**Response of the Slovak Republic to Questionnaire of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context**

1. Disabled persons have equal rights as all others. Each citizen shall have the right to housing, regardless of their sex, age, religion or race. Based on international documents the Slovak Republic has the obligation to create conditions for access to adequate housing.

2. No data on homelessness without regard to disability is collected centrally. Activities aimed at finding the number of homeless persons are undertaken by the municipalities within their territories and on their own initiative. Such activities are primarily undertaken to obtain underlying data for planning social services which include housing capacities for people who have become homeless or have had to leave their dwellings for some reason. Such data are collected by employees of local offices, social workers, the police, street workers and hostel staff. At the self-government level, data are obtained in the field or within office work, chiefly based on personal interviews, and self-governments keep their own records to be used to set strategic approaches and to take individual measures at their level.

So far, the available statistics on people with disability is primarily derived from their health condition (nature and severity of disability) and social allowances (especially the disability pension and compensation allowances). Disability in the Slovak Republic is defined as 41% functional impairment (and reduction of ability to work), while impairment exceeding 50% is considered as “severe disability”. Due to Social Insurance Office there are over 230 000 beneficiaries of the disability pension and nearly 450 000 persons entitled to compensation benefits, which accounts from 8 to 10% of the population (totaling five and a half million). 58% of the people with disability are women and 42% are men, while 60% of the disabled are elderly of 62 years and older. Additional group of vulnerable persons in a similar position people with disability are “persons with adverse health condition” who can also benefit from some of the social services available to people with disability.

3. The data are sourced from the national statistics for 2015 (more current data are unavailable at the given time). It should be noted that the data are not specifically disaggregated by social service recipients with severe disabilities, but only expresses the total number of social service recipients.

Facility for seniors – 16 255, Specialised facility – 5 077, Supported housing facility – 518, Rehabilitation centre – 554, Nursing service facility – 2 078, Social services home (SSH) for adults with physical disabilities – 582, SSH for adults with combined disabilities – 9 476, SSH for adults with sensory disabilities – 20, SSH for adults with mental and behavioural disorders – 3 733, SSH for children with physical disabilities – 8, SSH for children with physical disabilities and mental and behavioural disorders – 747, SSH for children with mental and behavioural disorders – 52.

The Government of the Slovak Republic by its Resolution No. 761 of 30th November 2011 adopted a Strategy for the Deinstitutionalisation of the System of Social Services and Alternative Care in the Slovak Republic (the “DI Strategy“). The DI Strategy is reviewed on an annual basis, and the Government of the Slovak Republic took note of the last information on the implementation of measures of the DI Strategy and alternative care in the Slovak Republic for 2016 on 11th January 2017, which information is posted on the website <http://www.rokovania.sk/File.aspx/ViewDocumentHtml/Rok-Sub-1681?listName=RokovanieSubory&prefixFile=rs_>.

In order to implement the DI Strategy measures in the area of social services, a National Action Plan was prepared for the transition from institutional to community-based care in the system of social services for 2012 – 2015, and the tasks set out therein were assessed and subsequently approved at an executive meeting of the Ministry of Labour, Social Affairs and Family of the Slovak Republic. A new National Action Plan for the transition from institutional to community-based care in the system of social services for 2016 – 2020 (the “National Action Plan for DI”) was commented on by members of the Deinstitutionalisation Experts Committee and, in October 2016, approved at an executive meeting of the Ministry of Labour, Social Affairs and Family of the Slovak Republic.

4. According to the Constitution of the Slovak Republic – People are free and equal in dignity and rights. Further the Act No. 365/2004 Coll. on Equal treatment in Certain Areas and on Protection against Discrimination, and amending and supplementing certain acts, as amended (Anti-Discrimination Act) creates a common legal basis for maintaining the principle of equal treatment throughout the legal system of the Slovak Republic. In its Article 2 section 1 and Article 2a section 11 letter d) explicitly prohibits discrimination on grounds of disability, previous disability or attributed disability (or disability by perception), and at several places stresses necessity to adopt specific, targeted measures. Article 5 dealing with the principle of equal treatment in social security, health-care and access to education and goods and services, in its Article 5 section 2 letter d) explicitly lists housing as an integral part of “goods and services”.

5. The objectives and priorities of the Slovak Republic in the area of housing are set out in a framework document the “State Housing Policy Concept to 2020”. The global objective of state housing policy is the gradual increase of the overall housing standard to make housing affordable for population and allow each household to procure adequate housing.

To improve the housing development and to increase the housing accessibility the Slovak Republic (at national level) introduced various types of economic (also legislative) instruments. The Programme of housing development introduced in 1998 belongs to the most efficient instruments. Housing funding is supported by subsidy scheme available through the Programme of housing development by which the state directly supports municipalities in financing housing development. This Programme is managed by Ministry of Transport and Construction of the Slovak Republic. According to Act No. 443/2010 Coll. on Subsidies for Housing Development and on Social Housing as amended the aid is targeted into three areas: construction of social rental housing in public sector, construction of technical infrastructure and elimination of systematic failures of housing buildings. The main criterion for the access to this type of housing is determined by the income level of the households. Persons with disabilities belong to eligible households of public rental housing.

It is possible to combine subsidy with the long-term low interest loan from the State Housing Development Fund (SHDF). SHDF was established by the Law of the National Council of Slovak Republic in 1996 to help resolve the unsatisfactory housing situation. Thefund offers long-time loans for housing at a low interest rate for various purposes, i.e. acquisition of a dwelling (construction or purchase of a dwelling - individuals), acquisition of a rental dwelling (construction or purchase of a rental dwelling - municipalities), renewal of residential building, modernisation of residential building, construction of social service facility, renewal of social service facility. Persons with disabilities are one of the groups (others are young families and fosterlings of the orphanages) that can get loan with a low interest rate (1 or 2%) for the acquisition of a dwelling.

Promoting an independent way of living for people with disabilities and promoting their inclusion in society from the point of view of creating suitable conditions for access to the full range of support services that are necessary to prevent their isolation or segregation is legislatively ensured by monitoring compliance with the condition of barrier-free constructions in permitting processes. In accordance with the Decree No. 532/2002 Coll., which lays down details on general technical requirements for construction and general technical requirements for Buildings used by persons with limited mobility and orientation, the building authorities in the permitting proceedings pursuant to Act No. 50/1976 on Land-Use Planning and Building Order (the Building Act) as amended, are obliged to monitor the observance of conditions for barrier-free access and use of public buildings or buildings where the employment of persons with disabilities is expected.

The National Program on Development of Living Conditions of Persons with Disabilities for the years 2014-20 generally follows the principles of the UN Convention as well as the corresponding EU strategies. It consists of specific chapters and action plans in the areas of: awareness-raising, adequate standard of living and social protection, accessibility (of the environment, buildings, public transportation, goods and services), equal treatment, access to justice and protection against discrimination, independent lifestyle, social inclusion and mobility, respect for family and home, education, health-care and rehabilitation, employment, political, social and cultural participation, sports and recreation, women with disabilities, children with disabilities, risk and humanitarian situations, coordination and monitoring, statistics and research, international cooperation, monitoring, publicity and evaluation of the program implementation.

Human rights and autonomy approach underlines all of the above. People with disability have the right to choose the form and place of provided social service. Promotion of the “supported housing facilities”, where the social services are provided to people who are able to lead an independent life under supervision, is an integral part of the Social Services Act and actual practice. It also entails legal obligation to cooperate with the family, municipality and community to prevent long-term stay of dependent persons in residential care, and to create conditions for return to a natural family environment.

If a household (including households with persons with disabilities) finds itself in an unfavourable social situation with low or no income, the State provides such a household with assistance in material need, the aim of which is to provide for basic living conditions. The legal relationships in providing assistance to those in material need are governed by and exhaustively defined in Act No. 417/2013 Coll. on Assistance in Material Need and amending and supplementing certain acts.

One of the instruments within the system of assistance in need which is aimed at the partial reimbursement or reduction of housing costs is providing a housing allowance. A housing allowance together with a benefit in material need, an activation allowance, a protective allowance and a dependent child allowance constitute assistance in material need. The Assistance in Material Need Act stipulates the conditions for becoming entitled to a benefit in material need as well as to the above mentioned allowances.

The aim of providing assistance in material need is to ensure that each individual has basic living conditions and to help them, with their active participation, overcome their unfavourable financial situation. The provision of basic living conditions, which the said Act defines as one hot meal a day, the necessary clothing and shelter, is guaranteed by the Constitution of the Slovak Republic.

6. In 2015, the Commissioner for Persons with Disabilities as an independent specialized public defender of rights (“specialized ombudswoman”), proposed by relevant non-governmental organizations and confirmed by the National Council of the Slovak Republic in her office for the functional period of six years, was established to implement and oversee effective transposition of the UN Convention on Rights of Persons with Disabilities. On practical level, the Commissioner monitors various aspects of daily life of people with disability, provision of services and standard of rights, both via her own initiative – visits and consultations, and through investigation of matters addressed to her by people with disability themselves. The Commissioner may not impose orders or obligations; she only recommends correct procedure, proposes adequate remedies, asks for information or documents and oversees public entities including prisons. In cases when violation is identified and despite her reminder still persists, she is entitled to refer the matter to corresponding higher authorities, or to refer the people with disability to Public Prosecutor´s Office or a Court. Complex report is presented annually on the situation of people with disability, including findings of commissioner´s monitoring, examples of her interventions and legislative, policy and practical recommendations. In situations of gross or mass violation of rights of people with disability, the Commissioner shall submit extraordinary report to the Parliament (National Council of the Slovak Republic). She also acts as intermediary for people with disability who wish to petition the UN Committee on the Rights of Persons with Disabilities.

7. Vulnerable position and higher standard of protection of people with disability in Slovakia is generally recognized. This, at the very minimum, would include right to health-care and/or residential care and in all cases when life at home is in the best interest of the people with disability, rights related to return to the home environment, including housing rights.

Albeit no specific body of jurisprudence in relation to housing rights of people with disability is in place yet, the Constitutional Court of the Slovak Republic has dealt with several cases concerning restriction or limitation of legal capacity and autonomous decision-making of persons with mental or psychological disability (organic impairment, Alzheimer´s, mania-depression, autism, schizophrenia) that might directly or indirectly affect also property and housing rights. The most recent legislative changes in this respect strengthen the position of people with disability, their autonomy and “assisted or supported decision-making”. The principle is that – regardless actual capacity – people with disability shall have an equalized position with all participants of the court procedure. In other words, according to the new Civil Code, it is no longer possible to adopt the decision ruling complete deprivation of one's legal capacity. The court may only restrict, modify the restriction, or restore one´s legal capacity. In case of restriction, the extent to which the capacity is restricted must form an integral part of the court decision, while special attention is then paid to custody and guardianship, with regular court supervision over the actions of the guardian.

Further legal and administrative issues have been identified by the Commissioner for Persons with Disabilities in her 2016 annual report and related to: clash of rights and/or inability to promptly reconcile rights of neighbours or co-owners of apartments or flats in urban setting in cases of building adaptation to the needs of people with disability (such as purchase and instalment of additional lifts and broadening of gates and entrances); late payments or denial of entitlement to allowance for personal care for people with disability (usually a close relative); lack or insufficient capacity of free parking (reserved for people with disability) near public offices and hospitals, and other issues mostly subject to (inefficient or incorrect) administrative procedure. The Commissioner also proposed adoption of a new legislation that would include thorough implementation of Article 9 of Convention on the Rights of Persons with Disabilities, explicit enumeration of buildings and constructions that must allow for barrier-free access, the establishment of independent authority that shall be entitled to review accessibility standards and – in case of omission or failure – to impose sanctions, and better guarantees that the Building Inspection as part of its role in the final approval procedure will be authorized to specifically inspect barrier-free access and overall friendliness to the needs of people with disability, and to remedy the identified voids and deficiencies.

8. In order to support deinstitutionalization and home-friendly care, one of the most welcome legislative and policy elements – even though not directly related to housing, but to provision of daily care – has been the introduction of the respite care and consultation program for the carers (of up to 30 days of respite care services annually and 8 hours of home-care services for dependent persons monthly, without negative impact on care allowance).

We see a positive role of the Special Rapporteur, for instance, in sharing of good practices, innovative approaches and developing of guidelines or otherwise addressing complexities in housing rights of persons with disabilities – such as clash of rights of various co-owners of the same property, voluntary refusal of social assistance or voluntary residence in the capital city (albeit in situation of homelessness) instead of place of registered or official domicile (where adequate housing may be at the disposition), scope and nature of mandate of the specialized commissioners or ombudspersons for people with disability in various countries, adequate proportion of social housing and/or state budget invested in this respect, most suitable forms of organization of property usage or ownership (public, collective/cooperative or individual etc.), and any other arising or related questions.