



## Replies to the questionnaire on “good practices or initiatives of gender-responsive migration legislation, policies and practices”

The **National Strategy for Gender Equality in the Slovak Republic 2014-2019** adopted by the Slovak Government in July 2014 sets out objectives in the areas where the most striking inequalities in the social status of men and women, as well as discrimination, can be observed. The Strategy elaborates on the issue of framing and defining gender mainstreaming.

**Gender mainstreaming** defines as *“the cross-sectional principle, implies that all policies and provisions should take possible gender differences into account and integrate measures for their compensation.”* The Strategy also provides an elaborated definition of gender-mainstreaming by stating that **gender mainstreaming** is *“the systematic integration and consideration of the situation, priorities and needs of women and men in all policies as a way of promoting equality between men and women. The impact of the proposed policies and measures on the situation of women and men should be already assessed in the planning phase. Gender mainstreaming consists of reorganizing, improvement, development and evaluation of all decision-making processes in all areas of policy and in the work process of the organization. The aim of applying the principle of gender mainstreaming is to take the perspective of gender relations in all decision-making processes into account, and to use any decision-making process in favour of gender equality.”*

### **Act No. 480/2002 Coll. on Asylum – Asylum Act**

Although, the Asylum Act does not specifically define gender responsiveness/gender-mainstreaming, there are several instances where gender responsive measures are incorporated with the Act. For Instance, in section 2 ‘Definition of Terms’ the Asylum Act defines **persecution** as any serious or repeated conduct constituting a severe violation of basic human rights or an accumulation of various measures, which affect an individual in a similar manner based, in particular, on

1. the use of physical or mental violence **including sexual violence**,
2. legal, administrative, police or judicial measures which are discriminatory or implemented in a discriminatory manner,
- ...
6. acts of a **gender-specific** or child-specific nature.

The Asylum Act answers to cases which might lead to a (body) search (e.g. Section 3. [5]) cases when there is a suspicion that the applicant hides his/her travel document or any other document necessary for reliable determination of facts, ... an officer of the Police Forces ... shall be authorized to execute a search of the applicant and his/her personal belongings. Importantly, considering gender responsive measures, such **search of the applicant shall be executed by a person of the same sex**. The same procedural aspect is preserved in section 6 ‘Interview’ which details that interview, as well as interpretations, shall be conducted by a person of the same sex as the



applicant's. Also, when interviewing a minor the authorized officer... shall take into account the age and degree of intellectual and will-maturity of the minor.

*When assessing an application for granting asylum (section 19a, [1] a), special consideration shall be given inter alia to the individual position and personal circumstances of the applicant, including his/her origin, **gender** and age.*

Furthermore, (section 19a, [5]) when assessing an affiliation with a particular social group or assessing the characteristics of such a group in relation to assessing reasons for persecution, **gender aspects including gender identity** shall be taken into account

In Chapter 6 'Asylum facilities' in section 39, the Asylum Act specifies that:

**(1)** *"The Ministry shall establish suitable conditions at asylum facilities for fostering for and accommodating foreigners, while **considering the individual needs of vulnerable persons** which were assessed by an individual assessment of their state; suitable conditions shall be also understood as adopting adequate measures to prevent assaults and violence, as well as to provide protection to **victims of human trafficking**. Vulnerable persons shall be understood as minors, people with disabilities, elder persons, **pregnant women, single-parent with minor children, victims of human trafficking, persons with a severe illness, persons with mental dysfunctions, persons subjected to torture, rape, or other severe forms of psychological, physical or sexual violence.**"*

It further elaborates that (2) when placing a person in an asylum facility, his/her age, health, and relationships, religious, ethnic and national specific characteristics shall be considered. Men shall be placed separately from women, minors from adults while respecting family ties...

*The Asylum Act puts additional burden on the administration by stating that (4) staff working at the asylum facilities shall be qualified and if needed re-qualified predominantly with regard to **responding to the needs of vulnerable persons.***

#### **Act No. 404/2011 Coll. on Residence of Aliens – Residence of Aliens Act**

Similarly to the Asylum Act, the Residence of Aliens Act includes some gender-sensitive legislative aspects. For instance, section 2 'Basic provisions' defines a vulnerable person as especially a minor, a disabled person, a victim of trafficking in human beings a person older than 65 years, a pregnant woman, a single parent with an underage child and a person subjected to torture, rape or other serious forms of psychical, physical or sexual violence; in justified cases, even a person younger than 65 years may be considered to be an "older person". Identically to the Asylum Act, in case of a necessary body search, the search shall be conducted by a person of the same sex.

**Act No. 311/2001 Coll. Labour Code** determines in the basic principles that natural persons (individuals) have a right to work and the free choice of employment, to fair and satisfactory working conditions and to protection against unemployment. Such rights belong to them without limitation and without any direct or indirect discrimination based on sex, marital or family status, race, colour, language, age, poor health or disability, belief or religion, political or other opinions, labour union activity, national or social origin, membership of a nationality or ethnic group, property, gender or other status, except for cases where established by law or if there is an objective reason that consists in assumptions or requirements and in the nature of work that the employee is to perform.



Pursuant to section 13 of the Labour Code, in labour-legal relations the employer is obliged to treat employees in compliance with the principle of equal treatment stipulated for the area of labour-legal relations by the special Act on equal treatment in certain areas and on protection against discrimination and on the amendments of certain laws (**Antidiscrimination Act**). Discrimination on the grounds of marital or family status, colour, language, political or other opinions, trade union activity, national or social origin, property, gender or other status is also prohibited in compliance with the principle of equal treatment. The above-mentioned shows that the **Labour Code bans the discrimination of foreigners** in labour-legal relations and under the specified conditions determines their status as being equal to that of other employees in the Slovak Republic.

### **National Programme for Combating Human Trafficking 2015 – 2018**

The objective of the National Programme for Combating Human Trafficking 2015-2018 (hereinafter referred to as „National Programme“) is to effectively and comprehensively combat human trafficking in order to support the development of coordinated activities of all entities involved in eliminating risks and preventing criminal activities related to human trafficking as well as to create conditions for providing support and assistance to victims of human trafficking and to ensure the protection of their human rights and dignity **having regard to gender aspects**. The new **National Programme for Combating Human Trafficking 2019 – 2023** follows and further develops the objective of the previous National Programme 2015-2018.

**The Social Services Act 448/2008** provides for and declares the satisfying of needs of victims in the field of social services, especially by providing accommodation and specific forms of aid. This relates specifically, without limitation, to the distress housing facilities for which the group of persons to whom this social service can be provided has been redefined (compared to the wording valid until 31 December 2013). Since 2014, ‘Secure Housing Facilities’ engage solely in the provision of assistance to persons that are victims of domestic violence and/or gender-related violence or that are victims of crime, victims of human trafficking, or endangered by these situations. The confidentiality of the location of provision of social service and anonymity of clients are retained, not only to protect their lives and health but also to protect their privacy and family lives.

Migration and integration in Slovakia is governed by two core documents adopted by the Slovak Government: **Migration policy of the Slovak Republic** Perspective 2011 with outlook to 2020 which falls under the responsibility of the Ministry of Interior and the **Integration Policy of the Slovak Republic** 2014 under the Ministry of Labour, Social Affairs and Family. Both documents preserve a similar goal: to set tasks for respective ministries, which are consequently elaborated into individual ministerial action plans. Monitoring and evaluation of such action plans are to be submitted to the Government in the form of two informative documents: annual Summary report on fulfilment of the goals and measures of the Integration Policy of the Slovak Republic and annual Summary report on fulfilment of the tasks, objectives and goals of the Migration Policy.

The **Integration Policy of the Slovak Republic 2014** in the strategic area number 6. ‘*Employment and Social Protection*’ focuses on several relevant issues. The effective and responsible integration of foreigners in the labour market is one of the priorities of this Integration



Policy and the policies of the EU. The EU recommends that the Member States stimulate and promote their efforts in the area of employment, social inclusion and equal opportunities; the gender aspect is also emphasized in order to fully utilize the potential of women – migrants in labour market. According to the new Integrated Guidelines for Growth and Employment, the Member States should adopt measures to increase the employment of foreigners. The EU points out the need to increase efforts to support equal opportunities for all, and to eliminate structural barriers that migrants, national minorities and vulnerable groups are facing.

Both female and male migrants represent a group particularly vulnerable to domestic violence and because of this, the Integration Policy consistently applies the gender aspect, proposes specific support programmes and takes into consideration specific factors of risk pertaining to female migrants within the framework of measures aimed at the elimination of violence on women. In this connection, the Integration Policy creates conditions for the provision of specific services for vulnerable groups and the strengthening of cooperation with existing counselling and support services for migrants. Measures of the Integration Policy aim at discharging the commitment of the SR, one of the first countries to ratify the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, as a significant instrument for improving the quality of legislation, prevention and intervention in the field of domestic violence and violence against women.

#### **Migration policy of the Slovak Republic Perspective adopted in 2011 with outlook to 2020**

In the area of integration with regard to gender-responsiveness, the migration policy focuses especially on the following

- a) implementation of the application of so-called '*Integration Mainstreaming*' (**taking into account the specific characteristics of the legal status of women**, minors, handicapped people, aliens with granted international protection, and migrants – seniors) within the preparation and creation legislation, creation of departmental policies, legal regulations within the context of the effect of these measures on the area of integration of migrants,
- b) an increased emphasis on human rights and tolerance and the **fight against discrimination and intolerance** through the creation of a coordinated communication strategy that includes both the current and new activities focusing on an increase in the awareness of the public, comprehensive cooperation with public service media and initiation of broad discussions as concerns both the contribution and negative impacts of integration of aliens

Application of so-called '*Integration Mainstreaming*' as characterised in point a) of the Migration Policy became a specific goal of the **Action Plan of migration policies within the Ministry of Labour, Social Affairs and Family of the Slovak Republic for years 2018-2020**.

Additionally, the Ministry of Labour, Social Affairs and Family regularly endorses **Multi-stakeholder Expert Committee for Labour Migration and Integration of Foreigner (MEKONIC)** which is a regularly organized platform for various governmental and non-governmental actors and institutions to present the latest legislative or other relevant measures, to share their practice and knowledge related to the agenda of labour migration and integration of foreigners.



**Strategy for Labour Mobility of Foreigners in the Slovak Republic** until the year 2020 with a view to 2030. The strategy was adopted in 2018 and defines various short but also long-term measures. Special focus in the area of gender-responsiveness should be paid especially to the following long-term measures. Point 23 of the 'Information forums and local platforms' cluster defines the following: **"Within gender equality and equality of opportunities policy coordination initiating measures to prevent multiple discrimination of women migrants**

Substantiation: warning about specific issues faced by girls and women from certain regions such as forced marriages, etc. Also, in working life women still have inappropriately more disadvantageous position than men. The stated issues relate equally to Slovak women and women migrants." Additional goal focused on gender sensitive data collection is defined in point 25. **"In monitoring reports duly complying with reporting of people divided to men and women and also reporting of people according to age with the aim to monitor the occurrence of child labour occurrence.**

Substantiation: the labour inspection should be focused also on revealing and subsequent analysis from the point of gender specificities."

The **Ministry of Interior of the Slovak Republic** conducted a campaign **"Without information, you become a slave"** which aims at increasing awareness on the issue of forced labour and increased promotion of the free of charge Slovak National Helpline 0800 800 818 for Victims of Human Trafficking. Furthermore, the Ministry provides numerous information flyers dedicated to the prevention of forced labour, forced marriage and other forms of human rights violations related to human trafficking.

The **National Unit of Combating Illegal Migration of the Bureau of Border and Alien Police of the Police Force Presidium** (hereinafter referred to as „National Unit") has been responsible for combating human trafficking at the national level since 1 July 2013 and performs operational-search activities, gathers information and participates in detection and investigation of the mentioned crime. The National Unit has its specialised investigators for the field of human trafficking and ensures and coordinates cooperation with foreign services in the field of international organised crime connected with human trafficking as well as with state entities and third sector.

The procedure for identifying victims of human trafficking in the Slovak Republic and their inclusion into the **Programme of Support and Protection for Victims of Human Trafficking** is defined in the **National Referral Mechanism**. This material contains the structure of cooperating entities through which the governmental authorities fulfil their obligations concerning protection and enforcement of human rights for individuals who became victims of human trafficking while coordinating their efforts as part of the strategic partnership with civil society. Its main aim is to ensure adherence to the human rights of victims of human trafficking and provide them with effective and accessible services. Secondly, the national reference mechanism can help to develop national policies and procedures regarding victims of human trafficking, such as a legal provision in the field of the legalisation of their stay and resettlement, compensation and protection.

Complementary to the governmental institution, the non-governmental sector also greatly



contributes to the cause of improving the situation of migrants in Slovakia. For example, the International Organization for Migration Slovakia (IOM) publishes various helpful booklets and flyers explaining various aspects of life in Slovakia such as Social Security, Marriage and Family Life of Foreigners, employment and running business in Slovakia etc. The latest workshop organized by IOM Slovakia focuses on educating employers on any possibly-occurring issues related to the residence and employment of foreigners in Slovakia.

Moreover, IOM Slovakia regularly organizes Slovak language courses also specifically dedicated for women and girls from the non-EU countries.

Centre for the Research of Ethnicity and Culture (CVEK) published a study *“Victims of labour exploitation or “illegal” migrants? Ukrainian workers’ labour rights protection in Slovakia”* which focuses on the possible violations of Ukrainian workers’ labour rights in Slovakia.

Any efforts and contributions from other stakeholders with the aim to improve the protection of migrants’ and foreigners’ rights are very valuable and appreciated.