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Slovakia

Country Report for use in refugee claims based on persecution relating to sexual orientation and gender identity

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I: Introduction

Although Slovakia has made some legal gains, these gains are connected directly to the influence of the European Union. The political and social culture in Slovakia remains hostile to LGBT persons, as evidenced by a series of public remarks by various politicians contributing to a culture of hatred towards LGBT persons. Slovakia's first ever gay pride march was marked by neo-Nazi violence and police inaction. In a recent survey (2002), 15% of LGBT persons reported being assaulted because of their sexual orientation or gender identity. Assaults are routinely unreported because of fear of disclosing one's identity to the police.

II: Legislation

Slovakian legislation

Table available online: <<http://www.gaylawnet.com/laws/sk.htm>>

III: Jurisprudence

No Canadian or U.S. cases on LGBT asylum claims could be located for Slovakia.

IV: Government Organizations

Immigration and Refugee Board of Canada

Slovakia: Situation of homosexuals; whether they face discrimination, violence; state attitude and protection, 25 February 2000, online: <http://www.unhcr.org/refworld/docid/3ae6ad7b58.html>.

Slovak Republic: Update of SLK33671.E of 25 February 2000, on the situation of homosexuals; whether they face discrimination, violence; state attitude and protection, 21 March 2003, online: <http://www.unhcr.org/refworld/docid/3f7d4e183e.html>

- The Slovak government's response to the discrimination of gays is inadequate and the state does not provide adequate legal protection (Human Rights Watch 2002).
- As of 2003, there were no antidiscrimination laws to protect homosexuals. On 2 July 2001 the National Council of Slovakia rejected a proposal that would prohibit employment discrimination based on sexual orientation.
- Speaking at a 17 August 2000 press conference, Justice Minister Jan Carnogursky was quoted in the *Slovak Spectator*, as stating that homosexuals should get treatment; a medical expert was called upon to testify that homosexuality is a disease.

V: Non-Government Organizations

European Training and Research Centre for Human Rights and Democracy

Thematic Legal Study on Homophobia and Discrimination on Grounds of Sexual Orientation (April 2008), online: <http://www.isn.ethz.ch/isn/Digital->

Library/Publications/Detail/?ots591=0c54e3b3-1e9c-be1e-2c24-a6a8c7060233&lng=en&id=91159

- This study concerns Slovakia's implementation of the EU Council Directive 2000/78/EC (27.11.2000) concerning prohibition of discrimination based on sexual orientation in employment and occupation. Legislation is quite favourable in the area of employment, education and health care, however the Directive was transposed only formally correctly and there are still provisions (especially in the Labour Code) causing factual discrimination of LGBT individuals.
- There is no equality body dealing exclusively with discrimination on the ground of sexual orientation. The Slovak National Centre for Human Rights has no judicial or executive authority.
- Family reunification is not applicable for LGBT partners under Slovak legislation.
- LGBT individuals facing hate speech are partially protected by the Criminal Code or by the Act on Minor Offence; however, none of these laws recognise any crime or offence and specifically protect LGBT individuals.

European Union Agency for Fundamental Rights (FRA)

The social situation concerning homophobia and discrimination on grounds of sexual orientation in Slovakia (March 2009), online: http://fra.europa.eu/fraWebsite/attachments/FRA-hdgso-part2-NR_SK.pdf

- Attitudes toward LGBT persons in Slovakia remain negative. The 2006 *Eurobarometer* showed that only 12 per cent of Slovaks were in favour of adoption for homosexual couples.
- LGBT persons are not specifically protected by the Criminal Code and homophobia is not listed as an aggravating circumstance. There is no possibility of registering a homophobic hate crime.
- Research from 2002 showed that 15 per cent of LGBT respondents had been attacked because of their sexual orientation, half of them more than once. Verbal abuse was experienced by 43 per cent. Incidents included verbal threats, homophobic graffiti and blackmail. Most incidents were not reported to the police or covered by media, partly due to LGBT persons' fear of stigmatisation if they disclose their sexual orientation to the police.
- There are no court cases concerning hate speech against LGBT individuals, yet hostile or humiliating public expressions against LGBT individuals continue to take place, particularly as expressed by politicians or Christian representatives.
- No good practices were identified in Slovakia concerning LGBT discrimination.

VI: Media

National fury as centre right makes gains in Slovakia (13 June 2010), online: <http://edition.cnn.com/2010/WORLD/europe/06/13/slovakia.elections>

- In response to election results, Jan Slota, the leader of the Slovak National Party made a public statement that, "Homosexuals and Hungarians will begin to rule in this state, so thank you very much".

- Slota is not a prominent politician who is part of a governing coalition: “Slota's party has been in a governing coalition with Fico's Smer-SD and the nationalist party of another former prime minister, Vladimir Meciar, since 2006.”

Vladimír Palko: Gay marches end in tyranny (22 May 2010), online:

<http://www.lavoce.sk/4966/2010/05/22/speciale-gay-pride/vladimir-palko-gay-marches-end-in-tyranny-2>

- Published homophobic statement by Vladimír Palko, a Slovak politician. “He is a member of the National Council of the Slovak Republic and former Interior Minister of Slovakia.

Gay Pride, Slovak Shame (23 May 2010), online:

http://spectator.sme.sk/articles/view/38950/11/gay_pride_slovak_shame.html

- “The streets were full of shifty-eyed "protectors of the traditional family" with their black bomber jackets and clenched fists. What they were not full of was police in riot gear. A few dozen disinterested city cops stood around in groups, their body language indicating they sympathized more with the skinheads than with the colourful demonstrators. As the first speakers took the stage, disruptions began on the north side of Hviezdoslav Square, where there were no police. Men who had mingled with the crowd began shouting insults. A few minutes later they dropped the first of perhaps five tear-gas canisters and casually walked away. Still no police...”

Pride Parade in Bratislava Disrupted by protestors (24 May 2010), online:

http://spectator.sme.sk/articles/view/38996/10/pride_parade_in_bratislava_is_disrupted_by_protesters.html

- “One of the organisers of the first-ever gay parade in Slovakia, Peter Weisenbacher, told the TASR newswire that they were disappointed by the fact that the police failed to prepare for the event with improved security measures.”
- “Around a hundred protesters against the parade gathered in Hviezdoslavovo Square early on Saturday afternoon, including dozens of supporters of the People's Party-Our Slovakia, a political party led by former leaders of extremist movement Slovenská Pospolitosť (Slovak Togetherness).”

MPs Fudge Gay Issue (2 June 2003), online: <http://spectator.sme.sk/articles/view/12915/1>

- “According to Mariana Šípošová, spokeswoman for the organisation Inakosť (Otherness) that represents Slovak gays and lesbians, banning employers from asking questions about a person's sexual orientation was “in no way enough to prevent discrimination”. “The employer can still find reasons to [unjustly] fire a homosexual, and the labour code does not introduce any penalties for such acts,” she said. In an October 2002 survey carried out by Inakosť on 251 homosexual respondents, 7 percent of them said they suspected they were refused jobs because of their sexual orientation and 6 percent thought they had been fired for that reason. Fearing that if their identity were revealed, they would lose their jobs, as many as 55 percent said they felt they had to keep their sexual orientation secret in their workplace.”

Minister recommends gays seek treatment (28 August 2000), online:
<http://spectator.sme.sk/articles/view/1486/1>