and appropriate training freely; the right to conduct entrepreneurial or other gainful activity; and the right to work and to material welfare for those who, through no fault of their own, are unable to enjoy the right to work. Article 35(4) states that the law may provide a different regulation of these rights for foreigners.¹⁵⁴

3.1.2 Natural and legal persons (Recital 16, Directive 2000/43)

a) Protection against discrimination

In Slovakia, the personal scope of anti-discrimination law covers natural and legal persons for the purpose of protection against discrimination.

Although the reference to natural persons as persons protected against discrimination in Section 2a of the Anti-discrimination Act is not explicit, their protection against discrimination is indisputable, following logical and systematic interpretation of the provision and of the whole Anti-discrimination Act, in conjunction with the directives.

¹⁵¹ E.g. Act No. 404/2011 on the Residence of Foreigners and on amending and supplementing certain laws, as amended (*zákon č. 404/2011 Z. z. o pobyte cudzincov a o zmene a doplnení niektorých zákonov v znení neskorších predpisov*); Act No. 480/2002 on Asylum and on amending and supplementing certain laws, as amended (*zákon č. 480/2002 Z. z. o azyle a o zmene a doplnení niektorých zákonov v znení neskorších predpisov*).

¹⁵² Act on the Residence of Foreigners, 404/2011, Section 2(2).

¹⁵³ Senior state officials, prosecutors, constitutional judges, judges, police officers, customs officers, fire and rescue service members, mountain rescue service members and professional soldiers.

¹⁵⁴ For example: Act on the Residence of Foreigners, 404/2011 and Asylum Act 480/2002.

The Anti-discrimination Act contains a specific definition of what constitutes discrimination against legal persons. According to Section 2a(9), discrimination against a legal person is:

‘a failure to comply with the principle of equal treatment in relation to this person on the grounds of discrimination listed in Section 2(1) of the Anti-discrimination Act¹⁵⁵ with respect to its members, associates, shareholders, members of its bodies, employees, persons acting on its behalf or persons on behalf of which such a legal entity is acting.’

Therefore, with regard to protection, the Anti-discrimination Act does not distinguish between natural and legal persons. The national provisions comply with the directives.

b) Liability for discrimination

In Slovakia, the personal scope of anti-discrimination law covers natural and legal persons for the purpose of liability for discrimination.

Section 3(1) of the Slovak Anti-discrimination Act introduced a general provision according to which the principle of equal treatment is binding on ‘everyone’. This means that in terms of liability for discrimination, the Anti-discrimination Act does not distinguish between natural and legal persons. The only explicit exception is housing where the duty to apply the principle of equal treatment does not apply to natural persons who are not entrepreneurs.¹⁵⁶ To the best knowledge of the author of this report there is no case law on the issue, including no cases of discrimination stemming from and/or involving the use of artificial intelligence and/or automated systems.

3.1.3 Private and public sector including public bodies (Article 3(1))

a) Protection against discrimination

In Slovakia, the personal scope of national law covers the private and public sector including public bodies for the purpose of protection against discrimination.

With regard to the protection of legal persons, the Anti-discrimination Act in Section 2a(9), in conjunction with Section 2(1) providing a definition of discrimination of legal persons, and also from the interpretation of the ADA as a whole, does not distinguish between the private and the public sector, protecting in principle all bodies in both sectors.

The national provisions comply with the directives, although there is no case law on the issue, and the issue of protection of public bodies has not yet been subject to public discussion in Slovakia.

b) Liability for discrimination

In Slovakia, the personal scope of anti-discrimination law covers the private and public sector, including public bodies, for the purpose of liability for discrimination.

The Anti-discrimination Act does not distinguish between public and private bodies in terms of liability. This can be inferred from the general rule contained in Section 3(1) of the Anti-discrimination Act, which stipulates that the principle of equal treatment is binding on ‘everyone’, and also from Sections 5 and 6 of the Anti-discrimination Act, which provide details on the material scope of the Act (fields covered) without specifying what kind of bodies they cover (e.g. whether public or private). The only explicit exception where the

¹⁵⁵ Sex, religion or belief, race, affiliation with nationality or an ethnic group, disability, age, sexual orientation, marital status and family status, colour of skin, language, political or other opinion, national or social origin, property, lineage/gender or other status, or the reason of reporting criminality or other anti-social activity.

¹⁵⁶ Anti-discrimination Act, 365/2004, Section 5(2)(d).

liability does not apply to a part of the 'private sector' is housing, where the duty to apply the principle of equal treatment does not apply to natural persons who are not entrepreneurs.¹⁵⁷

However, it is questionable whether some statutory duties that are carried out by public bodies and are generally perceived as services to the public (such as the provision of information on request by public bodies, or aid provided by the state in case of emergencies) can be perceived as 'services' in the sense of the directives.

3.2 Material scope

To the best knowledge of the author of this report there is no case law on discrimination stemming from and/or involving the use of artificial intelligence and/or automated systems.

3.2.1 Conditions for access to employment, to self-employment or to occupation, including selection criteria, recruitment conditions and promotion, whatever the branch of activity and at all levels of the professional hierarchy (Article 3(1)(a))

In Slovakia, national legislation prohibits discrimination in relation to conditions for access to employment, self-employment or occupation, including selection criteria, recruitment conditions and promotion, whatever the branch of activity and at all levels of the professional hierarchy for the five grounds in both private and public sectors as described in the directives.¹⁵⁸ Gender identity/expression and sex characteristics are not explicitly covered in national legislation. The grounds covered by Anti-discrimination Act in the area of access to employment, self-employment and occupation are sex, religion or belief, race, affiliation with a nationality (*národnosť*) or an ethnic group, disability, age, sexual orientation, marital status and family status, colour of skin, language, political or other opinion, national or social origin, property, lineage/gender or other status or the reason of reporting criminality or other anti-social activity.

The Anti-discrimination Act refers to the existing laws in the area of employment, self-employment and occupation without making any distinction between legal relationships in the private and the public sector. At the same time, all laws regulating the public and the private sector employment refer to the Anti-discrimination Act and/or are based on it and/or supplement it.¹⁵⁹ The Labour Code and Act on Civil Service also prohibit discrimination in access to employment, covering some additional grounds in comparison with the Anti-discrimination Act such as unfavourable state of health and genetic features; duties to family; and membership of or involvement in a political party or a political movement, trade union or another association.

There is limited case law specifically concerning the applicability of provisions relating to access to employment, self-employment or occupation. According to statistical data provided by the Ministry of Justice of the Slovak Republic, in 2025 the courts adjudicated only one case concerning alleged discrimination in the context of employment law relations in general.¹⁶⁰ The case was dismissed by the court due to the claimant's procedural inactivity, without a decision on the merits.¹⁶¹

¹⁵⁷ See Anti-discrimination Act, 365/2004, Section 5(2)(d).

¹⁵⁸ Anti-discrimination Act, 365/2004, Section 6(1) and 6(2)(a).

¹⁵⁹ The applicable provisions (apart from the ones contained in the Anti-discrimination Act) are, for example, Article 6 (on the basic principles) and Section 41 of the Labour Code, Article 9 (on the basic principles) of the Civil Service Act, and Section 5a of the Small Business Act. It can be stated that conditions for access to self-employment (among others mentioned above) have been transposed into the domestic legislation in line with the directives.

¹⁶⁰ Response from the Ministry of Justice of the Slovak Republic of 28 January 2026 to a request for information of 12 January 2026 (on file with the author).

¹⁶¹ Decision of the District Court Bratislava IV of 22 November 2024, no. [B3-17Cpr/12/2021](#).

3.2.2 Employment and working conditions, including pay and dismissals (Article 3(1)(c))

In Slovakia, national legislation prohibits discrimination in working conditions, including pay and dismissals, for all five grounds and for both private and public employment. Gender identity/expression and/or sex characteristics are not explicitly covered by domestic legislation.

Section 6(2)(b) of the Anti-discrimination Act expressly covers, for the whole area of employment relationships, similar relationships and related legal relationships, and on all the grounds contained in the Anti-discrimination Act (sex, religion or belief, race, affiliation with a nationality (*národnosť*) or an ethnic group, disability, age, sexual orientation, marital status and family status, colour of skin, language, political or other opinion, national or social origin, property, lineage/gender or other status, or the reason of reporting criminality or other anti-social activity), 'the performance of employment¹⁶² and working conditions, including remuneration, promotion and dismissal', in which the principle of equal treatment applies (Section 6(1) of the Anti-discrimination Act).

According to the third sentence of Article 8 of the basic principles of the Labour Code, and Section 158 of the Labour Code, the employer must create such working conditions for employees with disabilities as to enable them to apply and upgrade their work skills, taking account of their state of health. The Labour Code covers also some additional grounds in comparison with the Anti-discrimination Act such as trade union involvement, unfavourable state of health and genetic features.

3.2.3 Access to all types and all levels of vocational guidance, vocational training, advanced vocational training and retraining, including practical work experience (Article 3(1)(b))

In Slovakia, national legislation prohibits discrimination in vocational training outside the employment relationship, such as adult lifelong learning courses or vocational training provided by technical schools or universities. Gender identity/expression and/or sex characteristics are not specifically covered in national legislation.

Section 6(2)(c) of the Anti-discrimination Act stipulates the duty to observe the principle of equal treatment on all the grounds prohibited within it (sex, religion or belief, race, affiliation with a nationality (*národnosť*) or an ethnic group, disability, age, sexual orientation, marital status and family status, colour of skin, language, political or other opinion, national or social origin, property, lineage/gender or other status, or the reason of reporting criminality or other anti-social activity) and in connection with the rights for which provision is made in separate acts in the area of access to vocational training, further vocational training and participation in active labour market policy programmes, including access to guidance services regarding employment selection and change of employment.

By defining 'Lifelong learning system' in Section 3, the Act on Adult Education¹⁶³ indirectly defines what is to be understood under the term 'vocational training'. The lifelong learning system consists of formal education, non-formal education and informal learning. According to this Act, formal education is education and training in a school included in the network, studying in a degree programme at a higher education institution, and education through an accredited educational programme. Non-formal education is education organised and delivered through planned activities which enable among others the acquisition, completion, broadening or deepening of qualifications, the acquisition, completion, extension or deepening of key competences, basic skills, digital skills or green skills and satisfying the interests of the natural person, including participation in society.

¹⁶² The term 'employment' includes occupation, other gainful activity or function.

¹⁶³ Act No. 292/2024 on Adult Education and amending and supplementing certain laws (*zákon č.292/2024 Z. z. o vzdelávaní dospelých a o zmene a doplnení niektorých zákonov*).

Informal learning is 'individual learning and is the result of activities that are not planned, structured or deliberate.'

The Act does not contain any equality/anti-discrimination clause or any reference to the Anti-discrimination Act.

The Act on Higher Education, regulating university education, stipulates that the rights provided under the Act will be guaranteed in accordance with the principle of equal treatment on following prohibited grounds: age, sex, sexual orientation, religion or belief, race, affiliation with a nationality (*národnosť*) group, disability, sexual orientation, marital status and family status, colour of skin, language, political or other opinion, national or social origin, property, lineage/gender, trade union involvement or other status.¹⁶⁴

There is no case law that would be relevant with regard to the applicability of vocational training provisions.

3.2.4 Membership of, and involvement in, an organisation of workers or employers, or any organisation whose members carry on a particular profession, including the benefits provided for by such organisations (Article 3(1)(d))

In Slovakia, national legislation prohibits discrimination in relation to membership of, and involvement in, workers or employers' organisations as formulated in the directives for all five grounds and for both private and public employment. Gender identity/expression and/or sex characteristics are not specifically covered in national legislation.

Sections 6(1) and 6(2)(d) of the Anti-discrimination Act prohibit discrimination on all the grounds covered by the Anti-discrimination Act (sex, religion or belief, race, affiliation with a nationality (*národnosť*) or an ethnic group, disability, age, sexual orientation, marital status and family status, colour of skin, language, political or other opinion, national or social origin, property, lineage/gender or other status, or the reason of reporting criminality or other anti-social activity) in connection with rights provided for by separate acts in the spheres of membership of and activity in employees' organisations, employers' organisations and organisations bringing together people of certain occupations, including the benefits that these organisations provide to their members.

There is no case law regarding the issue.

3.2.5 Social protection, including social security and healthcare (Article 3(1)(e) Directive 2000/43)

In Slovakia, national legislation prohibits discrimination in relation to social protection, including social security and healthcare as formulated in the Racial Equality Directive. The gender identity/expression or sex characteristics are not specifically covered in national legislation.

Sections 5(1) and 5(2)(a)(b) of the Anti-discrimination Act prohibit discrimination on all the grounds contained in the Anti-discrimination Act (sex, religion or belief, race, affiliation with a nationality (*národnosť*) or an ethnic group, disability, age, sexual orientation, marital status and family status, colour of skin, language, political or other opinion, national or social origin, property, lineage/gender or other status, or the reason of reporting criminality or other anti-social activity) in conjunction with special laws existing in the area of access to and provision of social assistance (defined as social services in the relevant

¹⁶⁴ Higher Education Act, 131/2002, Section 55(2). This act will be replaced by the new Act on Higher Education No. 300/2025 Coll of Law effective from 1 March 2026.

legislation),¹⁶⁵ social insurance, old-age pension insurance, supplementary pension insurance, state social support, social advantages and healthcare.

In the field of 'state social support', the Act on Aid in Material Need¹⁶⁶ regulates, among other things, the provision of financial aid to those who are deemed to be in material need.¹⁶⁷ Material need is defined as a situation where the income of members of a household does not reach the level of the 'minimum living threshold' and members of the household are unable to secure or increase their income through work, the exercise of ownership rights or other rights to property, or the assertion of claims. The 'minimum living threshold' is a sum stipulated by a special law;¹⁶⁸ in 2025 the sum for one adult was EUR 284.13 per month. The allowance (financial aid in material need) is supposed to secure basic living conditions.¹⁶⁹

The Act contains a provision (Section 10(3)) that reduces the payment of the material need allowance by a sum of EUR 86.50 per adult (living in a household which is potentially eligible for payment of the allowance) who does not carry out some kind of 'work in the public interest' (for example, works organised by municipalities to maintain public premises), some kind of voluntary work (pursuant to a special law on voluntarism)¹⁷⁰ or some kind of work that prevents or solves emergency situations, for 32 hours per month.

After its adoption, this provision was presented by Government representatives as a way of motivating Roma people to work and 'deserve' the payments that they receive from the state and to prevent people from getting something from the state 'for free'. There is also no doubt that this provision has a negative impact on marginalised Roma.

As such, this provision has been very heavily criticised by civil society and NGOs.¹⁷¹ Nevertheless, the Constitutional Court ruled on the legality of the provision, in a decision in which it dismissed the complaint of a group of MPs and concluded that the provision is not in violation of the general non-discrimination principle provided for by the Slovak Constitution.¹⁷²

In 2025 the legislation was amended to include the possibility of also reducing the payment of the material need allowance if the individual refuses to accept a suitable job offered by the labour office without serious reasons or refuses to start a suitable job offered by the

¹⁶⁵ Act No. 448/2008 on Social Services and on amending and supplementing Act No. 455/1991 on Licensed Trades (Small Business Act), as amended (*zákon č. 448/2008 Z. z. o sociálnych službách a o zmene a doplnení zákona č. 455/1991 Z. z. o živnostenskom podnikaní (živnostenský zákon) v znení neskorších predpisov*).

¹⁶⁶ Act No. 417/2013 on Aid in Material Need and on changing and supplementing other laws, as amended (*zákon č. 417/2013 Z. z. o pomoci v hmotnej núdzi a o zmene a doplnení niektorých zákonov v znení neskorších predpisov*).

¹⁶⁷ See Act on Aid in Material Need, 417/2013, Section 1(1).

¹⁶⁸ Act No. 601/2003 on the Living Minimum and on changing and supplementing other laws, as amended (*zákon č. 601/2003 Z. z. o životnom minime a o zmene a doplnení niektorých zákonov v znení neskorších predpisov*).

¹⁶⁹ Act on Aid in Material Need, 417/2013, Section 10(1,2). Under the Act, the basic sum of this allowance for an adult living alone is EUR 86.50 per month, for a couple without children it is EUR 150.30 per month, for an individual with one to four children it is EUR 164.50 per month, for a couple with one to four children it is EUR 224.90 per month and so on (with the principle being the more people who are assessed together, the lower the average payment per person).

¹⁷⁰ Act No. 406/2011 on Volunteerism and on changing and supplementing other laws (*zákon č. 406/2011 Z. z. o dobrovoľníctve a o zmene a doplnení niektorých zákonov v znení neskorších predpisov*).

¹⁷¹ See, for example, Balážová, G., Gallová Kriglerová, E., Chudžíková, A., Lajčáková, J., Kadlečíková, J. (2017), *Riešenie nezamestnanosti Romov, Od mýtov k praxi a späť*, available at: http://cvek.sk/wp-content/uploads/2017/04/Nezamestnanost-Romov_studia.pdf; Balážová, G., Gallová Kriglerová, E., Chudžíková, A., Lajčáková, J., Surová, S., Števílová, Z. (2013), *Menšinová politika na Slovensku v roku 2013: Výročná správa* (Minority Policies in Slovakia in 2013: Annual Report), Centrum pre výskum etnicity a kultúry, 2013, pp. 65-78, available at: <http://cvek.sk/mensinova-politika-na-slovensku-v-roku-2013-vyrocná-správa/>.

¹⁷² Decision of the Constitutional Court of the Slovak Republic, No. PL.ÚS 8/2014, 27 May 2015.

labour office without serious reasons.¹⁷³ This amendment was presented by state officials as the 'Work instead of benefits' initiative, which came into effect on 1 September 2025. The main goal of this initiative was presented as being to motivate people to return to the labour market by making it so that rejecting a suitable job offer from the employment office will lead to a reduction or loss of material assistance benefits. Amnesty International called on the president of the Slovak Republic to veto the amendment, stating that it introduces a discriminatory factor and will affect the most vulnerable groups of people, who already face social exclusion.¹⁷⁴

The basic law on the state social security scheme is the Social Insurance Act.¹⁷⁵ An integral part of the state social security system is also formed by the old-age pension scheme. The Social Insurance Act states that policyholders have rights in the exercise of social insurance in compliance with the principle of equal treatment in social security established in the Anti-discrimination Act.

The same applies to police officers, professional soldiers and soldiers in preparatory service under the Act on Social Security for Police Officers and Soldiers.¹⁷⁶

The Social Services Act¹⁷⁷ regulates legal relations in connection with the provision of social services.¹⁷⁸ The Social Services Act contains a principle of equal treatment clause and refers to the Anti-discrimination Act, as does the Act on Benefits for Compensation of Serious Disability,¹⁷⁹ which regulates legal relationships connected with providing financial contributions aimed at compensating for the social consequences of 'serious disabilities'.

The Act on Old-Age Pension Saving contains a prohibition of discrimination clause formulated as a referral to the Anti-discrimination Act.¹⁸⁰ Similarly, according to the Act on Supplementary Pension Saving, discrimination in the performance of supplementary pension saving is prohibited in compliance with the Anti-discrimination Act, unless the Act on Supplementary Pension Saving states otherwise.¹⁸¹

¹⁷³ Act No. 151/2025 amending and supplementing Act No. 5/2004 Coll. on employment services and on amendments and supplements to certain acts, as amended, and amending and supplementing certain acts.

¹⁷⁴ See article by the Slovak press agency, 9 June 2025, available at: <https://www.teraz.sk/spravy/amnesty-international-vyzvala-prezidenta/884384-clanok.html>.

¹⁷⁵ Act No. 461/2003 on Social Insurance as amended (*zákon č. 461/2003 Z. z. o sociálnom poistení v znení neskorších predpisov*).

¹⁷⁶ Act No. 328/2002 on Social Security for Police Officers and Soldiers and on amending and supplementing certain acts as amended (*zákon č. 328/2002 Z. z. o sociálnom zabezpečení policajtov a vojakov a o zmene a doplnení niektorých zákonov v znení neskorších predpisov*), Section 113 para 5.

¹⁷⁷ Act No. 448/2008 on Social Services and on amending and supplementing Act No. 455/1991 on Licensed Trades (Small Business Act), as amended (*zákon č. 448/2008 Z. z. o sociálnych službách a o zmene a doplnení zákona č. 455/1991 Z. z. o živnostenskom podnikaní (živnostenský zákon) v znení neskorších predpisov*).

¹⁷⁸ A social service is defined as 'expert activity, service activity or other activity or activities aimed at a) the prevention of the development of an unfavourable social situation, resolving an unfavourable social situation or mitigating the unfavourable social situation of a natural person, family or community; b) sustaining, renewing or developing the capacity of a natural person to conduct an independent life and supporting their integration into society; c) maintaining the conditions necessary to satisfy the basic needs of a natural person; d) resolving a critical social situation affecting a natural person and their family; e) the prevention of social exclusion of a natural person and their family; f) ensuring childcare due to the situation in the family that requires childcare assistance'. See Social Services Act, 448/2008, Section 2(1).

¹⁷⁹ Act on Benefits for Compensation of Serious Disability, 447/2008.

¹⁸⁰ Act No. 43/2004 on Old-Age Pension Saving and amending and supplementing certain laws, as amended (*zákon č. 43/2004 Z.z. o starobnom dôchodkovom sporení a o zmene a doplnení niektorých zákonov v znení neskorších predpisov*), Section 9.

¹⁸¹ Act on Supplementary Pension Saving, 650/2004, Section 7(1). The purpose of supplementary pension saving is to enable a participant in the pension scheme to acquire a supplementary retirement income in old age and a supplementary retirement income after termination of a hazardous occupation (in accordance with the legal classifications), or after termination of work as a dance artist or a musician playing a wind instrument. Within the framework of supplementary pension insurance, an employer pays, on the ground of a contract, a regular contribution for employees to a supplementary pension company.

The right to healthcare guaranteed under the Act on Healthcare, like the right to social security, goes beyond the scope of Directive 2000/43 in terms of the grounds covered. The act contains a principle of equal treatment clause and refers to the Anti-discrimination Act (for grounds, see Section 2.1 above).¹⁸²

Policyholders (in the field of health insurance) have rights in the exercise of public health insurance in accordance with the principle of equal treatment in healthcare regulated in the Anti-discrimination Act.¹⁸³

Within the context of state social support as defined by Slovak legislation, Act 383/2013 on Childbirth Allowance and on Allowance for Multiple Concurrently Born Children¹⁸⁴ appears to be very problematic as, according to some NGOs, it is in breach of Directive 2000/43. In particular, it contains provisions on childbirth allowance that have discriminatory effects on Roma women (but also, in principle, on all women in general).

Section 3(4)(a) of the Act makes payment of the state childbirth allowance conditional on attendance at prenatal check-ups once a month from the fourth month of pregnancy until childbirth with a physician specialising in gynaecology and obstetrics or equivalent check-ups abroad. Participation in a prenatal check-up in the relevant month is also deemed to have been fulfilled if healthcare was provided to the eligible person in institutional (inpatient) care. According to the applicable legislation, prenatal medical check-ups with a gynaecology specialist are not mandatory, but only recommended, and a woman has the right to refuse them without legal sanctions.

Moreover, if a woman chooses during pregnancy to use the services of a midwife who may, under the applicable legal regulations, practice independently of a physician, the condition requiring attendance at preventive check-ups with a gynaecology specialist automatically means that this woman will not be entitled to the childbirth allowance.¹⁸⁵

Section 3(4)(b) of the Act conditions a payment of a state childbirth allowance upon not leaving the maternity hospital in a way that conflicts with a legal regulation on releasing a patient from a healthcare facility.¹⁸⁶ The provision referred to is the Act on Healthcare, which stipulates that in situations when a release is not medically substantiated, healthcare providers are obliged to release a patient from a healthcare facility if the patient requests them to do so.¹⁸⁷ However, the formulation of the relevant provisions, the lack of mechanisms guaranteeing that requests for release are handled by the hospital

¹⁸² Act No. 576/2004 on Healthcare, Services Related to the Provision of Healthcare and on amending and supplementing certain acts, as amended (*zákon č. 576/2004 Z. z. o zdravotnej starostlivosti, službách súvisiacich s poskytovaním zdravotnej starostlivosti a o zmene a doplnení niektorých zákonov*), Section 11(2)-(6).

¹⁸³ Act No. 580/2004 on Health Insurance and on amendment and supplementation of Act No. 95/2002 on Insurance and on amending and supplementing certain laws, as amended (*zákon č. 580/2004 Z. z. o zdravotnom poistení a o zmene a doplnení zákona č. 95/2002 Z. z. o poisťovníctve a o zmene a doplnení niektorých zákonov v znení neskorších predpisov*), Section 29.

¹⁸⁴ Act. No. 383/2013 on Childbirth Allowance and on Allowance for Multiple Concurrently Born Children and on amending and supplementing certain laws (*zákon č. 383/2013 o príspevku pri narodení dieťaťa a príspevku na viac súčasne narodených detí a o zmene a doplnení niektorých zákonov*).

¹⁸⁵ Pursuant to the Decree of the Ministry of Health of the Slovak Republic No. 208/2024 Coll., dated 15 July 2024, which defines the scope of nursing practice provided by a nurse independently, independently on the basis of a physician's indication and in cooperation with a physician, as well as the scope of midwifery practice provided by a midwife independently, independently on the basis of a physician's indication and in cooperation with a physician.

¹⁸⁶ This is the wording of Section 3(4)(b) as of 30 June 2014 (after an amendment to Act No. 185/2014). Before this amendment, Section 3(4)(b) of Act 383/2013 on Childbirth Allowance and on Allowance for Multiple Concurrently Born Children stipulated that a woman who leaves her child in the maternity hospital following the birth, without prior consent from the maternity hospital, has no right to childbirth allowance.

¹⁸⁷ Healthcare Act, 576/2004, Section 9(6)(c). Section 9(6)(c) of the Healthcare Act reads as follows: '[A healthcare provider shall release a person from facility-based care] upon her own request, or upon the request of her legal representative if she, despite an adequate amount of information received, refuses the facility-based care, unless the facility-based care is ordered by a court or unless a facility-based care the legality of which is decided upon by a court is at stake.'

staff, and the common and normalised practice of detaining all women in maternity hospitals for three to five days after childbirth, all create an impression that women must follow a special procedure when they wish to leave a maternity hospital, or that they have special duties to fulfil in order to leave a hospital. Such legal regulation creates situations of uncertainty and a power imbalance that prevents women from deciding freely and voluntarily on the length of their stay in a maternity hospital after childbirth.

The situation has a disproportionate effect on Roma women who, in many cases, do not regularly attend preventive prenatal check-ups or may decide to leave hospital after childbirth before their official discharge. This happens due to lack of access to healthcare (long distances and insufficient financial means for transportation to their attending gynaecologist),¹⁸⁸ as well as caring responsibilities for other children and as a result of discrimination and hostility in the hospital. A mother who left a baby in hospital in most of the cases come back to collect a baby later.¹⁸⁹ These legislative measures neither address nor mitigate the underlying reasons for this situation. The challenged provision has been subject to proceedings initiated by an *actio popularis* that was filed by the Center for Civil and Human Rights (see Section 2.2). In lengthy proceedings domestic courts rejected the lawsuit including the Constitutional Court which found decisions made by the general courts to be in compliance with the Slovak Constitution.¹⁹⁰

In 2025 the equality body, the Slovak National Centre for Human Rights, issued an expert opinion in a case of failure by an employer to grant parental benefits on the grounds of an employee's sexual orientation. The equality body concluded that there is a well-founded presumption of discrimination on the ground of sexual orientation in the case of a civil servant whose employer repeatedly delayed and obstructed the processing of his requests for a childbirth allowance and extended annual leave based on permanent care for a child. Despite meeting the conditions under the collective agreement and submitting the required documents, the employer remained passive, requested additional documentation (including recognition of foreign parenthood documents) and required the complainant to prepare a legal analysis to justify his entitlement. The Centre found that this conduct may constitute direct discrimination and harassment, as the complainant was treated less favourably than a comparable employee would have been and was exposed to degrading and obstructive treatment linked to his same-sex marriage.¹⁹¹

a) Article 3(3) exception (Directive 2000/78)

The social insurance, old-age pension insurance and state social support schemes are guaranteed and administered by the state. The providers of social services are, to a large extent, public bodies (municipalities, self-governing regions or legal persons established by them). This means that national law does not rely on the exception in Article 3(3) of Directive 2000/78, and the principle of equal treatment is also guaranteed in the state social security and social protection schemes.

¹⁸⁸ For more detailed information on manifestations of discrimination against Roma women in the field of reproductive healthcare, we refer to the research report by the Centre for Civil and Human Rights & Center for Reproductive Rights, *Vakeras Zorales – Hovoríme nahlas. Skúsenosti rómskych žien so zdravotnou starostlivosťou o reprodukčné zdravie na slovensku* (Speaking out. Roma women's experiences with reproductive healthcare in Slovakia). Available at: <https://bit.ly/3rV5tft>.

¹⁸⁹ Center for Civil and Human Rights (2024), *Impact of the Section 3(4b) of the Act No. 383/2013 Coll. of Laws on Birth Allowance and Multiple Children Birth Allowance in Slovak Republic on rights of marginalised Roma women and children*, available at: https://poradna-prava.sk/wp-content/uploads/2024/12/Filed-research-on-impact-of-the-provisions-of-the-legislation-on-child-birth-allowance-on-Roma-women-and-children_September-2024.pdf.

¹⁹⁰ Decision of the District Court Bratislava I, No 12C 231/2010, 16 May 2014. Decision of the Regional Court in Bratislava, No 14Co/552/2014-180, 26 September 2017. Decision of the Supreme Court of the Slovak Republic, No. 7 Cdo114/2020 of 27 October 2022. Decision of the Constitutional Court of the Slovak Republic, ref. no. IV. ÚS 197/2024, 24 April 2024.

¹⁹¹ See expert opinion of the Slovak National Centre for Human Rights, available in Slovak at: <https://www.snslp.sk/wp-content/uploads/OS-neposkytnutie-rodicovskych-benefitov-z-dovodu-sexualnej-orientacie-zamestnanca.pdf>.

3.2.6 Social advantages (Article 3(1)(f) Directive 2000/43)

In Slovakia, national legislation prohibits discrimination in social advantages as formulated in the Racial Equality Directive, although judicial interpretation is required regarding social advantages provided by pieces of legislation/regulations other than laws. Gender identity/expression and sex characteristics are not specifically covered in national legislation.

Section 5(2)(a) (to be read in conjunction with Section 5(1)) of the Anti-discrimination Act) prohibits discrimination on all the grounds contained within it (sex, religion or belief, race, affiliation with a nationality (*národnosť*) or an ethnic group, disability, age, sexual orientation, marital status and family status, colour of skin, language, political or other opinion, national or social origin, property, lineage/gender or other status, or the reason of reporting criminality or other anti-social activity) in the area of, *inter alia*, access to and provision of social advantages. However, the duty to observe the principle of equal treatment in the area of social advantages applies only 'in connection with special laws' in this field (see below for a more detailed explanation).

The Anti-discrimination Act does not contain any definition of social advantages. The interpretation of the concept will therefore depend on future practice and potential judicial interpretation.

Social housing could also fall under the concept of social advantages, but judicial interpretation would be needed in this regard. In Slovakia, social housing is defined in Slovak legislation¹⁹² as housing acquired using public funds and intended to provide adequate and dignified housing for natural persons who are unable to secure housing by their own means and who meet the conditions set out in the Act. Social housing provided by a municipality or a higher level public authority constitutes a service of general interest. Social housing in the Slovak Republic includes various forms of support, such as rental housing owned by towns and municipalities; social housing as part of social services (dormitories, shelters, halfway houses, emergency housing, low-threshold day centres); and housing allowance as part of a system of assistance with material needs or a one-off allowance for young adults from children's homes. Taking care of the needs of citizens in the field of housing in Slovakia is within the competence of towns and municipalities. In addition, there is legislation that is aimed at supporting the construction of rental housing with regulated rents and a guarantee of long-term housing. It is intended to address insufficient physical and affordable availability of housing for broad groups of the population.¹⁹³

The problem with regard to social advantages is the statutory provision contained in Section 3(2) of the Anti-discrimination Act, stipulating that the right to equal treatment applies only in connection with another substantive right provided for by law. Given the fact that many of the benefits that come within the scope of social advantages would be provided by generally binding legal enactments other than laws (for example, Government decrees, ministerial ordinances, generally binding ordinances of self-governing bodies or municipalities etc.), this legislative solution raises serious doubts as to whether the transposition of the directive is correct.

By reducing the scope of rights to be applied in accordance with the principle of equal treatment to those that are regulated by special 'laws', the public authorities can easily circumvent the directives by adopting measures of lower legal force than laws (although this particular issue has not yet been raised in the courts).

¹⁹² Act No. 443/2010 on subsidies for housing development and social housing, as amended by the Act No. 145/2025, effective from 1 January 2026.

¹⁹³ Act. No. 222/2022 on state support for rental housing, as amended.

In its publication on the availability of municipal rental housing, the Slovak equality body examined obstacles faced not only by Roma households but also by single mothers, persons with disabilities and the elderly. It also addressed barriers in the private property market. A key finding was the persistent segregation of Roma households, who are often confined to lower-standard social housing estates, while Roma living in standard rental housing among the majority population remain exceptions, even in rural areas pursuing more inclusive policies. The report also highlighted widespread discriminatory practices in access to municipal rental housing, noting that municipal regulations often include vague or discriminatory conditions that create significant scope for unequal treatment.¹⁹⁴

In addition, the Supreme Audit Office of the Slovak Republic, in its report entitled *Report on the results of the 2024 audit: Activities of the state-supported rental housing agency* describes in more detail the tasks and shortcomings in functioning of this state-run agency. According to the report, the agency's goal is to implement Slovakia's social policy in the area of affordable housing by creating conditions for the development of state-supported rental housing. Its key tasks include managing and developing this system, designing operational rules, selecting and monitoring investment partners, approving projects, overseeing their implementation, maintaining registers and determining rent levels. The Supreme Audit Office highlights that housing is a basic human need and housing shortages have a serious impact on the population, health, urban development and the economy. According to the State Housing Policy Concept until 2030, Slovakia lacks more than 514 000 housing units, approximately 40 % of which are required for rental housing. State-supported rental housing is intended to fill the gap between social housing, market rentals and homeownership through a mortgage, primarily for people on lower and middle incomes. The model is to be implemented through an agency established by law, government regulations and other legal provisions, with the aim of constructing at least 100 000 rental units.

Between 2021 and July 2024, more than EUR 5 million was spent on preparing the model and the agency's activities. However, for over two years the agency has not fulfilled its purpose and has not carried out significant activities related to the development of state-supported rental housing. The Supreme Audit Office considers the expenditure of these funds to be uneconomical. The audit also revealed serious systemic shortcomings with the agency: non-functional governing bodies, a formal internal financial control system, accounting errors affecting the accuracy of the 2023 financial statements, failure to ensure economy, efficiency and effectiveness in rental and legal contracts, and non-implementation of approved work plans.¹⁹⁵

3.2.7 Education (Article 3(1)(g) Directive 2000/43)

In Slovakia, national legislation prohibits discrimination in education as formulated in the Racial Equality Directive.

Sections 5(1) and 5(2)(c) of the Anti-discrimination Act stipulate the duty to observe the principle of equal treatment and prohibit discrimination on all the grounds contained within the act (sex, religion or belief, race, affiliation with a nationality (*národnosť*) or an ethnic group, disability, age, sexual orientation, marital status and family status, colour of skin, language, political or other opinion, national or social origin, property, lineage/gender or other status, or the reason of reporting criminality or other anti-social activity), including in the area of education. Gender identity/expression and sex characteristics are not explicitly covered in national legislation.

¹⁹⁴ Slovak National Centre for Human Rights (2024), *Dostupnosť obecného nájomného bývania* (Availability of municipal rental housing). Available at: <https://www.snslp.sk/wp-content/uploads/Dostupnost-obecneho-najomneho-byvania.pdf>.

¹⁹⁵ Supreme Audit Office of Slovak Republic (2024), *Správa o výsledku kontroly 2024. Činnosť Agentúry štátom podporovaného nájomného bývania* (Report on the results of the 2024 audit: Activities of the state-supported rental housing agency), available at: <https://www.nrsr.sk/web/Dynamic/DocumentPreview.aspx?DocID=562602>.

The Schools Act establishes 'equal access to education, taking into account the special educational needs of the individual and her/his responsibility for her/his education',¹⁹⁶ 'inclusive education'¹⁹⁷ as well as the 'prohibition of all forms of discrimination, and especially segregation',¹⁹⁸ as the principles on which education should be based. The act also contains a definition of inclusive education, amended by a revision effective from 1 January 2026, as the 'joint upbringing and education of children, pupils, students or participants in educational programmes, carried out on the basis of equal opportunities, providing support to each individual according to their educational needs, respecting individual differences and promoting their active participation in the educational activities of the school or educational institution as well as in society'.¹⁹⁹ The principle of inclusive education is conceptualised in Slovak strategic policy documents as something that concerns everyone in the school environment; that is, all children, pupils, students, teachers, educators, parents and other actors in education and training. It is also included, in a broader context, in all related policies, e.g. youth, employment and other policies affecting the life of Slovak society.²⁰⁰ The Act on Higher Education also prohibits discrimination.²⁰¹

In 2024, the first major amendment to the Schools Act was introduced, bringing several key changes aimed at supporting children and pupils with special educational needs²⁰² and expanding access to pre-primary and primary education. The amendment included a redefinition of segregation, a definition of special educational needs and a framework of applicable support measures to help children fully participate in education, obligatory from 2026.²⁰³

On 21 October 2025 the Slovak Parliament approved another package of education laws. This was presented by the Ministry of Education as the most extensive reform of the school system in two decades. The legislation covers the entire educational pathway – kindergartens, primary and secondary schools, vocational training and higher education – and aims to increase fairness, quality, efficiency and digitalisation. It introduces clear rules, strengthens inclusion and prepares schools for long-term development. It introduces several changes in order to eliminate school segregation and secure equal access to education for all children, including those from marginalised Roma communities.²⁰⁴

Regarding early childhood education, the legislation lowers the age of compulsory pre-primary education for children from the age of five to four as of school year 2027/2028, and from three as of 2028/2029.²⁰⁵ For primary education the reform adopts a new system of state school catchment areas to ensure fair admissions. New criteria for creating school catchment areas include: school capacity, distance, accessibility, linguistic rights (state language and minority languages), anti-segregation principles and inclusiveness. As the Ministry of Education highlighted to the media, when determining a school catchment area, the prohibition of segregation in education and the principle of inclusive education must be

¹⁹⁶ Schools Act, 245/2008, Section 3(d).

¹⁹⁷ Schools Act, 245/2008, Section 3(e).

¹⁹⁸ Schools Act, 245/2008, Section 3(f).

¹⁹⁹ Schools Act, 245/2008, as amended by the Act No. 323/2025, Act amending and supplementing Act No. 245/2008 Coll. on Upbringing and Education (the Schools Act), as amended, and amending and supplementing certain other Acts, 21 October 2025, effective from January 1 2026 Section 2 (ai).

²⁰⁰ 'Stratégia inkluzívneho prístupu vo výchove a vzdelávaní' (Strategy for an inclusive approach in upbringing and education), adopted by the Government of the Slovak Republic on 8 December 2021, p. 6. Available at: <https://www.slov-lex.sk/legislativne-procesy/SK/LP/2021/659>.

²⁰¹ Act on Higher Education, 131/2002, Section 55. This act will be replaced by the new Act on Higher Education No. 300/2025 Coll of Law effective from 1 March 2026.

²⁰² Schools Act, 245/2008, Section 2 (i) and Section 145(a).

²⁰³ Schools Act, 245/2008, Section 3(b).

²⁰⁴ See Press release of the Ministry of Education on the adoption of the package of laws on education of 22 October 2025. Available in Slovak at: <https://www.minedu.sk/poslanci-narodnej-rady-sr-schvalili-balik-skolskych-zakonov/>.

²⁰⁵ Schools Act, 245/2008, Section §161l(2).

respected.²⁰⁶ Church and private schools may receive full state funding if they follow public admission rules (prioritising children from their local catchment area), do not charge tuition fees and fulfil demonstrable public interest.²⁰⁷

The legislation introduces a new definition of children with disabilities, consistent with the UN Convention on the Rights of Persons with Disabilities. Under the new wording, a child or pupil with a disability is defined as:

'a child or pupil with a mental disability, hearing disability, visual disability, physical disability, intellectual disability, impaired communication ability, autism or other pervasive developmental disorders, multiple disabilities, or a combination of disabilities where no single predominant disability can be identified, which may prevent the child or pupil from being educated in the same way as children and pupils without disabilities.'²⁰⁸

The legislation also redefines the concept of a child or pupil from a socially disadvantaged environment, strengthening clarity and alignment with inclusive education principles. A child or pupil from a socially disadvantaged background is defined as a child who meets at least one of several conditions related to their family or personal circumstances. These include having parents with lower secondary education, parents registered as jobseekers for at least 12 consecutive months, belonging to a household receiving material need assistance, placement in an educational institution or being an asylum seeker, refugee or foreigner with subsidiary protection. A child is also considered socially disadvantaged if they have not received pre-primary education or if a diagnostic assessment shows they do not have age-appropriate knowledge, skills, abilities or emotional characteristics, which are not due to a health disability. Additionally, a child living in a household with another child who meets these criteria may also be considered socially disadvantaged.²⁰⁹

The amendment also introduced changes to school districts. According to the Ministry of Education, the aim of creating the new school districts was to guarantee every pupil a place at a state school, ensuring access for all. These districts must respect both accessibility and the prohibition of segregation, with municipalities receiving support to implement them. National minority districts will also be established to allow pupils to be educated in their mother tongue.²¹⁰

The laws were published in the Collection of Laws on 24 November 2025, some measures including the school district reform are effective from 1 January 2026, some only from 2028.

The Schools Act also includes a definition of segregation in education. Segregation is defined specifically as:

'An act or omission to act which is contrary to the principle of equal treatment under a special act (*referring to the Anti-Discrimination Act*) and which results or is likely to result in the spatial, organisational or social exclusion or separation of a group of children, pupils, learners or participants in upbringing and education except for education provided in accordance with an international treaty by which the Slovak Republic is bound in exercising the rights of national minorities to education and training in the language of the national minority concerned and in creating conditions for the education of children with disabilities or talents and pupils with disabilities or talents, taking into account their will and interests and the will and interests of their

²⁰⁶ See Article in the Slovak Press Agency from 21 October 2025. Available in Slovak at: <https://www.teraz.sk/spravy/meni-sa-urcovanie-skolskych-obvodov/914979-clanok.html>.

²⁰⁷ Act No. 322/2025 on the Financing of Schools and School Facilities, of 21 October 2025.

²⁰⁸ Schools Act, 245/2008, Section 2(k).

²⁰⁹ Schools Act, 245/2008, Section 2(o).

²¹⁰ For more detailed information see the Ministry of Education's webpage dedicated to school reform: <https://reforma.iedu.sk/zakladne-skoly/>.

legal guardians, if participation in such education is optional and corresponds to the regulation of the conditions of education and training pursuant to this Act, specifically for education and training at the same level of education.’²¹¹

The Schools Act also specifies that observing the prohibition of segregation in upbringing and education is understood as ‘taking and implementing measures to prevent and eliminate it’.²¹²

The author of this report considers that the wording of the definition as introduced is vague and problematic, and can potentially provide justification for some instances of school segregation of Roma children in Slovakia in respect of state institutions. Notably, the Slovak National Centre for Human Rights (the equality body) also published a statement critically reacting to the adopted definition of segregation.²¹³ In addition, the eligibility for a primary school to establish an introductory year for children with a communication or mild developmental disability was criticised by the equality body, and by the NGO Center for Civil and Human Rights, for not being conceptually inclusive and for maintaining the segregation of Roma children or children with health disabilities in practice.²¹⁴

The amendment to the Schools Act of 2023 introduced the right for pre-school education from the age of three, so that any child from the age of three whose parents express an interest has a right to be admitted to a kindergarten or another establishment providing pre-primary education.²¹⁵

In recent years, based on the legislative reforms, the Government intended to increase the capacities of kindergartens through investment from the Recovery and Resilience Plan.²¹⁶

Since 2024, the legislation has also included a definition of schools where the language of instruction is the language of a national minority, mandatory desegregation standards and a prohibition on schools operating a double-shift system.²¹⁷

In particular, the legislation provides the following:

- Ethnic minority education refers to schools taught through the medium of an ethnic minority language, classes taught through the medium of an ethnic minority language, schools teaching an ethnic minority language, and ethnic minority educational institutions. The educational process in ethnic minority education also focuses on the preservation and development of the cultural and linguistic identity of children and students belonging to ethnic minorities.²¹⁸
- A school taught through the medium of an ethnic minority language is a school where the entire educational process, except for the teaching of the Slovak language and foreign languages, is conducted in the language of the ethnic minority.²¹⁹

²¹¹ Schools Act, 245/2008, Section 2(aj) as amended by the Law no. 290/2024, effective from 1 September 2025.

²¹² Schools Act, 245/2008, Section 2(aj).

²¹³ The statement is available in Slovak at: <https://www.snslp.sk/aktuality/stanovisko-k-medzeram-a-nedostatkom-prijateho-znenia-definie-segregacie-vo-vychove-a-vzdelavani/>.

²¹⁴ See ‘Comments of the NGO Center for Civil and Human Rights to the amendment of the Schools Act’. Available at https://poradna-prava.sk/wp-content/uploads/2022/09/Pripomienky-k-navrhu-novely-skolskeho-zakona_definicia-segregacie.pdf.

²¹⁵ Schools Act, 245/2008, Section 3(b).

²¹⁶ Recovery and Resilience Plan, Component 6.

²¹⁷ Act No. 290/2024 Act amending Act No. 597/2003 Coll. on the financing of primary schools, secondary schools and school establishments, as amended, and amending and supplementing certain acts. Available at: <https://www.slov-lex.sk/ezbierky/pravne-predpisy/SK/ZZ/2024/290/vyhlase-ne-znenie.html>.

²¹⁸ Schools Act, 245/2008, Section 2 (ab). There is no minimum number of classes in minority language set up by domestic legislation to justify that the school is not segregating.

²¹⁹ Schools Act, 245/2008, Section 2 (ac).

- A class taught through the medium of an ethnic minority language is a class where the entire educational process, except for the teaching of the Slovak language and foreign languages, is conducted in the language of the ethnic minority.²²⁰
- The amendments also introduce (to Section 145(1) of the Schools Act) mandatory desegregation standards as a binding instrument for the development of school regulation. The school or school establishment must follow these standards issued by the Ministry of Education and published on its website to comply with the prohibition of segregation in education and training. The development and implementation of the Standards for Compliance with the Ban on Segregation²²¹ stem from the objectives of the Recovery and Resilience Plan of the Slovak Republic which, on its adoption in 2021, committed Slovakia to ensuring that by 2025, '100 % of schools' will apply these standards. According to the Ministry of Education, the implementation of the Standards for Compliance with the Ban on Segregation in Education for schools and educational institutions, in accordance with the Education Act, means the introduction and adherence to rules, principles and procedures to prevent segregation, identify the risk of segregation and correct segregation practices if indicated based on inspection.
- The double-shift operation of schools has been abolished, with the provision that, on the basis of the transitional measures adopted, it is possible to organise classes in the afternoon under certain conditions, but only until the end of August 2025. There are some exemptions in this regard cited directly in the Schools Act amendment.²²²

In September 2025, a formal ban on having two shifts of teaching per day in primary schools entered into force. However, the Ministry simultaneously granted 'legislative exemptions' and concluded memoranda on the elimination of double-shift operations that effectively allow the system to continue for several more years. According to available data, at least 30 schools continue to operate on a double-shift basis. Moreover, publicly available information indicates that most schools that signed memoranda on the elimination of double-shift teaching primarily plan to expand already segregated capacities rather than pursue desegregation. These measures therefore appear to reinforce and expand segregated environments instead of eliminating them. This practice has been criticised by NGOs.²²³

In December 2021 the Slovak Government adopted the Strategy for an inclusive approach in upbringing and education²²⁴ as a key Government framework document, which sets out the direction of strategic public policies to bring about change in the education of children, pupils and students towards inclusive education by 2030.²²⁵ As a follow-up, the Slovak Government adopted the first action plan under this strategy, setting out particular tasks and activities for its implementation in the period 2022-24.²²⁶

²²⁰ Schools Act, 245/2008, Section 2 (ad).

²²¹ Standards for Compliance with the Ban on Segregation in Education for schools and educational institutions, 2024. Available in Slovak at: <https://www.minedu.sk/data/att/a3f/31683.50af19.pdf>.

²²² For more information about this amendment see Section 161w of the Schools Act, 245/2008.

²²³ Non-governmental organisations associated within the Human Rights Coalition (2025), *Human rights assessment 2025*. Available at: https://www.amnesty.sk/wp-content/uploads/2025/12/Ludskopravna-bilancia_EN.pdf.

²²⁴ *Stratégia inkluzívneho prístupu vo výchove a vzdelávaní* (Strategy for an inclusive approach in upbringing and education), adopted by the Government of the Slovak Republic on 8 December 2021.

²²⁵ The strategy consists of six priority areas for the development of an inclusive approach in education: inclusive education and supportive measures, counselling system in education, desegregation in upbringing and education, removing barriers in the school environment, training and education for pedagogical and professional staff and de-stigmatisation. Each of these areas sets out a range of strategic goals.

²²⁶ Resolution of the Slovak Government No. 373/2002 on the first action plan for the implementation of the Strategy for an inclusive approach in upbringing and education for 2022-2024. Adopted on 1 June 2022. Available at: <https://rokovania.gov.sk/RVL/Resolution/20161/1>.

In 2024, the Government approved the new Proposal for the Action Plans to implement the Strategy for Equality, Inclusion and Participation of Roma by 2030 for the years 2025–2027. As part of this proposal, the Government also adopted an action plan in the area of education.²²⁷

In 2025, the Ministry of Education continued projects aimed at eliminating segregation, including the re-diagnosis of children who had been incorrectly placed in special education. It introduced new tools for identifying children from socially disadvantaged backgrounds and supported inclusive education. In February 2025, the Ministry of Education issued a *Manual on the application of the standards for compliance with the prohibition of segregation in upbringing and education*. At the same time, it published official guidance on the introduction and implementation of these Standards for schools and educational institutions. According to this guidance, schools are required to incorporate the published “Standards for compliance with the prohibition of segregation in upbringing and education” into their school rules, either in full or adapted to reflect the purpose and objective of complying with the prohibition of segregation. Schools were also required to prepare a plan for the implementation of these Standards by 30 September 2025.²²⁸

The Ministry continued with the national project ‘Opportunity for All’, which aims to pilot solutions addressing the segregation of Roma children in education in response to proceedings initiated by the European Commission before the Court of Justice of the European Union and decisions of the Supreme Court of the Slovak Republic. The project focuses on implementing desegregation measures in 15 localities and developing methodological *and* systemic tools. In August 2025, an external project committee approved 13 desegregation projects, which began implementation on 1 September.²²⁹

The project was also implemented in localities targeted by NGO litigation. For example in 2025, in response to the final court ruling concerning the segregation of Roma children from Malý Slivník, the Ministry of Education in cooperation with Terňa municipality introduced and implemented concrete desegregation measures, including the enrolment of affected Roma pupils into mainstream primary schools in the nearby city of Prešov, the organisation of daily school transport with supervision, and the provision of teaching assistants and community support staff to facilitate integration and regular attendance. The Ministry states it also provided methodological guidance, coordinated with local authorities and parents, and monitored attendance and educational progress to ensure sustainable inclusion.²³⁰ This is the first time the Ministry together with partners has implemented a court decision by developing and implementing a desegregation plan. No external evaluation from the equality body has been reported.

According to the *Analysis of documents in the pre-implementation phase of national projects in the education sector financed under the Slovakia Programme 2021–2027, from the perspective of the implementation of the EU Charter and the Convention on the Rights of Persons with Disabilities*²³¹, published by the Slovak National Centre for Human Rights, the national project ‘Opportunity for All’ largely contains general declarations without concrete human rights safeguards, lacks measurable indicators demonstrating the actual involvement of children from marginalised Roma communities and their parents, does not specify clear anti-discrimination measures, including in staff recruitment, and fails to

²²⁷ Resolution of the Government of the Slovak Republic No. 793 (*Uznesenie vlády Slovenskej republiky č. 793*), adopted by the Slovak Government on 18 December 2024. Available at: https://romovia.vlada.gov.sk/site/assets/files/1113/uznesenie_vlady_c_793_2024.pdf.

²²⁸ For more information, see the Ministry of Education’s webpage: <https://www.minedu.sk/standardy-dodrzivania-zakazu-segregacie/>.

²²⁹ For more information see the Ministry of Education’s webpage dedicated to the project: <https://www.minedu.sk/narodny-projekt-prilezitost-pre-vsetkych/>.

²³⁰ More information on the desegregation efforts is available at: <https://www.minedu.sk/terna/>.

²³¹ Slovak National Centre for Human Rights (2025), *Analýza dokumentov v predrealizačnej fáze národných projektov v rezorte školstva financovaných z Programu Slovensko 2021 – 2027 z pohľadu implementácie Charty EÚ a Dohovoru o právach osôb so zdravotným postihnutím*, available at: <https://www.snslp.sk/wp-content/uploads/Horizontálne-principy-v-skolstve.pdf>.

sufficiently clarify the role of special schools, thereby weakening assurances that its stated objectives will be effectively fulfilled.

The author of this report considers the national project to be a positive initiative, even though it clearly reveals the lack of sufficient engagement by the Government authorities in tackling school segregation. The project is financed from EU funds, without impacting the state budget. It will address the situation in only limited number of localities and its overall financial structure and coverage arguably does not provide a realistic chance of removing existing school segregation. In fact, the project apparently focuses only on testing desegregation solutions, without even having a clear goal to achieve school desegregation in selected localities.

The Ministry of Education also continued with the implementation of the national project for the Establishment and Validation of an Early Warning System for Early School Leaving²³²

However, in general, it can be said that the way in which the system of education has been designed so far (in terms not only of legislation but also of everyday practice) still perpetuates the exclusion of pupils from minorities and pupils with disabilities from mainstream education. Although it is clear that the Government has recently introduced a number of measures in order to reform the whole system of education and is implementing several projects aiming to desegregate the educational system, it will be important to observe how the objectives of policies and national projects are put into practice and implemented.

The case law targeting discrimination against pupils with disabilities is limited, and only a few cases have been decided by Slovak courts. An important case decided by the Supreme Court in 2015 concerns the right to inclusive education of children with disabilities.²³³ The claimant was a female child with an intellectual disability and a hearing impairment who was refused enrolment at a mainstream primary school. More information on this case can be found in the 2022 country report on Slovakia.²³⁴

Another important case decided by a domestic court was a case of discrimination against a child in pre-school education on the ground of disability. The child, who had been diagnosed with a behavioural disorder, was not enrolled in a kindergarten because the director claimed that the kindergarten was not able to provide education for children with special educational needs. The district court confirmed discrimination against the child, ordering the school to apologise and to financially compensate the complainant.²³⁵

Another case brought in 2025 involved discrimination against a child with disabilities who had been denied admission on grounds of lack of capacity and inability to provide reasonable accommodation. The Administrative Court addressed the broader issue of exclusion of children with disabilities from mainstream education. In its reasoning, the Court emphasised the principles of inclusive education, highlighting its benefits for both children with disabilities and their peers, and stressed the need for adequate resources, teacher training and parental involvement to ensure equal access to education (for more details see Section 12.2 below).²³⁶

a) Trends and patterns regarding Roma pupils

²³² National project: Establishment and Validation of an Early Warning System for Early School Leaving and Targeted Support for Pupils in the Guidance and Prevention System. The aim is to reduce early school leaving rates in Slovak primary and secondary schools.

²³³ Judgment of the Supreme Court of the Slovak Republic, No. 7Sžo/83/2014, 24 September 2015.

²³⁴ Durbáková, V. (2022), *Country report: Non-discrimination – Transposition and implementation at national level of Council Directives 2000/43 and 2000/78 – Slovakia*, European Commission, European network of legal experts in gender equality and non-discrimination, p. 46. Available at: <https://www.equalitylaw.eu/downloads/5805-slovakia-country-report-non-discrimination-2022-1-51-mb>.

²³⁵ Decision of the District Court in Žilina, No. 7C/83/2019-159, 27 July 2020.

²³⁶ Decision of the Administrative Court in Bratislava, case no. 1S/88/2023, 21 February 2025.

In Slovakia, there are specific legal and societal trends and patterns existing in education regarding Roma pupils, such as segregation. According to the basic principles in the Schools Act, segregation has been prohibited and is explicitly defined in law.²³⁷

The segregation of Roma children in education is still a very widespread problem, which has already been documented in many reports by national and international NGOs.²³⁸ Both key independent human rights institutions – the Slovak National Centre for Human Rights (the equality body) and the Office of the Public Defender of Rights have continuously raised this on-going problem and the need for Government authorities to address it effectively.²³⁹ In addition, segregation of Roma children continues to be a matter of concern for international human rights bodies and institutions.²⁴⁰

In addition, according to an analytic report produced by the Office of the Roma Plenipotentiary for Roma Communities in 2022, almost half (47 %) of children from marginalised communities aged from six to 15 in mainstream education had only Roma classmates, while 32 % of these children attend a school with exclusively Roma pupils.²⁴¹ The European Union Agency for Fundamental Rights (FRA), in its survey from 2022, highlighted that Slovakia has the highest percentage of children who attend school where all or most children are Roma (65 %) and that this proportion had even increased in comparison with comparable FRA survey data concerning Slovakia from 2016 (60 %).²⁴²

According to the published results of the monitoring of segregation risk concerning the 2023/2024 school year by the Ministry of Education, more than one fifth of primary schools (456 out of 2 058) were considered as being at risk of segregation, with 84 % of all at-risk pupils concentrated in these schools, often forming the majority of students. These schools, frequently located in municipalities with marginalised Roma communities, show significantly worse educational outcomes. Pupils attend kindergarten less often and for shorter periods, have higher absenteeism, repeat years more frequently (especially the first year), achieve substantially lower results in national testing, are more likely to leave school early, and far less often continue to secondary education ending with a school-leaving examination. Although some of these schools have slightly more teaching assistants, the system overall fails to offset disadvantaged starting conditions and ensure equal educational outcomes.²⁴³

²³⁷ Section 2(ah) of the Act No. 182/2023 Coll. amending Act No. 245/2008 Coll. on Upbringing and Education (Schools Act) and on amendments and additions to certain laws as subsequently amended and amending and supplementing certain laws. Available at <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2023/182/>.

²³⁸ See e.g. Amnesty International and European Center for Roma Rights (2025), *separate and unequal, school segregation persists for Roma in Slovakia*. Available at: <https://www.amnesty.sk/wp-content/uploads/2025/04/Separate-And-Unequal-Slovakia-Roma-Education-Briefing.pdf>.

²³⁹ Public Defender of Rights (2025), *Správa o činnosti Verejného ochrancu práv za obdobie roka 2024* (Report on the activity of the Public Defender of Rights for 2024) pp. 129-132. Available at: https://vop.gov.sk/wp-content/uploads/2025/03/sprava_o_cinnosti_veřejneho_ochrancu_prav_2024.pdf; Slovak National Centre for Human Rights (2025), *Správa o dodržiavaní ľudských práv vrátane zásady rovnakého zaobchádzania v Slovenskej republike za rok 2024* (Report on the observance of human rights, including the principle of equal treatment, in the Slovak Republic for 2024), pp. 56-76. Available at: <https://www.snslp.sk/wp-content/uploads/Human-Rights-Report-for-2024.pdf>.

²⁴⁰ The UN Committee on the Elimination of Discrimination against Women (CEDAW), 'Concluding observations on the seventh periodic report of Slovakia', May 2023, CEDAW/C/SVK/CO/7, para. 32-33. See also: Statement of the Human Rights Commissioner of the Council of Europe on his country visit to Slovakia, July 2024. Available at: <https://www.coe.int/sk/web/commissioner/-/slovak-republic-urgent-need-to-address-human-rights-of-roma-and-adopt-an-intergenerational-approach>.

²⁴¹ Office of the Plenipotentiary for Roma Communities (2022), *Príjmy a životné podmienky v marginalizovaných rómskych komunitách: Vybrané ukazovatele zo zisťovania EU SILC_MRK 2020* (Income and living conditions in marginalised Roma communities: Selected indicators from the survey), pp. 9: main findings in English. Available at: https://www.romovia.vlada.gov.sk/site/assets/files/1561/analyticka_sprava_eu_silc_mrk_2020_elektronick_a_final.pdf?csrt=7830548095596483054.

²⁴² European Union Agency for Fundamental Rights (2022), *Roma in 10 European countries: Main results*, p. 40. Available at: <https://fra.europa.eu/en/publication/2022/roma-survey-findings>.

²⁴³ Ministry of Education of the Slovak Republic (2024), Results of the Monitoring of Segregation Risk at primary schools 2023/2024, Available at: <https://www.minedu.sk/data/att/ff1/35636.9065b9.pdf>.

As a result of on-going discrimination against Roma children in special and mainstream education systems, Slovakia faces infringement proceedings by the European Commission for violating the EU Racial Equality Directive. In April 2023, the European Commission decided to refer Slovakia to the Court of Justice of the EU for failing to effectively tackle the issue of segregation of Roma children in education. The EC essentially concluded, after assessing the measures adopted by the Slovak Government and monitoring the situation on the ground, that reforms undertaken so far have been insufficient.²⁴⁴

In 2025 the Advocate General Tamara Čapeta issued an opinion concluding that the Slovak Republic has systematically and persistently segregated Roma children in education and thereby failed to fulfil its obligations under Article 2(1) of Council Directive 2000/43/EC (Racial Equality Directive). She proposed that the Court find that the disproportionate placement of Roma children in special schools, special classes or segregated classes within mainstream schools constitutes a breach of the principle of equal treatment on grounds of racial or ethnic origin. In her opinion, the continued segregation has severe and lasting consequences for affected children, depriving successive generations of Roma pupils of equal educational opportunities. The proceedings before the Court are still pending.²⁴⁵

The segregation of Roma children was recognised in a range of Government strategies or plans, which acknowledged this problem to its full systemic extent and contained Government commitments to address it in the forthcoming years (see the *Strategy for equality, inclusion and participation of Roma to 2030* and its action plans for the period 2022-2024 and the period 2025-2027 the *Strategy for an inclusive approach in upbringing and education* and the Recovery and Resilience Plan of Slovakia).²⁴⁶

As mentioned above, in recent years (2025 included), the Government authorities have increased their efforts to eliminate segregation. In addition to the previously mentioned national projects, desegregation standards and monitoring of segregation risks, the Government has also adopted measures expected to have an indirect positive impact on the elimination of segregation. These include, the introduction of mandatory preschool education for 5-year-olds; the introduction of a legal entitlement to preschool for 3- and 4-year-olds; a call from the Ministry of Education to increase the capacity of kindergartens; the national project 'Creation and Testing of an Early Warning System for Early School Dropout and Targeted Support for Students in Counselling and Prevention Systems'; and a grant scheme from the Ministry of Education to 'Support the Provision of Early Care and

²⁴⁴ 'The European Commission decides to refer Slovakia to the Court of Justice of the European Union for not sufficiently addressing discrimination against Roma children in school', press release from the European Commission, 19 April 2023. Available at https://ec.europa.eu/commission/presscorner/detail/en/ip_23_2249.

²⁴⁵ 'The European Commission decides to refer Slovakia to the Court of Justice of the European Union for not sufficiently addressing discrimination against Roma children in school', press release from the European Commission, 19 April 2023. Available at https://ec.europa.eu/commission/presscorner/detail/en/ip_23_2249; Opinion of Advocate General Čapeta delivered on 1 August 2025; Case C-799/23, *European Commission v. Slovak Republic*. Available at: <https://infocuria.curia.europa.eu/tabs/document?source=document&text=&docid=303045&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=5833498>.

²⁴⁶ *Stratégia rovnosti inklúzie a participácie Rómov do roku 2030* (Strategy for Equality, Inclusion and Participation of Roma to 2030) adopted by the Government of the Slovak Republic on 7 April 2021, available at: <https://rokovania.gov.sk/RVL/Material/25860/1>; *Akčné plány k stratégii rovnosti, inklúzie a participácie Rómov do roku 2030* (Action plans under the Strategy for Equality, Inclusion and Participation of Roma to 2030), adopted by the Government of the Slovak Republic on 6 April 2022, available at: <https://rokovania.gov.sk/RVL/Resolution?NegotiationID=1202>; *Stratégia inkluzívneho prístupu vo výchove a vzdelávaní* (Strategy for an inclusive approach in upbringing and education), adopted by the Government of the Slovak Republic on 8 December 2021; *Plán obnovy a odolnosti Slovenska* (Recovery and Resilience Plan) adopted by the Council of the EU on 13 July 2021, available at: <https://www.planobnovy.sk/kompletny-plan-obnovy/>; *Druhý akčný plán plnenia stratégie inkluzívneho prístupu vo výchove a vzdelávaní na roky 2025-2027* (Second Action Plan for the Implementation of the Strategy for an Inclusive Approach in Education 2025-2027), 2024. Available at: <https://www.minedu.sk/data/att/043/32120.28c774.pdf>.

Early Intervention for Children Aged 0 to 6 from Marginalised Roma Communities and Generational Poverty'.²⁴⁷

Reforms regarding the misdiagnosis and placement of Roma children in 'special' schools.

One form of segregation of Roma children in education was their placement in 'special classes' or 'special schools'.

Section 94 of the School Act regulates the education of children and pupils with disabilities. It provides that education may take place either in specialised schools for pupils with disabilities or in mainstream schools, where such pupils may be educated in dedicated classes for pupils with disabilities or together with other pupils in regular classes. Dedicated classes are usually established for pupils with the same type of disability, while part of the educational process may still take place jointly with other pupils at the school. The provision also specifies that education in such schools or classes follows tailored educational programmes designed for different categories of disabilities, including intellectual, sensory, physical, communication, learning and behavioural disorders, autism spectrum conditions, multiple disabilities, and health impairments. In practice, the so-called special schools/ classes for children with mental disabilities have been transformed into school/ classes for children with disabilities.

Under Section 29(14) of the Schools Act, primary schools may, after obtaining approval from the school founder, establish an adaptation class for the purpose of compensating for the lack of educational content for pupils who have poor knowledge of the language of instruction or for whom, on the basis of a diagnostic examination, it has been recommended by the guidance and prevention system to modify the aims, methods, forms or approaches to education and training.

Pursuant to the provision 29(15), the decision to place a pupil in the adaptation class is taken by the school director based on a proposal from the class teacher, following consultation with an educational counsellor or on the basis of the opinion of the counselling and prevention facility and after informed consent from a legal representative of the pupil has been obtained. The placement in an adaptation class can last only for the period when it is absolutely necessary and it cannot exceed one school year. A pupil may not be repeatedly placed in an adaptation class. After the pupil has completed their education in the adaptation class, they continue in the appropriate year of primary school in the same class as the other pupils of their age. The reasons for placing a pupil in an adaptation class cannot be based solely on disability. Adaptation classes can only be established for a minimum of four and a maximum of ten pupils. In the event that the number of pupils is lower than four, the adaptation class is cancelled.

For pupils who are included in an adaptation class for the reason of poor knowledge of the language of instruction, the educational process in the adaptation class may be carried out in the relevant foreign language or in the language of the relevant national minority and the subjects Slovak language and Slovak literature may be taught using the methods and forms of education and training for Slovak as a foreign language.²⁴⁸

The Schools Act stipulates that 'a child or pupil whose special educational needs result exclusively from his or her development in a socially disadvantaged environment cannot be admitted to a school for children and pupils with disabilities or to a class for children and pupils with disabilities in a kindergarten, primary school or secondary school',²⁴⁹ and the education of children from socially disadvantaged environments must be pursued

²⁴⁷ For more information, see Ministry of Education, 'Aktuálne kroky ministerstva v oblasti desegregácie' (Current steps of the Ministry in the area of desegregation), available at: <https://www.minedu.sk/aktualne-kroky-ministerstva-v-oblasti-desegregacie/>.

²⁴⁸ Schools Act, 245/2008, Section 29(16).

²⁴⁹ Schools Act, 245/2008, Section 107(2).

through 'individual conditions', meaning the adjustments of the organisation of education on the one hand and the environment in which education is taking place on the other, as well as the use of special methods and forms of education.²⁵⁰ Children from socially disadvantaged backgrounds are to be placed into classes 'together with other children or pupils'. This rule, however, does not apply to cases of placing pupils in an 'adaptation class' pursuant to Section 29(14).²⁵¹

As of 1 January 2025, the national project 'Support for Educational Opportunities' was launched to address the overrepresentation of children from socially disadvantaged backgrounds and marginalised Roma communities in special education. Its main activity is creating a support system for pupils aged six to 10 with mild intellectual disabilities who were incorrectly placed in special education but have the potential to complete primary school and attain lower secondary education, alongside supporting the teachers and staff guiding their transition. The project began with data collection (January–March 2025), continued with the development and updating of a methodology for adaptation classes (March 2025–June 2026) and from September 2025 pupils across Slovakia started being reassessed, with informed consent collected from their guardians. The goal is to reassess 2 500 pupils by June 2026 and ensure a safe, supportive transition into mainstream education.²⁵²

In recent years, the Research Institute for Child Psychology and Psychopathology, operating under the Ministry of Education, has been working on exploring a new approach to diagnostics. In this regard, it has developed and published standards for the diagnosis of school capabilities of children from marginalised Roma communities.²⁵³ The Ministry of Education adopted 'Content standards for diagnostic activities', which set out diagnostic procedures and principles to be used by professional staff (psychologists, special educators and others).²⁵⁴ The standards generally stipulate that, when interpreting the diagnostic results, it is necessary to take into account the socio-economic and family background of the child/pupil. For foreign children and those from socially disadvantaged backgrounds, it was found to be appropriate to use culturally independent methods, in general in non-verbal form, rather than culturally dependent ones.

However, the Slovak State School Inspectorate's (ŠŠI) 2025 report reveals alarming systemic failures in the psychological diagnosis and placement of children, particularly from Roma communities, into special education schools (currently schools for pupils with disabilities). Key findings indicate that up to 79 % of pupils admitted to special schools in the 2024/2025 school year required re-diagnosis due to unreliable initial assessments, with Roma children disproportionately affected by culturally biased testing methods and inadequate safeguards. The report highlights ongoing issues like non-standardised diagnostics, lack of parental involvement and persistent overrepresentation of marginalised Roma pupils, urging immediate reforms to ensure fair, objective evaluations.²⁵⁵

²⁵⁰ Schools Act, 245/2008, Section 107(1).

²⁵¹ Schools Act, 245/2008, Section 107(4).

²⁵² For more information see the Ministry of Education's webpage dedicated to the project:

<https://www.minedu.sk/narodny-projekt-podpora-vzdelavacich-prilezitosti/>.

²⁵³ *Odborné postupy v pedagogickej a poradenskej praxi - Školská spôsobilosť dieťaťa z marginalizovanej rómskej komunity* (Professional procedures in pedagogical and counselling practice - School competence of the child from a marginalised Roma community), May 2021. Available at: <https://vudpap.sk/wp-content/uploads/2022/06/Skolska-sposobilost-dietata-z-marginalizovanej-romskej-komunity.pdf>. Other professional standards and procedures developed by VUDPaP are available at: <https://vudpap.sk/x/projekty/standardy/tvorba-standardov/odborne-postupy-a-skusenosti-mdp/odborne-postupy/>.

²⁵⁴ *Obsahové štandardy pre diagnostickú činnosť - diagnostika v zariadeniach - poradenstva a prevencie a v prostredí škôl* (Content standards for diagnostic activities - diagnostics in institutions for counselling and prevention and in the school environment) (2023). Adopted by the Ministry of Education, Science, Research and Sport of the Slovak Republic on 24 August 2023.

²⁵⁵ State School Inspectorate (2025), *Stav prijímania žiakov do špeciálnej základnej školy a ich rovný prístup k vzdelávaniu v roku 2024/2025* (The status of admission of pupils to special primary schools and their equal access to education in the 2024/2025 school year). Available at: https://www.ssi.sk/wp-content/uploads/2025/08/Prijmanie_ziakov_do_SZS.pdf.

In February 2025, the European Court of Human Rights confirmed in the case of *Salay v. Slovakia* that the excessive placement of Roma children in special classes in the Slovak Republic constituted discrimination. The court ruled that a Roma pupil had been discriminated against by being placed in a special class for 'children with mild mental disabilities' on the basis of culturally biased tests.²⁵⁶

Segregation of Roma children in standard mainstream schools and classes.

School segregation, however, very often occurs within mainstream schools (for example, segregated classes and floors, segregation within classes and segregated dining, all of which are usually also of lower quality when compared with the education and education-related benefits provided to non-Roma children).

This type of segregation also happens because school authorities are afraid, due to the racial bias/hatred that is omnipresent in society, of losing non-Roma children as pupils, and thereby the subsidies from the state that are based on the numbers of children on school rolls. It is also not unusual to find purely Roma schools.²⁵⁷

The strategies discussed above, as well as the Recovery and Resilience Plan, include general commitments for the prevention and elimination of segregation of Roma children in the educational process at all levels of the education system (while being interconnected in this area). The support for school desegregation is one of the reforms of the Recovery and Resilience Plan which also includes monitoring of segregation, implementation of pilot projects for school desegregation and financial support for school founders to ensure the transportation of Roma children from marginalised communities to schools.²⁵⁸ The same general activities are supposed to be key for the implementation of the *Strategy for Equality, Inclusion and Participation of Roma to 2030* in the coming years.

In its last thematic inspection report on supporting inclusive education for pupils of primary schools in the Slovak Republic in the school year 2023/2024,²⁵⁹ the State School Inspectorate assessed 11 selected primary schools on the conditions they provided for inclusive education. More than a third of pupils in these schools were from marginalised Roma communities and almost a fifth of pupils were from socially disadvantaged backgrounds, while 11.8 % were pupils with disabilities. The results of the findings of the Inspectorate showed that dropping out early from compulsory schooling, non-attendance and high absenteeism are particular risks for pupils from the marginalised Roma communities. The findings of the Inspectorate showed that the inclusion index in the schools audited was at the lower end of the range, namely 60.7 %. Although some schools showed interest in inclusive education and addressed it satisfactorily at the level of principles, in most of them there were problems and shortcomings that affected the processes of inclusive education.

²⁵⁶ ECtHR, *Salay v. Slovakia*, No. 29359/22, 27 February 2025, available at: <https://hu-doc.exec.coe.int/?i=004-68557>.

²⁵⁷ For more information on the segregation of Roma children in education, see also: Amnesty International and European Roma Rights Centre (2025), *Separate and unequal: school segregation persists for Roma in Slovakia*. Available at: <https://www.amnesty.sk/wp-content/uploads/2025/04/Separate-And-Unequal-Slovakia-Roma-Education-Briefing.pdf>. See also: Center for Civil and Human Rights (2024), *NGO alternative report to Committee on the Rights of the Child concerning shortcomings in the implementation of the Convention in Slovakia*, pp. 15-19. Available at: <https://poradna-prava.sk/wp-content/uploads/2024/12/2024-Submission-of-alternative-report-by-the-national-NGO-to-the-UN-CRC-Committee-on-Slovakia.pdf>, pp. 4-7.

²⁵⁸ Recovery and Resilience Plan, Component 6: accessibility, development and quality of inclusive education at all levels, Reform 5: Support for school desegregation.

²⁵⁹ State School Inspectorate (2024), *Podpora inkluzívneho vzdelávania žiakov základných škôl v SR v školskom roku 2023/2024* (Supporting inclusive education for primary school pupils in the Slovak Republic in the school year 2023/2024), 2024. Available at: https://www.ssi.sk/wp-content/uploads/2024/10/SS_SR_2_5_inkluzia_final_EL-o.pdf.

Also according to the above-mentioned results of the monitoring of segregation risk concerning the 2023/2024 school year, the Ministry of Education concluded that more than one fifth of primary schools (456 out of 2 058) were at risk of segregation, with 84 % of all at-risk pupils concentrated in these schools, often forming the majority of students.

The 2025 Amnesty International and ERRC report, *Separate and unequal: school segregation persists for Roma in Slovakia*, concludes that despite EU infringement proceedings and legislative tweaks such as the School Act amendments, systemic racial segregation in Slovak education remains entrenched, affecting over one fifth of schools, with stark disparities – higher levels of school year repetition, lower test scores, elevated dropouts and under-resourced 'Roma schools' that lack gyms, playgrounds and extracurricular activities.²⁶⁰

Segregation of Roma children in Roma-only schools built near Roma marginalised communities.

Furthermore, in previous years, the Government continued to ignore other practices for the segregation of Roma children in education that exist in Slovakia, including 'container schools' – schools of a lighter building structure that are relatively easy and fast to build. These schools have been built in segregated Roma settlements, especially in localities where the capacities of the existing schools do not meet the educational needs of the child population and where public money is used for the school's construction.²⁶¹ In 2015, an NGO, the Center for Civil and Human Rights, even responded to this approach by launching a strategic *actio popularis* claim against the state and one of the municipalities where such a school was built, and in December 2022, the Supreme Court of the Slovak Republic confirmed its discriminatory nature against Roma children.²⁶²

The Recovery and Resilience Plan aims to address this problem and includes investment to expand the capacity of schools where the number of pupils exceeds the capacity, and schools with a two-shift operation, with the emphasis on schools attended by a large number of marginalised children. The plan describes this investment in the context of declared desegregation efforts, stating that it will enable the redistribution of pupils in segregated areas into newly created classes.

In 2025, in response to the ongoing issue of double-shift teaching in Slovak primary schools, the Government approved funding under the Recovery and Resilience Plan for ten municipalities to expand school buildings so they will no longer need to run afternoon classes, aiming to reduce the double-shift system. The Ministry of Education selected the first schools ready to implement expansion immediately, allocating part of the EUR 175 million available to address the problem, with the goal of eliminating double shifts in at least 35 schools.²⁶³ The Ministry of Education has clearly resorted to solving the lack of school capacity in some primary schools close to marginalised Roma communities by simply expanding them, without addressing the segregation that these schools maintain in practice.

In the opinion of the author of this report, the Slovak Government's steps leading to the expansion of segregated Roma-only schools close to marginalised communities are clearly

²⁶⁰ Amnesty International and European Roma Rights Centre (2025), *Separate and unequal: school segregation persists for Roma in Slovakia*. Available at: <https://www.amnesty.sk/wp-content/uploads/2025/04/Separate-And-Unequal-Slovakia-Roma-Education-Briefing.pdf>.

²⁶¹ The 'container schools' project introduced by the Government in 2013 was also criticised by Amnesty International in its article of March 2015 based on results of its field monitoring, available at: <https://www.amnesty.org/en/latest/news/2015/03/slovakia-segregation-of-roma-schoolchildren-worsens/>. The Center for Civil and Human Rights litigated a case against this type of school segregation, by *actio popularis*, decided by the District Court Bratislava III, No 11 C 351/2015, on 6 October 2016.

²⁶² Decision of the Supreme Court of the Slovak Republic of 15 December 2022, No. 5Cdo/102/2020.

²⁶³ See e.g. STVR: 'Dvozmenný režim na školách je stále realitou, odnášajú si to deti: Prvých desať obcí získa peniaze na riešenie problému', 30 May 2025.

contrary to domestic and international anti-discrimination laws, including EU law, final judgments of domestic courts and judgments of the ECtHR concerning school segregation of Roma children. NGOs and the equality body called on the Government authorities to reconsider this approach and urged the European Commission to prevent EU funds from being spent on measures that lead to a further deepening of segregation.²⁶⁴

Segregation of Roma children in the secondary education system - external branches of vocational schools

Another existing practice is that of establishing external branches of vocational schools that are already part of the official secondary education system (known as vocational education and training - VET - schools). Many of these external branches are placed very close to segregated Roma communities.²⁶⁵ Apart from the geographical and ethnic segregation, the problem is that such schools offer courses/programmes with very low employability prospects (and some of them last for only two years), which often perpetuate gender stereotypes and stereotypes about the Roma (for example, one of the courses, called 'Practical woman', is aimed at teaching, among other things, 'the basics of hygiene', 'keeping and maintaining a household', 'basic principles of household economy', 'correct ways of storing and processing foodstuffs and preparing meals', 'correct upbringing and caring for children', etc.) and are generally of very poor quality.²⁶⁶ The *Strategy for Equality, Inclusion and Participation of Roma to 2030* acknowledges this problem and plans to address it. In particular, it points to the low quality of education in these external branches that, in some cases, contributes to the segregation of Roma children and demotivates them from attending the other schools with children from the majority. The methodological guide on desegregation in education adopted by the Ministry of Education also considers external branches of vocational schools close to segregated Roma communities to be one of the methods of segregation of Roma children in education.²⁶⁷

In 2025, the Slovak State School Inspectorate proposed the closure of six private schools in districts such as Stará Ľubovňa and Kežmarok, which primarily served Roma children from marginalised groups through external branches of vocational schools. Inspections uncovered severe violations, including attendance rates below 50 %, fictitious timetables, unqualified teaching and unauthorised premises in these schools. The Ministry of Education backed the move to close the schools, amid suspicions of fraud in drawing over EUR 2.44 million in subsidies.²⁶⁸

Access to education during COVID-19

²⁶⁴ The call on the Slovak Government in this regard is available at: <https://poradna-prava.sk/wp-content/uploads/2023/11/Vyzva-MVO-Poradna-a-Amnesty-International-Slovensko-na-vyuzivanie-financnych-prostriedkov-z-planu-obnovy-sposobom-ktory-bude-dosledne-prispievat-k-desegregacii-romskych-deti-vo-vzdelavani.pdf>. The letter to the European Commission in this regard is available at: <https://poradna-prava.sk/wp-content/uploads/2023/12/Letter-to-the-EC-expressing-concerns-over-the-current-Slovak-Government-policy-measures-maintaining-segregation-of-Roma-children-in-education-and-call-for-the.pdf>.

²⁶⁵ For details about the policy and its implementation, see Balážová, Z. (2015), *Elokované pracoviská stredných odborných škôl pri marginalizovaných rómskych komunitách: Cesta k začleneniu alebo vylúčeniu rómskej mládeže?* (Allocated Branches Of Secondary Trade Schools Situated Near Marginalised Romani Communities: A path toward inclusion or exclusion of Romani youth?), CVEK – Centrum pre výskum etnicity a kultúry, available at: <http://cvek.sk/publikacie/>.

²⁶⁶ Balážová, Z. (2015), *Elokované pracoviská stredných odborných škôl pri marginalizovaných rómskych komunitách: Cesta k začleneniu alebo vylúčeniu rómskej mládeže?* (Allocated branches of secondary trade schools situated near marginalised Romani communities: A path toward inclusion or exclusion of Romani youth?), CVEK, pp. 62-64.

²⁶⁷ Ministerstvo školstva, výskumu a športu Slovenskej Republiky (2023), *Metodická príručka – desegregácia vo výchove a vzdelávaní* (Methodical guide – desegregation in upbringing and education), p. 44. Available at: <https://www.minedu.sk/data/att/71e/30599.332e7e.pdf>.

²⁶⁸ See Roma TV article: 'State School Inspectorate of the Slovak Republic proposal to close six private schools serving Roma children in marginalised communities. Available at: romatv.sk article on ŠŠI inspection findings.

In 2020-21, due to the pandemic, education in schools was interrupted for significant periods, and the use of remote forms of education had a disproportionate impact on socially disadvantaged children and in particular on marginalised Roma children, as many of them lacked the necessary technology, such as computers and access to the internet, and were widely excluded from the remote educational process.²⁶⁹ The Ministry of Education did not respond to this issue effectively.²⁷⁰ The Center for Civil and Human Rights highlighted this issue through its strategic litigation, representing a Roma child facing discrimination in access to education during the COVID-19 pandemic due to not having access to the internet and digital technologies. In 2025 the first instance court, following the previous Court of Appeal legal opinion that no discrimination had occurred, dismissed the claim (for more detail, see Section 12.2 below).

Case law of domestic courts

The first landmark case on the class-level segregation of Roma children in education in Slovakia was decided by the District Court in Prešov in December 2011 and confirmed by the Regional Court in Prešov in October 2012, based on the *actio popularis* lawsuit filed by the NGO Center for Civil and Human Rights. The courts decided that the education of Roma children in separate mainstream classes amounted to racial discrimination and undermined the human dignity of segregated Roma children.²⁷¹

In 2022, the Supreme Court of the Slovak Republic decided another landmark case on the segregation of Roma children in Roma-only schools. The Court ruled based on the *actio popularis* claim brought by the NGO the Center for Civil and Human Rights. The Supreme Court ruled that the education of Roma children in an ethnically homogeneous Roma-only school close to the local marginalised Roma community constitutes discrimination against them on the basis of ethnicity.²⁷² It specifically recognised that the state institutions are also responsible for segregation that arose spontaneously (de facto) and not with the intention of separating Roma children from majority children, and stressed their positive legal obligation to remove and prevent such segregation. The judgment of the Supreme Court of the Slovak Republic is final, in the part that found that there was segregation at the Podšadek primary school in Stará Ľubovňa. The lower courts are bound by its legal opinion. In 2025 the case was pending before the Municipal Court in Bratislava, which on 7 May 2024²⁷³ rejected the rest of the complaint of the complainant on the obligation to introduce and implement a desegregation plan.

Two other *actio popularis* claims addressing different forms of segregation of Roma children in education were later decided by the Slovak Supreme Court after being dismissed by the lower courts. Both were initiated by the Center for Civil and Human Rights. The first addresses the segregation of Roma children in segregated mainstream Roma-only schools.²⁷⁴ The Supreme Court reversed the judgments of the lower courts and, in line with its landmark judgment from December 2022, concluded that the education of Roma children in a primary school attended solely by Roma children, built near the marginalised

²⁶⁹ The Institute of Educational Policy working under the Ministry of Education found that 7.5 % of pupils were completely excluded from remote forms of education in the spring of 2020 and the most critical situation was in schools with high percentage of socially disadvantaged children and special schools for the education children with disabilities. Main findings of the research available at: <https://www.minedu.sk/data/att/3d2/20815.33358d.pdf>.

²⁷⁰ Center for Civil and Human Rights (2022), *Submission to the UN Committee on the Elimination of Racial Discrimination concerning Slovakia*, pp. 11-12.

²⁷¹ English translations of the decisions of the first and second instance courts are available online at <https://poradna-prava.sk/wp-content/uploads/2021/12/judgment-of-the-district-court-in-presov-in-the-case-of-segregation-of-roma-children-at-the-sarisske-michalany-school.pdf> and <https://poradna-prava.sk/wp-content/uploads/2021/12/judgment-of-the-regional-court-in-presov-in-the-case-of-segregation-of-roma-children-at-the-sarisske-michalany-school.pdf>.

²⁷² Decision of the Supreme Court of Slovak Republic, No. Cdo/102/2020, 15 December 2022.

²⁷³ Decision of the Municipal Court in Bratislava IV, No. B3-11C/9/2023 – 48, 7 May 2024.

²⁷⁴ Decision of the Regional Court in Bratislava, No. 10Co/84/2020, 27 October 2021, in a case brought by the NGO Center for Civil and Human Rights against the state represented by the Ministry of Education confirming the decision of the Prešov District Court from 6 February 2020, No. 21C/698/2015.

Roma community in Muránska Dlhá Lúka, resulted in their segregation. This conclusion was not affected by the absence of a motive to purposefully discriminate against Roma children, nor by the existence of a legitimate aim to ensure access to education for children closest to their place of residence. According to the Supreme Court, the construction of a modular school close to the local Roma community constitutes a disproportionate and inappropriate means of disadvantaging Roma children by de facto segregating them. It concluded that neither a lack of space and capacity in a previous school building, nor the fact that a parent has a legal right to choose a school outside the designated school district for their child, were relevant factors. The judgment of the Supreme Court is final in the part finding segregation at the primary school in Muránska Dlhá Lúka. With its decision of 21 May 2024²⁷⁵ the first instance court dismissed the claim, concluding the obligations requested were not sufficiently concrete and as such would not be able to be implemented. However, the courts have not given concrete guidance on what would be considered to be sufficiently concrete. In 2025, the case was pending before the Appeal Court.

The second case challenges the decision of a regional school office that has organised a local school district in a way that concentrates Roma children in one school, instead of supporting their integration in other local schools.²⁷⁶ The Supreme Court reversed the judgments of the lower courts and remanded the case back to the District Court in Prešov for further proceedings.²⁷⁷ It rejected the reasoning of the lower courts and, in particular, stated that the claimant had submitted sufficient evidence to prove its claims in the court proceedings, so the burden now shifts to the respondents. It tasked the District Court to reassess whether the principle of equal treatment had been violated by the disputed decision of the state authorities in question or not. In 2023, the District Court in Prešov, bound by the legal opinion of the Supreme Court, upheld the claim.²⁷⁸ In 2024 the decision of the Regional Court as the Court of Appeal upheld the decision of the first instance court.²⁷⁹ The respondents filed an extraordinary appeal (*dovolanie*) with the Supreme Court of the Slovak Republic, where the case is now pending. In 2025, based on the desegregation plan implemented by the local municipality, second year Roma pupils from Malý Slivník (who previously attended Roma-only classes at the primary school in Terňa) started to attend non-segregated schools in the nearby town of Prešov, supported by bus transport and other supportive measures such as school assistants.²⁸⁰

In addition, there is another case decided by domestic courts that specifically addresses the illegal placement of Roma children in the special educational system. The Prešov District Court, as a first instance court, upheld the claim to a substantial extent.²⁸¹ It ruled that the defendants, the Centre for Special Pedagogical Counselling in Prešov and a primary school in Hermanovce, had discriminated against Roma children in education on the ground of their Roma ethnicity. In 2023, the Regional Court in Prešov, in a landmark judgment, confirmed that the respondents, the Centre for Special Pedagogical Counselling in Prešov and the primary school, had discriminated against the complainants on grounds of ethnicity.²⁸² In 2025, based on the respondents' extraordinary appeals (*dovolanie*), the Supreme Court of the Slovak Republic annulled the decision of the appellate court due to procedural errors, so the case is pending again before the Regional Court in Prešov (for more detail on this decision, see Section 12.2 below).

A landmark case concerning discrimination against a Romani child in access to education during the COVID-19 pandemic was dismissed by the first instance court following the legal

²⁷⁵ Decision of the Municipal Court in Bratislava IV, No. 35C/28/2023, 21 May 2024.

²⁷⁶ Decision of the Prešov Regional Court from 20 August 2020 in case brought by the NGO Center for Civil and Human Rights against the state represented by the Ministry of Education and the district office in Prešov, No. 16 Co/21/2019 - 483 confirming the Decision of the Prešov District Court, No. 29C14/2016 - 411, 27 February 2019.

²⁷⁷ Resolution of the Supreme Court of the Slovak Republic, no. 4Cdo/112/2021, 28 March 2023.

²⁷⁸ Decision of the District court in Prešov, case no. 29C/34/2023-42 of 6 November 2023.

²⁷⁹ Decision of the Regional Court in Prešov from 22 April 2024, No. 16Co/4/2024-90.

²⁸⁰ See more details on desegregation measures on the website of the Ministry of Education: <https://www.minedu.sk/terna/>.

²⁸¹ Decision of the Prešov District Court, No. 15C/14/2016-557, 24 November 2021.

²⁸² Decision of the Regional Court in Prešov of 28 February 2023, No. 20Co/21/2022-680.

opinion of the Appeal Court that no discriminatory treatment occurred²⁸³ (for more detail on this case, see Section 12.2 below).

3.2.8 Access to and supply of goods and services that are available to the public (Article 3(1)(h) Directive 2000/43)

In Slovakia, national legislation in principle prohibits discrimination in access to and the supply of goods and services as formulated in the Racial Equality Directive, although judicial interpretation is required regarding goods and services provided on the basis of legislation/regulations other than laws (in practice, this would be mainly the case for public services provided by municipalities and self-governing regions). The national legislation in this area does not cover protection from discrimination in access to goods/services that are provided by natural persons who are not entrepreneurs. Gender identity/expression and sex characteristics are not specifically covered in national legislation.

Sections 5(1) and 5(2)(d) of the Anti-discrimination Act prohibit discrimination on all the grounds contained in the Anti-discrimination Act (sex, religion or belief, race, affiliation with a nationality (*národnosť*) or an ethnic group, disability, age, sexual orientation, marital status and family status, colour of skin, language, political or other opinion, national or social origin, property, lineage/gender or other status, or the reason of reporting criminality or other anti-social activity) in conjunction with special laws in the area of access to and provision of 'goods and services including housing which are provided to the public by legal entities and natural persons [who are] entrepreneurs'. The formulation 'in conjunction with special laws' is very problematic, since it may potentially exclude goods and services provided on the basis of legal acts of lower legal force than laws (e.g. governmental regulations or ordinances of ministries) or generally binding regulations of municipalities or self-governing regions (see Section 3.2.6 above for more details). However, such discriminatory legal acts can be challenged in administrative proceedings before the Slovak Trade Inspectorate, as well as before the various prosecution offices under their duty to review the legality of generally binding regulations. In practice, the second option remains theoretical due to a lack of relevant expertise, particularly among prosecutors.

The Slovak National Centre for Human Rights, in its capacity as a national anti-discrimination body, carried out a survey in 2024 which aimed to verify the occurrence of discriminatory practices against Roma and Roma women in the provision of restaurant services in ten towns in the eastern part of Slovakia.²⁸⁴ The situational testing recorded 19 cases of less favourable treatment of Roma couples compared to non-Roma couples.

In 2025 the Slovak Trade Inspectorate received 22 complaints alleging discrimination in the provision of goods and services. Of these, two complaints were subsequently withdrawn by the complainants. Out of the total number of complaints, only one was assessed as well-founded, 10 were found to be unfounded and in nine cases no inspection had been carried out as of the date the information was provided. During 2025, the Inspectorate did not impose any sanctions. In the case of the well-founded complaint, in which an inspection was conducted in December 2025, preparatory steps were taken to initiate administrative proceedings.²⁸⁵

a) Distinction between goods and services available publicly or privately

²⁸³ Decision of the District Court in Prešov of 21 January 2025, No. 3Co/10/2024-294.

²⁸⁴ Slovak National Centre for Human Rights (2024), *Diskriminácia Rómov a Rómok pri poskytovaní reštauračných služieb Správa zo situačného testovania* (Discrimination against Roma men and women in the provision of restaurant services - Report on situational testing). Available at: <https://www.snslp.sk/wp-content/uploads/Diskriminacia-pri-poskytovani-restauracnych-sluzieb.pdf>.

²⁸⁵ Response from the Slovak Trade Inspectorate of 19 January 2026 to a request for information of 12 January 2026 (on file with the author).

In Slovakia, national law distinguishes between goods and services that are available to the public (e.g. in shops, restaurants and banks) and those that are only available privately (e.g. those restricted to members of a private association).

The wording of Sections 5(1) and 5(2)(d) of the Anti-discrimination Act (see the introductory text to this section, above) clearly shows that the application of the prohibition of discrimination will be limited to the sale of goods and provision of services carried out in public and targeted at the public. The provisions of the Anti-discrimination Act do not apply to goods and services offered or provided on a private basis (e.g. providing or offering goods to members of a private association, family etc.).

3.2.9 Housing (Article 3(1)(h) Directive 2000/43)

In Slovakia, national legislation in principle prohibits discrimination in the area of housing as formulated in the Racial Equality Directive, although judicial interpretation is required regarding housing provided on the basis of legislation/regulations other than laws. This prohibition does not apply to housing provided by natural persons who are not entrepreneurs. In practice, it may narrow the possibilities for challenging discrimination in specific cases that have been documented in Slovakia, such as Roma people being denied the opportunity to rent a flat or house by a natural person, who is the property owner.²⁸⁶

Sections 5(1) and 5(2)(d) of the Anti-discrimination Act prohibit discrimination on all the grounds as sex, religion or belief, race, affiliation with a nationality (národnosť) or an ethnic group, disability, age, sexual orientation, marital status and family status, colour of skin, language, political or other opinion, national or social origin, property, lineage/gender or other status, or the reason of reporting criminality or other anti-social activity, contained in the Anti-discrimination Act in conjunction with special laws existing in the area of access to and provision of 'goods and services including housing which are provided to the public by legal entities and natural persons [who are] entrepreneurs'. Gender identity/expression and sex characteristics are not specifically covered in national legislation.

The Act does not provide any definition of 'housing'.

What is problematic is the link to 'special laws', which must contain the right to housing/associated rights in order to be able to be invoked in cases of breaches of the equal treatment principles (in connection to housing). This may hinder the rights stemming from the directives from being invoked in cases in which the right to housing and related rights would be regulated under types of generally binding legal acts other than laws (such as governmental decrees, ministerial ordinances, generally binding ordinances of self-governing bodies or municipalities etc.; see also Section 3.2.6).

a) Trends and patterns regarding housing segregation for Roma

In Slovakia, there are trends and patterns of housing segregation and discrimination against the Roma.

The issue of Roma housing segregation has been increasing in scope and severity in recent years, and comprises various aspects.

The Office of the Plenipotentiary for Roma Communities, in cooperation with the Institute of Work and Family, carried out data collection for the *Atlas of Roma Communities 2019*.²⁸⁷

²⁸⁶ See recent report by the Slovak Equality Body: Slovak National Centre for Human Rights (2024), *Dostupnosť obecného nájomného bývania* (Availability of municipal rental housing). Available at: <https://www.snsip.sk/wp-content/uploads/Dostupnost-obecneho-najomneho-byvania.pdf>.

²⁸⁷ Available to download at: <https://www.romovia.vlada.gov.sk/atlas-romskych-komunit/atlas-romskych-komunit-2019/>.

The data has been further interpreted in a publication released by the research team of the former Plenipotentiary of Roma Communities, Abel Ravazs.²⁸⁸

The *Atlas* reports that approximately 417 000 Roma lived in 825 towns and villages in Slovakia, representing about 7.6 % of the population. Around two thirds lived in concentrated areas, while the remaining third were integrated into the majority population. These concentrated areas often faced poor living conditions and limited access to basic infrastructure, particularly water supply and sewage systems. Only 64 % of Roma communities had access to the water supply network, compared to 93 % of the majority population, although the situation has been gradually improving over time.²⁸⁹

The *Atlas* further indicates that about two thirds of Roma residents were living legally in flats or properly constructed family houses on settled land. Nevertheless, housing conditions and infrastructure remained significantly below the standard enjoyed by the majority population. Approximately 33 000 people still relied on non-standard water sources, while only 40 % had access to sewerage systems, compared to 83 % in the majority population within the same municipalities. Despite these disparities, the *Atlas* notes that, in general, the situation in the monitored areas has been gradually improving over the years.²⁹⁰

In 2025, the Office of the Plenipotentiary for Roma Communities produced a sociological mapping of Roma communities in Slovakia in order to update data from the 2013 and 2019 Atlas as part of the EU-funded National Project for Monitoring and Evaluating Inclusive Policies Targeting the Roma Population (NP MaHIP I). The mapping aims to provide key data on living conditions and service accessibility for Roma communities and serves as a valuable resource for organisations working on Roma inclusion. Full-scale municipal data collection was scheduled for April 2025, building on insights gained from the pilot phase to improve the survey system. According to available information, the evaluation of the collected data was expected to be completed by the end of 2025.²⁹¹

Data from the EU SILC_MRK survey conducted in autumn 2020 provide detailed insights into the housing conditions and social exclusion of Roma in marginalised communities, including their social exclusion. Unlike the *Atlas of Roma Communities*, which offers a broader view of housing conditions at the community level, the EU SILC_MRK focuses on individual households.²⁹² Key findings include that almost half of persons living in marginalised Roma communities (47 %) live in places with pollution, dirt or other

²⁸⁸ Ravazs, A. Kováč, Ľ. Markovič, F. (2021), *Atlas rómskych komunít 2019* (Atlas of Roma communities 2019), Bratislava, VEDA. Available at: https://www.institutmatejabela.sk/files/ugd/1a16af_0d81d887ecb3421bb8b19728c82c980f.pdf. The publication triggered a media conflict with the designated Roma Plenipotentiary who intended to officially publish interpretation of the data under the Office of the Plenipotentiary since the Atlas was financed from EU funds. But, reportedly, given that the data processing took an excessively long time, the former Plenipotentiary analysed the data and published their interpretation on their own.

²⁸⁹ Ravazs, A. Kováč, Ľ. Markovič, F. (2021), *Atlas rómskych komunít 2019* (Atlas of Roma communities 2019), Bratislava, pp. 17-18. For an overview of ongoing issues concerning discrimination against Roma in adequate access to housing, see also European Roma Rights Centre (2021), *Submission to the Special Rapporteur on the Right to Adequate Housing to the General Assembly in 2021 and to the Human Rights Council in 2021*. Available at: http://www.errc.org/uploads/upload_en/file/5307_file1_submission-special-rapporteur-april-2021.pdf.

²⁹⁰ Ravazs, A. Kováč, Ľ. Markovič, F. (2021), *Atlas rómskych komunít 2019* (Atlas of Roma communities 2019), Bratislava, pp. 17-18. For an overview of ongoing issues concerning discrimination of Roma in adequate access to housing see also European Roma Rights Centre (2021), *Submission to the Special Rapporteur on the Right to Adequate Housing to the General Assembly in 2021 and to the Human Rights Council in 2021*. Available at: http://www.errc.org/uploads/upload_en/file/5307_file1_submission-special-rapporteur-april-2021.pdf.

²⁹¹ Office of the Plenipotentiary for Roma Communities, information available online at: <https://romovia.vlada.gov.sk/archiv-tlacovych-sprav/nove-sociograficke-mapovanie-romskych-komunit-na-slovensku/?csrc=12476516271611056068>.

²⁹² Office of the Plenipotentiary for Roma Communities (2022), *Príjmy a životné podmienky v marginalizovaných rómskych komunitách: Vybrané ukazovatele zo zisťovania EU SILC_MRK 2020* (Income and living conditions in marginalised Roma communities: Selected indicators from the survey), p. 70.

environmental problems. Within the overall population, this is 10 % of persons. Almost nine out of 10 (88 %) persons living in marginalised Roma communities live in households that are considered to be overcrowded, according to the Eurostat definition. Within the overall population, 30 % of people live in overcrowded households.²⁹³ There are no recent analytical reports in this area.

Efforts are being made to address poor housing conditions and lack of infrastructure in Roma communities. However, significant challenges persist, including limited access to basic services like clean water and sanitation. This fact was also confirmed by the Council of Europe Commissioner for Human Rights

in his Memorandum on the Human rights of Roma in the Slovak Republic.²⁹⁴ the Commissioner highlights that poor living conditions in marginalised Roma communities contribute to their isolation, stigma and deteriorating human rights, particularly their right to health. These communities suffer from chronic diseases and have a shorter life expectancy compared to the general population. Mental health issues are also a concern. Many Roma communities live in substandard housing with limited access to water and electricity. These areas are prone to fires, often caused by the use of solid fuels or unsafe electrical installations. Such conditions lead to a high number of burn injuries among Roma residents. Inadequate sanitation and waste disposal, along with rodent infestations and overcrowding, exacerbate the situation. In some areas, the lack of space has forced some families to build makeshift shelters, while residents who are elderly or have disabilities struggle with accessibility. Some settlements are located in hazardous areas, like flood zones or near waste dumps, posing health risks.

The Slovak Constitution does not entrench the right to housing, and the Slovak Republic opted out of the provision on the right to housing in the Revised European Social Charter.²⁹⁵

In recent years, the Government authorities have made efforts to address the issue of illegal Roma settlements that are situated on private land. A national project to provide assistance to municipalities or villages with Roma communities in solving the – possibly complex – legal issues relating to privately owned land on which the Roma communities live was also implemented in 2025.²⁹⁶

The issue of illegal Roma settlements that are situated on private land remains an on-going challenge for the Slovak Government. In the past, many Roma built their houses on state-owned property. However, due to the processes of land privatisation and decentralisation in the past, these lands became owned by private persons or municipalities.²⁹⁷ Due to insufficient action in earlier years, Roma in segregated settlements in Slovakia face an increased risk of forced eviction. The Strategy for Equality, Inclusion, and Participation of

²⁹³ Office of the Plenipotentiary for Roma Communities (2022), *Príjmy a životné podmienky v marginalizovaných rómskych komunitách: Vybrané ukazovatele zo zisťovania EU SILC MRK 2020* (Income and living conditions in marginalised Roma communities: Selected indicators from the survey). pp. 70-79. For an overview of the main findings from this survey, see its executive summary available in English, pp. 7-11.

²⁹⁴ Memorandum on the Human rights of Roma in the Slovak Republic, 3 February 2025, Commissioner of Human rights, Council of Europe. Available at: <https://rm.coe.int/memorandum-on-the-human-rights-of-roma-in-the-slovak-republic-by-micha/1680b44723>.

²⁹⁵ In particular, Article 31(1), which sets out the commitment to take measures to support access to housing at an appropriate level.

²⁹⁶ Additional information about this project is available at: <https://www.romovia.vlada.gov.sk/narodne-projekty/narodny-projekt-podpora-vysporiadania-pozemkov/oznamenie/>.

²⁹⁷ European Roma Rights Centre (2018), *Written comments for the consideration of the Committee on Economic, Social and Cultural Rights at its 62nd session concerning Slovakia*, p.2. Available at: [Treaty bodies countries \(ohchr.org\)](https://treaty.bodies.countries.ohchr.org).

Roma to 2030²⁹⁸ aims to reduce illegal Roma settlements. The 2022-2024 action plans²⁹⁹ focused on legalising land in these settlements, either by allowing Roma to legalise the land their houses were built on or by municipalities acquiring ownership to improve housing conditions.

Some activities in the Housing Action Plan 2025-2027³⁰⁰ build on those from 2022-2024, particularly those related to legalisation of dwellings and the construction of technical infrastructure. In addition to supporting demand-driven projects for land settlement in marginalised Roma communities (MRCs) and providing related assistance services to municipalities, new activities include support for self-help construction and training in spatial planning. The action plan aims to improve housing quality in MRCs through the construction and reconstruction of rental housing, support for rental housing and activities focused on environmental issues, including education and training in fire prevention, waste management, waste separation and air protection.

In 2025, the Office of the Plenipotentiary for Roma Communities launched a call for proposals inviting a wide range of actors to apply for grants aimed at supporting social and cultural needs and addressing extremely adverse situations affecting Roma communities. The scheme is designed to support projects that also improve housing and living conditions of Roma communities, including emergency remediation of housing conditions resulting from fires or other disasters, acquisition, repair and reconstruction of municipal housing, and initiatives that strengthen public order through community patrols. Beyond housing, the grant also covers cultural activities, artistic creation, education and financial literacy development, all of which contribute to enhancing the overall quality of life for Roma individuals and communities.³⁰¹

In 2025, the Office also approved a new series of projects aimed at improving living conditions in municipalities included in the *Atlas of Roma communities*. The projects should support investments in housing, technical infrastructure, land adjustments and environmental improvements.³⁰²

Governments in Slovakia have been implementing housing development programmes by means of which low-cost municipal rental apartments and technical infrastructure have been funded, and these programmes have had some positive results (including increased quality of life and school attendance). However, at the same time, they have also contributed to increasing segregation of Roma communities, because the new apartments have been built not within municipalities but in distant localities, often with very poor infrastructure. The construction quality of the newly built housing is also frequently very poor and the housing is expensive to maintain. These issues show that although financial investments and programmes should bring concrete improvements, systemic intervention and consistent application of the principles of inclusion and non-discrimination in the housing sector are also necessary.

Another problem is that municipalities and towns often develop their local planning policies in a manner that promotes ethnic segregation. In some municipalities where illegal settlements of marginalised Roma communities exist, local authorities, instead of applying for financial resources to improve living conditions or to legalise the dwellings, tend to

²⁹⁸ *Stratégia rovnosti inklúzie a participácie Rómov fo roku 2030* (Strategy for Equality, Inclusion and Participation of Roma to 2030), Priority area of housing, partial goal 1 of the Strategy.

²⁹⁹ *Akcne plány k stratégii rovnosti, inklúzie a participácie Rómov do roku 2030* (Action plans for the Strategy for equality, inclusion and participation of Roma to 2030), adopted by the Government of the Slovak Republic on 6 April 2022. Priority area housing: partial goal 1.1 and related measures.

³⁰⁰ Housing Action Plan, available at: https://www.romovia.vlada.gov.sk/site/assets/files/1113/akcne_plany_strategie_2030_na_roky_2025_2027_final.pdf?csrt=1933762937641958281.

³⁰¹ For more information see: <https://www.romovia.vlada.gov.sk/dotacna-schema/vyzva-na-predkladanie-ziadosti-na-rok-2025/?csrt=8856278431436106963>.

³⁰² For more information see: <https://www.romovia.vlada.gov.sk/archiv-tlacovych-sprav/dalsie-projekty-v-obciach-desiatky-najomnych-bytov-nova-kanalizacia-aj-sanacia-skladok/?csrt=8856278431436106963>.

pursue efforts to evict residents or demolish homes without providing alternative housing for the affected families.

There are also structural barriers that contribute to the fact that regular standard social housing is practically inaccessible to the Roma. Access to social housing of a regular standard is often conditional on a requirement for employment (of at least one family member) or a minimum level of income. Roma people are much less likely to meet such requirements than the non-Roma population.

The Act on state support for rented accommodation³⁰³ aims to create an environment that allows the construction of state-supported rental housing with regulated rents and a guarantee of long-term housing. It is intended to address insufficient physical and affordable availability of housing for broad groups of the population.

The *National Concept for Preventing and Ending Homelessness 2023-2030* is the first direct strategic Government document on homelessness that defines a range of general and specific objectives and proposals for action to prevent this social issue.³⁰⁴ The Concept specifically noted that a large group of those who meet the characteristics of homeless people in Slovakia are inhabitants of marginalised Roma communities. However, it does not deal with their particular situation, given that the specific *Strategy for Equality, Inclusion and Participation of Roma to 2030* has been adopted in Slovakia. The Concept was followed by an Action Plan for 2024-2026.³⁰⁵ It includes specific measures to help people in the most efficient and measurable way, ensuring they do not remain homeless or isolated.

The Government *Strategy for Equality, Inclusion and Participation of Roma to 2030* addresses the problem of residential segregation, and sets as one of its goals the reduction of such segregation. The strategy also highlights other persistent inequalities in housing between the majority population and marginalised Roma, and aims to address them.³⁰⁶ The action plans under the strategy include partial goals to decrease residential segregation of Roma and reduce the discrimination they experience in access to housing.³⁰⁷

In 2024, the Slovak equality body and Amnesty International highlighted persistent barriers to housing for Roma households, particularly in municipal rental apartments. The equality body reported that Roma families often face segregation, even in rural areas with inclusive policies, and encounter discriminatory or vague municipal regulations limiting access to standard-quality rental housing. Amnesty International's report, *Unattainable right to housing*, confirmed systematic segregation and institutional racism, noting practices such as prepaid water access via electronic cards, shared sanitary facilities located on mezzanine floors, and reliance on solid-fuel stoves that have caused fires. These conditions severely affect families with small children and people with reduced mobility, underscoring the ongoing inaccessibility of adequate housing for Roma communities in Slovakia.

According to the conclusions of the NGOs associated within the Human Rights Coalition, in 2025, the Slovak Republic continued to systematically violate the right of Roma to adequate housing without segregation. Segregated Roma communities and localities, inadequate and health- and life-threatening living conditions, the repeated use of short-

³⁰³ Act No. 222/2002 on state support for rented accommodation, adopted on 25 May 2022.

³⁰⁴ Resolution of the Government of the Slovak Republic no. 158/2023 adopted on 24 April 2023. Available at <https://rokovania.gov.sk/RVL/Resolution/20781/1>.

³⁰⁵ See: <https://www.employment.gov.sk/files/sk/rodina-socialna-pomoc/socialne-sluzby/prevenicia-ukoncovanie-bezdomovstva/action-plan-2024-2026-national-concept-preventing-ending-homelessness-2030.pdf>.

³⁰⁶ *Stratégia rovnosti inklúzie a participácie Rómov do roku 2030* (Strategy for Equality, Inclusion and Participation of Roma to 2030) adopted by the Government of the Slovak Republic on 7 April 2021, priority area of housing.

³⁰⁷ *Akčné plány k stratégii rovnosti, inklúzie a participácie Rómov do roku 2030* (Action plans for the Strategy for Equality, Inclusion and Participation of Roma to 2030), adopted by the Government of the Slovak Republic on 6 April 2022. Priority area housing: partial goals 5.1, 6.1 and 62 and related measures.

term lease contracts, and unclear municipal housing policies deepened inequality and led to widespread human rights violations. The coalition further concluded that the Government failed to adopt effective desegregation and systemic measures in the field of housing.³⁰⁸

In addition, the *Civil society monitoring report on the implementation of the National Strategic Framework for Roma Equality, Inclusion and Participation in Slovakia* (RCM2-2024), prepared by a coalition of civil society organisations in 2025, highlighted that Roma communities in Slovakia continue to face spatial segregation and exclusion, with limited access to basic services, infrastructure and decent housing. The report also stresses that technical infrastructure projects had advanced only modestly and did not sufficiently address the needs of Roma communities and that environmental justice concerns (such as exposure to pollution and unsafe living conditions in segregated settlements) remain largely unaddressed.³⁰⁹

In 2025, a series of tragic fires highlighted the life-threatening housing conditions in segregated Roma settlements in Slovakia. In March, a fire in temporary housing units in Veľký Šariš resulted in the deaths of five people, including four children. In July, a fire in Spišský Štiavnik left 150 people homeless, many of whom subsequently lived for months in makeshift tents without access to water or electricity. Further fatalities occurred in November, when two children died in Mašličkovo and a mother and her three daughters died in a fire in Kozárovce. The incidents were attributed to segregated housing in hazardous living conditions. NGOs concluded that, despite the repeated tragedies, the authorities have not adopted comprehensive preventive measures or legislative reforms to improve housing safety and quality. Institutional responses have been mainly ad hoc and limited to short-term humanitarian assistance, while long-term safe housing solutions for affected families have not been secured, leaving survivors in emergency accommodation such as tents, sports halls or community centres, without access to basic services.³¹⁰

So far, only a few cases alleging discrimination in housing have been decided by national courts in which the decision has become final. One case concerned Roma families who previously lived in the centre of the town of Sabinov in commercially attractive houses (mainly by virtue of their location) being moved to social housing owned by the municipality in a new location, distant and isolated from the town boundary.³¹¹ More information on this decision can be found in the 2022 country report on Slovakia.³¹² Another case concerns forced evictions of Roma families from their homes in Košice (Nižné Kapustníky district) under the pretext of waste removal by the city authorities. The national courts concluded that the respondent's choice of method in removing the complainants' dwellings (in fact, and conceptually referred to as, waste) undoubtedly tangibly interfered with the complainants' human dignity and amounted to discrimination against them, including in the form of harassment.³¹³ More information on this decision can be found in the 2024 country report on Slovakia.³¹⁴

³⁰⁸ Non-governmental organisations associated within the Human Rights Coalition (2025), Human Rights Assessment 2025. Available at: https://www.amnesty.sk/wp-content/uploads/2025/12/Ludskopravna-bilancia_EN.pdf.

³⁰⁹ The report is available at: <https://www.romacivilmonitoring.eu/wp-content/uploads/2025/09/RCM2-2024-C1-Slovakia-FINAL-Slovak.pdf>.

³¹⁰ See also Human Rights Assessment for 2025. Human Rights Coalition. Available at: https://www.amnesty.sk/wp-content/uploads/2025/12/Ludskopravna-bilancia_EN.pdf.

³¹¹ Decision of the Prešov Regional Court, No. 13 Co 38/2017, 20 March 2018.

³¹² Durbáková, V. (2022), *Country report: Non-discrimination – Transposition and implementation at national level of Council Directives 2000/43 and 2000/78 – Slovakia*, European Commission, European network of legal experts in gender equality and non-discrimination, p. 59. Available at: <https://www.equalitylaw.eu/downloads/5805-slovakia-country-report-non-discrimination-2022-1-51-mb>.

³¹³ Decision of the Regional Court Košice II of 28 June 2023, No. 9Co/21/2022. Decision of the District Court Košice II, No. 15C/190/2014-650, 21 January 2022.

³¹⁴ Durbáková, V. (2024), *Country report: Non-discrimination – Transposition and implementation at national level of Council Directives 2000/43 and 2000/78 – Slovakia*, European Commission, European network of legal experts in gender equality and non-discrimination, pp. 63, 123-124. Available at: <https://www.equalitylaw.eu/downloads/6109-slovakia-country-report-non-discrimination-2024>.

In September 2025, a key decision was issued by the District Court in Prešov, which prohibited the municipality of Torysa from demolishing the home of a Roma family living in a marginalised community. The case involved a Roma woman and her family, including minors, whose house was at risk of imminent demolition without provision of alternative housing. The court recognised that even a dwelling built without a building permit can qualify as a 'home' under the Slovak Constitution and the European Convention on Human Rights when it has been occupied long-term and family life is conducted there. It found that demolition would cause serious and irreversible harm to fundamental rights and that the municipality's action would be disproportionate, given the social impact on the family and the decades-long tolerance of the informal settlement.

This landmark ruling, supported by free legal representation from the NGO Center for Civil and Human Rights (Poradňa), is the first known case in Slovakia explicitly preventing a municipality from demolishing a Roma family home on human rights grounds. The decision underscores the protection of informal dwellings, the application of proportionality in state and municipal actions and the relevance of European Court of Human Rights jurisprudence on forced evictions. The ruling is not final and is currently before the appellate court, but it represents a significant step in advancing housing rights and anti-discrimination protections for marginalised Roma communities³¹⁵ (for more information on this decision see Section 12.2 below).

³¹⁵ Decision of the District Court in Prešov 17 September 2025, no. 16 C/34/2025 is available in Slovak at <https://poradna-prava.sk/en/sudne-rozhodnutia/>.

4 EXCEPTIONS

4.1 Genuine and determining occupational requirements (Article 4 Directive 2000/43, Article 4(1) Directive 2000/78)

In Slovakia, national legislation provides for an exception for genuine and determining occupational requirements.

The Anti-discrimination Act defines genuine and determining occupational requirements in Section 8(1), stipulating that

'a treatment that is justified by the nature of occupational activities or by the circumstances under which such activities are carried out, if the ground constitutes a genuine and determining occupational requirement, shall not constitute discrimination, provided that the objective is legitimate and the requirement is proportionate.'

There is no explicit reference to which particular grounds this exception is applicable to, although it can be assumed that it will apply to all the grounds mentioned in the Anti-discrimination Act as sex, religion or belief, race, affiliation with a nationality (*národnosť*) or an ethnic group, disability, age, sexual orientation, marital status and family status, colour of skin, language, political or other opinion, national or social origin, property, lineage/gender or other status, or the reason of reporting criminality or other anti-social activity. Nevertheless, there has not yet been any case law on this matter, and it will be interesting to see whether the courts will impose a strict interpretation of the 'grounds' context that would follow from the wording of the Act ('on the ground of') or will apply the wording of the provisions of the directives ('related to any of the grounds ...').

4.2 Employers with an ethos based on religion or belief (Article 4(2) Directive 2000/78)

In Slovakia, national law provides for an exception for employers with an ethos based on religion or belief.

Section 8(2) of the Anti-discrimination Act stipulates that:

'in the case of registered churches, religious societies and other legal entities whose activities are based on religion or belief, differences of treatment based on religion or belief shall not constitute discrimination where they are related to employment by or to carrying out activities for such organisations and where, by reason of the nature of occupational activities or the context in which they are carried out, a person's religion or belief constitute a fundamental legitimate³¹⁶ and justified occupational requirement.'

The current version of the Anti-discrimination Act does not contain any provision that would explicitly entitle the organisations defined above to require the individuals who are employed by them or carry out activities for them to act in good faith and with loyalty to the organisation's ethos.

There is no case law on the issue.

- Conflicts between the rights of organisations with an ethos based on religion or belief and other rights to non-discrimination

³¹⁶ A comma is missing between the words 'fundamental' and 'legitimate' in the act.

In Slovakia, there are no specific provisions that would explicitly deal with conflicts between rights of organisations with an ethos based on religion or belief and other rights to non-discrimination in the context of employment (e.g. conflicts in respect of sexual orientation or another ground in organisations with an ethos based on religion). However, the absence of any provisions enabling religious organisations to exercise exceptions that would impact on other rights to non-discrimination and the existing case law indicate that in (potential) conflicts, other rights to non-discrimination would take precedence.

As regards organisations with a special ethos connected with their religion or belief, the relevant legislation states that there will be no right to interfere with such an organisation's internal matters.³¹⁷

However, the internal orders of religious organisations should not violate generally binding legal acts (including the Constitution and the Anti-discrimination Act). There is one known case relating to the conflict between the rights (and rules) of churches, religious or similar organisations and the rights of individuals who enter into real or potential relationships with such organisations. The case, decided by the Constitutional Court,³¹⁸ concerned a priest of the Roman Catholic Church, who had made a claim related to his employment rights (right to remuneration) before the ordinary courts against his church, which was also his employer.

More information on this decision can be found in the 2022 country report on Slovakia.³¹⁹

4.3 Armed forces and other specific occupations (Article 3(4) and Recitals 18 and 19 Directive 2000/78)

In Slovakia, national legislation provides for an exception for the armed forces in relation to age and disability discrimination (Article 3(4), Directive 2000/78).

In Slovakia, national legislation provides for a definition of 'armed forces'.³²⁰

This definition does apply to the above-mentioned exception.

The scope of the exception is limited to safeguarding the combat effectiveness of the armed forces.

The scope of the exception does not extend to other non-combat staff, such as civilians employed in administrative positions in the army. For those non-combat staff, their employment relationship is under the Labour Code, not under the legal acts regulating the service of the armed forces.

Section 4(1)(b) of the Anti-discrimination Act stipulates that the provisions of the Anti-discrimination Act do not apply to 'differential treatment based on disability or age that follows from provisions of special legal acts regulating the service of armed forces, armed

³¹⁷ Act on Freedom of Religious Belief and Status of Churches or Religious Societies(Zákon o slobode náboženskej viery a postavení cirkví a náboženských spoločností), 308/1991, Section 5(2) stipulates that 'Churches and religious societies administer their own affairs and, in particular, appoint their bodies, their priests and establish orders and other institutions independently of state authorities'.

³¹⁸ Decision of the Constitutional Court of the Slovak Republic, No III. ÚS 64/00-65, 31 January 2001.

³¹⁹ Durbáková, V. (2022), *Country report: Non-discrimination – Transposition and implementation at national level of Council Directives 2000/43 and 2000/78 – Slovakia*, European Commission, European network of legal experts in gender equality and non-discrimination, p. 61. Available at: <https://www.equalitylaw.eu/downloads/5805-slovakia-country-report-non-discrimination-2022-1-51-mb>.

³²⁰ Act on the Armed Forces of the Slovak Republic, 321/2002, Section 2; Constitutional Act on state security in times of war, martial law, a state of emergency, and a state of emergency, 227/2002, Article 1 para 6. Based on this legislation the Armed Forces are established to preserve peace, ensure the defence of the Slovak Republic and fulfil obligations arising from international treaties by which the Slovak Republic is bound. The composition of the Armed Forces in a state of security, during war, a state of war, a state of emergency and a state of crisis is regulated by a constitutional law.

security services, armed corps, the National Security Office, the Slovak Information Service and the Fire and Rescue Service.'

Section 4(1)(c) stipulates that the provisions of the Anti-discrimination Act do not apply to

'differential treatment based on disability or age that follows from provisions of special legal acts regulating the training for the defence of the State by soldiers of voluntary military training, the training for the exercise of extraordinary service in the armed forces of the Slovak Republic, and the exercise of tasks of armed forces by reservists who are categorised as active reservists.'

4.4 Nationality discrimination (Article 3(2))

a) Discrimination on the ground of nationality

In Slovakia, national law includes exceptions relating to difference of treatment based on nationality.

Differential treatment based on a person's nationality (meaning 'citizenship' under Slovak legislation) is permitted under the Anti-discrimination Act, in so far as it results from the legal requirements for the entry and residence of foreigners in Slovakia, including the treatment of these foreigners, which is provided for under separate legal regulations.³²¹ This is not applicable to citizens of the European Union, citizens of any state that is party to the European Economic Area Agreement, Swiss citizens and stateless persons and their family members.³²²

Separate legal conditions regarding foreigners apply mostly to the fulfilment of special requirements for granting permission for business activity, employment or study in Slovakia. Restrictions also apply to access to certain occupational positions and social assistance services. However, in other areas, discrimination on the ground of nationality ('citizenship' under Slovak legislation) is prohibited under the legal regime of the Anti-discrimination Act. This follows from the open-ended list of prohibited grounds of discrimination contained in the Act, which implicitly includes nationality ('citizenship') among the prohibited grounds of discrimination in most areas covered by the directives.³²³

In Slovakia, nationality (as in citizenship) is not explicitly mentioned as a protected ground in national anti-discrimination law, but is prohibited as mentioned above under the open-ended list of prohibited grounds of discrimination contained in the Anti-discrimination Act. Judicial interpretation is required in this regard.

b) Relationship between nationality and 'racial or ethnic origin'

The Slovak language and Slovak legislation draw a distinction between citizenship, nationality (*národnosť*) and ethnicity.

In practice, a member of the Hungarian minority, being a Slovak national, would fall within the ground 'national origin', whereas Roma people are considered to be an ethnic group.

There is no case law that deals with distinctions or overlaps between citizenship, nationality, and 'race or ethnic origin'.

³²¹ Act on the Residence of Foreigners, 404/2011 and Asylum Act 480/2002. Both of these acts regulate legal status, conditions for granting permission for business activities, employment, study and stay of foreigners and asylum seekers.

³²² Anti-discrimination Act, 365/2004, Section 4(1)(a).

³²³ Anti-discrimination Act, 365/2004, Section 2(1).

4.5 Health and safety at work (Article 7(2) Directive 2000/78)

In Slovakia, there are exceptions in relation to disability and health and safety as allowed under Article 7(2) of the Employment Equality Directive.

Under Section 8(5) of the Anti-discrimination Act, objectively justified differential treatment grounded in specific health requirements in relation to access to a job or to performing certain activities in a particular job, do not constitute discrimination on the ground of disability, provided that this is required by the character of the job or job activity.

The Labour Code provides some extra protection to workers who are persons with disabilities; for example, there are special conditions for employers when giving notice to an employee with a disability and in setting working times.³²⁴

There is no case law yet on the issue of health and safety exceptions relating to disability.

There are no exceptions for grounds other than disability with regard to health and safety.

4.6 Exceptions related to discrimination on the ground of age (Article 6 Directive 2000/78)

4.6.1 Direct discrimination

a) Justification of direct discrimination on the ground of age

In Slovakia, national law allows for specific justifications for direct discrimination on the ground of age.

The wording of the relevant part of the Section 8(3) of the Anti-discrimination Act reads as follows:

‘differential treatment on the ground of age shall not be deemed to constitute discrimination if it is objectively justified by a legitimate aim and if it is necessary and appropriate for the achievement of that aim and if this is provided for by a specific legal regulation.’

The law does not explicitly list potential legitimate aims (as in Article 6 of the Directive), and thus is silent on this issue.

b) Permitted differences of treatment based on age

In Slovakia, national law permits differences of treatment based on age for any activities within the material scope of Directive 2000/78.

The exception for age is provided both within the framework of genuine and determining occupational requirements (Section 8(1) of the Anti-discrimination Act – see Section 4.1 above) and under Section 8(3) of the Anti-discrimination Act. Section 8(3) of the Anti-discrimination Act provides for the following:

- fixing a minimum or maximum age as a recruitment criterion;
- setting special conditions for access to employment or vocational training, and special conditions for employment, including remuneration and dismissal, for persons of a certain age bracket or persons with caring responsibilities, where such special conditions are intended to promote work integration or protection of such persons;

³²⁴ Labour Code, 311/2001, Sections 66, 68 (3), 87(3), 158 and 159.

- fixing minimum conditions of age, professional experience or seniority in service for access to employment or to certain advantages linked to employment.'

From the structure and content of the provision quoted above, it is not quite clear whether each of the exceptions specified in the three points must, in a particular case, meet the general test of justification provided by the introductory sentence to Section 8(3) of the Anti-discrimination Act, or whether the introductory sentence simply provides a general context for the exceptions specified in the three points (and perhaps further in other pieces of legislation).

The additional requirement of the need for a specific legal regulation set by Section 8(3) of the Anti-discrimination Act means that discriminatory measures not provided for by law (e.g. those made by private employers) are not justifiable in any way.

Depending on the character of the relevant legislation, and also depending on the (limited) judicial practice that has developed on the issue over the course of time (the courts have ruled on only one case on this matter, see below), it is more likely that the second approach (where the introductory sentence simply provides a general context for the exceptions specified in the three points) will apply under the current wording of Section 8(3) of the Anti-discrimination Act. For example, according to Section 5(1)(a) of Act 385/2000 on Judges and Lay Judges, only a citizen who has reached at least 30 years of age can be appointed as a judge. The provision is of a cogent nature and, as such, seems to offer no room for justification in the light of the introductory sentence of Section 8(3) of the Anti-discrimination Act (which, per se, does not necessarily mean that the transposition of the 2000/78 Directive is incorrect on this point).

An example confirming the interpretation outlined above is a court judgment in a case in which the claimant sued a potential employer for discrimination on the ground of age.³²⁵ The court dismissed the claim, reasoning that the fact that the defendant acted in accordance with a contract with a labour office (and hence also legislation providing for exceptions based on age – disadvantaged job seeker under the age of 25) was in itself sufficient reason to state that 'the defendant has therefore pursued a legitimate aim and acted in accordance with special regulations' (i.e. the court did not question the nature of the legislatively provided exception as such).

It is also worth noting that, for example, Section 77(12) of Act 131/2002 on Higher Education stipulates that employment of university teachers terminates at the end of the academic year in which they reach 70 years of age, although extension of the employment relationship is possible for one year (even repeatedly, but with no details on the criteria for doing so). It is very likely that the provision is in violation of CJEU case law on exceptions relating to age (see Sections 4.6.4(c) and (f) below for more details). In addition, the provision also has the potential to be indirectly discriminatory on the ground of sex/gender, as the apparently neutral provision may have a greater impact on women, mainly due to their generally lower positions in academic hierarchies. The same provisions also remained in the newly adopted Act 300/2025 on Higher Education Section 55 para 12, due to come into effect from 1 March 2026.

There are other similar cases in the Slovak legal system in which an employment relationship must or may be terminated on reaching the age of 65 (see Section 4.6.3). Social partners, however, are not authorised by law to agree the age at which an employment contract must or can be terminated (so the decision of the CJEU in *Prigge*³²⁶ is not applicable to Slovakia).

³²⁵ Regional Court Banská Bystrica, No. 12 Co/6/08, 27 March 2008. The court probably made a mistake in the official judgment as it states the date of issue of the judgment of the regional court as 27 March 2007. However, this would not have been possible as the district court issued its decision on 20 November 2007 and regional court decisions always follow district court ones.

³²⁶ CJEU, C-447/09, *Reinhard Prigge and Others v. Deutsche Lufthansa AG*, 13 September 2011.

c) Fixing of ages for admission to occupational pension schemes

In Slovakia, national law allows occupational pension schemes to fix ages for admission to the scheme, taking up the possibility provided for by Article 6(2). The legislation allows for the use of age criteria in actuarial calculations and lists no restrictions on the use of these criteria.

With regard to occupational social security schemes, differences of treatment in such schemes on grounds of age will not be considered as discrimination where they consist of fixing age limits for entitlement to old age pensions and disability pensions, including the fixing of different age limits in such schemes for employees or groups of employees, and the use of different calculation methods for these pensions based on age criteria, provided that this does not result in discrimination on the ground of sex.³²⁷ Also, under Section 8(6) of the Anti-discrimination Act, differences of treatment on grounds of age or disability in the provision of insurance services will not be deemed to constitute discrimination where such treatment results from different levels of risk, verifiable by statistical or similar data, and where the terms of insurance services adequately reflect such risk. Different treatment on the ground of age is permitted in areas regulating the service of members of the armed forces, armed security services, armed corps, the National Security Office, the Slovak Information Service, the Fire and Rescue Service, voluntary military training, training for the exercise of extraordinary service in the armed forces, and the exercise of tasks of armed forces by reservists who are categorised as active reservists.³²⁸

4.6.2 Special conditions for younger or older workers

In Slovakia, there are no special conditions set by law for older and younger workers in order to promote their vocational integration.

4.6.3 Minimum and maximum age requirements

In Slovakia, there are exceptions permitting minimum and maximum age requirements in relation to access to employment and training.

General rules for the justification of direct discrimination in employment on the ground of minimum or maximum age requirements are set in Section 8(3)(a) of the Anti-discrimination Act (see Section 4.6.1 above).

There are several laws stipulating minimum or maximum ages in employment relationships. None of the laws have been subject to specific public discussion or judicial review as to whether they are compatible with Directive 2000/78.

The Constitution of the Slovak Republic regulates the requirements applicable to the holders of high public office, including their age. This applies to the President of the State, for whom a minimum age of 40 has been set; and to judges, including judges of the Constitutional Court; the ombudsperson; and members of Parliament (the National Council of the Slovak Republic).³²⁹

Other laws regulate, for example, the minimum age for: a work assistant for a person with a disability (18 years);³³⁰ a prosecutor (25 years);³³¹ and judges (30 years – see also

³²⁷ Anti-discrimination Act, 365/2004, Section 8(4).

³²⁸ Anti-discrimination Act, 365/2004, Sections 4(1)(b) and 4(1)(c).

³²⁹ Constitution of the Slovak Republic, Articles 74, 103, 134 (4), 145 (2) and 151a (3).

³³⁰ Employment Services Act, 5/2004, Section 59(3).

³³¹ Act No. 154/2001 on Prosecutors and Prosecutor Candidates, as amended (*zákon č. 154/2001 Z. z. o prokurátoroch a právnych čakateloch prokuratúry v znení neskorších predpisov*), Section 6.

Section 4.6.1 above).³³² Seventy is the maximum age limit for a university teacher to be in an employment relationship with a university (although extensions are allowed – see Section 4.6.1 above). The Labour Code stipulates a minimum age of 15 for a natural person to be subject to the rights and duties of an employee. However, the employer must not agree upon a starting day for work before the applicant has completed compulsory school education.³³³ Civil servants must be at least 18 years old. The law also stipulates a minimum age for obtaining a permit to run a business (18 years).³³⁴

Although the law does not say anything about age requirements for training connected to some of the professions described above, it follows logically that if training is designed for people in these professions only, then de facto age limits apply with regard to training as well.

4.6.4 Retirement

a) State pension age

In Slovakia, there is a state pension age, at which individuals are entitled (but not obliged) to collect their state pensions. The age of entitlement to a state pension is fixed by law.³³⁵

The minimum pensionable age is capped at the age of 64. Women are able to collect their state pension earlier if they raised a child. According to the legislation, the pensionable age is adjusted so that every insured woman who has raised children has a reduced pensionable age by six months for each child brought up compared to the pensionable age of a childless insured person who was born in the same calendar year.³³⁶

If an individual wishes to work beyond the state pension age, they can collect a pension and still work (however, this does not fully apply to early pensions). Therefore, although a pension can be deferred in principle, if an individual wishes to work longer (since no-one can be compelled to collect their pension), pensions are not deferred in practice because receiving income from a wage or salary and a pension simultaneously is allowed.

Pensionable age and the collection of a pension do not prevent someone from working if they wish to continue their employment or start a new one. Thus, a person entitled to a state pension can work and collect their old age pension from the social security scheme and a wage from their employer.

In special circumstances, an individual can start to collect their pension early.³³⁷ The simultaneous collection of an early pension and a wage or salary (including payments for services carried out by people who are self-employed) that is subject to compulsory pension insurance, is not possible, with some minor exceptions.³³⁸

There is no case law on any of these issues yet.

b) Occupational pension schemes

³³² Act No. 385/2000 on Judges and Lay Judges and on amending and supplementing certain acts, as amended (*zákon č. 385/2000 Z. z. o sudcoch a prísediach a o zmene a doplnení niektorých zákonov v znení neskorších predpisov*), Section 5 (1)a.

³³³ Labour Code, 311/2001, Section 11

³³⁴ Small Business Act, 455/1991, Section 6.

³³⁵ Constitutional Act No. 99/2019 on amending the Constitution of the Slovak Republic, Article 39(2)(3).

³³⁶ Act No. 275/2020 amending Act No. 461/2003 on social insurance, as amended, and on amendments to certain laws.

³³⁷ Social Insurance Act, 461/2003, Section 67. The general conditions are that an individual was insured for at least 15 years, that she or he is supposed to reach the regular statutory pensionable age in no more than two years, and that the sum of the early pension she or he would acquire is no less than 1.6 times the 'living minimum' per one adult person as stipulated by a special law.

³³⁸ See Social Insurance Act, 461/2003, Section 67(4), in conjunction with Section 4(1)(d).

In Slovakia, there is a standard age at which people can begin to receive payments from occupational pension schemes and other employer-funded pension arrangements. In general, that is the age at which they become entitled to receive old age or early pension or reach 64 years.

An individual can collect an occupational ('supplementary') pension and still work, unless they collect an early occupational pension, which excludes the option to work. Therefore, although a payment from an occupational pension scheme can be deferred in principle, if an individual wishes to work longer (since no-one can be compelled to collect their occupational pension), these payments are not deferred in practice because gaining income from a wage or salary and an occupational pension scheme simultaneously is allowed.

Occupational pension schemes and their corresponding entitlements do not represent the main and compulsory source of pensionable income (this role is fulfilled by the state social security scheme) but are a supplementary source of income based on a voluntary agreement between employers and employees. For this reason, an individual can collect a pension and still work.

The functioning of the occupational social security schemes in Slovakia is regulated by Act 650/2004 on Supplementary Pension Saving.³³⁹

Under Section 16(1) of the Act on Supplementary Pension Saving, a participant in this supplementary pension saving scheme who asks to receive payments from a supplementary pension can receive a supplementary pension in the event that they become entitled to receive old age pension (see Section 4.6.4(a) above), in the event that they become entitled to receive an early pension according to Section 67 of the Social Insurance Act (see Section 4.6.4(a) above), or when they reach the age of retirement. An individual who collects an early pension, and hence is entitled to a supplementary pension, cannot work and at the same time collect a supplementary pension (apart from some minor exceptions), because supplementary pension entitlement is conditioned upon early pension entitlement, and an early pension entitlement is conditioned upon the person concerned not working.

c) State imposed mandatory retirement ages

In Slovakia, there is no state-imposed mandatory retirement age.

However, with respect to some professions in the field of public service, there is a state-imposed mandatory retirement age with a possible extension.

A de facto state-imposed mandatory age for retirement is stipulated by Section 77(6) of Act 131/2002 on Higher Education, which specifies that employment of university teachers terminates at the end of the academic year in which they reach the age of 70. Although this provision allows the employment relationship of university teachers who are over 70 to be extended for one year (even repeatedly, but with no details on the criteria for doing so), a university teacher whose contract is not extended has, practically, no option other than to retire (see Section 4.6.3 above for more details).³⁴⁰

In addition, the Prosecutor General can, in accordance with Section 15(3)(b) of Act 154/2001 on Prosecutors and Legal Trainees of the Prosecutor's Office, remove a prosecutor from office if they have reached the age of 65.³⁴¹

³³⁹ Act No. 650/2004 on Supplementary Pension Saving and on amending and supplementing certain laws, as amended (*zákon č. 650/2004 Z. z. o doplnkovom dôchodkovom sporení a o zmene a doplnení niektorých zákonov v znení neskorších predpisov*), see Section 2(2).

³⁴⁰ The same provisions also remained in the newly adopted Act 300/2025 on High Education Section 55 para 12, due to come into effect from 1 March 2026.

³⁴¹ See Act on Prosecutors and Prosecutor Candidates, 154/2001, Sections 15(3)b).

These state-imposed mandatory ages come from legislation and do not have to be justified.

There are otherwise no state-imposed mandatory retirement ages.

There is no case law on the issue.

d) Retirement ages imposed by employers

In Slovakia, national law does not permit employers to set retirement ages (or ages at which the termination of an employment contract is possible) by contract, collective bargaining or unilaterally.

e) Employment rights applicable to all workers irrespective of age

The law on protection against dismissal and other laws protecting employment rights apply to all workers irrespective of age, if they remain in employment after attaining pensionable age or another age.

According to Article 63(1)(f) introduced by an amendment of the Labour Code,³⁴² employers can terminate the employment contract of an employee who has reached the age of 65 and pensionable age for entitlement to a retirement pension. This legislation was questioned by some members of the Slovak Parliament representing the Opposition party SMER-SD, who claimed, in the proceeding they initiated before the Slovak Constitutional Court, that the provision constitutes discrimination on the ground of age. This provision has not yet entered into force due to the pending proceedings before the Constitutional Court.³⁴³

Thus so far, the employer still may not terminate a contract after an employee attains pensionable age on the ground of age alone. This means that anyone can continue in employment so long as they enjoy sufficient capacity (except for the age limitations mentioned above and in Section 4.6.3, the limitations connected to early pensions – see Section 4.6.4(a) and, of course, except for cases such as incompetence or misconduct, which are generally legally accepted grounds for job termination by an employer). Thus, the state pensionable ('retirement') age stipulated by Slovak legislation simply refers to pension entitlement that a worker can collect while still working.

The Anti-discrimination Act explicitly states that objectively justified differences of treatment on the ground of sex where they consist of fixing different retirement ages for men and women are not considered to be discriminatory.³⁴⁴

f) Compliance of national law with CJEU case law

In Slovakia, national legislation listed in Section 4.6.4(c) above, which provides de facto mandatory retirement for some professions is not in line with the CJEU case law on age regarding mandatory retirement.

In the case of all the occupations listed in Section 4.6.4(c) (university teachers and prosecutors), the law might be following a legitimate aim (quality of performance of public service, generational balance etc.). However, it does not require that the person affected by the compulsory dismissal be entitled to an old-age pension, which is in conflict with CJEU case law on age regarding compulsory retirement (e.g. *Palacios de la Villa*).³⁴⁵ In addition, the conditions for non-renewal of a labour contract (in the case of university

³⁴² Act 76/2021 amending Act 311/2001 Labour Code as amended and amending certain laws.

³⁴³ The Constitutional Court had not decided the case on its merits by the end of 2025.

³⁴⁴ Anti-discrimination Act, 365/2004, Section 8(7)(a).

³⁴⁵ CJEU, C-411/05, *Félix Palacios de la Villa v. Cortefiel Servicios SA*, 16 October 2007.

teachers), or for removing a prosecutor from office, are arbitrary and non-transparent, which certainly does not meet the requirement for reasonableness of the measures in question and the condition for proportionality of the means used.

The amendment to the Labour Code allowing employers to terminate a contract after an employee reaches the age of 65 and pensionable age, on the ground of age alone is in violation of Article 6(1) in conjunction with Article 2(1) of the Slovak Anti-discrimination Act and, as such, constitutes discrimination on a ground of age; a decision by the Slovak Constitutional Court on this issue is still expected.

4.6.5 Redundancy

a) Age and seniority taken into account for redundancy selection

In Slovakia, national law does not permit age or seniority to be taken into account in selecting workers for redundancy.

b) Age taken into account for redundancy compensation

In Slovakia, national law provides compensation for redundancy. Such compensation is not directly affected by the age of the worker.

In principle, the redundancy payment does not depend on the age of the employee concerned. However, as the calculations of the redundancy payment depend on the length of employment with a particular employer, the age of the worker can indirectly influence the sum of the redundancy payment (the longer the employment relationship, the higher the redundancy payment).³⁴⁶

4.7 Further exceptions necessary in a democratic society: Public security, public order, criminal offences, protection of health, protection of the rights and freedoms of others (Article 2(5), Directive 2000/78)

In Slovakia, national law does not include exceptions that seek to rely on Article 2(5) of the Employment Equality Directive.

4.8 Any other exceptions

In Slovakia, other exceptions to the prohibition of discrimination (on any ground covered by this report) provided in national law are set out below.

According to Section 8(4) of the Anti-discrimination Act:

'differential treatment in occupational pension systems based on age shall not be deemed to constitute discrimination if it consists in the fixing of different age limits for entitlement to old age pension and disability pension in such systems, if it consists in the fixing of different age limits in such schemes for [different]³⁴⁷ employees or groups of employees, and if it consists in using different ways of calculation of these pensions that are based on the criterion of age, provided that these calculations are not simultaneously discriminatory on the ground of sex.'

³⁴⁶ Labour Code, 311/2001, Section 76.

³⁴⁷ The provision of Section 8(4) of the Anti-discrimination Act is very unclear as to what categories of 'employees' and 'groups of employees' it has in mind when stipulating this exception.

5 POSITIVE ACTION (Article 5 Directive 2000/43, Article 7 Directive 2000/78)

a) Scope for positive action measures

In Slovakia, positive action is permitted in national law in respect of racial or ethnic origin, disability and age. Positive action in respect of religion or belief and sexual orientation is not permitted in national law as the legislation explicitly cites the only grounds in respect of which positive action is permitted.

The ability to adopt positive action measures (known as 'temporary equalising measures') is provided for by the Anti-discrimination Act.

Section 8a of the Anti-discrimination Act³⁴⁸ stipulates that the:

'adoption of temporary equalising measures by public administration bodies or other legal entities that are aimed at removing disadvantages following from the ground of racial or ethnic origin, affiliation with a national minority or an ethnic group, gender or sex, age or disability, the aim of which is to guarantee equality of opportunities in practice, is not deemed to be discrimination.'³⁴⁹

The Anti-discrimination Act lists the possible 'temporary equalising measures', which is the term used for positive action measures in Slovak legislation, in a non-exhaustive list, including measures:

- a. 'aimed at removing social or economic disadvantage that disproportionately affects representatives of disadvantaged groups;
- b. consisting of supporting the interests of representatives of the disadvantaged groups in employment, education, culture, healthcare and services;
- c. aimed at generating equality in access to employment, education, healthcare and housing, mainly through targeted training programmes for representatives of the disadvantaged groups or through the dissemination of information about these programmes or through opportunities to apply for jobs or places in the education system.'³⁵⁰

The temporary equalising measures can be adopted only if there is 'provable inequality', if their aim is reducing or removing this inequality and if they are appropriate and necessary to achieve the set aim.³⁵¹ The temporary equalising measures can be adopted only in the fields falling under the material scope of the Anti-discrimination Act³⁵² (employment and occupation, social security and social advantages, healthcare, education and access to and provision of goods and services including housing).³⁵³ They can be in force only while the inequality that has led to their adoption exists. Otherwise, the bodies that have adopted such measures are obliged to end them.³⁵⁴

The ability to adopt positive action measures is further provided for in specific legal provisions in the areas of employment³⁵⁵ and education.³⁵⁶

³⁴⁸ This provision gained its current shape after an amendment of the Anti-discrimination Act by Act No. 32/2013 of 5 February 2013, effective from 1 April 2013.

³⁴⁹ Anti-discrimination Act, 365/2004, Section 8a(1).

³⁵⁰ Anti-discrimination Act, 365/2004, Section 8a(1).

³⁵¹ Anti-discrimination Act, 365/2004, Section 8a(2).

³⁵² Anti-discrimination Act, 365/2004, Section 8a(3).

³⁵³ Anti-discrimination Act, 365/2004, Sections 3(1), 6 and 5.

³⁵⁴ Anti-discrimination Act, 365/2004, Section 8a(3).

³⁵⁵ Labour Code No. 311/2001, Section 66, Act No. 5/2004 on Employment Services, Sections 63–65.

³⁵⁶ Act No. 245/2008 on Education (Schools Act), Sections 19(4) and 60(4).

Bodies that adopt the measures are obliged to monitor and evaluate them continuously and to publish information about them with a view to reappraising their further duration, and must provide the relevant information to the Slovak National Centre for Human Rights (the equality body).³⁵⁷ In 2025, the Centre registered one new temporary equalising measure.

On 25 September 2025, the Central Office of Labour, Social Affairs and Family, delivered to the Slovak National Centre for Human Rights a notification on the adoption of a temporary equalising measure entitled 'Preferential employment in connection with the implementation of the project Counselling towards Employment II'. The measure is implemented within the national project under the programme 'An individualised and comprehensive approach focused on counselling activities – Counselling towards Employment II'. This is aimed at also providing employment services pursuant to Act No. 5/2004 Coll. to a new target group – persons in material need who are not registered jobseekers, primarily from marginalised Roma communities. The beneficiary of the measure is the Central Office of Labour, while its implementation will be ensured by 18 selected Offices of Labour, Social Affairs and Family through recruitment procedures for the position of Social Inclusion and Employment Assistant, in cooperation with the Office of the Plenipotentiary for Roma Communities. The objective is to promote equal opportunities in employment, increase the representation of Roma in professional assistant positions in the social sector and improve the target group's access to the labour market; the first evaluation report will be submitted by 31 July 2026.³⁵⁸ The Centre provides more information on the temporary equalising measures monitored in previous years on its website.³⁵⁹

In general, the number of temporary equalising measures registered by the Slovak National Centre for Human Rights remains very low, which may suggest that bodies adopting such measures may not have sufficient information about their obligation to monitor, evaluate and report them, or that they are ignoring their obligations. In order to raise awareness in this area, the Centre released a preparatory study on the practical use of temporary equalising measures in Slovakia and abroad³⁶⁰ as well as a handbook for employers on how to proceed with their adoption and implementation.³⁶¹ The equality body worked with partners to produce a publication summarising examples of good practice around the affirmative actions reported to the Centre in the context of creating equal opportunities in the field of employment and vocational training for Roma.³⁶²

Positive action measures were subject to Constitutional Court review upon the adoption of the Anti-discrimination Act in 2004.

The Constitutional Court decided that the former Section 8(8) of the Anti-discrimination Act was not in compliance with the Constitution.³⁶³

³⁵⁷ Anti-discrimination Act, 365/2004, Section 8a(4).

³⁵⁸ Response from the Centre of 20 January 2026 to a request for information of 13 January 2026 (on file with the author). More information on this temporary equalising measure is available at: <https://www.snslp.sk/wp-content/uploads/DVO-ustredie-prace-socialnych-veci-a-rodiny.pdf>.

³⁵⁹ Information available at : <https://www.snslp.sk/nasa-cinnost/pravne-sluzby/docasne-vyrovnavacie-opatrenia/>.

³⁶⁰ Slovak National Centre for Human Rights (2022), *Pripravná štúdia o praktickom využívaní dočasných vyrovnávacích opatrení doma aj v zahraničí* (Preparatory study on practical using of temporary equalising in Slovakia and abroad). Available at: https://www.snslp.sk/wp-content/uploads/DVO-studia_web-1.pdf.

³⁶¹ Slovak National Centre for Human Rights (2022) *Dočasné vyrovnávacie opatrenia: Ako postupovať v procese ich prijímania a implementácie* (Temporary equalising measures: How to proceed in the process of their adoption and implementation). Available at: https://www.snslp.sk/wp-content/uploads/DVO-metodika_web.pdf.

³⁶² National Centre for Human Rights and other partners (2024), *Affirmative actions to increase the employment of Roma in Slovakia, Examples of good practice*. Available in English at https://www.snslp.sk/wp-content/uploads/DVO-dobra-prax_ENG.pdf.

³⁶³ Decision of the Constitutional Court, PL. ÚS 8/04, 18 October 2005. <https://www.ustavnysud.sk/en/rozhodnutia>.

The Constitutional Court did not reject the application of the specific equalising measures (positive action) in principle. However, it stated that taking such action must have a constitutional basis, which is not the case when speaking about racial and ethnic origin. It seems, from the current wording of Section 8a of the Anti-discrimination Act, which provides for the adoption of temporary equalising measures, that the Constitutional Court decision was simply 'overruled' by legislators with regard to racial or ethnic origin, affiliation with a national minority or an ethnic group, and age being the eligible grounds for positive action, and in principle also with all other grounds contained in the provision. However, no-one contests the current wording of Section 8a of the Anti-discrimination Act, and the Constitutional Court decision used to be a subject of constant criticism for its inconsistency and illegitimacy.

b) Quotas in employment for persons with disabilities

In Slovakia, national law provides for quotas for the employment of persons with disabilities.

There is a special quota system established for employers who employ at least 20 employees. Under Sections 63 to 65 of the Employment Services Act, any employer who employs at least 20 employees³⁶⁴ is obliged to ensure that at least 3.2 % of their workforce is made up of persons with disabilities,³⁶⁵ provided that the local labour office has job seekers with disabilities on its register. Instead of employing a person with a disability, an employer can also decide to buy goods or services from a sheltered workshop or a sheltered workplace, or from a self-employed person with a disability. If an employer fails to meet both of these obligations, they are obliged to pay a levy to the labour office. The amount of this levy is not fixed. Instead, it depends on the average wage in the economy and the number of missing employees with disabilities and it is adjusted annually based on current data. In practice, the payment is roughly equivalent to a multiple of the average annual wage for each missing employee with disabilities.³⁶⁶ The levy is public revenue and is not redistributed further (i.e. to support the employment of persons with disabilities). According to recent statistics on this special quota, covering 2024, 8 820 employers met their legal obligation in this regard by ensuring that at least 3.2 % of their workforce is made up of persons with disabilities; 1 263 employers met the obligation by buying goods or services from a sheltered workshop or a sheltered workplace or from a self-employed person with a disability; 464 employers met the obligation by paying a levy to the labour office.³⁶⁷ The statistics for 2025 are not yet publicly available.

³⁶⁴ Excluding some categories of employees such as members of the police, prison guards, firefighters etc.

³⁶⁵ In the context of these legal provisions, persons with disabilities are considered to be citizens who due to their long-term adverse health conditions are affected by a decrease in their ability to carry out earning activity by more than 40 % when compared to healthy individuals.

³⁶⁶ Act No. 5/2004 Coll. on Employment Services, as amended, Section 65

³⁶⁷ Response from the Central Office of Labour, Social Affairs and Family of 12 January 2026 to a request for information of 12 January 2026 (on file with the author). The statistics were provided on demand and are not available online.

6 REMEDIES AND ENFORCEMENT

6.1 Judicial and/or administrative procedures (Article 7 Directive 2000/43, Article 9 Directive 2000/78)

a) Available procedures for enforcing the principle of equal treatment

In Slovakia, the following procedures exist for enforcing the principle of equal treatment: judicial, administrative, alternative dispute resolution (in the form of mediation), and internal complaint procedures (mainly in workplaces).

There are no different procedures for employment in the private and the public sectors.

- Civil judicial procedures

Under the Anti-discrimination Act, a natural person and/or legal entity who consider(s) themselves wronged in relation to their rights and interests protected by law because the principle of equal treatment has not been applied to them may pursue their claim through judicial proceedings before the civil court of the first instance (there are no special labour courts in Slovakia). Persons discriminated against have the right to sue the perpetrator – be it a natural person or a legal entity, a public or private body – and request a number of remedies, including (the list is not exhaustive) that they be made to refrain from such conduct and, where possible, rectify the illegal situation or provide adequate satisfaction. If the adequate satisfaction is insufficient – generally if the violation of the principle of equal treatment has considerably impaired the dignity, social status or social achievement of the victim – they may also seek non-pecuniary damages as financial compensation. The amount of the non-pecuniary damages is determined by the court, which must take into account the seriousness of the non-pecuniary damage and all underlying circumstances. Material damages resulting from such treatment may also be claimed.³⁶⁸ There is no difference in the procedure, whether a public or private entity is being sued. The procedure has legally binding rules and the outcome is also legally binding.

Civil judicial proceedings under the Anti-discrimination Act follow the Civil Dispute Act,³⁶⁹ which contains some special provisions on anti-discrimination proceedings. The Act is a general civil dispute procedural code, with deviations for, among other things, proceedings concerning alleged violations of the principle of equal treatment. The Act introduces the concept of 'Disputes with Protection of a Weaker Party,' where it departs from some of the general rules contained in the Act, with the aim of mitigating the power imbalance between the parties to such proceedings. Consumer disputes, anti-discrimination disputes and individual labour disputes (including disputes connected to violations of the principle of equal treatment)³⁷⁰ are the three types of disputes that incur protection of a weaker party.³⁷¹ In the regulation of anti-discrimination disputes,³⁷² the Act refers to anti-discrimination legislation (in practice, mainly the Anti-discrimination Act),³⁷³ and stipulates that the procedural provisions contained in anti-discrimination legislation (e.g. on the burden of proof) take precedence over the Civil Dispute Act.³⁷⁴ Among the exemptions from the general procedural rules contained in the Act that apply to anti-discrimination disputes are: a broader duty of the court to instruct the complainants on their rights;³⁷⁵ the ability of the court to seek evidence on its own initiative;³⁷⁶ the right of the complainant to submit evidence until the decision on the merits is delivered (as compared with other

³⁶⁸ Anti-discrimination Act, 365/2004, Section 9.

³⁶⁹ Civil Dispute Act, 160/2015.

³⁷⁰ Civil Dispute Act, 160/2015, Section 316(2).

³⁷¹ Civil Dispute Act, 160/2015, Sections 290-323.

³⁷² Civil Dispute Act, 160/2015, Sections 307-315.

³⁷³ Civil Dispute Act, 160/2015, Section 307.

³⁷⁴ Civil Dispute Act, 160/2015, Section 315(2).

³⁷⁵ Civil Dispute Act, 160/2015, Section 309.

³⁷⁶ Civil Dispute Act, 160/2015, Section 311.

proceedings where the period for submitting evidence is shorter);³⁷⁷ and the duty of courts to conduct hearings in all anti-discrimination proceedings (except when the complainant agrees to omitting the hearing).³⁷⁸ The Act also introduces a provision entitling NGOs and the Slovak National Centre for Human Rights to represent complainants when referring an extraordinary appeal to the Supreme Court (in disputes concerning violations of the principle of equal treatment).³⁷⁹

- Administrative procedures

As all public authorities are obliged to follow the principle of equal treatment, either pursuant to the Anti-discrimination Act (if the scope of their activities falls under the material scope of the act), or pursuant to the Constitution (or both), they are all subject to administrative complaint proceedings. There is a special act on administrative complaint proceedings that deals with complaints against unlawful conduct by public authorities (discrimination falls under such conduct).³⁸⁰ Some public bodies have special complaint mechanisms, which are regulated by laws. Generally speaking, the outcomes of these procedures are binding, but they are not legally binding for courts. Furthermore, the facts stated in documents issued by public bodies within their powers and public documents are considered to be truthful, if the opposite has not been proved to be the case.³⁸¹

In some instances in which public bodies/institutions are obliged to observe the principle of equal treatment (such as a school or the State Social Insurance Company), decisions taken by these institutions (e.g. negative decisions on admission to a school or granting of a social insurance benefit) are subject to special administrative rules, and the decisions themselves are subject to appeal, either by administrative bodies, or by courts. If the appeal procedures are carried out by administrative bodies, the appellate decisions are usually subject to judicial review. All decisions are, generally speaking, binding.

In some fields (e.g. employment, provision of goods and services), the performance of entities operating in these fields (employers, service providers, etc.) are subject to supervision through inspections. The inspections follow a type of administrative procedure. However, no shift in the burden of proof applies to inspection legislation and, moreover, in most cases, there is a lack of effective methodology for identifying discrimination (see Section 6.3 of this report for more information).

According to the statistics provided, in 2025, the Slovak Trade Inspectorate received a total of 22 complaints focused on the violation of the principle of equal treatment of consumers in the sale of goods and provision of services or on discrimination against consumers. Two of these complaints were subsequently withdrawn by the complainants. Out of the total number of complaints received as of 31 December 2025, one complaint was assessed as substantiated, ten complaints as unsubstantiated and in nine cases no investigation has yet been carried out.³⁸²

The number of complaints received by the Inspectorate from individuals who had been discriminated against increased compared to previous years, although it still remains very low (in 2023 the Inspectorate received only three complaints).

Regarding sanctions, in 2025 the Slovak Trade Inspectorate did not impose any sanctions for breaches of the principle of equal treatment; in the case of the single substantiated complaint, the inspection authority did not specify in the information provided what

³⁷⁷ Civil Dispute Act, 160/2015, Section 312.

³⁷⁸ Civil Dispute Act, 160/2015, Section 314.

³⁷⁹ Civil Dispute Act, 160/2015, Section 429(2)(b).

³⁸⁰ Act No. 9/2010 on Complaints (*zákon č. 9/2010 Z. z. o sťažnostiach*). Complaints against a public body are usually dealt with by a higher public authority. The complaint should be processed within 60 days.

³⁸¹ Civil Dispute Act, Sections 193 and 205.

³⁸² Response from the Slovak Trade Inspectorate of 19 January 2026 to a request for information of 12 January 2026 (on file with the author).

sanctions were or will be imposed. In previous years, the Slovak Trade Inspectorate issued four decisions imposing financial sanctions for violation of the principle of equal treatment, in amounts ranging from EUR 300 to EUR 1 000.³⁸³ Arguably, the Inspectorate tends to impose sanctions at a low level, which may not have a sufficient deterrent effect.

The research findings in this area note that discrimination against Roma remains present in Slovakia in some municipalities in particular. While in many localities these issues do not occur, in some others they appear to be deep-rooted, even though Roma who have been discriminated against have taken some legal action against them. In 2024 this practice has also been confirmed by the report by the Slovak equality body.³⁸⁴

In 2025, the National Labour Inspectorate identified discrimination based on breaches of the Labour Code in 42 cases and in 24 it found violations of the gender pay equality. The National Labour Inspectorate does not document statistics concerning grounds of discrimination identified and the sanctions imposed for discrimination specifically.³⁸⁵

The decisions of inspectorates are binding and are subject to judicial review.

- Internal complaint mechanisms

Section 13(5) of the Labour Code sets out the right of employees to submit a complaint to their employer against the infringement of the principle of equal treatment. The employer is obliged to respond to such a complaint without undue delay, provide redress, abstain from such conduct and eliminate the consequences thereof. The importance of this provision is in setting the obligation of a private employer to deal with complaints of discrimination in employment relationships. The procedure is binding on the employer (if they receive such a complaint) but not for outside entities, including state bodies. The effect of this particular remedy is questionable; it is not much used in practice, and when it is used, it is often to the detriment, rather than the benefit, of the person discriminated against.

- Mediation

The Anti-discrimination Act makes explicit reference to the right of people suffering breaches of the principle of equal treatment to mediation.³⁸⁶ The process of mediation is regulated by the Act on Mediation,³⁸⁷ which does not cover discrimination-specific mediation. Although the possibility of mediation undoubtedly extends (at least theoretically) the scope of remedial options for victims of discrimination, it is highly questionable whether the concept is suitable for some types of discrimination or cases of discriminatory behaviour (mainly harassment and sexual harassment, but also any kind of intentional discrimination) and whether it might not, in some cases, perpetuate the inequality. The mediation agreement is binding for the parties to the mediation.³⁸⁸ If the agreement is written in the form of notary minutes or approved by a court, it is also legally enforceable.³⁸⁹

³⁸³ Response from the Slovak Trade Inspectorate of 10 January 2024 to a request for information of 4 January 2024 (on file with the author). The reported imposed financial sanctions may concern also complaints received in previous years.

³⁸⁴ National Centre for Human Rights (2024), *Diskriminácia Rómov a Rómok pri poskytovaní reštauračných služieb Správa zo situačného testovania* (Discrimination against Roma men and Romani women in the provision of restaurant services – Report on situational testing). Available at: <https://www.snslp.sk/wp-content/uploads/Diskriminacia-pri-poskytovani-restauracnych-sluzieb.pdf>.

³⁸⁵ Response from the National Labour Inspectorate of 21 January 2025 to a request for information of 13 January 2025 (on file with the author).

³⁸⁶ Anti-discrimination Act, 365/2004, Section 9(5).

³⁸⁷ Act No. 420/2004 on Mediation and supplementing certain acts (*zákon č. 420/2004 Z. z. o mediácii a o doplnení niektorých zákonov*).

³⁸⁸ Mediation Act, 420/2004, Section 15(1).

³⁸⁹ Mediation Act, 420/2004, Section 15(2).

- Criminal proceedings

Some of the gravest violations of the principle of equal treatment also constitute crimes (Criminal Code, Sections 421–425). There is a specific crime of ‘apartheid and discrimination of other persons’ (including racial, ethnic, nationality or religious segregation or other widespread or systemic discrimination of a group of people by public officials) in the Criminal Code.³⁹⁰ Criminal convictions and subsequent criminal proceedings can be initiated only by the state. The judgments of criminal courts are legally binding.

b) Barriers and other deterrents faced by litigants seeking redress

The most significant barrier in access to justice for cases of discrimination in Slovakia is the extreme length of the judicial proceedings. It is not exceptional that court proceedings can last several years at one instance of the court, and that the overall durations of the proceedings are very long. For example, one of the court proceedings in a case of discrimination in access to goods and services has lasted for more than 16 years;³⁹¹ in another example, the court proceedings in a case of alleged segregation of Roma women in maternity wards have been pending for more than 13 years.³⁹² This problem has been addressed by the Constitutional Court in its decisions finding a violation of the right to have one’s case heard within a reasonable timeframe.³⁹³

Claiming invalidity of an employment termination can only be done within a period of two months from the due date of the termination of the employment relationship.³⁹⁴ This is certainly a barrier to seeking effective remedies in cases of discriminatory dismissal.

Another potential barrier to initiating anti-discrimination judicial proceedings may be the court fees, especially when seeking non-pecuniary damages as financial compensation. The amount of the basic court fee for anti-discrimination proceedings is EUR 100, equivalent to the fee payable in relation to claims for protection of personal rights.³⁹⁵ In cases where non-pecuniary damages for discriminatory treatment are requested, this fee is derived from the amount requested (3 %) and is always paid in addition to the court fees for the other claims made and, in the author’s view, is a barrier to seeking amounts that would really be effective, proportionate and dissuasive.

Socially disadvantaged complainants can be exempted from payment of court fees on the decision of the judge. However, the criteria for exempting a claimant from judicial fees are not fixed: the relevant provision states that an ‘exemption can be granted if the situation of the party to the proceeding justifies it’.³⁹⁶

In practice, the physical accessibility of courts is not guaranteed for persons with disabilities, particularly in old court buildings. Newly constructed or reconstructed court buildings, as well as all other public buildings, must be accessible for persons with

³⁹⁰ Criminal Code, 300/2005, Section 424a. According to the statistics published by the General Prosecution Office, since 2017, two criminal proceedings for this crime have been pending before law enforcement authorities. The conclusion of these proceedings has not been published.

³⁹¹ The case was submitted to the first instance court in March 2008, and the case was finally decided by the general court by the decision of the Slovak Supreme Court, No. 5 Cdo 91/2019, 29 June 2021. See also the decision of the Constitutional Court of the Slovak Republic, No. I ÚS 103/2019 – 51, 11 June 2019.

³⁹² Decision of the District Court Bratislava III, No. 14C/288/2013, 29 July 2022. The decision was appealed in 2022 and the case has been pending before the Regional Court in Bratislava as Court of Appeal for almost four years now.

³⁹³ See, for example, the decision of the Constitutional Court of the Slovak Republic, No. II. ÚS 470/2022-20, 14 December 2022.

³⁹⁴ Meaning two months after the (invalidly terminated) employment relationship would have ended (as a consequence of the invalid termination). See Labour Code, 311/2001, Section 77.

³⁹⁵ Act No. 530/2023 Z. z. ktorým sa menia a dopĺňajú niektoré zákony v súvislosti so zlepšením stavu verejných financií).

³⁹⁶ Civil Dispute Act, 160/2015, Section 254.

disabilities. Information provided in Braille script is mandatory only for the service panels in lifts.

There is also a lack of qualified legal assistance in the field of anti-discrimination (as well as a lack of accessible legal aid in general, in terms of financial accessibility). Access to free legal representation for those whose income does not exceed 2.1 times the amount of the minimum subsistence and who are unable to secure the use of legal services with their own assets is provided by the state,³⁹⁷ although this legal representation can be provided only in civil judicial proceedings (including proceedings in the field of employment and including judicial review of administrative decisions and proceedings before the Constitutional Court) and not in administrative proceedings/proceedings before inspectorates, nor in criminal proceedings.³⁹⁸ The threshold for entitlement to free legal aid or for legal aid with a symbolic financial contribution from the person affected has been increased but is still relatively low.³⁹⁹ There is still a fairly significant group of people who would not be able to pay for legal services (i.e. they do not fall under the threshold and hence are not entitled to the free/symbolically paid legal aid, but are still unable to pay it by themselves).⁴⁰⁰

In cases of breaches of the principle of equal treatment, the Slovak National Centre for Human Rights can arrange legal assistance for victims of discrimination (no matter what their income). In 2025, the Slovak National Centre for Human Rights provided legal representation before the courts in only five cases of discrimination, with only one of them being newly initiated in 2025 (for more details, see Chapter 7 of this report).⁴⁰¹

There is no obligatory legal representation in proceedings concerning discrimination (apart from proceedings before the Constitutional Court). Where the complainant requests it, the Constitutional Court can also (aside from the free legal aid provided by the centre) appoint a lawyer to represent them in proceedings before the Constitutional Court.⁴⁰²

A comparative research report, which partly covered Slovakia and was developed by the NGO Center for Civil and Human Rights, specifically explored barriers faced by Roma in access to justice.⁴⁰³

In 2025, an *Analysis of barriers to the insufficient application of anti-discrimination legislation with respect to Roma* was published by the Office of the Plenipotentiary for Roma Communities (ÚSVRK) in cooperation with the Slovak National Centre for Human Rights (SNSLP). The report confirms long-standing patterns previously documented by organisations such as the Center for Civil and Human Rights (Poradňa), showing that Roma continue to face systemic obstacles in exercising their rights, particularly in housing, employment and access to public services. These barriers include low levels of trust in institutions, limited awareness of legal protections, procedural and financial obstacles, and reluctance by the authorities to recognise racial discrimination. While the publication does not introduce radically new findings, it confirms the fact that formal anti-discrimination

³⁹⁷ Act No. 327/2005 on Providing Legal Aid to Persons in Material Need, as amended (zákon č. 327/2005 Z. z. o poskytovaní právnej pomoci osobám v materiálnej núdzi, v znení neskorších predpisov).

³⁹⁸ Act on Providing Legal Aid to Persons in Material Need, 327/2005, Section 3(1).

³⁹⁹ Act on Providing Legal Aid to Persons in Material Need, 327/2005, Sections 6 and 6a.

⁴⁰⁰ In addition, family members living in one household are, for the purposes of determining the level of their income, considered jointly unless they are opposing parties to a proceeding (see Section 4(1) of the act). This may exclude certain groups of persons from applying for the free legal aid/legal aid with a symbolic financial contribution (e. g. women subject to intimate partner violence, pupils/students living in one household with higher income parents who might not be supporting their children in pursuing legal proceedings in cases of discrimination, etc).

⁴⁰¹ Response from the Centre of 23 January 2025 to a request for information of 13 January 2025 filed by the NGO Center for Civil and Human Rights (on file with the author).

⁴⁰² Act on the Constitutional Court, 314/2018, Section 37 (1).

⁴⁰³ Center for Civil and Human Rights, Minority Rights Group Europe and EPEKA Slovenia (2024), *Equality in accessing justice – Removing barriers for Roma in pursuing their rights in discrimination cases*. Available at: <https://poradna-prava.sk/en/publications/equality-in-accessing-justice-removing-barriers-for-roma-in-pursuing-their-rights-in-discrimination-cases/>.

laws are often not effectively applied in practice and offers policy recommendations to improve enforcement and access to justice for Roma communities.⁴⁰⁴

c) Number of discrimination cases brought to justice

In Slovakia, statistics on the number of court cases relating to discrimination brought to justice are available. The Ministry of Justice collects data on finalised cases. However, after the abolition of the Analytical Centre of the Ministry of Justice in 2024, which was responsible for collecting data from the judiciary, data collection appears to be problematic again.

In response to a request for information filed by the author of this report with the Ministry of Justice on the numbers of cases of discrimination decided by Slovak courts and any corresponding statistics, the Ministry stated that statistical data on the number of anti-discrimination disputes for 2024 will be published online in July 2025 in the statistical yearbook of the Ministry.⁴⁰⁵ However, after reviewing the currently available statistical yearbook, these data were absent. The Ministry stated that the requested statistics are not publicly available and therefore, upon request, sent the author of this report a list of finally decided anti-discrimination disputes in 2025.

Based on the information provided by the Ministry, in 2025 the ordinary courts issued seven final decisions concerning discrimination. Of these decisions, the courts upheld the claim in one case, partially upheld it in another case, dismissed the claim in four cases and discontinued the proceedings in one case due to the withdrawal of the action. The Ministry noted that these data may not be final.⁴⁰⁶

d) Registration of national court decisions on discrimination cases

In Slovakia, court decisions on discrimination cases are registered as such by national courts.

The registration of national court decisions by courts and the subsequent data collection for statistical purposes, as well as making the data accessible to the public, has reportedly been problematic after the Analytical Center of the Ministry of Justice was abolished in 2024. The courts have the option to choose 'anti-discrimination dispute' as the type of judicial proceeding and also the field of the discrimination: social security, healthcare, or provision of goods and services including housing, education and employment or similar relationships. In the information provided, the Ministry of Justice noted that it does not have statistics on court decisions in anti-discrimination cases; however, it does have data contained in statistical forms. The relevant department of the Ministry therefore has the possibility to generate reports from the data contained in the statistical forms, as these forms include fields intended to indicate whether the case was an anti-discrimination dispute. It follows from the above that the accuracy of the data provided by the Ministry depends on the correctness of the statistical forms filled in by the courts. By randomly verifying the data provided by the Ministry according to the case file numbers, the author found that disputes which the Ministry classified in its statistics as anti-discrimination disputes were not in fact discrimination cases but should have been classified as other types of proceedings.⁴⁰⁷ On this basis, she has doubts about the accuracy of the data provided and how they were recorded.

⁴⁰⁴ The report is available at: https://www.romovia.vlada.gov.sk/site/assets/files/4976/analyza_adz_web.pdf.

⁴⁰⁵ Response from the Ministry of Justice of 23 January 2025 to a request for information of 13 January 2025 (on file with the author).

⁴⁰⁶ Response from the Ministry of Justice of 28 January 2026 to a request for information of 12 January 2026 (on file with the author).

⁴⁰⁷ The author of this report reached this conclusion by entering the case reference number into the court registers available online on the website of the Ministry of Justice. Based on the subject matter of the proceedings to which these decisions related, it emerged that in some cases these were not anti-discrimination disputes.

The courts are obliged to publish all their final decisions (after the necessary anonymisation) online. The Constitutional Court publishes each of its decisions online. The Supreme Court also publishes its decisions on its website.

6.2 Legal standing and associations (Article 7(2) Directive 2000/43, Article 9(2) Directive 2000/78)

a) Engaging in proceedings on behalf of victims of discrimination (representing them)

In Slovakia, associations, organisations and trade unions are entitled to act on behalf of victims of discrimination.

According to Section 10(1)(a) of the Anti-discrimination Act, the claimant in (civil) proceedings pursuant to the Act (but in principle, also the defendant given that the provision talks about 'parties to the proceedings concerning the violation of the principle of equal treatment') can be represented by a legal entity that has the authority to do so (i.e. the authority to represent a party in proceedings concerning the principle of equal treatment) in accordance with a separate law. Under the Act on Establishing the Slovak National Centre for Human Rights (see chapter 7 of this report), the Slovak National Centre for Human Rights (the equality body) is entitled by law to represent the claimant in proceedings concerning the violation of the principle of equal treatment.

According to Section 10(1)(b) of the Anti-discrimination Act, the parties can also be represented by a legal entity 'whose activities are aimed at or consist in the protection against discrimination' (in practice, this usually means NGOs, but in theory, it could also be trade unions and the law does not stipulate any further detail about such organisations). If the legal entity takes up the representation, it authorises one of its members or employees to act on its behalf.⁴⁰⁸

According to Section 308 of the Civil Dispute Act, the parties in anti-discrimination disputes can be represented by a person (or legal entity) authorised by anti-discrimination legislation.⁴⁰⁹

In all civil proceedings related to individual employment relations, a party to the proceedings can be represented by a trade union.

Associations can represent victims in civil proceedings before ordinary courts, but not before the Constitutional Court. The fact that NGOs cannot represent victims of discrimination before the Constitutional Court ultimately makes such representation in some cases inadequate and inefficient.

As the Slovak National Centre for Human Rights is authorised to represent parties to proceedings in matters of breaches of the principle equal treatment under the same conditions as associations, the same also applies to the equality body.

If an NGO takes up the representation of a person affected by discrimination (or several people affected by discrimination in the case of a class action), it must assign one of its members and/or employees to act on behalf of the person(s) represented. If an NGO or the Slovak National Centre for Human Rights takes up legal representation in civil proceedings under the Anti-discrimination Act, all conditions applicable for the legal representation of individuals mentioned in Section 10(1) of the Anti-discrimination Act are equally applicable.

In administrative proceedings, parties to the proceedings, their legal representatives and their guardians can be represented by a lawyer or by 'another representative of their

⁴⁰⁸ Civil Dispute Act, 160/2015, Section 317.

⁴⁰⁹ Civil Dispute Act, 160/2015, Section 308.

choice’.⁴¹⁰ This means that people affected by discrimination can, in principle, select any natural or legal person to represent them, including NGOs or the Slovak National Centre for Human Rights. In proceedings before administrative courts concerning judicial review of administrative decisions, the NGOs, trade unions and some other legal entities can represent the party to the proceedings.⁴¹¹

As far as criminal law is concerned, the victim in criminal proceedings can be represented by a proxy. Any person whose capacity to act legally is not limited can become a proxy, including an authorised representative of an organisation that helps those affected by crimes.⁴¹² ‘An organisation with the remit of helping those affected by crimes’ is, pursuant to Section 10(22) of the Criminal Procedure Act, an NGO that provides free legal assistance to those affected by crimes.

Regarding a complaint dealt with by a public body, although there is no specific provision as to the legal standing of associations, the law does not prohibit other natural persons or legal entities from acting (submitting a complaint) on behalf of a complainant.

NGOs and trade unions do not have a legal duty to act. The Act on Establishing the Slovak National Centre for Human Rights provides that the centre ‘secures legal aid for victims of discrimination and intolerance’.⁴¹³ The centre uses its mandate to represent the victims of discrimination in anti-discrimination disputes only in a limited number of cases. More details on the reasons for this are mentioned in chapter 7.7 of this report. It does not report any problems from the courts in accepting this representation, nor do NGOs report any potential problems in this regard, although in most cases, an NGO provides victims with representation by cooperating lawyers who are members of the Bar Association.

b) Engaging in proceedings in support of victims of discrimination (joining existing proceedings)

In Slovakia, associations, organisations and trade unions are entitled to act in support of victims of discrimination.

According to Section 95 of the Civil Dispute Act, ‘the court can also without any proposal invite into the court proceeding a public body whose aim is protection of fundamental rights and freedoms or legal entity which is entitled to rights protection, to engage in proceedings, if the relevant party agrees.’⁴¹⁴

These provisions make it possible for the Slovak National Centre for Human Rights and NGOs (and possibly also trade unions) to engage in support of victims of discrimination upon an invitation by the court. The NGO using this form of engagement does not report any difficulties from the courts in implementation of this provision. For example, in a case of the forced eviction of Roma, the Court accepted the international human rights NGO European Roma Rights Centre as a third-party intervener, based on the provision of the Civil Dispute Act cited above.⁴¹⁵

c) Submitting observations, e.g. *amicus curiae* briefs/letters

In Slovakia, associations, organisations and trade unions are entitled to submit observations to courts or other adjudicating bodies, such as *amicus curiae* briefs, in discrimination cases.

⁴¹⁰ Administrative Code, 71/1967, Section 17(1).

⁴¹¹ Administrative Judicial Act, 162/2015, Section 50.

⁴¹² Criminal Procedure Code, 301/2005, Section 53.

⁴¹³ Act No. 308/1993 on Establishing the Slovak National Centre for Human Rights (*zákon č. 308/1993 Z. z. o zriadení Slovenského národného strediska pre ľudské práva*), Section 1(2)(e).

⁴¹⁴ Civil Dispute Act, 160/2015, Section 95.

⁴¹⁵ Decision of the Košice II District Court, No. 15 C 190/2014- 650, 21 January 2022.

National legislation explicitly allows for the submission of opinions to supreme judicial authorities on cases concerning the public interest (so-called *amicus curiae*).⁴¹⁶ In proceedings before lower-level courts this is not explicitly regulated by law, but practice does not exclude it.

The Public Defender of Rights submitted, for the first time, an *amicus* brief to the first instance court in a case of discrimination against Roma children in education.⁴¹⁷ Expert opinions issued by the Slovak National Centre for Human Rights⁴¹⁸ at the request of a claimant are sometimes submitted to the courts (by the claimants, if they decide to submit the opinions requested from the centre). Furthermore, the Slovak National Centre for Human Rights, as the equality body, submitted an *amicus curiae* brief to the Constitutional Court in proceedings concerning the positive obligation of the State to ensure the realisation of the right to protection of private life through the creation of a special legal framework for the recognition and protection of same-sex couples.⁴¹⁹

d) *Actio popularis*

In Slovakia, national law allows associations, organisations and trade unions to act in the public interest on their own behalf, without a specific victim to support or represent (*actio popularis*).

Section 9a of the Anti-discrimination Act stipulates that, if a breach of the principle of equal treatment could violate rights or interests protected by law or freedoms of a greater or non-specified number of persons, or if the public interest could be otherwise seriously endangered by such a violation, the right to invoke the protection of the right to equal treatment is also vested in the Slovak National Centre for Human Rights or a legal entity that is 'concerned with or active in protection against discrimination' (usually NGOs, but in principle also trade unions).

These entities can request that the court determines that the principle of equal treatment has been breached, and that the entity breaching the principle of equal treatment refrains from such conduct and, where possible, rectifies the illegal situation. The list of these actions is non-exhaustive. In principle, it can also include some financial compensation, but judicial interpretation would be required in this regard. Although this provision is quite progressive, it is only rarely used in practice. Only one domestic NGO – the Center for Civil and Human Rights – and one international NGO, the European Roma Rights Centre, have submitted a few *actio popularis* claims to Slovak courts in cases of discrimination. The Slovak National Centre for Human Rights has long been inactive in this area, and only in 2023 submitted its first and so far only *actio popularis* claim addressing documented discrimination in a form of sexual harassment in the area of education. In January 2025, the Centre concluded an out-of-court settlement with the defendant school, the wording of which is not publicly available.⁴²⁰

For *actio popularis* proceedings, the same concept of the shift in the burden of proof applies as in all other proceedings in cases of breaches of the principle of equal treatment initiated on the basis of the Anti-Discrimination Act.

⁴¹⁶ Act No. 314/2018 Coll. on the Constitutional Court of the Slovak Republic and on the amendment and supplementation of certain laws, Section 86 para 4.

⁴¹⁷ Prešov District Court, case *Poradňa pre občianske a ľudské práva (Center for Civil and Human Rights) v the Ministry of Education and the District Office in Prešov*, proceedings file n. 29C/14/2016.

⁴¹⁸ Under Section 1(2)(f) of the Act on the Slovak National Centre for Human Rights, the Centre is granted the competence to prepare expert opinions concerning compliance with the principle of equal treatment upon a request or its own initiative. In 2021, the Centre issued 29 expert opinions.

⁴¹⁹ The Slovak National Centre for Human Rights *amicus curiae* opinion on the motion to initiate proceedings was registered with the Constitutional Court of the Slovak Republic under No. Rvp 1220/2023, 30 August 2023. Available at: <https://www.snslp.sk/wp-content/uploads/Amicus-Curiae-SNSLP.pdf>. The proceedings before the Constitutional Court are still pending.

⁴²⁰ Response from the Centre of 20 January 2026 to a request for information of 13 January 2026 (on file with the author).

e) Class action

In Slovakia, national law allows associations, organisations and trade unions to act in the interest of more than one individual victim (class action) for claims arising from the same event.

There are no restrictions as to the number of petitioners who can be represented (although the Anti-discrimination Act is not explicit on the matter). Class actions are also possible in Slovak civil judicial proceedings, meaning that a group of citizens can lodge an action based on the same facts, where each victim must stand as a claimant.

According to Section 75 of the Civil Dispute Act, in cases in which more than 10 claimants are party to the proceedings, the court can decide that only one claimant should represent the group.⁴²¹

6.3 Burden of proof (Article 8 Directive 2000/43, Article 10 Directive 2000/78)

In Slovakia, national law requires a shift of the burden of proof from the complainant to the respondent. However, this is applicable only to civil proceedings.

According to Section 11(2) of the Anti-discrimination Act, if the claimant

‘communicates to the court facts which give rise to a reasonable assumption that a violation of the principle of equal treatment occurred, the defendant has the obligation to prove that there was no violation of the principle.’

The shifting of the burden of proof is applicable in all civil judicial proceedings filed on the basis of the Anti-discrimination Act and ‘in proceedings in matters connected to a breach of the principle of equal treatment’. As a breach of the principle of equal treatment is defined very broadly (to include, for example, victimisation, instruction to discriminate, incitement to discriminate, breach of the duty to adopt measures to prevent discrimination etc.), the concept of shifting the burden of proof should apply to all the components of the equal treatment principle and to all prohibited forms of discrimination.

The Constitutional Court has provided this interpretation of the shift in the burden of proof:

‘burden of proof does not only and exclusively burden the defendant, but it also burdens the claimant. The claimant must, by priority, bear the burden of proof concerning the facts from which it can be inferred that direct or indirect discrimination, or, let us say, [a breach of] the principle of equal treatment, has been committed. The claimant must allege and at the same time submit proofs (bear the burden of proof) from which it can be reasonably concluded that the principle of equal treatment has been breached. At the same time, they must allege that their race or ethnic affiliation (origin) is the inducement for the discriminatory action. It is only thereafter that the burden of proof is shifted on to the defendant, who has the right to prove their allegations that they have not breached the principle of equal treatment.’⁴²²

The Constitutional Court provided some additional clarifications in relation to selected aspects of the burden of proof in anti-discrimination proceedings.⁴²³ The Court emphasised the specificities of anti-discrimination proceedings, which are very demanding in terms of evidence assessment. It also pointed to the specific distribution of the burden of proof where the ‘claimant is supposed to communicate to the court the facts which give rise to

⁴²¹ Civil Dispute Act, 160/2015, Section 75.

⁴²² Finding of the Constitutional Court, No IV. ÚS 16/09, 30 April 2009.

⁴²³ Finding of the Constitutional Court of the Slovak Republic, No III. ÚS 90/2015-40, 1 December 2015.

a reasonable assumption (i.e. not an unquestionable settlement) that a violation of the principle of equal treatment occurred',⁴²⁴ which establishes the shift of the burden of proof on to the defendant. Whether the burden of proof is shifted or not depends on the quality of the assessment of the evidence available – from the point of view of whether the deciding court has thoroughly considered all facts that emerged in the proceedings.⁴²⁵ The Constitutional Court, referring to case law from the Czech Constitutional Court,⁴²⁶ also held that 'the requirement for the claimant to prove that their discrimination has taken place because of their racial (ethnic) origin and not for another reason can apparently not be fulfilled since proving the motivation (incentive) of the defendant is simply impossible, due to the nature of the issue itself'.⁴²⁷ Thus, the Constitutional Court confirmed that the claimant does not have to establish the motivation/incentive (the Constitutional Court uses both of these words) of the defendant to discriminate.

In another relevant case, the Constitutional Court adhered to an assessment of a second instance court from an earlier stage of the proceedings that 'the defendant proved that it is more likely that the discrimination hasn't taken place than it is likely that the discrimination has taken place, and so he discharged his burden of proof'. The Constitutional Court did not provide any comprehensive test on assessing the level of probability of discriminatory treatment. According to the author of this report, this practice is in violation of CJEU case law (for example, *CHEZ Razpredelenie Bulgaria*, C-83/14).⁴²⁸

The implementation of this measure by Slovak courts is still problematic in practice. Incorrect application of the principle of the shift in the burden of proof by the general courts in a case of segregation of Roma children in education was ultimately also confirmed by the Supreme Court of the Slovak Republic. The Supreme Court reversed the judgments of the lower courts, while concluding that the claimant had submitted sufficient evidence to prove its claims in the court proceeding so that the burden shifted to the respondents.⁴²⁹ Respecting the legal opinion of the Supreme Court, the lower courts upheld the claim and concluded that the respondent state authorities did not meet their burden of proof.⁴³⁰

The UN Committee on the Elimination of Racial Discrimination, in its decision against Slovakia, concerning an individual case of discrimination against a Roma woman in accessing employment has also highlighted shortcomings of general courts in implementing this measure and recommended that the state fully enforce its Anti-discrimination Act through the enhancement of available court proceedings for victims of racial discrimination by ensuring, *inter alia*, that the principle of a shift in the burden of proof is applied in line with Article 11 of the Anti-discrimination Act.⁴³¹

⁴²⁴ This wording (except for the words in brackets) is contained in Section 11(2) of the Anti-discrimination Act.

⁴²⁵ Finding of the Constitutional Court of the Slovak Republic, No III. ÚS 90/2015-40, 1 December 2015, p. 15.

⁴²⁶ Finding of the Constitutional Court of the Czech Republic, No Pl. ÚS 37/04, 26 April 2006.

⁴²⁷ Finding of the Constitutional Court of the Slovak Republic, No III. ÚS 90/2015-40, 1 December 2015, pp. 17-18.

⁴²⁸ Finding of the Constitutional Court, No II. ÚS 383/2013-16, *V. S. v Primary School of Ivan Branislav Zoch in Revúca*, 10 July 2013. In this decision, the Constitutional Court seems to be indicating that once the burden of proof is shifted on to the respondent (upon the complainant establishing facts from which it may be presumed that there has been discrimination), the respondent is not obliged to prove beyond any doubt that there has been no breach of the principle of equal treatment (as the directives presumably require) but that it is sufficient to provide evidence establishing some probability of non-discrimination, provided that the probability of non-discrimination is higher than the probability of discrimination. It seems that in the case presented, the Slovak Constitutional Court lowers the requirements and standards of proof on the side of the defendant once the burden of proof has been shifted to them, which may not be compatible with the requirements of EU law on the burden of proof in discrimination cases and is reminiscent of a more traditional approach to burden of proof in civil law.

⁴²⁹ Resolution of the Supreme Court of the Slovak Republic, no. 4Cdo/112/2021, 28 March 2023.

⁴³⁰ Decision of the District Court in Prešov, No. 29C/34/2023, 6 November 2023, confirmed by the decision of the Regional Court in Prešov, No. 16Co/4/2024, 22 April 2024.

⁴³¹ See CERD (2015), 'Opinion of the UN Committee on the Elimination of Racial Discrimination in the case of *V.S. v. Slovakia*', Communication no. 56/2014 from 16 December 2015, paras. 7.4. and 9, available at: <https://www.poradna-prava.sk/en/documents/opinion-of-the-cerd-in-the-case-of-v-s/>.

The Act on Labour Inspection⁴³² does not contain any explicit and clear provisions on the burden of proof in relation to identifying breaches of the principle of equal treatment.

The Criminal Procedure Act allows for no exceptions to the traditional concept of burden of proof in criminal proceedings.

6.4 Victimisation (Article 9 Directive 2000/43, Article 11 Directive 2000/78)

In Slovakia, there are legal measures of protection against victimisation. Article 12(4) of the Constitution generally prohibits any victimisation resulting from the exercise of basic rights guaranteed under the Constitution.

Under Section 2a(1) of the Anti-discrimination Act, victimisation is considered to be a form of discrimination. The Anti-discrimination Act also contains an explicit definition of victimisation according to which victimisation means any action or omission that is unfavourable to the person concerned and is directly connected to a) seeking legal protection against discrimination for oneself or on behalf of another person, or to b) providing a witness testimony, an explanation or is connected to other involvement of a person in a proceeding concerning the violation of the principle of equal treatment, or to c) a complaint invoking a breach of the principle of equal treatment.⁴³³ Thus, it is not only a complainant directly affected by discrimination but anybody else who acts as a witness or a general complainant who is protected against adverse treatment.

In addition to this provision, several other laws regulate protection against victimisation.⁴³⁴ The only procedural guarantee against victimisation is included in the Anti-discrimination Act. A case of victimisation decided by domestic courts concerned a Roma woman who claimed to be discriminated against in her workplace on the ground of her Roma ethnic origin. Among other forms of discrimination, she also pointed out that direct discrimination and harassment against her resulted in victimisation after she repeatedly complained to the employer about how she was treated. The district and regional courts dismissed this claim.⁴³⁵

6.5 Sanctions and remedies (Article 15 Directive 2000/43, Article 17 Directive 2000/78)

a) Applicable sanctions in cases of discrimination – in law and in practice

As mentioned above, victims of discrimination have the right to sue the perpetrator – be it a natural person or a legal entity, a public or private body – and request a number of remedies, including (the list is not exhaustive) that they be made to refrain from such conduct and, where possible, rectify the illegal situation or provide adequate satisfaction. If the adequate satisfaction is insufficient, generally in cases in which the violation of the principle of equal treatment has considerably impaired the dignity, social status or social achievement of the victim, a claimant may also seek financial compensation for non-

⁴³² Act No. 125/2006 on Labour Inspection and changing and supplementing Act No. 82/2005 on Illegal Work and Illegal Employment and changing and supplementing certain laws, as amended (*zákon č. 125/2006 Z. z. o inšpekcií práce a o zmene a doplnení zákona č. 82/2005 Z. z. o nelegálnej práci a nelegálnom zamestnávaní a o zmene a doplnení niektorých zákonov v znení neskorších predpisov*).

⁴³³ Anti-discrimination Act, 365/2004, Section 2a (8).

⁴³⁴ Complaints Act, 9/2010, Sections 7 and 8. These sections stipulate that the mere fact of filing an action must not be used to the detriment of the complainant. Moreover, the complainant may request that their identity not be disclosed. The other law is the Labour Code, Section 13(3), which states that no person may be persecuted or otherwise adversely treated in the workplace as a reaction to a complaint, action, petition to start criminal proceedings, or other report on criminality or other anti-social activity against another employee or the employer. Similar provisions are enshrined in other acts, for example the Act on the State Service of Customs Officers, Act on the State Service of Members of the Police Force, Act on the Fire and Rescue Service, Employment Services Act, Higher Education Act, the Schools Act and the Healthcare Act.

⁴³⁵ Decision of the District Court Košice II, No. 20C68/2012-350, 8 September 2015 and decision of the Regional Court in Košice, No. 2Co/657/2015 – 379, 13 December 2016.

pecuniary damages. The amount of this financial compensation is determined by the court, which must take into account the seriousness of the non-pecuniary damages and all underlying circumstances. Material damages resulting from such treatment may also be claimed. The amounts of fines imposed by inspectorates are set by law. There are no differences in applicable sanctions for the different grounds of discrimination.⁴³⁶ There is no difference in the procedure depending on whether a public or private entity is being sued.

As the list of possible claims is non-exhaustive, other possible claims include determining (by the court) that the principle of equal treatment has been violated, declaring a job termination invalid or ordering that a claimant who has been illegally (discriminatorily) terminated in their job to be reinstated in their work position.⁴³⁷

In the area of both public and private employment, labour inspectorates (based in every region of the country), as the bodies that oversee the observance of employment legislation (including appointment, dismissal, pay and working conditions) have the authority to impose a fine of up to EUR 100 000⁴³⁸ (and in some cases up to EUR 200 000)⁴³⁹ on the entities that fall under their jurisdiction and which have breached their duties under the provisions of the employment legislation. The manager whose conduct has breached their statutory duties in the field of employment and their obligations under collective agreements may be fined up to four times their average monthly salary.⁴⁴⁰

As for access to employment, the offices of labour, social affairs and family are entitled to investigate complaints regarding potentially discriminatory job announcements.⁴⁴¹ If the labour office finds a violation, it can impose a fine up to EUR 33 193.91. In practice, the labour offices face difficulties in identifying the entity that published the discriminatory announcement, and that is why they cannot sanction the responsible person and/or company. The liability of the advertising agency in question is not examined.⁴⁴² In education, the competent body is the State School Inspectorate. If the school or school funder (usually the municipality) fail to remove the deficiencies identified in the inspection, they commit an administrative offence for which a fine of up to EUR 3 000 or up to EUR 15 000 may be imposed, potentially repeatedly.⁴⁴³ The State School Inspectorate previously reported that it tends to use other measures within the available sanctioning mechanisms, such as addressing warnings to school founders, to the Ministry of Education or to other relevant state institutions including the equality body.⁴⁴⁴ As the newly adopted legislation became effective only from 1 January 2026, there are no reports on how the sanctions introduced are used by the Inspectorate.

In the area of access to goods and services, the monitoring authorities (offices of the Slovak Trade Inspectorate) may punish discriminatory conduct with a fine of up to

⁴³⁶ Anti-discrimination Act, 365/2004, Section 9.

⁴³⁷ The Slovak courts do not have a problem with declaring that the principle of equal treatment has been violated (and the Supreme Court confirmed the legitimacy of this claim in its decision of 22 February 2012, No. 5 Cdo 257/2010). With regard to invalidity of job termination (for the reason of discrimination) and the subsequent wage compensation, the Supreme Court held that these are possible claims (decision of the Supreme Court of Slovakia, No 5 Cdo 56/2014, 24 March 2015, p. 8).

⁴³⁸ Labour Inspection Act, 125/2006, Section 19(1)(a).

⁴³⁹ Labour Inspection Act, 125/2006, Section 19(2)(b)(1) in conjunction with Section 19(3)(c).

⁴⁴⁰ Labour Inspection Act, 125/2006, Section 19(1)(c).

⁴⁴¹ Employment Act, 5/2004, Sections 12 and 13 in conjunction with Section 62(2).

⁴⁴² For example, in some cases the announcement makes a statement such as 'Alcoholics, lazy people and Roma do not call!' but only a phone number is published and according to the domestic legislation the mobile operator and police are not obliged to provide the labour office with the personal data of the phone holder.

⁴⁴³ Act No. 321/2025 Coll. on School Administration and on the Amendment and Supplementation of Certain Acts, adopted on 21 October 2025, effective as of 1 January 2026, Section 73.

⁴⁴⁴ State School Inspectorate (2024), *Správa o úrovni výchovy a vzdelávania v školách a školských zariadeniach v školskom roku 2023/2024* (Report on the state and level of education in schools and the school facilities in the school year 2023/2024). Summary, p.11. Available at: https://www.ssi.sk/wp-content/uploads/2024/12/sprava_2024_web.pdf.

EUR 16 600. Where there are multiple violations of a legal obligation within one year, the Inspectorate may impose a fine up to EUR 33 000. In practice, sanctions for discrimination imposed by the Slovak Trade Inspectorate in recent years have ranged from giving binding instructions to the discriminator (basically a warning without a fine) to a fine of EUR 1 000. In 2025 no fines were imposed by the Slovak Trade Inspectorate. The sanctions for discrimination have so far proven to be ineffective or insufficiently dissuasive in practice.

- i) National legislation does not provide for any specific preventive and socio-preventive sanctions in cases of discrimination.⁴⁴⁵
- ii) There are no specific sanctions for cases of collective redress.⁴⁴⁶
- iii) There are no sanctions in place to deal with cases of mass discrimination.

However, the list of remedies available is not exhaustive so there is room for creativity in the formulation of the anti-discrimination claims and remedies requested. Although there is no specific injunction available for mass discrimination cases, the general injunctions available within civil court proceedings can also be used in anti-discrimination disputes.⁴⁴⁷

b) Pecuniary sanctions – maximum and average amounts

The amount of financial compensation for non-pecuniary damages is not limited and depends primarily on the seriousness of the damage caused and the circumstances under which it occurred. There is no maximum amount for pecuniary sanctions awarded by the courts. There is a maximum amount for administrative fines which can be imposed by administrative bodies, such as inspectorates (for more detail see the previous chapter). Any fines imposed are paid into the state budget and do not go to the victim of discrimination.

The amount of pecuniary sanctions is not limited – the claimant must prove the real material damage that they have suffered and the causal link between the damage suffered and the unlawful act of the defendant. The only exception seems to be claims of wage compensation in cases of illegal dismissals (this is, however, a general remedy applicable under the Labour Code, although the Supreme Court has already held that it is also applicable in anti-discrimination proceedings – see Section 6.1 above).

According to Section 79(2) of the Labour Code:

‘if the overall time for which an employee should receive wage compensation is greater than 12 months, a court may, at the request of the employer, reduce the employer’s obligation to pay wage compensation for the period in excess of 12 months by a proportionate amount or may decide not to award the employee any wage compensation for the period in excess of 12 months. Wage compensation shall be awarded for a period of no more than 36 months.’

There is no official or other information available on the average amount of pecuniary sanctions awarded to victims.

⁴⁴⁵ There are also legal opinions according to which sanctions imposed by the State School Inspectorate can be considered socio-preventive sanctions in cases of discrimination. The author of this report is of different legal opinion. See study: European Union (2025), *How can sanctions effectively prevent and combat discrimination? Good practice guide on sanctions for discrimination on racial, ethnic and religious grounds*. Available at: <https://op.europa.eu/en/publication-detail/-/publication/b82b71b7-02e0-11f0-9503-01aa75ed71a1/language-en>.

⁴⁴⁶ There are also legal opinions according to which there are sanctions specific for cases of collective redress in domestic legislation. The author of this report is of different legal opinion. See study: European Union (2025), *How can sanctions effectively prevent and combat discrimination? Good practice guide on sanctions for discrimination on racial, ethnic and religious grounds*. Available at: <https://op.europa.eu/en/publication-detail/-/publication/b82b71b7-02e0-11f0-9503-01aa75ed71a1/language-en>.

⁴⁴⁷ Civil Dispute Act, 160/2015, Sections 324-340.

However, a study by an NGO, the Center for Civil and Human Rights,⁴⁴⁸ offers some information on the amounts of compensation for non-pecuniary damages that have been granted by courts in cases of discrimination at that time.⁴⁴⁹ The number of cases in which compensation for non-pecuniary damages was awarded at that time was already indicative of the unwillingness of Slovak courts to grant this type of compensation. Indeed, as the authors of the study note, after analysing all the decisions available at that time, courts often considered the fact that a declaration of a violation of the principle of equal treatment has been made to represent sufficient satisfaction for the person discriminated against.⁴⁵⁰ No recent study has been published on this issue. In any case, it seems that courts have slightly changed their practice in respect of the amounts that they award in cases of discrimination. In several discrimination cases, the courts awarded the financial non-pecuniary compensation requested in full.

There are no more recent detailed data on the amounts of compensation awarded. The amount of compensation is not data that is required to be collected. However, it can be seen from the seven final decisions by the courts in 2025 that only one case was decided in favour of the complainants (another was decided only in part) and the other claims were dismissed or the proceedings were discontinued.⁴⁵¹

In a case of discrimination against Roma in access to a local café, the court ordered the respondent to apologise to the complainant and to pay him compensation for non-pecuniary damages to the full requested amount of EUR 1 500 and to pay the costs of the proceedings. In a case of discrimination against Roma children who were illegally placed in special classes for children with intellectual disabilities, the court awarded the claimants non-pecuniary damages of EUR 5 000 each – the full amount that they had requested.⁴⁵² Also in a case of forced eviction of Roma, the first instance court awarded nine complainants EUR 1 000 each, which was also the full amount requested.⁴⁵³ In the case of a police raid in Vrbnica, the court awarded six applicants the amount of EUR 2 000 each, which was again the full requested amount.⁴⁵⁴

c) Assessment of the sanctions

It seems that the courts are slightly changing their practice in respect of awarding financial compensation in cases of discrimination. However, the wording of the corresponding

⁴⁴⁸ Durbáková, V., Holubová, B., Ivanco, Š., Liptáková, S. (2012), *Hľadanie bariér v prístupe k účinnej právnej ochrane pred diskrimináciou*, (Searching for barriers in access to effective legal protection from discrimination), Košice: Poradňa pre občianske a ľudské práva. The publication is also available at: <https://poradna-prava.sk/wp-content/uploads/2021/11/diskriminacia-na-slovensku-hladanie-barier-v-pristupe-k-ucinne-pravnej-ochrane-pred-diskriminaciou.pdf>.

⁴⁴⁹ The study presents the finding that, of 22 cases where courts found violations of the principle of equal treatment and where claimants also sought financial compensation for their non-pecuniary damage, this compensation was only granted in 12 cases. In cases where financial compensation for non-pecuniary damage was granted, this was usually in the field of employment or access to it (eight cases). Two remaining cases in which financial compensation for non-pecuniary damage was granted were in the fields of access to services and housing. In six cases, the amounts awarded were most frequently around EUR 1 000 or slightly over (up to EUR 1 327.75). In one case (relating to ethnicity) the compensation was EUR 165.96 for each claimant (the case concerned several claimants), in another case it was EUR 3 983.75, in another it was EUR 3 3198.39 and in the remaining case it was EUR 66 387.83. In the latter case, the ground for discrimination was not given in the proceedings, so it is unclear how the case relates to the Anti-discrimination Act and the EU directives in general. In addition, the decision was not yet final.

⁴⁵⁰ Durbáková, V., Holubová, B., Ivanco, Š., Liptáková, S. (2012), *Hľadanie bariér v prístupe k účinnej právnej ochrane pred diskrimináciou*, (Searching for barriers in access to effective legal protection from discrimination) Košice: Poradňa pre občianske a ľudské práva, p. 98.

⁴⁵¹ Response from the Ministry of Justice of 28 January 2026 to a request for information of 12 January 2026 (on file with the author).

⁴⁵² Decision of the Prešov District Court from 24 November 2021, No. 15C/14/2016-557. Decision of the Regional Court in Prešov of 28 February 2023, No. 20Co/21/2022-680

⁴⁵³ Decision of the District Court Košice II, No. 15C/190/2014-650, 21 January 2022. Decision of the Regional Court Košice II of 28 June 2023, No. 9Co/21/2022.

⁴⁵⁴ Decision of the Municipal Court Bratislava IV of 19 April 2024, no. B1-16C/87/2016-394.

provision of the Anti-discrimination Act (Section 9(3)), which requires a finding of a 'considerable impairment of the dignity, social status or social achievement of the person injured' in order for financial compensation for non-pecuniary damages to be awarded may still be causing problems in judicial decision-making practice.⁴⁵⁵

Although this set of conditions is not exhaustive and courts are supposed to take into account 'the seriousness of the non-pecuniary damage and all underlying circumstances', there is still the practice that persons affected by discrimination have to prove how their dignity has been 'considerably impaired', instead of the perpetrators' behaviour being judged as inherently humiliating and impairing a person's dignity. A change in legislation reflecting the need for a paradigm shift (judging the behaviour and treatment of the perpetrator instead of burdening and re-traumatising the victim) would be more than welcome.

As regards financial compensation for non-pecuniary damages, there is another problematic issue, namely the judicial fees. According to Slovak legislation, the claimant is supposed to pay 3 % of any sum claimed as financial compensation for non-pecuniary damages. This means that the higher the amount claimed as compensation for non-pecuniary damages, the higher the judicial fee, which hinders claimants from even requesting amounts that would be effective, proportionate and dissuasive. The judicial fees are paid in advance and in every instance, and they are doubled in cases before the Supreme Court.⁴⁵⁶

The issue of the effectiveness, proportionality and dissuasiveness of sanctions remains relevant in respect of trade and labour inspectorates (see Section 6.1 above).

In addition, the analyses of barriers to the effective application of anti-discrimination legislation in relation to Roma published by the Office of the Plenipotentiary for Roma Communities calls for strengthening of the powers and independence of competent authorities and inspection bodies, including expanding their investigative competences in discrimination cases and granting them stronger sanctioning powers without requiring prior approval from superior authorities. The authors of the analyses further recommend that the legislative amendments should ensure the effective enforcement of sanctions, allow for higher penalties reflecting the seriousness and recurrence of violations, and enable long-term monitoring of compliance rather than merely formal implementation of measures. The proposals also emphasise reforming the sanctions system so that discrimination offences are assessed and penalised separately, without being absorbed into broader labour-law infringements.⁴⁵⁷

On other remedies granted in cases of discrimination, where the courts declare that discrimination has occurred, they generally oblige the discriminator to provide a written apology to the person discriminated against and tend to find this remedy to be sufficient. However, in most cases of discrimination, such a sanction by itself cannot be considered to be effective, proportionate and dissuasive as required by the directives and must be followed by financial compensation and/or another financial sanction. In cases of systemic discrimination there is a need to impose specific preventive and socio-economic sanctions, such as in cases of segregation of Roma children in education and segregation of Roma in housing and healthcare. Although the legislation allows room to be creative (as the list of

⁴⁵⁵ See Section 6.1(a) for the full wording of the relevant provision.

⁴⁵⁶ If, however, the first instance court awards some but not all of the requested compensation, the fee before the second instance court (and later possibly before the Supreme Court) is only calculated from the difference between the amount originally claimed and the amount actually awarded.

⁴⁵⁷ Office of the Plenipotentiary for Roma Communities (2025), *Analysis of barriers to the insufficient implementation of anti-discrimination legislation in relation to Roma (Analýza prekážok nedostatočného uplatňovania antidiskriminačnej legislatívy vo vzťahu k Rómom a Rómkam)*. Available in Slovak at: https://www.romovia.vlada.gov.sk/site/assets/files/4976/analyza_adz_web.pdf?csrt=13367965124048866600.

sanctions is not exhaustive), the courts are still reluctant to order any specific sanctions, such as desegregation plans.

d) Enforcement and monitoring of the implementation of the sanctions.

i) Courts and adjudicating bodies' mechanisms to monitor and enforce their decisions

The decisions of the court and administrative bodies on sanctions are legally binding so they can be enforced.

ii) Possibility for courts and other adjudicating bodies to retain jurisdiction after sanctions have been imposed

Enforcement of non-monetary benefits especially in cases of systemic discrimination (such as racial segregation) appears to be more difficult in practice. The court which issued the decision no longer has the power to monitor the enforcement of its decision in any way in cases of discrimination; this is done in a separate procedure, usually conducted by a bailiff. This means that national legislation does not allow the courts to retain jurisdiction after sanctions have been imposed, there is no possibility for periodic reviews or follow-up hearings to ensure that the perpetrator has ceased the discrimination and has complied with the court decision.

iii) Further steps/measures courts or adjudicating bodies can take in case of non-compliance with the sanction

Enforcement of court judgments for monetary or non-monetary obligations imposed by the court is carried out in enforcement proceedings, which can be initiated by a party to the anti-discrimination dispute through a bailiff. There is a EUR 25 court fee payable for initiating enforcement proceedings and the motion to enforce execution is submitted exclusively electronically to the District Court of Banská Bystrica, which assigns the enforcement to a court bailiff. The bailiff may subsequently, upon authorisation by the court, enforce monetary compensation in the form of, for example, payment of compensation for non-pecuniary damages or non-monetary compensation consisting of other penalties imposed by the court. In the case of the enforcement of a non-monetary obligation the court bailiff can request the court to impose a coercive measure if the previously imposed measure did not lead to compliance with the obligation or if it is evident that such a measure would be insufficient given the importance of the obligation. Upon the court bailiff's proposal, the court may impose a coercive measure in the form of penalty payments, up to a total of EUR 30 000 for a natural person and up to 10 % of the annual turnover of a legal entity (or up to EUR 50 000 if the turnover cannot be reliably determined).⁴⁵⁸

iv) The burden of enforcing sanctions

The burden for initiating the proceedings in order to enforce sanctions imposed by the court falls on the parties to the court proceedings.⁴⁵⁹ However, in practice, to the best knowledge of the author of this report, there have not yet been enforcement proceedings concerning court judgments in cases of systemic discrimination, such as segregation of Roma children in schools. It is questionable how a bailiff would proceed to enforce these judgments and in what way, they would enforce a court order requiring the defendant to develop and implement a desegregation plan, for example.

⁴⁵⁸ Act No. 233/1995 Coll. of the Law on bailiffs and enforcement activities (the Enforcement Code) and on the amendment and supplementation of other laws. Section 43a (5).

⁴⁵⁹ Act No. 233/1995 Coll. of the Law on bailiffs and enforcement activities (the Enforcement Code) and on amendment and supplementation of other laws.

7 BODY FOR THE PROMOTION OF EQUAL TREATMENT (Article 13 Directive 2000/43)⁴⁶⁰

The national legislation in Slovakia does not yet appear to be fully compliant with EU Directive 2024/1499. Although the transposition process has been initiated and included in the national legislative plan for 2025, the relevant implementing legislation has not yet been adopted.⁴⁶¹

7.1 National equality body

a) General 'architecture' of equality bodies

The Slovak Republic has one designated equality body for the promotion of equal treatment in charge of all the grounds covered by EU law, as well as other grounds covered by national law: the Slovak National Centre for Human Rights.

Additionally, in the Slovak Republic, the Office of Public Defender of Rights (Ombudsperson) has been established. Although this body was not specifically designed to promote equal treatment and cannot be considered to be the equality body in line with the directive, in practice, it addresses discrimination if it has been committed by the state administrative and self-government bodies, pursuant to Article 12(2) of the Slovak Constitution, which is the general non-discrimination clause. The Office of Public Defender of Rights is a quasi-judicial institution.

b) Designated body for promotion of equal treatment irrespective of racial/ethnic origin according to Article 13 of the Racial Equality Directive

With the adoption of the Anti-discrimination Act in 2004,⁴⁶² the Slovak National Centre for Human Rights became the specialised body for the promotion of equal treatment for all grounds of discrimination covered by the Anti-discrimination Act. With the adoption of the Anti-discrimination Act, Act 308/1993 on Establishing the Slovak National Centre for Human Rights ('Act on the Centre') was amended.⁴⁶³

According to the Act on the Centre, the Centre is an independent, non-judicial body, subsidised by the state. According to Section 1 of the Act on the Centre, the Centre fulfils tasks in the field of fundamental rights and freedoms. To these ends, the Centre does the following:

- monitors and evaluates the observance of human rights and the observance of the principle of equal treatment, in accordance with the Anti-discrimination Act;
- gathers information on racism, xenophobia and anti-Semitism in Slovakia and provides this information on request;
- conducts research and surveys for the purpose of providing data in the field of human rights, gathers and, on request, provides information in this field;
- prepares educational activities and takes part in information campaigns with the aim of increasing tolerance in society;
- secures legal aid for victims of discrimination and intolerance;

⁴⁶⁰ Assessments and views concerning compliance with EU law throughout Section 7, notably for Directive 2024/1499 whose transposition deadline is 19 June 2026, after the cut-off date for this report, reflect the author's opinion.

⁴⁶¹ See the Slovak Government's Legislative Tasks Plan for 2025 from which a proposal for an amendment to Act No. 308/1993 Coll. on the establishment of the Slovak National Centre for Human Rights, as amended, follows. Available in Slovak at: https://www.vlada.gov.sk/site/assets/files/1771/pluv-sr_2025.pdf.

⁴⁶² Act No. 365/2004 on Equal Treatment in Certain Areas and Protection against Discrimination and on amending and supplementing certain other laws as amended.

⁴⁶³ Act No. 308/1993 on Establishing the Slovak National Centre for Human Rights, as amended (*zákon č. 308/1993 o zriadení Slovenského národného strediska pre ľudské práva v znení neskorších predpisov*).

- issues, on request of natural persons or legal entities or on its own initiative, expert opinions in matters of observance of the principle of equal treatment in accordance with the Anti-discrimination Act;
- carries out independent inquiries concerning discrimination.

The services of the Centre are accessible on an equal basis to all, without costs.

The Centre operates a central office in the capital Bratislava, as well as three regional branches in three regional towns (Žilina, Banská Bystrica and Košice) located in the western, central and eastern part of the country. It is also reachable by phone and email.

The Centre provides reasonable accommodation to users with disabilities to a certain extent. In particular, it currently has two fully barrier-free offices (in Žilina and Banská Bystrica). This is not yet the case in Bratislava and Košice. The centre introduced a special measure in relation to providing legal aid to persons with disabilities in its office in Žilina, where it secured the provision of a mobile 'access ramp' in order to remove a barrier – a step – in front of the entrance to the building. As regards other measures, the centre owns the ReadSpeaker application to facilitate the accessibility of digital documents on its website. The application serves as a text reader.⁴⁶⁴

The Centre runs a website, a podcast, publishes press releases, blogs and communicates with the media and on social media platforms. It has increased its overall public visibility in recent years and conducts some activities in order to be more visible among Roma living in marginalised communities.⁴⁶⁵

7.2 Political, economic and social context of the designated body

The position of the Government in relation to the National Centre for Human Rights can be generally characterised by two approaches, which resulted from the different political composition of the Government in respective election periods. The Government either gave no attention to the functioning and independence of the centre and possible deficiencies in this area or recognised the need to evaluate the setting up and functioning of the centre.

The Centre seeks to gradually improve its work and be more proactive in promoting non-discrimination, but still lacks the necessary technical, human and financial resources. In recent years, these have been repeatedly highlighted in recommendations of the UN treaty monitoring bodies and other international human rights institutions. For example, the UN Committee on the Elimination of Discrimination against Women, in its concluding observations from May 2023, urged the Slovak Government to strengthen its efforts to allocate sufficient technical, human and financial resources to the Centre and ensure in full compliance with the Paris principles, in particular by taking measures to guarantee its political and budgetary independence.⁴⁶⁶

In 2011, the Government approved the *Analytical report on the functioning and status of the Slovak National Centre for Human Rights* in the context of institutional protection of human rights in the Slovak Republic. This report was the first of its kind ever produced by the Slovak Government and, more generally, the first attempt that has ever been made to monitor and evaluate the functioning of the Centre in a relatively complex manner.

Following the findings of the report and further analyses of the potential financial and legal impacts of carrying out fundamental and systemic changes in the setting up and functioning of the Centre, the Ministry of Justice currently plans to propose an amendment

⁴⁶⁴ Response from the Centre of 21 July 2023 to a request for information of 17 July 2023 (on file with the author).

⁴⁶⁵ See website of the Centre: <https://www.snslp.sk/en/activities-of-the-centre/>.

⁴⁶⁶ Concluding Observations of the Committee on the Elimination of Discrimination against Women from May 2023, CEDAW/C/SVK/CO/7, para. 16-17.

in the context of the transposition of the directives on standards for equality bodies (Directive 2024/1499/EU and Directive 2024/1500/EU).⁴⁶⁷

In 2025 no such legislation had been adopted. Based on information provided from the Slovak National Centre for Human Rights, the Centre has been engaged in informal communication with the Ministry of Justice in this regard. In November 2025, an informal working meeting took place, during which views were exchanged on the transposition of the Directive and on a possible amendment to the Act on the Establishment of the Slovak National Centre for Human Rights. The Centre also participated in the preparation of this draft legislative amendment.⁴⁶⁸ No follow-up information on this process is publicly available.

7.3 Institutional architecture

In Slovakia, the designated body forms part of a body with multiple mandates. Apart from its mandate as a body for the promotion of equal treatment, the Centre has a mandate as the national human rights institution (NHRI). It was given this mandate by its establishment on 1 January 1994 following the Treaty on the Establishment of the Slovak National Centre for Human Rights between the Government of the Slovak Republic and the United Nations.⁴⁶⁹ The Centre is currently not in full compliance with the principles relating to the status of national human rights institutions for the promotion and protection of human rights (the Paris principles) and continues to be accredited with 'B' status.

7.4 Status of the designated body – general independence and resources

a) Status of the body

- Separate or other legal status or personality:

The Centre has separate legal status, as established by the Act on the Centre. According to the Act on the Centre, the Centre is an independent, non-judicial body, subsidised by the state.

- Selection of governing body:

The governing body of the Centre is the executive director, who manages and exercises control over the Centre and who is the statutory representative of the Centre,⁴⁷⁰ and the board, which consists of nine independent members. One member is appointed by the President of the Slovak Republic; one member by the Chair of the National Parliament; one member by the Ombudsperson; one member by the Prime Minister of the Government of the Slovak Republic in response to a proposal from NGOs; one member is appointed by the Minister of Labour, Social Affairs and Family; and the other four members are appointed by deans of the four law faculties (see Section 3a(1) of the Act on the Centre). Membership of the board is voluntary and the board members are entitled only to reimbursement of travel expenses. (see Section 3a(3) of the Act on the Centre).

- Powers to recruit and manage staff:

The executive director is elected and dismissed by the board upon nomination by the board members. The current executive director, Ms Silvia Porubánová, will lead the Centre until 2026.

⁴⁶⁷ Response from the Ministry of Justice of 23 January 2025 to a request for information of 13 January 2025 (on file with the author).

⁴⁶⁸ Response from the Centre of 20 January 2026 to a request for information of 13 January 2026 (on file with the author).

⁴⁶⁹ Notice of the Ministry of Foreign Affairs of the Slovak Republic, No. 29/1995.

⁴⁷⁰ Act on the Centre, 308/1993, Section 2(1), (2) and 3b.

The staff are appointed and dismissed by the executive director.

- Sources of funding:

The Centre is financed by subsidies from the state budget and partially from project funds; in 2025, these funds came from the European Union.

- Accountability

The Act on the Centre does not deal with the question of to whom the Centre is accountable (it stipulates only that the executive director of the Centre is accountable to the board and sets out the areas of this accountability, such as the activities of the Centre, proper management and bookkeeping, fulfilling the decisions of the board etc.).⁴⁷¹ Given the fact that the Centre is a public institution set up by law, it can be argued that it is accountable to the public (although there is no particular provision contained in the Act on the Centre that would set up mechanisms for implementing this accountability and/or controlling it). In terms of spending finances from the state budget effectively, the Centre is accountable to the Supreme Audit Office of the Slovak Republic, which controls the management of funds and the property of the state.

b) Independence of the body

Section 2(1) of the Act on the Centre stipulates that the Centre is an independent legal entity. However, NGOs and international human rights bodies have questioned the factual independence of the Centre in practice.⁴⁷² The ECRI stressed that, in order to ensure the independence of the Centre, the executive should not have a decisive influence in any stage of the process of selecting persons holding leadership positions. It expressed particular concerns that several of the members of its governing board of the Centre are selected by the Government. Moreover, dismissal of governing board members is not subject to any criteria, and its members do not benefit from functional immunity.⁴⁷³ In addition, the current mechanism of financing the Centre may, arguably, have a negative impact on its independence. Given that it is the Government that introduces the Act on the State Budget on an annual basis and the Parliament that approves the act, and there are no constitutional or statutory guarantees on minimum budgetary thresholds for the Centre or mechanisms that would prevent the possibility of arbitrary (non)allocation of funds to it (which, in practical terms, is in the full and exclusive control of the Government), this mechanism casts doubts on whether the Centre can, in principle, be independent from the political powers in office under the legislation and the current mechanisms for approving the Centre's annual budgets.

c) Resources

- The annual budget of the body:

In 2025, the overall budget for the Centre was EUR 1 878 899.96. Of this amount, the Center received EUR 1 120 848 from the state budget and approximately EUR 758 051.64 from EU funds.⁴⁷⁴ In comparison with the previous year, the Centre's funding was increased (EUR 1 254 848 in 2024).

⁴⁷¹ See Act on the Centre, 308/1993, Section 3b(4), for more details.

⁴⁷² For example, Center for Civil and Human Rights (2022), NGO Submission to the Committee on the Elimination of Racial Discrimination concerning shortcomings in the implementation of the Convention in Slovakia, pp. 10-11. European Commission against Racism and Intolerance (ECRI) (2020) *ECRI report on the Slovak republic: 6th monitoring cycle*, Council of Europe, para 3. The report was adopted on 1 October 2020.

⁴⁷³ See European Commission against Racism and Intolerance (ECRI) (2020) *ECRI report on the Slovak republic: 6th monitoring cycle*, Council of Europe, para 3.

⁴⁷⁴ Response from the Centre of 20 January 2026 to a request for information of 13 January 2026 (on file with the author).

- The share of the annual budget dedicated to the equality body mandate:

The share of the annual budget dedicated to the equality body mandate is not set out.⁴⁷⁵

- The total number of staff of the body:

In December 2025, the Centre had 50 in-house employees in total (three of whom were on parental leave) and of these, 22 employees worked under work agreements performed outside an employment contract.⁴⁷⁶ This represents a significant increase compared to the previous year 2024, when there were only 30 employees. However, it is assumed that the Centre increased its staff numbers by including workers employed under agreements outside an employment relationship who only temporarily participated in the implementation of project activities and did not form part of the Centre's long-term core team.

- The number of staff dedicated to the equality body mandate:

Its multiple mandate as the body responsible for the promotion of equal treatment and as the national human rights institution (NHRI) is not structurally divided within the Centre and all employees of the Centre carry out both mandates simultaneously.⁴⁷⁷

7.5 Grounds and fields covered by the designated body

The Centre has a mandate to deal with all grounds covered by national law, i.e. sex, religion or belief, race, affiliation with nationality (*národnosť*) or an ethnic group, disability, age, sexual orientation, marital status and family status, colour of skin, language, political or other opinion, national or social origin, property, lineage/gender or other status, or the reason of reporting criminality or other anti-social activity, contained in Section 2(1) of the Anti-discrimination Act as well as some other grounds contained in other acts such as the Labour Code and the Civil Servant Act, which are as follows: unfavourable state of health, duties to family, membership of or involvement in a political party or political movement, a trade union or other association. The Centre has a mandate to deal with discrimination in fields set out in Section 3(1) of the Anti-discrimination Act, which are as follows: employment and similar legal relations, social security, healthcare, the provision of goods and services (including housing and education).

In 2025, the Centre did not devote priority attention to any specific protected ground of discrimination. In relation to discrimination, through a legal analysis it paid attention to the rights of persons with visual impairments.⁴⁷⁸

7.6 Competences of the designated body – and their independent exercise

- a) Independent assistance to victims

The Centre has a duty to provide independent assistance to victims.⁴⁷⁹ It receives claims from individuals by post, email and in electronic form, as well as in person, and it generally provides claimants with free legal counselling by assessing whether they were subjected to discrimination based on the information received and providing them with advice about available legal options to address discrimination. The Centre can also provide victims with

⁴⁷⁵ Response from the Centre of 20 January 2026 to a request for information of 13 January 2026 (on file with the author).

⁴⁷⁶ Response from the Centre of 20 January 2026 to a request for information of 13 January 2026 (on file with the author).

⁴⁷⁷ Response from the Centre of 20 January 2026 to a request for information of 13 January 2026 (on file with the author).

⁴⁷⁸ Response from the Centre of 20 January 2026 to a request for information of 13 January 2026 (on file with the author).

⁴⁷⁹ Act on the Centre, 308/1993, Section 1(2e).

free legal representation in a court proceeding concerning discrimination. The Centre has competence under national anti-discrimination legislation to submit *actio popularis* claims in cases of systemic discrimination. The assistance to victims is not provided by a third party, but the Centre, outside the central office in Bratislava, operates through three small local-level offices in the regions.

The available information does not allow the author of this report to assess whether this duty is exercised in an independent manner and effectively. The provision of assistance to victims is based on private communication between the Centre and victims of discrimination and, as such, this information is not publicly available.

The Centre assists victims in various forms, such as dealing with complaints, mediating in cases or providing legal representation in court proceedings. In 2025, the Centre received a total of 501 complaints and discrimination was reasonably claimed in 216 of those complaints. The available data show that the number of complaints received from people who alleged discrimination increased in 2025, representing a significant rise compared to the 320 complaints received in 2024. After a detailed legal assessment and investigation, the Centre found a breach of the principle of equal treatment in 26 cases.⁴⁸⁰

b) Independent surveys and reports

The Centre has a duty to conduct independent surveys and publish independent reports.⁴⁸¹ In practice, it includes publishing an annual report on the observance of human rights including the principle of equal treatment, and publishing various analytical materials.

Moreover, the Centre regularly develops and submits its alternative reports to international human rights bodies concerning the implementation of international human rights obligations by the Slovak Government. In 2025, the Centre submitted its observations to the UN Committee on Economic, Social and Cultural Rights.⁴⁸² In general, the Centre consistently addresses relevant human rights issues and confronts the Government authorities with a wide range of on-going relevant human rights issues. In this context, the submissions to international bodies can be considered to be independent.

In addition, in 2025, the Centre submitted to the Secretariat of the European Social Charter comments on the implementation of the European Social Charter for the group 2 provisions focused primarily on rights related to work and working conditions. All the reports are published on the Centre's website, some of them also in English.⁴⁸³

All written results from the research activities of the Centre are published on its website. In 2025, the research activities of the Centre included, for example, a report providing an analysis of the implementation of horizontal principles in the use of EU funds in the field of education and legal analyses on compliance of the statutory conditions for the certification of signatures of visually impaired persons with international obligations.⁴⁸⁴

The Centre carries out annual strategic planning through its Activity Plan, which is approved by the Centre's Board of Directors.⁴⁸⁵

⁴⁸⁰ Response from the Centre of 20 January 2026 to a request for information of 13 January 2026 (on file with the author).

⁴⁸¹ Act on the Centre, 308/1993, Section 1(2)(g) and (h).

⁴⁸² The report is available in English on the website of the Centre: <https://www.snslp.sk/aktuality/15063/>.

⁴⁸³ An overview of the published reports of the Centre and summaries are available at: <https://www.snslp.sk/aktuality-prehľad/>.

⁴⁸⁴ An overview of the research activities of the Centre is available at <https://www.snslp.sk/nasa-cinnost/vyskumna-cinnost/publikovane-vystupy-vyskumnej-cinnosti/>.

⁴⁸⁵ These annual plans, including the current plan for 2026, are available at: <https://www.snslp.sk/nasa-cinnost/plan-cinnosti/>.

c) Recommendations

The Centre is competent to issue independent recommendations on discrimination issues.⁴⁸⁶ In practice, the Centre issues the recommendations in its annual reports on the observance of human rights, including the principle of equal treatment, in Slovakia. In addition, it regularly includes recommendations in its reports on inquiries, analytical reports or alternative reports for international human rights bodies. Recommendations are primarily addressed to the Government, Government institutions or other state institutions.

In 2025, the Centre formulated and included a wide range of independent recommendations in its report on the observance of human rights in Slovakia, including the principle of equal treatment. In this regard, it focused on selected issues that have resonated in the public discourse, including hate speech, including in the online space, and segregation in education. As part of its work, the Centre also expressed concerns about the gradual erosion of the rule of law in the Slovak Republic, which is reducing the quality of the legislative process, and declining levels of protection of civil and political rights such as the right to freedom of association. In the author's opinion, the Centre, in its recent annual report, generally addresses relevant issues concerning protection against discrimination and other human rights in Slovakia and, as such, can be considered to be independent.⁴⁸⁷

The Centre is generally engaged in consensual cooperation with the Government institutions on particular Government documents, often through its participation in established working groups. In 2025, for instance, the Centre cooperated with the Office of the Plenipotentiary for Roma Communities on the implementation of tasks relating to discrimination against Roma, including training on the principles of equal treatment.

Moreover, the Centre collaborated with various government bodies, local authorities, international organisations and NGOs on a wide range of human rights and equality issues. Key partners included the Ministry of Labour, Social Affairs and Family and the Ministry of Transport and Construction on homelessness prevention and housing accessibility; municipal authorities on non-discrimination in municipal housing; UNICEF and UNHCR Slovakia on education, segregation and protection against sexual abuse; trade unions and healthcare institutions on workplace sexual harassment prevention; and multiple NGOs and platforms, including the Platform for Families of Children with Disabilities and the End Homelessness Platform, for workshops, consultations, advocacy and capacity-building activities. The Centre also participated in working groups and policy consultations on education indicators, AI legislation, equal pay and standards for equal treatment bodies.⁴⁸⁸

The Centre also commonly formulates recommendations in its expert opinions and addresses them to various bodies, depending on the issue and context of the expert opinions (see Section 7.6.(e)).

d) Prevention, promotion and awareness-raising

The Centre reported that in 2025 it regularly carried out awareness-raising activities on discrimination, whether as part of its own educational activities or in cooperation with strategic partners in the field of human rights protection. The Centre, in cooperation with universities, organised several lectures for students. In cooperation with the Faculty of Law of Matej Bel University, the Centre co-taught the Human Rights Clinic.

⁴⁸⁶ Act on the Centre, 308/1993, Section 1(2)(h).

⁴⁸⁷ Slovak National Centre for Human Rights (2025), *Report on the observance of human rights including the principle of equal treatment for the Year 2024*, available in English at <https://www.snslp.sk/wp-content/uploads/Human-Rights-Report-for-2024.pdf>.

⁴⁸⁸ Response from the Centre of 20 January 2026 to a request for information of 13 January 2026 (on file with the author).

The Centre also worked with ministries and other central bodies of the state administration to carry out activities aimed at increasing awareness, professional skills and education of civil servants and related professions on human rights, radicalisation and manifestations of xenophobia, racism, antisemitism, extremism and other forms of intolerance (Ministry of Investments, Regional Development and Informatization of the Slovak Republic; Ministry of Economy of the Slovak Republic; Office for Territorial Planning and Construction of the Slovak Republic; Ministry of Finance of the Slovak Republic).

The Centre also worked with the Ministry of Health on the prevention of sexual harassment in hospitals. As part of its cooperation with a subsidiary organisation of the Ministry of Health, Healthy Regions, the Centre participated in eight community educational events on the topic of discrimination in access to healthcare in marginalised Roma communities.

It actively participated in public dialogue, both by issuing press releases and statements to the media and by actively creating content on social media. As part of its external communication, it promoted findings from its own research concerning the relevant human rights issue; published podcasts, interviews with relevant experts and practitioners and the results of legal activities; and publicly reacted to current socio-political developments relating to the protection of human rights and fundamental freedoms in Slovakia.⁴⁸⁹

e) Other competences

The Centre:

- monitors and evaluates the observance of the equal treatment principle and the Anti-discrimination Act;
- gathers and provides information upon request on racism, xenophobia and anti-Semitism in the Slovak Republic;
- prepares educational activities and participates in information campaigns aimed at increasing tolerance in the society;
- issues expert opinions on the observance of the equal treatment principle under the Anti-discrimination Act, upon requests from natural persons or legal entities or on its own initiative (see Section 7.8.a below for further information).

7.7 Legal standing of the designated body

In Slovakia, the designated body – the Slovak National Centre for Human Rights – has legal standing to:

- bring discrimination complaints (on behalf of identified victims) to court;
- bring discrimination complaints (on behalf of non-identified victims) to court;
- intervene in legal cases concerning discrimination, such as *amicus curiae*.

In accordance with Section 1(3) of the Act on the Centre, the Centre has the authority to represent parties in proceedings concerning violation of the principle of equal treatment. The clients are represented by the Centre's staff lawyers. In such cases, the people represented by the centre do not pay for the legal representation it provides. However, the Centre cannot represent victims of discrimination in proceedings before the Constitutional Court. The Centre can intervene in legal cases concerning discrimination, such as *amicus curiae*. The Centre does not have any litigation strategy; according to the Centre, it has a duty as the equality body to treat every client equally and does not give strategic preference to any cases due to their potential impact on society.

⁴⁸⁹ Response from the Centre of 20 January 2026 to a request for information of 16 January 2024 (on file with the author).

In 2025, the Centre provided legal representation in one new case of discrimination pending before the court.⁴⁹⁰ In addition, the Centre provided ongoing representation in four other pending cases. Two cases concerned discrimination in access to education and services. The remaining three cases concerned discrimination in individual employment relationships. The claimed ground of discrimination in two of these cases falls within the 'other status' category (in particular, the fee for tennis training at a municipal sports facility due to the place of permanent residence and unequal pay for employees performing the same work due to the place of work). The remaining three cases concern the grounds of disability and age.⁴⁹¹

The overall number of people represented remains low.

The Centre is also authorised by domestic legislation to join judicial proceedings in cases of discrimination, either on the side of the claimant or on the side of the defendant. In 2025, the Centre participated in two ongoing judicial proceedings that it had joined prior to 2025.⁴⁹²

In cases in which breaches of the principle of equal treatment could violate rights, interests protected by the law or freedoms of a larger or non-specified number of people, or if the public interest could be seriously endangered in some other manner by such a violation, the Centre itself can invoke the protection of the right to equal treatment in its own name (*actio popularis*). In 2025, the Centre did not initiate any public lawsuits.

Since 2023, the Centre has been conducting civil proceedings following the filing of an *actio popularis* claim addressing discrimination in the form of sexual harassment at the District Court in Pezinok. In January 2025, the Centre reached an out-of-court settlement with a primary school concerning an anti-discrimination dispute.⁴⁹³ In addition, the Centre noted that it continuously analyses the possibilities of filing *actio popularis* claims. The author of this report believes that the Centre should be more active and submit more *actio popularis* claims in cases of systemic discrimination against Roma, such as regarding their segregation in education, housing (including access to drinking water, waste management and environmental pollution) and healthcare.

In general, the Centre continues to be engaged in only a small number of cases of discrimination before the courts, and it is not sufficiently active in improving access to justice for people who have experienced discrimination. In the assessment of the author of this report, a significant number of the limited amount of cases in which the Centre has provided legal representation before courts over the years have related to discrimination in employment on the ground of 'other status' and so have not sufficiently addressed the pressing and widely documented discrimination in Slovak society. From this perspective, the case law produced by the Centre appears to fall short of its particular strategic relevance in terms of advancing the implementation of anti-discrimination legislation in domestic courts, spurring public discussion on the most pressing human rights issues or addressing issues that need legal interpretation.

7.8 Dispute resolution

a) Quasi-judicial functions

⁴⁹⁰ Response from the Centre of 20 January 2026 to a request for information of 13 January 2026 (on file with the author).

⁴⁹¹ Response from the Centre of 20 January 2026 to a request for information of 13 January 2026 (on file with the author).

⁴⁹² Response from the Centre of 20 January 2026 to a request for information of 13 January 2026 (on file with the author).

⁴⁹³ Response from the Centre of 20 January 2026 to a request for information of 13 January 2026 (on file with the author).

In Slovakia, the equality body – the Slovak National Centre for Human Rights – is a quasi-judicial institution.⁴⁹⁴ There is also a separate quasi-judicial institution in Slovakia: the Office of Public Defender of Rights (see sub-chapter 7.1.a).

The body – the Slovak National Centre for Human Rights – cannot issue binding enforceable decisions. It can issue non-binding opinions. It has a responsibility to deal with claims by individuals and to reach findings on discrimination in individual cases.⁴⁹⁵

Within its competences, the Centre can also decide to carry out its own specific independent inquiries to investigate possible discriminatory practices, which the Centre has either received information about from individuals or has documented itself (e.g. from reports in the media). In 2025, the Centre conducted two independent inquiries concerning alleged discrimination. One case concerned the different usage fees for public toilets operated by the town Nové Zámky (EUR 0.10 for men and EUR 0.20 for women and persons with severe disabilities) and the other concerned the suspension of mail deliveries in the town of Banská Bystrica for recipients living in an area with a majority of Roma inhabitants, Na Hrbe.⁴⁹⁶

In addition, the Centre has a competence to issue expert opinions on the observance of the equal treatment principle under the Anti-discrimination Act. The Centre develops expert opinions whenever requested from third parties claiming potential discrimination, and in cases in which it assesses that the content of the opinion and its subsequent publication may be beneficial in the context of the protection and prevention of discrimination. In 2025, the Centre issued 30 expert opinions⁴⁹⁷ assessing possible violations of the principle of equal treatment, with 17 of them published on the website. Thirteen of the opinions were not published in the interests of the complainants.⁴⁹⁸

There is no indication that these opinions are not independent and their legal reasoning is satisfactory. The number of expert opinions issued in 2025 has decreased by 10 compared to the previous year.

The Centre monitors the impact of its expert opinions and its conclusions in respect of complaints received in which it has identified discrimination, and evaluates measures that recipients take in response. However, its ability to check their implementation effectively is limited.⁴⁹⁹

The Public Defender of Rights cannot issue binding decisions. It acts on the initiative of a natural or legal person or on its own initiative.⁵⁰⁰ The Office of the Public Defender of Rights can be contacted by anyone who considers that his/her fundamental rights and freedoms have been violated by an act or decision or by the failure to act of a public authority in contravention of the rule of law.⁵⁰¹

i) Power to impose sanctions

The Centre cannot issue binding enforceable decisions or impose sanctions. It can issue non-binding opinions. Its opinions can only serve as a relevant opinion, which can be

⁴⁹⁴ The issue is a matter of interpretation. The author of this report interprets the competence of the Slovak equality body to hear and consider individual complaints as a quasi-judicial competence, which is why she considers the equality body to be a quasi-judicial body.

⁴⁹⁵ Act on the Centre, 308/1993, Section 1(2f).

⁴⁹⁶ See information on independent inquiries (in Slovak) at: <https://www.snslp.sk/nasa-cinnost/pravne-sluzby/nezavisle-zistovanie/>.

⁴⁹⁷ All published expert opinions of the centre are available at <https://www.snslp.sk/nasa-cinnost/pravne-sluzby/odborne-stanoviska/>.

⁴⁹⁸ Response from the Centre of 20 January 2026 to a request for information of 13 January 2026 (on file with the author).

⁴⁹⁹ Response from the Centre of 20 January 2026 to a request for information of 13 January 2026 (on file with the author).

⁵⁰⁰ Act on the Public Defender of Rights, 564/2001, Section 13(1).

⁵⁰¹ Act on the Public Defender of Rights, 564/2001, Section 11(1).

presented, for instance, in court proceedings when victims decide to take additional legal steps.

The Public Defender of Rights cannot issue binding enforceable decisions or impose sanctions. It can examine complaints.⁵⁰² At the request of the Public Defender of Rights, public authorities are obliged to deal with and implement the proposed measures in the event of their inaction, but only if the implementation of such measures is required by law or by another generally binding regulation.⁵⁰³ If the complaint concerns the examination of a final decision of a public administration body or if the Public Defender of Rights concludes that the decision of a public administration body is contrary to the law or another generally binding legal regulation, it can refer the matter to the competent public prosecutor for processing, or take other action.⁵⁰⁴

ii) Nature and level of sanctions

Not applicable as the Centre and the Public Defender of Rights cannot impose sanctions.

iii) Possibility to appeal (to the body itself or to the court)

Not applicable. The Centre can issue only non-binding opinions, which cannot be appealed. The Public Defender of Rights can examine complaints, and its conclusions cannot be appealed.

iv) Enforcement of binding decisions

Not applicable. The Centre can issue only non-binding opinions. The Public Defender of Rights can examine complaints, and its conclusions are non-binding.

v) Implementation of non-binding opinions

The Centre regularly monitors the implementation of its recommendations and conclusions in cases where it reached a justified finding of discrimination but did not pursue the legal matter further due to reasons on the complainant's side (for example, because the complainant had already been legally represented in the matter and requested the Centre to prepare an expert opinion). It remains the case that, in many instances, the Centre does not receive any response or, due to objective obstacles, does not have access to information that could subsequently be used in a relevant manner. It also remains the case that the Centre does not have a specific formal strategy in this context.⁵⁰⁵

The Public Defender of Rights monitors implementation of its conclusions resulting from examined complaints. Section 19 of the Act on the Public Defender of Rights sets out that if the results of its complaint demonstrate a violation of fundamental rights and freedoms, the Public Defender of Rights shall communicate the results of the complaint, together with a proposal for measures to the public authority against whose action, decision-making or inaction the complaint is directed. The public authority is obliged to notify the Public Defender of Rights of its opinion on the results of the complaint and the measures taken within 20 days from the date of receipt of the request for taking measures. If the Public Defender of Rights disagrees with the opinion of the public authority or if he/she considers the measures taken to be insufficient, he/she shall inform the authority superior to the public authority against which the complaint is directed, and if there is no such authority, the Government of the Slovak Republic. The superior public authority against which the complaint is directed, or if there is no such authority, the Government of the Slovak

⁵⁰² Act on the Public Defender of Rights, 564/2001, Section 14(1).

⁵⁰³ Act on the Public Defender of Rights, 564/2001, Section 17(2).

⁵⁰⁴ Act on the Public Defender of Rights, 564/2001, Section 14(4).

⁵⁰⁵ Response from the Centre of 20 January 2026 to a request for information of 13 January 2026 (on file with the author).

Republic, are obliged to notify the Public Defender of Rights within 20 days from the date of receipt of his/her notification of the measures which they have taken in the given matter.

b) Amicable settlements

The Centre has a competence to represent persons affected by discrimination in out-of-court settlements in court proceedings where it represents a party. However, it is not a mediator and does not cooperate with mediators in that context.⁵⁰⁶

In 2025, the Centre registered three court proceedings, which were discontinued due to out-of-court settlements. The cases involved unequal pay for the same work due to the complainant's work location, sexual harassment at a football club, and sexual harassment at a school.⁵⁰⁷

The Public Defender of Rights does not have competence to represent persons, whose fundamental rights and freedoms have been violated by an act, decision or failure to act of a public authority in contravention of the rule of law, in out-of-court settlements.

7.9 Procedural safeguards

There are no limitations/procedural safeguards set by the Centre and/or by legislation in respect of how the Centre, as the equality body, exercises its different powers. There are no safeguards ensuring an appropriate separation between the different functions of the Centre when it is using different powers, like mediation, litigation, amicable settlement, assistance to victims.

7.10 Data collection by the designated body

a) Registration of complaints and decisions

In Slovakia, the designated equality body – the Slovak National Centre for Human Rights – and the Office of the Public Defender of Rights register the number of complaints of discrimination made.

The data are available to the public.

The Centre registers the number of discrimination complaints received, including information about the ground and field of discrimination being claimed. These data are published in annual reports on the activities of the Centre, which are publicly available on the Centre's website.⁵⁰⁸ In 2025, the Centre received 501 complaints and in 216 of these it assessed that the defining features of a legal presumption of non-compliance with the principle of equal treatment had been fulfilled. Regarding the field of discrimination, 139 complaints concerned employment and access to employment, 32 access to goods and services including housing, 21 complaints concerned education, five access to social security and social aid, 15 access to healthcare and one case concerned the constitutional prohibition of discrimination. In up to 285 cases, it was not possible to identify the alleged prohibited discriminatory ground.

The grounds of the complaints received were: 26 on ethnic origin/nationality; 18 on sex (including two cases on the grounds of motherhood and one case on the grounds of

⁵⁰⁶ Response from the Centre of 16 January 2024 to a request for information of 4 January 2024 (on file with the author).

⁵⁰⁷ Response from the Centre of 20 January 2026 to a request for information of 13 January 2026 (on file with the author).

⁵⁰⁸ Slovak National Centre for Human Rights (2025), *Ročná záverečná správa o činnosti Slovenského národného strediska pre ľudské práva za rok 2024* (Annual report on the activities of the Slovak National Centre for Human Rights for the Year 2024). The report covers the data for 2024. The most recent data for 2025 were provided by the Centre to the author of this report on request and have not been published yet.

parental leave); four on gender; 36 on health disability; nine on age; six on reporting criminality or other anti-social activity; four on state of health; three on nationality; six on sexual orientation; four on national or social origin; one on political or other opinions; three on family status; one case of possible discrimination on grounds of skin colour; one case on race; and 11 relating to 'other status'.

The Centre found that 86 complaints were not linked to any discriminatory ground, although it still considered that it was competent to deal with them as it looked at the complaints through the lens of the principle of equal treatment.

Out of 216 complaints, 26 were justified, i.e. the Centre provided legal assistance to 26 victims of discrimination.⁵⁰⁹

The discrimination identified was based in four cases on the ground of sex (one of which concerned pregnancy); in two cases on sexual orientation; and in two case on reporting anti-social activity and family (in one case on the ground of marital status). In seven other cases, the Centre found a legal presumption of a violation of the prohibition of discrimination on the grounds of health status and seven cases concerned ethnic origin/nationality/race.⁵¹⁰

The Office of the Public Defender of Rights, in the report on its activities for 2025, states that while in 2024 the number of submissions received increased by 7.2 % compared to the previous year, in 2025 the increase reached 25.7 %. In 2025, the Office received 2 260 submissions. A total of 2 131 were processed and 177 violations of fundamental rights and freedoms were identified.

Violation of Article 12(2) of the Slovak Constitution, which is the general non-discrimination clause, is not explicitly mentioned in reports data statistics. From the description of some of the cases mentioned in the report – which were decided by the Ombudsman – it is clear that they concern discrimination on protected grounds. Most of the violations concerned the right to the hearing of a court case without undue delay (35 cases).⁵¹¹

b) Equality data collection

In Slovakia, the designated equality body collects general equality data.

The Centre reported that all data handled by its research unit can be considered equality data.⁵¹² The Centre continuously collects data on complaints received and data obtained in the course of addressing research tasks and preparing reports. Outputs based on data on received complaints are available in the annual activity report, while outputs from research tasks, as well as reports, are published on the Centre's website. For research and analytical purposes, the Centre has collected qualitative, quantitative and administrative data.

The Centre does not have access to equality-related data held by other entities. In 2025, it did not request access to non-public databases in this regard.

⁵⁰⁹ Response from the Centre of 20 January 2026 to a request for information of 13 January 2026 (on file with the author).

⁵¹⁰ Response from the Centre of 23 January 2025 to a request for information of 13 January 2025 (on file with the author).

⁵¹¹ Office of the Public Defender of Rights (2026), *Správa o činnosti verejného ochrancu práv za rok 2025* (Report on the activities of the Public Defender of Rights for the year 2025), p. 25. Available at: https://vop.gov.sk/wp-content/uploads/2026/03/sprava_2025_final.pdf.

⁵¹² Response from the Centre of 22 February 2023 to a request for information of 10 February 2023 (on file with the author).

In 2025, equality data collected by the Centre were not used within the court proceedings in which the Centre is involved⁵¹³

Regarding discrimination in relation to artificial intelligence, the Centre stated that in 2025 it actively participated in a round table entitled Laboratory of Ideas on Artificial Intelligence and Labour Law, organised by the Alexander Dubček University in Trenčín. A representative of the Centre presented the Centre's legal activities and competences. The round table focused on the impact of artificial intelligence and algorithms in the context of pre-contractual labour-law relationships, specifically in recruitment processes for job applicants, and on the related potential discrimination that may arise from the use of artificial intelligence systems in the initial screening of job applicants' CVs.

However, in 2025 the Centre did not record any complaints in which clients alleged discrimination caused by AI systems; nevertheless, it continues to build its expertise in this area in order to be prepared for any potential future cases.⁵¹⁴

7.11 Roma and Travellers

The Centre reported that the issue of discrimination against disadvantaged Roma is given due attention on a continuous basis. In fulfilling its tasks under both mandates, including the mandate of the national anti-discrimination body, the Centre has carried out awareness-raising activities on discrimination on a regular basis, as part of its educational activities, as part of its communication strategy or as part of building cooperation with strategic partners in the field of human rights.

The 2024 Report on the Observance of Human Rights, including the principle of equal treatment, published in 2025, includes a dedicated chapter addressing the issue of Roma segregation in education.

In 2025, the Centre was again an official partner of the Roma Spirit award, which recognises individuals, organisations and municipalities for actions that have contributed to improving the situation of the Roma minority in Slovakia.

The Centre regularly monitors and evaluates the implementation of temporary equalisation measures aimed, inter alia, at reducing inequalities affecting the Roma population.

Throughout 2025, the Centre carried out training activities arising from the Strategy for Equality, Inclusion and Participation of Roma up to 2030. Activities included:

- conducting training sessions for public administration bodies and employers focused on awareness-raising programmes, the identification of behavioural patterns and methods for recognising and addressing discrimination and its root causes, including anti-Roma racism and bias;
- carrying out activities for individuals from marginalised Roma communities entering the labour market, with the aim of increasing their awareness of protection against discrimination;
- providing training on anti-Roma racism for civil servants, local government officials and other relevant stakeholders involved in the provision of legal, social and health services in the public interest, including civil society organisations;
- carrying out awareness-raising activities for residents of marginalised Roma communities on compliance with the principle of equal treatment;
- raising awareness among individuals from marginalised Roma communities, in cooperation with the Healthy Regions organisation, about the options for

⁵¹³ Response from the Centre of 20 January 2026 to a request for information of 13 January 2026 (on file with the author).

⁵¹⁴ Response from the Centre of 20 January 2026 to a request for information of 13 January 2026 (on file with the author).

addressing suspected discriminatory behaviour in the context of accessing healthcare services.⁵¹⁵

However, the activities of the Centre on the prevention of discrimination against the Roma minority do not include bringing cases of discrimination against Roma, despite the on-going prevalence of such discrimination in Slovakia. In recent years, the Centre has provided legal representation in very few cases of discrimination against the Roma minority and has not made use of its competence to initiate *actio popularis* claims to challenge structural discrimination against the marginalised Roma minority in education, housing or healthcare.

In March 2025, the Slovak National Centre for Human Rights conducted an independent inquiry under Article 1(2)(g) of Act No. 308/1993 Coll. regarding the temporary suspension of mail deliveries in the Na Hrbe area of Banská Bystrica, predominantly inhabited by a marginalised Roma community. Deliveries were suspended due to the postal workers' safety being threatened by freely roaming dogs. Following intervention by the city of Banská Bystrica – including the capture of the dogs and an inspection of the area – mail deliveries were resumed on 14 March 2025. The Centre considers the matter resolved but will continue to monitor similar situations in marginalised Roma communities.⁵¹⁶

In 2025, the Slovak National Centre for Human Rights also reviewed a request concerning potential discrimination against Roma passengers on city transport routes. The complaint highlighted practices such as mandatory boarding through the front doors and the establishment of a separate stop for route no. XX which, according to the applicant (the NGO Center for Civil and Human Rights), disproportionately affect the marginalised Roma community. Based on publicly available information and the circumstances of the case, the Centre concluded that these measures constitute direct and indirect disadvantages for Roma passengers and cannot be considered objectively justified, giving rise to a reasonable legal presumption of a breach of anti-discrimination law.⁵¹⁷

Moreover, in 2025, the Centre continued its cooperation with the State School Inspectorate in monitoring cases of segregation of Roma children in education. In this context it also participated in a roundtable held on 9 June 2025. The aim of the meeting was to establish a common procedural approach to communication and effective solutions in the area of desegregation.⁵¹⁸

⁵¹⁵ Response from the Centre of 20 January 2026 to a request for information of 13 January 2026 (on file with the author).

⁵¹⁶ More information on the inquiry is available in Slovak at: <https://www.snsip.sk/nasa-cinnost/pravne-sluzby/nezavisle-zistovanie/>.

⁵¹⁷ Expert opinion is available in Slovak at: <https://www.snsip.sk/wp-content/uploads/OS-Posudenie-namietanej-diskriminacie-pri-poskytovani-prepravnych-sluzieb.pdf>.

⁵¹⁸ Response from the Centre of 20 January 2026 to a request for information of 13 January 2026 (on file with the author).

8 IMPLEMENTATION ISSUES

8.1 Dissemination of information, dialogue with NGOs and between social partners

- a) Dissemination of information about legal protection against discrimination (Article 10 Directive 2000/43 and Article 12 Directive 2000/78)

Some information about legal protection against discrimination (including in English) is contained on the website of the Slovak National Centre for Human Rights (the equality body, www.snslp.sk). The Ministry of Labour, Social Affairs and Family runs a website that provides a wider range of information concerning protection against discrimination for the general public (e.g. an overview of anti-discrimination legislation, forms and grounds of discrimination, instructions on protection against discrimination). The website also includes information on how to combat discrimination.⁵¹⁹ The Ministry of Justice operates a grant scheme to promote, support and protect human rights and freedoms and to prevent all forms of discrimination including all grounds as well as racism, xenophobia, antisemitism and other acts of intolerance. In 2025, this scheme was one of the few remaining instruments for supporting human rights. However, in the broader context of 2025 (including the cancellation of the previous call for proposals in 2024), NGOs perceived the Ministry's approach as part of a wider trend of restrictions. Over the two-year period 2024–2026, civil society organisations claim they lost millions of euros, particularly in the field of human rights, which significantly worsened their position.⁵²⁰

The Ministry of Labour, Social Affairs and Family, in response to a request for information about action taken in this area by the Slovak Government in 2025 specifically stated that dissemination of information about legal protection from discrimination in the context of the obligations contained in both directives is implemented through Act No. 400/2015 Coll. on the creation of legal regulations on the Collection of Laws of the Slovak Republic as amended, and in practical form is implemented via the established portal for legal processes: Slov-lex (for details, see Section 8.1.b). In addition, the Ministry also specifically referred to the status of the Slovak National Centre for Human Rights and its competences to carry out activities in this area.

In 2025 the Ministry implemented several awareness-raising campaigns targeting especially gender equality, work life balance and violence against women and children but did not report any campaign on the discrimination grounds covered by this report.⁵²¹

- b) Measures to encourage dialogue with NGOs with a view to promoting the principle of equal treatment (Article 12 Directive 2000/43 and Article 14 Directive 2000/78)

The Council of the Government of the Slovak Republic for Human Rights, National Minorities and Gender Equality was set up as a permanent advisory body to the Government of the Slovak Republic.⁵²² According to its statute, the Council is a permanent expert, advisory,

⁵¹⁹ The website is available in Slovak at: <https://www.horizontalneprincipy.gov.sk/>.

⁵²⁰ See, for example, Amnesty International, press release: 'Démonizácia, očierňovanie a vyhrážanie – čomu čelia MVO na Slovensku v dôsledku autoritárskych praktík' (Demonisation, smear campaigns and threats – what NGOs in Slovakia are facing as a result of authoritarian practices), 7 July 2025. Available at: <https://www.amnesty.sk/demonizacia-ociernovanie-a-vyhrazanie-comu-celia-mvo-na-slovensku-v-dosledku-autoritarskych-praktik/> or STVR: 'Mimovládky upozorňujú, že za posledné dva roky prišli o milióny eur. Dotklo sa to najmä oblastí ľudských práv a kultúry (NGOs point out that over the past two years they have lost millions of euros in funding. This has particularly affected the fields of human rights and culture)', 26 February 2026. Available in Slovak at: <https://spravy.stvr.sk/2026/02/mimovladky-upozornuju-ze-za-posledne-dva-roky-prisli-o-miliony-eur-dotklo-sa-to-najma-oblasti-ludskych-prav-aj-kultury/>.

⁵²¹ Response from the Ministry of Labour, Social Affairs and Family of 28 January 2026 to a request for information of 12 January 2026 (on file with the author).

⁵²² Act on the Organisation of the Activities of the Government and on the Organisation of the Central State Administration, 575/2001, Section 2(3). The website of the Council of the Government:

coordinating and consultative body to the Government in the field of human rights, including the rights of national minorities and ethnic groups and in the field of pursuing the principle of equal treatment and the principle of gender equality.⁵²³ The Council has 40 members⁵²⁴ and unites representatives of the Government, regional and local bodies, public human rights institutions, NGOs, academic institutions and vice-chairpersons of the Council's committees. The Council has six committees, which cover issues of national minorities and ethnic groups, gender equality, children and youth, research and education in the field of human rights and development, the prevention and elimination of racism, xenophobia, antisemitism and other forms of intolerance, and the rights of lesbian, gay, bisexual, transgender and intersex persons.⁵²⁵

The Council and its mechanisms are undeniably some kind of forum for expert discussion, networking and exchange of opinions between the Government, NGOs and academia, representatives of local and regional bodies, human rights institutions and other stakeholders involved in the protection of human rights, including non-discrimination. On the other hand, its structure is rather complicated and 'all-encompassing', which is a barrier per se to its efficient functioning. It does not have clear and flexible mechanisms for assessing legislation that is in preparation concerning human rights (including the right to non-discrimination) and giving opinions by the Council thereon (including a clear and efficient mechanism for entering the legislative process), and so there have been many instances in which the Council did not address human rights and equality issues of critical importance. Similarly, there is no mechanism for monitoring compliance by the Government and its ministries with the recommendations of the Council and its committees. Furthermore, it can be said that the Government does not take the recommendations of the Council very seriously, and that it is often a forum for formal discussion only.

In 2025, the Council held only two sessions. It adopted several resolutions, although they remained purely recommendatory. From the website of the Ministry, where the activities of the Council are published, it seems that in 2025 the Council significantly reduced its activities.⁵²⁶ NGOs within the Human Rights Coalition published a review of 2025, describing the year as the worst in the history of the Slovak Republic in terms of human rights. They accused the Council of passivity regarding the amendment to the NGO law and the defunding of civil society. Statements by organisations such as Možnosť voľby pointed to Council meetings (e.g. March 2025) as spaces where the government ignores expert comments on human rights and gender equality. Amnesty International and other organisations called on the Council to engage in more active dialogue instead of approving measures that contribute to a chilling effect on civil society.^{527, 528}

<https://www.justice.gov.sk/ministerstvo/rada-vlady-sr-pre-ludske-prava-narodnostne-mensiny-a-rodovu-rovnost/>.

⁵²³ Statute of the Council of the Government of the Slovak Republic for Human Rights, National Minorities and Gender Equality, Article 2. The statute is available at: <https://www.justice.gov.sk/ministerstvo/rada-vlady-sr-pre-ludske-prava-narodnostne-mensiny-a-rodovu-rovnost/dokumenty-rady-vlady-sr-pre-ludske-prava-narodnostne-mensiny-a-rodovu-rovnost/>.

⁵²⁴ The names of the members are available at: <https://www.justice.gov.sk/ministerstvo/rada-vlady-sr-pre-ludske-prava-narodnostne-mensiny-a-rodovu-rovnost/zlozenie-rady-vlady-slovenskej-republiky-pre-ludske-prava-narodnostne-mensiny-a-rodovu-rovnost/>.

⁵²⁵ See Statute of the Council of the Government of the Slovak Republic for Human Rights, National Minorities and Gender Equality, Article 6(1) and (2).

⁵²⁶ See <https://www.justice.gov.sk/ministerstvo/rada-vlady-sr-pre-ludske-prava-narodnostne-mensiny-a-rodovu-rovnost/>.

⁵²⁷ See statement by the Human Rights Coalition, 20 December 2025. Available in Slovak at: <https://www.amnesty.sk/reakcia-na-nalez-ustavneho-sudu-sr-k-protiustavnosti-novely-zakona-ktory-upravuje-fungovanie-mimovladnych-organizacii/> or the NGO joint statement on the Government Council for Human Rights and Gender Equality, 27 March 2025. Available in Slovak at: <https://moznostvolby.sk/spolocne-vyjadrenie-k-rade-vlady-pre-ludske-prava-a-rodovu-rovnost/>.

⁵²⁸ More information is available in the Resolution of the Council of the Government of the Slovak Republic for Human Rights, National Minorities and Gender Equality, May 2024. Available in Slovak at: https://www.justice.gov.sk/dokumenty/2024/06/Zavery_47_RVLP.pdf.

As stated in the previous Country Report for 2023,⁵²⁹ parliamentary elections in 2023 led to the formation of a new Government, signalling a likely decline in its relationship with NGOs advocating for human rights. The Government expressed strong opposition to politically oriented NGOs, particularly those funded from abroad, accusing them of non-transparent influence on democratic competition. It committed to supporting only organisations engaged in public benefit activities, such as social, humanitarian and environmental work. These developments raised concerns about the Government's stance on civil society, marginalising NGOs working on democracy, human rights and the rule of law.⁵³⁰

In 2025, Act No. 109/2025 Coll. amending Act No. 213/1997 Coll. on non-profit organisations providing general public services was adopted and became effective on 1 June 2025. The law introduced new obligations for NGOs, including the classification of NGOs as obliged entities under the Freedom of Information Act if they received public funding exceeding EUR 3 300 in a single payment or EUR 10 000 annually, requiring them to disclose contracts, invoices and orders and to process information requests. It also required the preparation of a transparency report to be published in a public registry and expanded the supervisory powers of district offices and the Ministry of Interior, with potential sanctions of up to EUR 10 000 or the possibility of dissolution for non-compliance.

The law faced strong criticism from civil society organisations, the equality body and the ombudsman,⁵³¹ which argued that it imposed excessive administrative burdens and threatened freedom of association and privacy rights. Following constitutional challenges submitted by the opposition and the ombudsman, the Constitutional Court of the Slovak Republic ruled on 17 December 2025 that the law was unconstitutional, finding its provisions incompatible with constitutional guarantees of privacy, freedom of association and proportionality of administrative obligations.⁵³²

All natural and legal persons, including NGOs, can access the legislative process and comment on legislative proposals at the stage of the interdepartmental comment procedure through the online Slov-lex platform, which was designed to enhance direct democracy in Slovakia.⁵³³ However, comments and support for collective comments during the interdepartmental comment procedure shall be submitted exclusively via the online platform Slov-lex, eliminating other methods. Civil society organisations criticised this, arguing that it limits public participation due to platform complexity and digital access barriers. Moreover in 2025, the Slovak Parliament adopted a total of 113 laws, of which approximately 19 % (21 laws) were passed under expedited legislative procedure without the standard inter-ministerial consultation process which, according to the NGOs, contributes to the unpredictability of legislation.⁵³⁴

⁵²⁹ Durbáková, V. (2024) *Country report: Non-discrimination – Transposition and implementation at national level of Council Directives 2000/43 and 2000/78 – Slovakia*, European Commission, European network of legal experts in gender equality and non-discrimination, pp. 109-11. Available at: <https://www.equalitylaw.eu/downloads/6109-slovakia-country-report-non-discrimination-2024>.

⁵³⁰ Programme Declaration of the Government of the Slovak Republic 2023-2027, p. 6. Available (in Slovak) at: nrsr.sk/web/Dynamic/DocumentPreview.aspx?DocID=535376.

⁵³¹ See Statement of Platform for Democracy bringing together more than 80 NGOs: 'Parlament schválil „ruský zákon“' (Parliament has adopted the so-called Russian law), 16 April 2025. Available in Slovak at: <https://www.predemokraciu.sk/2025/04/16/parlament-schvalil-rusky-zakon-vyzyvame-prezidenta-sr-na-veto/> or Press release of the Public Defender of Human Rights: Public Defender of Rights (Slovakia), 'I have turned to the Constitutional Court regarding the NGO law. Some of its parts undermine the principle of freedom, make it impossible for civil society to participate in public life, and introduce disproportionate state interventions enabling "surveillance"', 15 August 2025. Available in Slovak at: <https://vop.gov.sk/wp-content/uploads/2025/08/Tlacova-sprava-VOP-15.-08.-2025.pdf>.

⁵³² Decision of the Constitutional Court of the Slovak Republic, ref. no. PL. ÚS 11/2025, 17 December 2025. Available in Slovak at: https://www.ustavnysud.sk/rozhodovacia_cinnost/rozhodnutia.

⁵³³ Online platform <https://www.slov-lex.sk/web/en>. The public engagement in the legislative process does not apply in exceptional cases if the bill is submitted for approval in an abbreviated mode, which sometimes tends to be used excessively by the bodies with legislative powers.

⁵³⁴ See <https://www.teraz.sk/slovensko/v-tomto-roku-prijali-poslanci-113-zakon/929676-clanok.html> or <https://dennikn.sk/minuta/4897363/>.

Given the above-mentioned facts, increased bureaucracy and control may discourage associations from actively participating in the legislative process. Restrictions on public participation in law-making and the introduction of special rules for non-governmental organisations threaten the principles of the rule of law.

- c) Measures to promote dialogue between social partners to give effect to the principle of equal treatment within workplace practices, codes of practice and workforce monitoring (Article 11 Directive 2000/43 and Article 13 Directive 2000/78)

In response to an official request by the author of this report for information on measures that the Slovak Republic is taking in relation to social partners with the aim of implementing the principle of equal treatment pursuant to EU directives, the Ministry of Labour, Social Affairs and Family stated that in 2025 it worked on the transposition of EU Directive 2023/970 to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms. According to the Ministry, this circumstance created space for more intensive social dialogue, particularly at the highest level of the Ministry of Labour, for example within the framework of tripartite negotiations.⁵³⁵

- d) Addressing the situation of Roma and Travellers

The Office of the Plenipotentiary for Roma Communities is subordinate to the Office of the Government.⁵³⁶ The Plenipotentiary, as an advisory body to the Government on Roma communities in the Slovak Republic, performs tasks aimed at addressing the issues of Roma communities and implements systemic measures to improve the status of and their integration into society, particularly in the area of the creation, implementation and coordination of more effective policies and implementation of systemic measures, aimed at preventing the social exclusion of Roma communities and promoting their inclusion in society. The Office of the Plenipotentiary also currently fulfils the tasks of an intermediary body in the field of promoting the inclusion of marginalised Roma communities, including the use of European Union funds.⁵³⁷

The current Roma Plenipotentiary is Alexander Daško who stated that he will focus on the gradual improvement of housing, the availability of drinking water and order in Roma communities. According to him, the main task in this process is the effective use of European funds, as well as intensive cooperation with local government representatives and state authorities.⁵³⁸

So far the Roma Plenipotentiary has not published a specific report on its activities in 2025. However, from the publicly available information some of the office's activities have included coordination of programmes supporting Roma communities and monitoring of strategic objectives under national equality and participation frameworks. The reported activities also included work on improving access to education, employment, housing and social services for Roma communities, as well as supporting projects aimed at reducing segregation and social exclusion. The office also engaged in policy coordination, awareness-raising and cooperation with local authorities and civil society organisations.⁵³⁹

⁵³⁵ Response from the Ministry of Labour, Social Affairs and Family of 28 January 2026 to a request for information of 12 January 2026 (on file with the author). See also: <https://www.employment.gov.sk/sk/uvodna-stranka/informacie-media/aktuality/tripartita-jednohlasne-schvalila-zakon-rovnakom-odmenovani-muzov-zien.html>.

⁵³⁶ Resolution of the Government of the Slovak Republic No. 759 of 2 December 2020, available at: <https://rokovania.gov.sk/RVL/Resolution/18910/1>.

⁵³⁷ See: <https://www.romovia.vlada.gov.sk/archiv-tlacovych-sprav/urad-vlady-bude-sprostredkovatelskym-organom-pre-eurofondy-na-rozvoj-romskych-komunit/?csrt=7143648658855428747>.

⁵³⁸ See: <https://www.romovia.vlada.gov.sk/archiv-tlacovych-sprav/koncepcii-bolo-dost-teraz-treba-pracovat/?csrt=13370358180009305682>.

⁵³⁹ See: <https://www.romovia.vlada.gov.sk/archiv-tlacovych-sprav/?csrt=15012065481164465773>.

Nevertheless, the Office of the Plenipotentiary faces criticism from the Supreme Audit Office. According to the conclusions of its 2024 audit (published in 2025), the Office of the Plenipotentiary has shortcomings in implementing an active and sustainable policy towards Roma communities. The unclear competences, excessive bureaucracy in the approval of subsidies, lack of transparency in human resources and the absence of internal control mean that the funds spent do not produce the expected results. The cross-cutting audit also revealed cases of conflicts of interest and nepotism. According to the President of the Supreme Audit Office, the national auditors revealed that the system of support for marginalised Roma communities is managed without a long-term vision, coordination and set, measurable objectives. Money is spent without evaluating its real benefits. This approach is formalistic, does not bring about positive change and can lead to a waste of public money. The Office of the Plenipotentiary objected to the conclusions of this audit.⁵⁴⁰

8.2 Measures to ensure compliance with the principle of equal treatment (Article 14 Directive 2000/43, Article 16 Directive 2000/78)

a) Compliance of national legislation (Articles 14(a) and 16(a))

According to Article 125 of the Slovak Constitution, the Constitutional Court decides on the compliance of laws with the Constitution, with constitutional laws and with international treaties approved by the Slovak Parliament and ratified and proclaimed in the manner prescribed by law. According to the amendment to the Constitution that was approved in 2020 and became effective from 1 January 2021, the Constitutional Court is not entitled to decide on the compliance of the constitutional laws with the Constitution.⁵⁴¹

If the law or part of a provision is non-compliant, it loses its effect. The authorities that have issued such legislation must, within six months of the declaration of the Constitutional Court's decision, bring them into line with the Constitution with constitutional laws and international treaties. If they fail to do so, such provisions, or parts of provisions thereof will cease to apply six months after the date of the decision.

The problem is that individuals cannot submit a complaint to the Constitutional Court claiming the non-compliance of national legislation with the principle of equal treatment – such a complaint can be submitted only by the President of the Republic, a group of MPs, the Government, a general court in a matter related to pending court proceedings, the Ombudsperson, the General Prosecutor or, in matters relating to the judiciary, the President of the Judicial Council.⁵⁴²

The constitutional amendment adopted in 2025 places particular emphasis on cultural and ethical sovereignty, declaring issues related to national identity, family, marriage, parenthood, the protection of life, human dignity, public morality, culture and language to fall within the exclusive competence of the state. It further provides that constitutional provisions and constitutional laws shall not be interpreted as permitting the transfer of decision-making powers in these areas to supranational entities. Concerns have been expressed that the amendment may potentially affect the level of protection of fundamental rights and freedoms and may create risks of non-compliance with Slovakia's international obligations, including the obligation to respect binding judgments of the European Court of Human Rights and the Court of Justice of the European Union. The amendment has been criticised for its possible impact on the effective protection of equality

⁵⁴⁰ See press release by the Supreme Audit Office from 31 January 2025. Available (in Slovak) at: <https://www.nku.gov.sk/-/system-podpory-marginalizovanych-romskych-komunit-ma-vyznamne-nedostatky>.

⁵⁴¹ Constitutional Act, 422/2020, on amending the Constitution of the Slovak Republic.

⁵⁴² Act on Constitutional Court, 314/2018, Section 74.

and non-discrimination standards within the national legal framework⁵⁴³ (for more information on the amendment see Section 1 of this report).

b) Compliance of other rules/clauses (Articles 14(b) and 16(b))

Section 13 of the Anti-discrimination Act states that employers and relevant trade union bodies that conclude collective agreements were obliged to bring the provisions of collective agreements into compliance with the principle of equal treatment by 1 January 2005. Employers have the same obligation to adopt the provisions into their internal rules. This means that after January 2005, no collective agreements and internal rules of employment contrary to the Anti-discrimination Act may be legally applied.

⁵⁴³ See, for example, the statement of the Slovak Ombudsman on the Amendment of the Slovak Constitution of 30 September 2025, available at: <https://vop.gov.sk/stanovisko-k-novele-ustavy-sr/>

9 COORDINATION AT NATIONAL LEVEL

9.1 Coordination at the governmental level

In accordance with the Act on the Organisation of the Activities of the Government and on the Organisation of the Central State Administration,⁵⁴⁴ the Ministry of Labour, Social Affairs and Family is the central state administration body for 'gender equality and equal opportunities and for the coordination of state policies in this field'.⁵⁴⁵

The Ministry of Justice is responsible for coordinating the fulfilment of human rights tasks and provides for the development and implementation of state policies in the field of human rights.⁵⁴⁶ In the author's opinion, the Ministry of Justice has been falling short of effective execution of all its tasks in this area in recent years, while it is particularly symptomatic that the Ministry of Justice, in recent years, has not yet submitted an update to the Action Plan to Prevent All Forms of Discrimination 2016-2019, as referred to below.

9.2 National Strategies and action plans

Following the adoption of the *National Strategy for the Protection and Promotion of Human Rights in the Slovak Republic* in 2015,⁵⁴⁷ on 13 January 2016, the Slovak Government adopted the Action Plan to Prevent All Forms of Discrimination 2016-2019, aiming to ensure an effective, reliable and functioning system for the prevention and elimination of all forms of discrimination and referring to Anti-discrimination Act and its covered grounds, of sex, religion or belief, race, nationality or ethnic origin, disability, age, sexual orientation, marital or family status, colour, language, political affiliation or other conviction, national or social origin, property, lineage or any other status.⁵⁴⁸ On the same day, the Government also adopted the Action Plan to Prevent and Eliminate All Forms of Racism, Xenophobia, Anti-Semitism and Other Forms of Intolerance 2016-2018.⁵⁴⁹ No updated strategies had been adopted as of the end of 2025.

On 20 May 2025, the Government approved a new Concept for the Prevention and Fight against Radicalisation and Extremism until 2028. The new strategy replaces the previous concept adopted in January 2021 and responds to emerging negative trends in radicalisation, including developments in the online environment.⁵⁵⁰ In August 2021, the Government adopted an Action Plan for the protection of persons belonging to the national minorities and ethnic groups 2021–2025, which sets out as a general strategic goal the legislative and institutional security of the protection of the rights and status of national minorities.⁵⁵¹ In December 2021, the Slovak Government adopted the *Strategy for an inclusive approach in upbringing and education* as a key framework document, which sets out the direction of strategic public policies to bring about change in the education of children, pupils and students towards inclusive education by 2030.⁵⁵²

⁵⁴⁴ Act on the Organisation of the Activities of the Government and on the Organisation of the Central State Administration, 575/2001.

⁵⁴⁵ Act on the Organisation of the Activities of the Government and on the Organisation of the Central State Administration, 575/2001, Section 15(1)(h).

⁵⁴⁶ By the amendment to the Act on the Organisation of the Activities of the Government and on the Organisation of the Central State Administration, No 172/2015.

⁵⁴⁷ Available at: <https://rokovania.gov.sk/RVL/Material/11579/1>.

⁵⁴⁸ *Akčný plán predchádzania všetkým formám diskriminácie na roky 2016-2019*. Available at: <https://rokovania.gov.sk/RVL/Material/12605/1>.

⁵⁴⁹ *Akčný plán predchádzania a eliminácie rasizmu, xenofóbie, antisemitizmu a ostatných foriem intolerancie na roky 2016 -2018*. Available at: <https://rokovania.gov.sk/RVL/Material/12583/1>.

⁵⁵⁰ *Koncepcia prevencie a boja proti radikalizácii a extrémizmu do roku 2028*. Available at: <https://rokovania.gov.sk/RVL/Material/30798/1>.

⁵⁵¹ Resolution of the Government of the Slovak Republic No. 461/2021 of 25 August 2021. Available at: <https://rokovania.gov.sk/RVL/Resolution/19438/1>. The action plan was submitted by the Office of the Slovak Government and developed by the Government Plenipotentiary for National Minorities.

⁵⁵² *Stratégia inkluzívneho prístupu vo výchove a vzdelávaní*. Available at: <https://www.minedu.sk/data/att/928/23120.ae7062.pdf>.

In 2024 the Ministry of Education has adopted the Second Action Plan for the Implementation of the Strategy for the years 2025–2027, which builds on the First Action Plans for the years 2022–2024. This plan outlines the areas, objectives, measures, and activities in accordance with other related national strategic documents and consists of six areas: 1. Inclusive Education and Supportive Measures, 2. Counselling System in Education, 3. Desegregation in Education and Teaching, 4. Removal of barriers of the School Environment Universal Design and Universal Design of Naturally Inclusive School Environments, 5. Training and Education of Pedagogical and Professional Staff, 6. Destigmatisation.⁵⁵³

In 2015, the draft Action Plan for LGBTI+ People for 2016-2019 was also prepared by the Ministry of Justice in collaboration with the LGBTIQ+ activist community.⁵⁵⁴ However, as of the end of 2025, this action plan had still not been adopted, which can arguably be attributed to the on-going lack of political will, particularly at the Government and parliamentary level. ECRI, in its report on the implementation of its recommendations in respect of the Slovak Republic, subject to interim follow-up, concluded that the action plan for LGBTIQ+ persons had not been adopted and reiterated its call for the Slovak Government to develop and implement an action plan for LGBTIQ+ persons.⁵⁵⁵

In 2021, the Slovak Government adopted the Recovery and Resilience Plan of Slovakia, which was subsequently adopted by the Council of the EU. The plan responds to the crisis due to the pandemic as well as to new challenges, and sets out a comprehensive package of reforms and investments to be implemented by 2026. The plan was supported by EUR 6.3 billion in grants; 21 % of the funds will support digital transition.⁵⁵⁶

The Government's policy concerning the integration of Roma living in marginalised communities is set out in the *Strategy for Equality, Inclusion and Participation of Roma to 2030*.⁵⁵⁷ The strategy provides starting points and goals, aiming to eliminate segregation of Roma communities, achieve a significant positive turnaround in social inclusion of Roma and prevent discrimination against them.

In 2024, the Government of the Slovak Republic approved the Proposal for the second action plans under this strategy for the years 2025–2027 in all priority areas, including the evaluation of the previous first action plans for 2022-2024. The proposal mandates the Plenipotentiary for Roma Communities of the Slovak Republic, in cooperation with the relevant ministries and responsible entities, to coordinate and implement the measures and activities outlined in the Action Plans. In addition, the Plenipotentiary is required to

⁵⁵³ *Druhý akčný plán plnenia Stratégie inkluzívneho prístupu vo výchove a vzdelávaní na roky 2025 – 2027 a vyhodnotenie plnenia Prvého akčného plánu plnenia Stratégie inkluzívneho prístupu vo výchove a vzdelávaní na roky 2022 – 2024* (Second Action Plan for the Implementation of the Strategy for an Inclusive Approach in Education 2025-2027 and Evaluation of the Implementation of the First Action Plan for the Implementation of the Strategy for an Inclusive Approach in Education 2022-2024). Available at: <https://www.minedu.sk/druh-akcny-plan-plnenia-strategie-inkluzivneho-pristupu-vo-vychove-a-vzdelavani-na-roky-2025-2027-a-vyhodnotenie-plnenia-prveho-akcneho-planu-plnenia-strategie-inkluzivneho-pristupu-vo-vychove-a-vzdelavani-na-roky-2022-2024/>.

⁵⁵⁴ See: *Akčný plán pre LGBTI ľudí na roky 2016-2019*.

⁵⁵⁵ ECRI conclusions on the implementation of its recommendations in respect of the Slovak Republic, subject to interim follow-up, adopted on 7 December 2022. Available at: <https://rm.coe.int/ecri-conclusions-on-the-implementation-of-the-recommendation-in-respec/1680aa6867>.

⁵⁵⁶ *Plán obnovy a odolnosti Slovenska* (Recovery and Resilience Plan) adopted by the Slovak Government on 28 April 2021 and by the Council of the EU on 13 July 2021. Available at: <https://www.planobnovy.sk/kompletny-plan-obnovy/>.

⁵⁵⁷ Slovak Government (2021), *Stratégia rovnosti, participácie a inklúzie Rómov do roku 2030* (Strategy for equality, inclusion and participation of Roma to 2030). Available in English at: <https://romovia.vlada.gov.sk/strategie/strategy-of-equality-inclusion-and-participation-of-roma-until-2030/?csrt=12653038791234355631>. For additional information, see European network of legal experts on gender equality and anti-discrimination, Slovakia, flash report of 10 June 2020, available at: <https://www.equalitylaw.eu/downloads/5399-slovakia-the-slovak-government-adopted-the-strategy-for-equality-inclusion-and-participation-of-roma-till-2030-83-kb>.

prepare and submit periodic monitoring reports on the implementation of the Action Plans to the Government for review.⁵⁵⁸

The EU Strategy for the Rights of Persons with Disabilities 2021–2030 is reflected in the Slovak National Programme for the Development of Living Conditions of Persons with Disabilities 2021–2030 adopted in 2021.⁵⁵⁹ The document functions as an open action plan. Implementation is evaluated annually. It is regularly updated with concrete tasks for individual ministries. The coordinator of the tasks for this programme is the Ministry of Labour, Social Affairs and Family.

The EU *Strategy on combating antisemitism and fostering Jewish life (2021 - 2030)* is not reflected in any strategic Government document.

The above-mentioned strategies/plans do not specifically adopt an intersectional approach thus the author of this report did not identify any practices worth highlighting in this regard.

⁵⁵⁸ All documents relating to the Strategy for Equality, Inclusion and Participation of Roma until 2030 including second action plans for 2025- 2027 and monitoring reports are available at: <https://www.romovia.vlada.gov.sk/strategie/strategia-pre-rovnost-inkluziu-a-participaciu-romov-do-roku-2030/>.

⁵⁵⁹ Available at: <https://www.employment.gov.sk/files/sk/rodina-socialna-pomoc/tazke-zdravotne-postihnute/kontaktne-miesto-prava-osob-so-zdravotnym-postihnutim/dokumenty-3/narodny-program-rozvoja-zivotnych-podmienok-osob-so-zdravotnym-postihnutim-roky-2021-2030.pdf>. Reports on the implementation of this national plan are available in Slovak at: <https://www.employment.gov.sk/sk/rodina-socialna-pomoc/tazke-zdravotne-postihnute/kontaktne-miesto-prava-osob-so-zdravotnym-postihnutim/dokumenty-3.html>.

10 CURRENT BEST PRACTICES

The activities of the NGO Svet ticha (World of Silence) represent a good practice example of promoting the inclusion of deaf Roma people who face multiple forms of marginalisation. The organisation focuses on systematically identifying the needs of this community and providing practical support in access to education, employment and legal services. Founded by a deaf lawyer and philologist of Roma origin, the initiative grew from lived experience with communication barriers that often isolate deaf Roma people who may not fully master Slovak, Romani or sign language.

Over time, the organisation developed from community-based activities into a professional centre offering workshops, training for teachers and social workers, family counselling and advocacy work. Its innovative contributions include the translation of the Roma anthem into sign language and the development of a new sign for the word 'Roma' to replace derogatory expressions used in public communication. The organisation also supports the development of Roma sign language as a carrier of cultural and linguistic heritage and promotes social awareness through cooperation with schools, community centres and international partners, with the aim of ensuring dignity, social inclusion and equal opportunities for deaf Roma people. The organisation was awarded the Roma Spirit Award in 2025 for its work in promoting inclusion and protecting the rights of marginalised communities.⁵⁶⁰

The 'Stories of the LGBTIQ+ Community' initiative by Iniciatíva Inakosť shares personal narratives from individuals to foster greater societal acceptance of LGBTIQ+ people in Slovakia. Drawing on social science research and experiences in democratic countries, the project highlights how public exposure to authentic stories reduces prejudice and builds empathy. This video campaign, directed by Roman Strážňai, underscores the power of individual experiences in promoting inclusion and challenging stereotypes within families, workplaces, schools and broader communities.⁵⁶¹

The campaign by the Office of the Commissioner for Persons with Disabilities is an annual awareness initiative which runs between 3 and 10 December, starting on the International Day of Persons with Disabilities and ending on Human Rights Day. For the fourth consecutive year, the campaign presented eight short video contributions featuring experts, public figures and people with lived experience to remind society that persons with disabilities are equal members of society who have the right to be visible, heard and respected. The campaign also serves as a reminder that the protection of the rights of persons with disabilities is a human rights obligation undertaken by Slovakia through the ratification of the UN Convention on the Rights of Persons with Disabilities 15 years ago.⁵⁶²

The project Vlčie sirupy and Uličské pirohy ('Wolf Syrups and Ulič Dumplings') was recognised as the winner of the Via Bona Slovakia award in the category of Inclusive Employment. The initiative is considered a good practice in promoting the employment of Roma women in a region with limited job opportunities, particularly for women. The project operates in the Poloniny region and focuses on creating local jobs and improving the socio-economic situation of families through stable employment. Roma women currently represent 28 % of the workforce, reflecting the organisation's commitment to equality, non-discriminatory recruitment and community development. The employer emphasises respectful communication, equal treatment of all employees and the elimination of

⁵⁶⁰ Roma Spirit, Svet Ticha, Laureát ocenenia 2025. Available (in Slovak) at: <https://www.romaspirit.sk/encyklopedia/svet-ticha-o-z/>.

⁵⁶¹ More information on the campaign is available (in Slovak) at: <https://inakost.sk/pribehy-lgbti-komunity/>.

⁵⁶² More information on the campaign is available (in Slovak) at: <https://www.komisarprezdravotnepostihnutych.sk/Aktuality/Spravy/Uspesne-sme-zavrsili-4-rocnik-kampane-AJ-MY-SME-T>.

prejudice in the workplace, while providing long-term employment opportunities close to employees' place of residence.⁵⁶³

The author of this report was not able to identify any best practices in relation to the use of artificial intelligence (AI) to improve the effective implementation of the national legislation transposing the directives or combatting discrimination stemming from the use of AI systems.

⁵⁶³ More information is available (in Slovak) at: <https://www.nadaciapontis.sk/projekty/via-bona-slovakia/doterajsi-vitazi-ocenenia-via-bona-slovakia/>.

11 SENSITIVE OR CONTROVERSIAL ISSUES⁵⁶⁴

11.1 Potential breaches of the directives at the national level

- The protection against discrimination guaranteed under the Anti-discrimination Act is provided only in connection with 'rights of persons provided for under special laws'. This is the problem that in some areas (like social advantages, access to goods and services) the rights of the persons would be provided by generally binding legal enactments other than laws (for example, Government decrees, ministerial ordinances, generally binding ordinances of self-governing bodies or municipalities etc.). See mainly Section 3.2.8 above for further details.
- The definition of harassment raises a few questions regarding full compliance with the directives. See Section 2.6 for more details.
- The judicial interpretation of indirect discrimination is not always in compliance with interpretation given by the CJEU case law. See Section 2.5 for more details.
- The definition of disability in labour and social security legislation is very restrictive compared to the definition developed by the Court of Justice of the EU in *Skouboe Werge and Ring*.⁵⁶⁵ See Section 2.1(c) for more details.
- If contract work falls outside legal relations covered by the Labour Code, it is probably not covered by anti-discrimination provisions. See Section 3.2.1 for details.
- Act 383/2013 on Childbirth Allowance and on Allowance for Multiple Concurrently Born Children clearly appears to be discriminatory towards Roma women. See Section 3.2.6 for more details.
- Section 4(3) of Act 571/2009 on Laws on Parental Care Allowance and Article 12a of Act 600/2003 on Child Allowance appear to be discriminatory towards Roma. See Section 3.2.6 for more details.
- The conditions of job termination for university professors (when they reach 70 years of age) and prosecutors (when they reach 65 years of age) are very likely in conflict with CJEU case law. See Sections 4.6.4(c) and (f) of this report for more details.
- The segregation of Roma children in education remains a very serious problem and state authorities fall short in the implementation of court rulings and desegregation. See Section 3.2.7 for further details.
- The only legal definition of disability is in the Labour Code (Section 40(8)), which is used only for the purpose of identifying a duty to provide reasonable accommodation. See Section 2.8 for more details.
- Act 308/1991 on Freedom of Religious Belief and the Status of Churches and Religious Societies may be discriminatory on the ground of religion for members of certain religions or religious societies, since it significantly advantages registered churches and religious societies with regard to the legal and economic environment in which they operate. See Section 2.1 for more details.

11.2 Other issues of concern

The key issues of concern with regard to the implementation and practical application of the anti-discrimination directives at the national level are as follows:

- Barriers to access to courts and to justice in general.
- Extreme length of the judicial proceedings.
- The application of reversed burden of proof by domestic courts in anti-discrimination court proceedings continues to fall short of a legal consistency and is often not in compliance with CJEU case law.
- national legislation does not yet appear to be fully aligned with Directive 2024/1499, approximately six months before the transposition deadline.

⁵⁶⁴ The assessments and views expressed in both Sections 11.1 and 11.2 reflect the author's opinion.

⁵⁶⁵ CJEU, Joined Cases C-335/11 and C-337/11, *HK Danmark, acting on behalf of Jette Ring v. Dansk almennyttigt Boligselskab* (C-335/11), and *HK Danmark, acting on behalf of Lone Skouboe Werge v. Dansk Arbejdsgiverforening, acting on behalf of Pro Display A/S, in liquidation* (C-337/11), 11 April 2013.

- The Slovak National Centre for Human Rights lacks enough resources to fulfil its tasks stemming from EU and national law effectively. See Section 7 for more details.
- Organisations and the Slovak National Centre for Human Rights can represent persons affected by discrimination in civil proceedings, but cannot represent them before the Constitutional Court. See Section 6.2(a) for more details.
- Existence of racial prejudices among judges influencing their decision making in cases of racial discrimination and lack of programmes to increase their sensitivity to the issues involved.
- LGBTIQ+ people in Slovakia are facing not only hate crimes and hate speech, but also persistent discrimination, a hostile social environment and legislative efforts to restrict their rights. The political representation often uses the LGBTIQ
- + issue to polarise society, instead of improving the protection of the rights of this minority.
- Lack of systemic desegregation of the school system in practice.
- Lack of case law particularly with regard to grounds other than racial or ethnic origin/Roma which are pursued by NGOs as part of their strategic litigation programmes.
- Lack of effective implementation of public policies in the field of anti-discrimination.
- Potentially indirect discriminatory policy of financing social housing.
- Lack of mainstreaming of the principle of non-discrimination and lack of coordination among public bodies and institutions responsible for non-discrimination.
- A high level of occurrence and tolerance of racism and discriminatory attitudes in society at large.
- Lack of adequate safeguards in using artificial intelligence.
- The 2025 constitutional amendment emphasising cultural and ethical sovereignty may raise concerns regarding the protection of fundamental rights and equality standards, as it limits the interpretation of constitutional provisions in relation to supranational decision-making and may risk non-compliance with Slovakia's international obligations, including binding judgments from European courts.

12 LATEST DEVELOPMENTS IN 2025

12.1 Legislative amendments

There were no amendments to anti-discrimination legislation in 2025.

12.2 Case law

Relevant discrimination ground(s): Racial or ethnic origin

Name of the court: District Court in Prešov

Date of decision: 20 January 2025

Name of the parties: AF v. the Slovak Republic represented by the Ministry of Education, Research, Development and Youth of the Slovak Republic

Reference number: 18C/96/2022-307

ECLI reference: ECLI:SK:OSPO:2025:8122210258.6

Address of the webpage: <https://poradna-prava.sk/en/sudne-rozhodnutia/>

Brief summary: The case was submitted by a Romani girl living in a marginalised Roma community in the village of Jarovnice. She claimed that distance learning, introduced by the Slovak Government during the Covid-19 pandemic, required access to the internet, digital technologies, computer equipment and computer skills. However, she and her family lacked these resources and the Government did not provide them. In a landmark judgment,⁵⁶⁶ the court of first instance firstly confirmed that the defendant had violated the principle of equal treatment. The defendant appealed the decision of the court of first instance to the Regional Court in Prešov, arguing that the first instance court had incorrectly assessed the legal definition of indirect discrimination, made insufficient factual findings and failed to address the issue of its lack of standing in the court proceedings. On 22 October 2024, the Regional Court in Prešov, acting as the Court of Appeal, issued its decision,⁵⁶⁷ annulling the judgment of the first instance court and referring the case back to the court of first instance for further proceedings and a new decision. The Court of Appeal, unlike the court of first instance, concluded that it did not consider that the defendant State had committed indirect discrimination.

On 20 January 2025, the District Court in Prešov, acting as the court of first instance, to which the case was remanded by the Appeal court for further proceedings and a new decision, issued a new judgment.⁵⁶⁸ Firstly, the District Court affirmed that the Slovak Republic represented by the Ministry of Education has legal standing in this case. In this regard the court emphasised that the state is responsible for adopting measures and policies in the field of education and recognised the defendant's role in implementing distance learning. As such, any challenge to these measures under the Anti-Discrimination Act falls within its legal standing.

Subsequently, the first instance court analysed the merits of the case in accordance with the binding legal conclusion articulated by the Regional Court in Prešov. In this regard, it was imperative for the first instance court to assess whether the neutral criterion (the implementation of distance learning during the COVID-19 pandemic), which primarily affected a protected group (the marginalised Roma community), to which the plaintiff belongs, resulted in a disproportionate disadvantage to the members of that group by its inherent nature.

Consistent with the binding legal opinion of the Appeal Court, the District Court in Prešov determined that the state, considering the exceptional circumstances, had established the necessary conditions to implement measures aimed at ensuring the continuity of the educational process for all students in the most comprehensive manner and did not engage

⁵⁶⁶ Decision of the Prešov District Court from 6 November 2023, no. 18C/96/2022-254.

⁵⁶⁷ Decision of the Regional Court in Prešov of 22 October 2024, no. 3Co/10/2024-294.

⁵⁶⁸ Decision of the District Court in Prešov of 20 January 2025, no. 18C/96/2022-307.

in indirect discrimination. The District Court in Prešov further concluded that the situation arose because of the pandemic and exceptional circumstances, where the paramount concern was the safeguarding of public health. The court deemed the measures adopted to be objectively justified, legitimate and rational, given the temporary nature of the situation and as such they do not constitute indirect discrimination. Free legal representation for the claimant in this court proceeding was secured by the Slovak NGO the Center for Civil and Human Rights within its strategic litigation programme. The decision was appealed and is now pending again before the appeal court.

Relevant discrimination ground(s): Disability

Name of the court: Administrative Court in Bratislava

Date of decision: 21 February 2025

Name of the parties: XY v. Municipality of Ivanka pri Dunaji

Reference number: 1S/88/2023

ECLI reference: K:SpSBA:2025:0723100881.1

Address of the webpage:

https://www.platformarodin.sk/app/uploads/2025/06/Rozsudok_1S-88-2023.pdf

Brief summary: The claimant in this case is a primary school student who has multiple health issues, several of which are related to attention deficit hyperactivity disorder (ADHD). In May 2023, the claimant's parents applied to M. R. Štefánik Primary School in Ivanka pri Dunaji, requesting enrolment of the claimant at the school. The school rejected the application⁵⁶⁹ on the grounds of lack of capacity and the inability of the school to provide reasonable accommodation for a pupil with a disability. The municipality as appellate authority (respondent and founder of the school), upheld the school's decision. Among other things they referred to the statement by a special education teacher, who concluded that, during a brief adaptation process, the claimant had difficulty entering the school, did not respond to stimuli and showed no interest in visiting the classroom. The claimant had previously been admitted to the 1st year class, but the parents chose another school.

The claimant, by timely filed action on September 2023, sought judicial review of the legality of the respondent's decision with the Administrative Court in Bratislava and requested that the case be returned to the first-instance administrative authority for further proceedings. In the filed complaint, the claimant argued that prior to applying, the school principal informed the parents of available places and experience with students with Asperger's syndrome, creating a misleading expectation of admission. The claimant alleged that the denial breached his rights to inclusive primary education at his local school and constituted discrimination based on his disability.

On 21 February 2025 the Administrative Court in Bratislava in its judgement⁵⁷⁰ annulled both the respondent's and the school's administrative decisions and returned the matter to the first-instance authority for further proceedings. The Administrative Court in Bratislava, in its judgment, addressed the issue of discrimination in education in relation to children with disabilities, even though the proceedings were not based on the provisions of the Anti-Discrimination Act, but rather on the nature of administrative proceedings and the provisions of the Administrative Procedure Code. Nevertheless, the administrative court addressed the issue of discrimination against and exclusion of children with disabilities in the mainstream educational system.

In its reasoning, the Court stated that it is generally recognised that the presence of children with disabilities in a mainstream classroom is mutually enriching for all pupils. Children learn empathy and acceptance of diversity. According to the court, for the claimant, such an environment would offer new behavioural models and allow for the

⁵⁶⁹ The decision of Primary School in Ivanka pri Dunaji no. 2/5/2023, dated 24.05.2023.

⁵⁷⁰ The decision of the Administrative Court in Bratislava, case no. 1S/88/2023, dated 21 February 2025.

development of his abilities. The court also noted the concept of inclusive education and stated that it is an educational system that seeks to involve all children in the mainstream educational process regardless of their disabilities. It is based on the principle that every child has the right to education and that it is essential to create an environment in which the child can fully develop their potential. The Court further noted that children with disabilities, when educated alongside their peers, can form friendships and develop social skills. Inclusive education can lead to better educational outcomes for children with disabilities and help boost their self-confidence through success in a regular classroom environment. Such education also benefits children without disabilities, who learn to accept and respect differences, communicate effectively and collaborate with peers who have diverse needs. In such settings, children learn about different life experiences and the ability to overcome obstacles.

According to the Administrative Court, inclusive education prepares all children for life in a diverse and inclusive society. The Court emphasised that every person has value and contributes to society in their own way. Therefore, it is essential that schools have sufficient funding, staff and resources to support inclusive education and accommodate children with disabilities. The Court also stated that teachers should receive regular training in inclusive education and in working with children with special educational needs, while parents should be actively involved in the inclusive education process of their children. Free legal representation for the claimant in these court proceedings was secured by the NGO Forum for Human Rights within its strategic litigation programme. The Administrative Court decision is final. No information is publicly available as to whether the decision was appealed to the Supreme Administrative Court.

Relevant discrimination ground(s): Racial or ethnic origin; Sex

Name of the court: The Supreme Court of the Slovak Republic

Date of decision: 27 March 2025

Name of the parties: JB and others v. 1. Private Centre for Special Pedagogical Counselling in Prešov, 2. Elementary School in Hermanovce 3. Slovak Republic represented by the Ministry of Education, Research, Development and Youth

Reference number: 5Cdo/36/2024

ECLI reference: ECLI:SK:NSSR:2025:8116200992.1

Address of the webpage: <https://www.nsud.sk/rozhodnutia/5cdo362024/>

Brief summary: In January 2016, three Romani children from the village of Hermanovce initiated anti-discrimination proceedings, supported by the NGO Center for Civil and Human Rights, which provided pro bono legal representation within a strategic litigation framework. The claimants alleged that, due to inadequate psychological assessments by the private Centre for Special Pedagogical Counselling in Prešov, they were unlawfully placed in special classes for pupils with mild intellectual disabilities. Subsequent independent re-evaluations commissioned by their parents found no evidence of such disabilities. The action was directed against the counselling centre, the local primary school, which allegedly educated them under a special curriculum in a segregated setting, and the Slovak Republic, represented by the Ministry of Education.

The claimants also highlighted the systemic nature of the issue, noting that in the 2015/2016 academic year, around 90 % of school-aged Romani children from the nearby segregated community were educated under the curriculum for pupils with intellectual disabilities. In November 2021, the District Court found⁵⁷¹ that both the counselling centre and the primary school had discriminated against the children on the basis of ethnicity. However, it rejected the claim regarding state liability. Both parties appealed. The Regional Court in Prešov, in its judgment dated 28 February 2023,⁵⁷² upheld the findings of discrimination and, crucially, also held the state liable. The appeal court concluded that the

⁵⁷¹ Decision of the District Court in Prešov of 24 November 2021, no. 15C/14/2016-557.

⁵⁷² Decision of the Regional Court in Prešov of 28 February 2023, no. 20Co/21/2022-680.

Ministry of Education had failed to take effective preventive measures to protect the claimants from discrimination. The appeal court further recognised the systemic nature of Romani segregation in special education and described the state's inaction as a failure to uphold fundamental rights. The respondents were ordered to issue written apologies and pay non-pecuniary damages of EUR 5 000 to each child. The judgment was final, subject only to an extraordinary appeal (*dovolanie*) which was submitted by two of the defendants – the Ministry of Education and the counselling centre. Both defendants argued that the Court of Appeal's procedural errors prevented them from exercising their procedural rights to such an extent as to violate their right to a fair trial.

On 27 March 2025 the Supreme Court of the Slovak Republic, in its decision, upheld the defendants' extraordinary appeals, annulled the appeal court's decision and remanded the case back to the lower courts for further proceedings and decision. The Supreme Court, having examined the decisions of the lower courts to the extent determined by the grounds of appeal, found that the defendants' extraordinary appeal was well-founded.

The Supreme Court found procedural errors on the part of the lower courts, in particular with regard to the assessment of the evidence adduced. Specifically, the Supreme Court criticised the lower courts for failing to take into account one of the pieces of evidence, namely the expert opinion, which could have affected the assessment of the factual circumstances of the case and constitutes a violation of the right to a fair trial. Accordingly, the Supreme Court annulled the appellate court's decision and remanded the case for a new hearing and decision to the Regional Court in Prešov as appeal court where the case is still pending.

Relevant discrimination ground(s): Racial or ethnic origin

Name of the court: District Court in Prešov

Date of decision: 17 September 2025

Name of the parties: MČ v. Municipality of Torysa

Reference number: 16C/34/2025 – 119,

ECLI reference: ECLI:SK:OSPO:2025:8125207280.1

Address of the webpage: <https://poradna-prava.sk/wp-content/uploads/2025/09/Uznesenie.pdf>

Brief summary:

The claimant in the case is a Roma woman living in a segregated marginalised community in the village of Torysa, long tolerated by local authorities. The claimant and her family (including minors) faced imminent demolition of their house by the local municipality without any alternative housing being provided.

The claimant sought protection against the planned demolition, arguing that it would amount to a violation of her family's right to respect for home and private life and constitute direct discrimination and harassment on the ground of ethnic origin. Thus, in September 2025, she submitted a request for immediate measures (*neodkladné opatrenie*) to be issued by the District Court in Prešov. In her submission, the complainant also referred to statistics available in the Atlas of Roma Communities concerning the number of inhabitants of Roma ethnic origin in the municipality.

On 17 September 2025, the District Court in Prešov issued a decision ordering the municipality of Torysa to refrain from demolishing the claimant's home. The court found that even a dwelling built without a building permit can constitute a 'home' under both the Slovak Constitution and the European Convention on Human Rights, if individuals have been living there long-term and conducting their family life there. The court stressed that the destruction of such a home would cause serious and irreversible harm to fundamental rights.

It further held that the municipality's action would be disproportionate, as the social impact on the family would far outweigh the municipality's administrative interest in enforcing building regulations. The court emphasised that the municipality had tolerated the informal Roma settlement for decades and that demolition would therefore be contrary to good morals. The first instance court was silent on the claimant's discrimination claim.

The court's decision was appealed by the defendant and is now pending before the Regional Court in Prešov as appeal court.

Free legal representation was provided by the NGO Center for Civil and Human Rights (Poradňa) within its strategic litigation programme focused on discrimination cases.

ANNEX 1: TABLE OF INTERNATIONAL INSTRUMENTS

Country: Slovakia
Date: 1 January 2026

Instrument	Date of signature	Date of ratification	Derogations/ reservations relevant to equality and non-discrimination	Right of individual petition accepted?	Can this instrument be directly relied upon in domestic courts by individuals ?
European Convention on Human Rights (ECHR)	Signed 21.02.1991	Ratified 18.03.1992	No	Yes	Yes
Protocol 12, ECHR	Signed 04.11.2000	Not ratified	No	No	No
Revised European Social Charter	Signed 18.11.1999	Ratified 23.04.2009	Yes Reservations applied by Slovak Republic: Article 15 Paragraph 3 Article 18 Paragraph 3 Article 19 Paragraph 2, 3, 4c, 8, 10, 12 Article 31	Ratified collective complaints protocol? No	Yes
International Covenant on Civil and Political Rights	Signed 07.10.1968	Ratified 28.05.1993	No	Yes	Yes
Framework Convention for the Protection of National Minorities	Signed 01.02.1995	Ratified 14.09.1995	No	N/A	Yes
International Covenant on Economic, Social and Cultural Rights	Signed 07.10.1968	Ratified 28.05.1993	No	Yes	Yes

Instrument	Date of signature	Date of ratification	Derogations/ reservations relevant to equality and non-discrimination	Right of individual petition accepted?	Can this instrument be directly relied upon in domestic courts by individuals ?
Convention on the Elimination of All Forms of Racial Discrimination	Signed 07.10.1966	Ratified 28.05.1993	No	Yes	Yes
ILO Convention No. 111 on Discrimination	Signed 25.06.1958	Ratified 01.01.1993	No	N/A	Yes
Convention on the Rights of the Child	Signed 30.09.1990	Ratified 28.05.1993	No	No	Yes
Convention on the Rights of Persons with Disabilities	Signed 26.09.2007	Ratified 26.05.2010	No	Yes	Yes

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