**Report on freedom of religion or belief and freedom from violence and discrimination based on sexual orientation and gender identity**

1. **What are actual or perceived points of tension (if any) between the right to manifest one´s freedom of religion or belief, and freedom from violence and discrimination based on sexual orientation and gender identity? Are there any areas in which they are mutually exclusive?**

As it has been pointed out by ECRI[[1]](#footnote-1) in its 6th monitoring report, traditionalist movements, conservative politicians and religious authorities have run anti-LGBT campaigns that have been bolstered by homophobic comments. Religious authorities together with conservative groups and politicians perceive LGBT+ people and their rights as a harmful ideology, a threat to „traditional family “and demography, and in the most extreme cases as a threat to children and their well-being.

Even though the Slovak Catholic Church and Evangelical Church in their statements, which represent the dominant religions in the Slovak Republic, deplore any violence against LGBT people, they do “reject human sexuality and homosexual orientation being presented in a public, extravagant way, reaching even the level of perversion, for instance, in the form of so-called rainbow marches.” Opposition in the churches is not against LGBTI people as human beings, but against homosexuality and homosexual practice, perceiving homosexual behaviour as a sin and asking for voluntary celibacy.[[2]](#footnote-2)

Debates and efforts to eliminate discrimination and violence based on sexual orientation and gender identity are often dismissed as promotion of so called “gender ideology” or an effort to create new rights for LGBT+ people.

Discussions on gender are most notably being rejected by conservative and religious actors due to its connection to gender identity. In this context and especially during attempts to ratify the Istanbul Convention, the concept of gender as a social construct became viewed in a negative way and subject of various conspiracy theories.

1. **Has the State adopted, in public policy, legislation or jurisprudence, norms purportedly based on protecting freedom of religion or belief to promote, enable and/or condone violence and discrimination against individuals based on sexual orientation or gender identity? If so, please give examples, with commentary as needed to explain context, scope and application.**

In 2014 Parliament approved a draft constitutional amendment defining marriage as “a unique union between a man and a woman “, which currently makes it impossible for same-sex couples to marry. There is no other option of legal recognition of partnership either between different-sex couples or same-sex couples in the Slovak Republic.

The public debate on LGBT+ question further deteriorated during the campaign for a referendum initiated by the conservative Christian group seeking to expressly prohibit same-sex marriages and ban homosexual couples from adopting children. LGBT+ people and their rights have been described as “culture of death” in an open letter of Catholic bishops in 2013, which was read in churches[[3]](#footnote-3).

Slovakia has not yet ratified the Council of Europe Convention on preventing and combating violence against women and domestic violence because of the term „gender “. Several church organizations played a key role in this decision, linking the concept of gender also to same-sex marriages or adoptions. Rampant misconceptions about the Convention were also highlighted by the Council of Europe in its statement on Slovakia’s rejection of the Convention.[[4]](#footnote-4)

Regarding transgender people, new measures were adopted in 2022, seeking to end the requirement for transgender people to undergo surgical sterilization as a precondition for any change in their legal recognition, but shortly afterward it´s been suspended, following the criticism from conservative lawmakers, until the adoption of guidelines for health professionals dealing with transgender people. The process has been delayed by various obstructions through conservative lawmakers. As a result of legal uncertainty, transgender people face problems not only with medical, but also with legal transition and recognition.

1. **Has there been any legal challenge to these policies/provisions under any domestic, regional, or international human rights provisions? If so, state the outcome and rationale of the case. If not, provide your opinions as to why such a challenge has not been brought.**

Recently there have been published 2 judgments concerning the discrimination of LGBT+ people.

In one of the cases, the court ruled that a same-sex couple wedded abroad has the same right to be granted permanent residence as applies to married couples in Slovakia. The court confirmed that by rejecting the application of a same-sex couple wedded in Argentina, there occurred unjustified discrimination based on sexual orientation.

Another queer couple awaits the Constitutional Court´s decision on this issue, after the former ombudsperson filed the motion.

The second case concerned the obligation for transgender persons to undergo sterilization before obtaining legal recognition of their chosen gender. The court confirmed that generally binding legislation of the Slovak Republic does not explicitly specify in any provision that a surgical intervention is necessary and pointed to the jurisprudence of the European Court of Human Rights.

1. **Are there any examples of State restrictions based on preventing violence and/or discrimination against LGBT+ persons that prohibit or limit practises undertaken in the name of the religion or spirituality, such as public accommodation non-discrimination protections? If so, have they been legally challenged on the basis of freedom or religion or belief? If yes, explain the outcome and rationale of the case(s).**

The Antidiscrimination Act no. 365/2004 prohibits discrimination on the grounds of sexual identity in employment and seminal legal relationships, social security, healthcare, provision of goods and services, accommodation and education.

With effect from 1st January 2017 an amendment to the Act no. 300/2005 Coll. Criminal Code has been adopted. This amendment included several changes regarding bias-motivated crimes. The specific motives include hatred against a group of persons or an individual for their real or perceived sexual orientation. The new amendment should add gender identity to this list.

1. **What role (if any) has the concept of conscientious objection played in limiting the full enjoyment of the right to freedom from violence and discrimination on the basis of sexual orientation and gender identity?**

The concept of conscientious objection is applied mainly in the area of healthcare, which makes access to sexual and reproductive health care services more difficult.

1. **Where State legislation or policy requires the reasonable accommodation of religious beliefs, practices, and/or institutions, are there instances where such laws or policies limit freedom from violence and discrimination against LGBT+ and gender-diverse persons? These may include but are not limited to exemptions from non-discrimination legislation, and/or accommodations within the workplace, educational institutions, healthcare-settings, the justice system, etc. Are there reports of violence, spiritual abuse, and/or other form of discrimination against LGBT+ and gender-diverse persons because of these practices?**

There are no official reports, however discrimination and hate speech against LGBT+ and gender-diverse persons was mentioned by ECRI[[5]](#footnote-5) or European parliament[[6]](#footnote-6).

1. **Good Practices:**
	1. **Provide any example of good practice – at the international, national or local level – where State and non-State actors (including faith leaders, groups and organizations, international organizations, civil society organizations, and the UN human rights system) have taken effective measures to protect and promote freedom of religion or belief of LGBT+ and gender-diverse persons, and made effort to prevent, mitigate, and respond to any violence and/or discrimination justified in the name of religion.**

In 2022 City Evangelical Church choir (Mestský evanjelický cirkevný zbor) together with civil organizations Signum – Rainbow Christians and Old Catholics in Slovakia (Starokatolíci na Slovensku) organized an international conference “Walking together – LGBTQ people are part of our life”.

In 2021 Anna Polcková, the bishop of the aforementioned church, who openly defends and work with LGBT+ people, was awarded by the minister of justice an award for significant contribution in area of human rights.

Following the death of 2 LGBT people in October ECAV and the Conference of Bishops of Slovakia condemned any violence, discrimination, hate or any other physical or verbal abuse against LGBTI people.[[7]](#footnote-7)

* 1. **Provide any examples of measures by State or non-State actors to ensure effective participation of people with diverse gender identities and sexual orientations in religious, cultural, social, and public life. Please provide relevant examples where LGBT+ people have asserted their individual or collective rights to access (or establish) religious or spiritual frameworks and institutions.**

The Ministry of Justice of the Slovak Republic has supported the participation through its grant schemes for promoting, supporting and protecting human rights and freedoms and preventing all forms of discrimination or other manifestations of intolerance.

Committee on the Rights of LGBTI Persons is a permanent expert body to the Governmental Council for Human Rights, National Minorities and Gender Equality on issues related to the rights of LGBTI persons and discrimination on the basis of sexual orientation and gender identity, which submits suggestions to the Council to increase and improve the level of support, protection and respect for the rights of LGBTI persons and participate s in the process of elaboration of strategies and actions plans in the field of the rights of LGBTI persons.

The Ministry of Culture of the Slovak Republic perceives the protection of the cultural rights of people threatened by discrimination and intolerance as one of the basic conditions for the cohesion of society and its sustainability. For this reason, it implements measures that prevent the emergence of permanent restrictions or the risk of exclusion of any population groups from full participation in social life and creates conditions for the creation of tools aimed at promoting equal treatment and non-discrimination, and thus also at supporting the process of social inclusion.

An effective and long-term tool for supporting social inclusion and cohesion, equal opportunities and non-discrimination is the Culture of Disadvantaged Groups subsidy program, which allows fulfilling and developing the cultural needs of persons with disabilities and other disadvantaged groups of the population, including LGBTI+ people. Through this subsidy program, projects in the field of culture are supported (e.g. living culture, publishing and publication activities, periodicals - newspapers and magazines, informal education and research, physical and information debarrierization of cultural infrastructure) contributing to the removal of barriers in the accessibility of culture for disadvantaged groups population, supporting integration into society, prevention and elimination of all forms of violence, discrimination, racism, xenophobia and extremism and support for tolerance education, strengthening of social and family cohesion and development of intercultural dialogue.

Subsidy program of the Ministry of Culture of Disadvantaged Groups - supported projects for the target group of LGBTI people and in the area of prevention of discrimination of LGBTI people.

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| **Year** | **2010** | **2011** | **2012** | **2013** | **2014** | **2015** | **2016** | **2017** | **2018** | **2019** | **2020** | **2021** | **2022** |
| **Number of supported projects**  | 1 | 1 | 1 | 2 | 2 | 3 | 4 | 6 | 2 | 0 | 5 | 12 | 7 |
| **Total in €** | 7 500 | 8 000 | 6 000 | 11 000 | 10 000 | 11 500 | 18 500 | 60 900 | 38 500 | 0 | 42 000 | 80 000 | 60 500 |

*(The data for the years 2020-2022: This is a selection based on the assessment of the Ministry of Culture of the Slovak Republic from the data available to the secretary of the subsidy program.)*

The Ministry of Culture of the Slovak Republic ensures, by the Competence Act, the performance of state administration in the area of churches and religious societies, however, it is not the superior body of the aforementioned entities, and does not interfere in their internal affairs, nor does it methodically guide their activities. The Department for Church Affairs cooperates with them based on partnership and non-interference in their internal affairs. It is based on the recognition of their social and legal status as public benefit institutions sui generis. The department maintains a dialogue with churches and religious societies through various educational activities, and professional events, but also joint work commissions and thus tries to prevent intolerance, negative stereotypes, and discrimination based on religion or belief.

When a shooting occurred in front of the Tepláreň gay bar, a well-known spot frequented by the local LGBT community on October 12, 2022, the tragic event was condemned by the chairman of the Catholic bishop’s conference, the Evangelical church chairmanship, and the Conference of Slovak religious congregations.

In the Cathedral of St. Martin in Bratislava, a mass was held for the victims of the tragedy, and for peace and understanding between people. It was presided over by the Archbishop of Bratislava, Metropolitan Mons. Stanislav Zvolensky. The Cathedral of St. Martin celebrated it with the participation of the apostolic nuncio to Slovakia, Nicola Girasoli, and the auxiliary bishop of Bratislava, Mons. Jozef Haľko. It was also attended by the President of the Slovakia, Zuzana Čaputová, the Prime Minister of Slovakia, Eduard Heger, several ministers, and the Mayor of Bratislava, Matúš Vallo.

13 January 2023

1. https://rm.coe.int/ecri-6th-report-on-the-slovak-republic/1680a0a088 [↑](#footnote-ref-1)
2. https://spectator.sme.sk/c/22447913/ecav-church-pastor-polckova-lgbt.html [↑](#footnote-ref-2)
3. https://spectator.sme.sk/c/20049136/pastoral-letter-divides-slovaks.html [↑](#footnote-ref-3)
4. https://www.coe.int/en/web/istanbul-convention/-/violence-against-women-council-of-europe-reaction-to-developments-in-the-slovak-republic [↑](#footnote-ref-4)
5. https://rm.coe.int/ecri-6th-report-on-the-slovak-republic/1680a0a088 [↑](#footnote-ref-5)
6. https://www.europarl.europa.eu/doceo/document/B-9-2022-0477\_EN.html [↑](#footnote-ref-6)
7. https://www.ecav.sk/aktuality/stanoviska-a-vyjadrenia/kondolencia-k-tragedii-v-bratislave [↑](#footnote-ref-7)