

## **Annex**

### **Article 1 – Discrimination**

#### **Annex 1: Act No. 365/2004 Coll. on equal treatment in certain areas and protection against discrimination**

365  
ACT

of 20 May 2004

on Equal Treatment in Certain Areas and Protection against Discrimination, amending and supplementing certain other laws (Antidiscrimination Act)

The National Council of the Slovak Republic has agreed to enact the following Act:

#### Article I

##### § 1

##### Scope

This Act provides for the application of the principle of equal treatment and lays down the means of legal protection in case of violation of this principle.

#### Basic provisions

##### § 2

(1) Compliance with the principle of equal treatment shall consist in the prohibition of discrimination on any grounds, in the exercise of rights and responsibilities in compliance with good morals, and in the adoption of antidiscrimination measures insofar as the adoption of such measures is necessary in view of the specific circumstances and possibilities of the person who has an obligation to comply with the aforesaid principle.

(2) Discrimination shall mean direct discrimination, indirect discrimination, harassment; and victimisation; discrimination shall also mean an instruction to discriminate and incitement to discrimination.

(3) Direct discrimination shall mean any action or omission where one person is treated less favourably than another person is, has been or would be treated in a comparable situation.

(4) Indirect discrimination shall mean an apparently neutral instruction, provision, decision or practice that would put a person at a disadvantage compared with other persons, unless such instruction, provision, decision or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.

(5) Harassment shall mean such treatment of a person which that person can justifiably perceive as unpleasant, inappropriate or offensive and

- a) the purpose or effect of which is or could be violating the dignity of a person and of creating a hostile, degrading or offensive environment, or
- b) the suffering of which a person may consider to constitute a precondition for a decision or for the exercise of rights and obligations resulting from legal relationships.

(6) An instruction to discriminate shall mean the conduct consisting in the abuse of subordinate position of a person for the purpose of discriminating against a third person.

(7) Incitement to discrimination shall mean persuading, affirming or inciting a person to discriminate against a third person.

(8) Victimization shall mean any action or omission which has adverse consequences for a person and is directly connected with

- a) seeking legal protection against discrimination for oneself or on behalf of another person, or
- b) making a deposition, providing an explanation or is connected with other involvement of a person in a matter concerning the violation of the principle of equal treatment.

(9) Discrimination against a legal entity shall mean the failure to observe the principle of equal treatment with respect to this entity on grounds set out in Section 6 paragraph 1 with respect to its members, associates, shareholders, members of its bodies, employees, persons acting on its behalf or persons on behalf of which such legal entity is acting.

### § 3

(1) State bodies, bodies of territorial self-government, bodies of interest self-government, natural persons and legal entities shall be obliged to comply with the principle of equal treatment in areas laid down with this Act; this shall not apply when compliance in a particular case would be or could be in contradiction to measures provided for under separate provisions<sup>1)</sup> needed for ensuring ensure security, internal order, crime prevention, health protection or the protection of rights and interests protected by law and freedoms of persons.

(2) To determine whether discrimination has occurred or not, no account shall be taken of whether the underlying reasons were based on facts or on erroneous assumptions.

(3) The principle of equal treatment shall be enforced in conformity with the provisions of this Act and those of separate acts insofar as the latter lay down prohibition of discrimination on other grounds.

### § 4

(1) This Act shall not apply to

- a) differences of treatment resulting from the requirements for entry and stay of aliens in the territory of the Slovak Republic, including the treatment of these aliens provided for under separate provisions<sup>2)</sup>,
- b) differences of treatment based on disability or age, resulting from separate provisions<sup>3)</sup> regulating the service of customs officers, members of armed forces, armed security services, armed services, National Security Office, Slovak Intelligence Service and Fire and Rescue Service.

<sup>1</sup> For instance, Constitutional Statute No. 227/2002 Coll. on State Security in the Time of War, State of War, State of Emergency, and State of Crisis, Act No. 387/2002 Coll. on the Management of State in Crisis Situations Other Than Time of War and State of War as amended by Act No. 515/2003 Coll., Act No. 319/2002 Coll. on the Defence of the Slovak Republic as amended, Act of the National Council of the Slovak Republic No. 46/1993 Coll. on Slovak Intelligence Service as amended, Act of the National Council of the Slovak Republic No. 198/1994 Coll. on Military Intelligence as amended by Act No. 166/2003 Coll.).

<sup>2</sup> For instance, Act No. 48/2002 Coll. on the Stay of Aliens and on amending and supplementing certain other laws as amended, Act No. 480/2002 Coll. on Asylum and on amending and supplementing certain other laws as amended by Act. 606/2003 Coll.

<sup>3</sup> Act No. 200/1998 Coll. on State Service of Customs Officers and on amending and supplementing certain other laws as amended.

Act No. 370/1997 Coll. on Military Service as amended.

Act No. 73/1998 Coll. on State Service of Members of the Police Force, Slovak Intelligence Service, Corps of Prison and Court Guard of the Slovak Republic and Railroad Police as amended.

Act No. 315/2001 Coll. on Fire and Rescue Service as amended.

(2) The provisions of this Act shall not prejudice the freedom of association or the right to establish trade unions.

## § 5

### Principle of equal treatment in social security, healthcare, provision of goods and services, and in education

(1) In conformity with the principle of equal treatment, discrimination on the grounds of sex, racial, national or ethnic origin shall be prohibited in social security, healthcare, provision of goods and services, and in education.

(2) The principle of equal treatment under paragraph 1 shall apply only in combination with the rights of persons laid down in separate laws regulating access to and provision of

- a) social assistance, social insurance, state social support<sup>4)</sup> and social advantages,
- b) health care,<sup>5)</sup>
- c) education,<sup>6)</sup>
- d) goods and services including housing provided to the public by legal entities and natural persons - entrepreneurs.<sup>7)</sup>

(3) Discrimination on grounds of one's relationship with a person of certain racial, national or ethnic origin shall be also deemed to constitute discrimination based on racial, national or ethnic origin.

(4) For the purposes of this Act, social advantage shall mean a discount, exemption from a fee, benefits in cash or kind provided independently on social security benefits directly or indirectly to a certain group of natural persons who, as a rule, have a lower income or higher living costs than other natural persons.

### Principle of equal treatment in employment and other similar legal relations

## § 6

(1) In conformity with the principle of equal treatment, any discrimination shall be prohibited in employment relations, similar legal relations and related legal relations on grounds of sex, religion or belief, racial, national or ethnic origin, disability, age and sexual orientation.

(2) The principle of equal treatment under paragraph 1 shall apply only in combination with the rights of natural persons provided for under separate legal provisions regulating

- a) access to employment, occupation, other gainful activities or functions ("employment" hereinafter), including recruitment requirements and selection criteria and modalities,<sup>8)</sup>
- b) employment and conditions of work including remuneration, promotion and dismissal,
- c) access to vocational training, professional upgrading and participation in active labour market policy programmes including access to vocational guidance services<sup>9)</sup> ("vocational training" hereinafter), or

<sup>4</sup> For instance, Act No. 195/1998 Coll. on Social Assistance as amended, Act No. 461/2003 Coll. on Social Insurance as amended.

<sup>5</sup> For instance, Act of the National Council of the Slovak Republic No. 277/1994 Coll. on Healthcare as amended.

<sup>6</sup> For instance, Act No. 131/2002 Coll. on Higher Education as amended, Act No. 386/1997 Coll. on Further Education, amending Act of the National Council of the Slovak Republic No. 387/1996 Coll. on Employment as amended by Act No. 70/1997 Coll. as amended by Act No. 567/2001 Coll.

<sup>7</sup> For instance, Act No. 634/1992 Coll. on Consumer Protection as amended.

<sup>8</sup> For instance, Labour Code, Act No. 312/2001 Coll. on Civil Service and on amending and supplementing certain other laws as amended.

- d) membership and activity in employees' organisations, employers' organisations and organisations associating persons of certain occupations, including the benefits that these organisations provide to their members.
- (3) Discrimination on grounds of
- a) pregnancy or maternity, and discrimination based on sexual or gender identification, shall be also deemed to constitute discrimination based on sex,
  - b) one's relationship with a person of certain racial, national or ethnic origin shall be also deemed to constitute discrimination based on racial, national or ethnic origin,
  - c) one's relationship with a person of certain religion or belief, or discrimination against a natural person without religion, shall be also deemed to constitute discrimination based on religion or belief,
  - d) previous disability or discrimination against a person who, because of external symptoms, may appear to have a disability shall be also deemed to constitute discrimination based on disability.

## § 7

(1) Refusal or omission of the employer to take appropriate measures to enable a person with a disability to have access to employment, to the work of certain type, to promotion or other advance or to training shall be also deemed to constitute indirect discrimination based on disability; this does not apply if the adoption of such measures would impose a disproportionate burden on the employer.

(2) To determine whether the measures referred to in paragraph 1 give rise to a disproportionate burden, account shall be taken of

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

(3) The measure shall not be considered as giving rise to disproportionate burden if its adoption by the employer is mandatory under separate legal provisions.<sup>10)</sup>

## Admissible different treatment

## § 8

(1) Differences of treatment shall not constitute discrimination if they are objectively justified by the nature of occupational activities or the circumstances under which such activities are carried out, provided that the extent or form of such differences of treatment are legitimate and justified in view of these activities or circumstances under which they are carried out.

(2) In case of registered churches, religious societies<sup>11)</sup> and other legal entities whose activities are based on the religion or belief, differences of treatment based on age, sex, religion or belief and ascertainment of sexual orientation shall not constitute discrimination where they are related to employment by or to carrying out activities for such organisations. Registered

<sup>9</sup> For instance, Act No. 5/2004 Coll. on Employment Services and on amending and supplementing certain other laws as amended by Act No. 191/2004 Coll.

<sup>10</sup> For instance, Act No. 5/2004 Coll. as amended by Act No. 191/2004 Coll., Section 143 paragraph 1 subparagraph d) of Act No. 50/1976 Coll. on spatial planning and building order (the Building Act) as amended.

<sup>11</sup> For instance, Act No. 308/1991 Coll. on freedom of religious faith and the position of churches and religious societies as amended by Act No. 394/2000 Coll.

churches, religious societies and other legal entities whose activities are based on the religion or belief may require the individuals who are employed by them or carry out activities for them to act in conformity with their religion or belief and with the principles of their religion or belief.

(3) Differences of treatment on grounds of age shall not be deemed to constitute discrimination if they are objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary. Differences of treatment on grounds of age shall not be deemed to constitute discrimination if they consist in

- a) the fixing of a minimum or maximum age as a recruitment criterion,
- b) the setting of special conditions on access to employment and vocational training, and special conditions on 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 vocational integration or ensure the protection of such persons,
- c) the fixing of minimum conditions of age, professional experience or seniority in service for access to employment or to certain advantages linked to employment.

(4) With regard to occupational social security schemes, differences of treatment on grounds of age shall not be deemed to constitute discrimination where they consist in the fixing of age limits for entitlement to certain benefits in the context of such schemes including the fixing of different age limits in such schemes for employees or groups of employees, and the use of age criteria in actuarial calculations, provided this does not result in discrimination on the grounds of sex.

(5) Differences of treatment on grounds of disability shall not be deemed to constitute discrimination where, by reason of the nature of employment or occupational activities, access to such employment or occupational activities is made conditional on meeting the health requirements.

(6) Differences of treatment on grounds of age or disability in the provision of insurance services shall 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.

(7) Objectively justified differences of treatment on grounds of sex shall not be deemed to constitute discrimination

- a) where they consist in the fixing of different retirement age for men and women,
- b) where their purpose is the protection of pregnant women and mothers.

(8) With a view to ensuring full equality in practice and compliance with the principle of equal treatment, specific positive actions to prevent disadvantages linked to racial or ethnic origin may be adopted.

Legal protection and proceedings in matters concerning the violation of the principle of equal treatment

## § 9

(1) Under this Act, every person shall be entitled to equal treatment and protection against discrimination.

(2) Every person who consider themselves wronged in their rights, interests protected by law and/or freedoms because the principle of equal treatment has not been applied to them may pursue their claims by judicial process. They may, in particular, seek that the person violating the principle of equal treatment be made to refrain from such conduct and, where possible, rectify the illegal situation or provide adequate satisfaction.

(3) Should adequate satisfaction prove to be not sufficient, especially where the violation of the principle of equal treatment has considerably impaired the dignity, social status and social

functioning of the victim, the victim may also seek non-pecuniary damages in cash. The amount of non-pecuniary damages in cash shall be determined by the court, taking account of the extent of non-pecuniary damage and all underlying circumstances.

(4) This Act shall not prejudice the entitlement to damages or other compensations pursuant to separate provisions<sup>12)</sup>).

## § 10

(1) Parties to the proceedings concerning the violation of the principle of equal treatment may also be represented by legal entities

- a) who have such authority under a separate law, or
- b) whose activities are aimed at or consist in the protection against discrimination.

(2) If a legal entity takes up representation pursuant to paragraph 1, it shall assign one of its members and/or employees to act on behalf of the person represented.

## § 11

(1) Proceedings concerning the violation of the principle of equal treatment shall be initiated by petition from a person who feels wronged by the violation of the principle of equal treatment (the "plaintiff" hereinafter). In the petition, the plaintiff is obliged to identify the person that has allegedly violated the principle of equal treatment (the "defendant" hereinafter).

(2) The defendant has the obligation to prove that there was no violation of the principle of equal treatment if the evidence submitted to court by the plaintiff gives rise to a reasonable assumption that such violation indeed occurred.

(3) The proceedings concerning the violation of the principle of equal treatment shall be governed by the Code of Civil Procedure unless this Act provides otherwise.

## § 12

This Act transposes legal acts of the European Communities and the European Union, specified in the Annex.

## § 13

### Transitory provision

Employers and relevant trade union bodies who concluded collective agreements under a separate provision are obliged to bring the provisions of collective agreements in compliance with this Act within six months from the date of entry into effect of this Act; this obligation shall also apply to internal regulations employers are competent to issue.

## Article II

Act of the National Council of the Slovak Republic No. 308/1993 Coll. on establishing the Slovak National Centre for Human Rights as amended by Act No. 136/2003 Coll. shall be amended and supplemented as follows:

1. Section 1 paragraph 2 shall read:

---

<sup>12</sup> For example, Section 41 paragraph 9 of the Labour Code.

“(2) The Centre shall carry out the tasks in the area of human rights and fundamental freedoms, including the rights of the child<sup>1)</sup> (“human rights“ hereinafter). To this end, the Centre shall, in particular

- a) monitor and review compliance with human rights and compliance with the principle of equal treatment under a separate law<sup>1aa)</sup>,
- b) collect and provide upon request information on racism, xenophobia and anti-Semitism in the Slovak Republic,
- c) conduct research and surveys necessary for the provision of data concerning human rights, collect and disseminate information in this field,
- d) develop educational activities, take part in information campaigns with a view to increasing tolerance of the society,
- e) arrange legal aid to victims of discrimination and of expressions of intolerance,
- f) prepare expert opinions concerning compliance with the principle of equal treatment upon request from natural persons or legal entities or of its own initiative under separate provisions<sup>1aa)</sup>,
- g) provide library services and
- h) provide services in the area of human rights.“.

Footnote to reference 1aa shall read as follows:

„1aa) Act No. 365/2004 Coll. on equal treatment in certain areas and protection against discrimination, and on amending and supplementing certain other laws (Antidiscrimination Act)“

2. A new paragraph 3 shall be inserted in section 1 after paragraph 2, reading as follows:

“(3) The Centre shall have the authority to represent parties in the proceedings concerning violation of the principle of equal treatment.<sup>1aa)</sup>“.

The current paragraph 3 shall be called paragraph 4.

3. In Section 1 paragraph 4 the words “including the child rights<sup>1)</sup>” shall be repealed.

4. Section 1 shall be added paragraph 5 reading as follows:

“(5) Upon request by the Centre, courts, prosecution authorities, other state bodies, bodies of territorial self-governments, bodies of interest self-governments and other public law institutions have the obligation to provide information on compliance with human rights within the required deadline; this shall be without prejudice to their right to give information on compliance with human rights gathered through their own activities to other entities. The Centre may also ask non-governmental human rights organisations to provide information and agree with them on the manner in which such information will be provided.“.

5. In Section 2 paragraph 4 the words “For managing” shall be replaced with “For management inspection”.

6. In Section 3a paragraph 6 a new sub-paragraph c) shall be inserted after subparagraph b), reading as follows:

- „c) shall charge another employee of the Centre with performing the function of the executive director when the office of the executive director lapsed (Section 3b paragraph 5) till a new executive director is elected; the scope of this authorisation shall be defined in a resolution by the Board,“.

Current subparagraphs c) to f) shall be called subparagraphs d) to g).

7. In Section 3a paragraph 6 a new sub-paragraphs h) to k) shall be inserted after subparagraph g), reading as follows:

- “h) approve the report on the state of human rights compliance in the Slovak Republic,
- i) approve annual report on the activities of the Centre,
- j) approve the final accounts of the Centre,
- k) approve the annual financial report of the Centre.“.

8. In Section 3b paragraph 1 the words “members of the Board” shall replace the words “persons listed in Section 3a paragraph 1”.

9. In Section 3b paragraph 2 the words “has reached the age of 35 years” in the first sentence shall be repealed.

10. In Section 3b paragraph 4 subparagraph d) the words “including the child rights<sup>1)</sup>” shall be repealed.

11. In Section 3b paragraph 6 subparagraph d) the words “including the child rights<sup>1)</sup>” shall be repealed.

### Article III

Act No. 311/2001 Coll. the Labour Code as amended by Act No. 165/2002 Coll., Act No. 408/2002 Coll., Act No. 413/2002 Coll., Act No. 210/2003 Coll., Act No. 461/2003 Coll. and Act No. 5/2004 Coll. shall be amended as follows:

1. Section 13 reads:

#### „§ 13

(1) In labour relations the employer has the obligation to treat employees in compliance with the principle of equal treatment laid down for the area employment in a separate Act on Equal Treatment in Certain Areas and Protection against Discrimination, and on amending and supplementing certain other laws (Antidiscrimination Act).

(2) In conformity with the principle of equal treatment, any discrimination shall be prohibited also on grounds of marital and family status, colour, language, political and other opinion, trade union involvement, ethnic or social origin, property, lineage or other status.

(3) Exercising rights and obligations resulting from a employment relations must be in compliance with good morals. No person may abuse such rights and obligations to the detriment of another party to employment relation, or of co-workers. No person shall be persecuted or otherwise adversely treated at the workplace in the context of employment relations performance as a reaction to a complaint, legal petition or petition to start criminal proceedings against another employee or the employer.

(4) An employee shall have the right to submit a complaint to the employer in connection with the infringement of the principle of equal treatment stated in paragraphs 1 to 2; the employer shall be obliged to respond to such a complaint without undue delay, perform retrieval, abstain from such conduct and eliminate the consequences thereof.

(5) An employee who considers themselves wronged in their rights or interests protected by

law because the principle of equal treatment or the conditions stated in paragraph 3 have not been applied to them may go before a court and seek legal protection provided for under a separate Act on Equal Treatment in Certain Areas and Protection against Discrimination, and on amending and supplementing certain other laws (Antidiscrimination Act).“.

2. In Section 47 paragraph 2 the words “on the principle of equal treatment” shall replace the words “governing prohibition of discrimination.”.

#### Article IV

Act No. 312/2001 Coll. on Civil Service and on amending and supplementing certain other acts as amended by Act No. 131/2002 Coll., Act No. 143/2002 Coll., Act No. 185/2002 Coll., Act No. 411/2002 Coll., Act No. 667/2002 Coll., Act No. 139/2003 Coll., Act No. 267/2003 Coll., Act No. 453/2003 Coll., Act No. 550/2003 Coll. and Act No. 551/2003 Coll. shall be amended as follows:

1. Section 3 paragraphs 2 to 4 shall read:

“(2) Rights laid down by this Act shall be guaranteed equally to all citizens when joining and serving in the civil service in conformity with the principle of equal treatment in employment and similar legal relations laid down in a special act.<sup>3b)</sup> In conformity with the principle of equal treatment, any discrimination shall be prohibited also on grounds of marital and family status, colour, language, political and other opinion, trade union involvement, ethnic or social origin, property, lineage or other status.

(3) Citizens who consider themselves wronged in their rights or interests protected by law because the principle of equal treatment has not been applied to them when joining the civil service may go before a court and seek legal protection provided for under a separate Act.<sup>3b)</sup>

(4) Civil servants who consider themselves wronged in their rights or interests protected by law because the principle of equal treatment has not been applied to them may go before a court and claim legal protection provided for under a separate Act,<sup>3b)</sup> or they may go to the competent authority under Section 126. In proceedings before a competent authority the Service Office (Section 7) shall prove that the principle of equal treatment has not been breached.“

Footnote to reference 3b shall read as follows:

“<sup>3b)</sup> Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination, and on amending and supplementing certain other laws (Antidiscrimination Act)“

2. In Section 15 paragraph 5 the second sentence shall read: “The principle of equal treatment must be observed in selection procedures.<sup>3b)</sup>“.

#### Article V

Act No. 552/2003 Coll. on works performed in public interest shall be amended as follows:

In Section 5 paragraph 2 the second sentence shall read: “The principle of equal treatment in employment and other similar legal relationships provided for under separate provisions must be complied with in selection procedures.<sup>(12a)</sup> In conformity with the principle of equal treatment, any discrimination shall be prohibited also on grounds of marital and family status, colour,

language, political and other opinion, trade union involvement, ethnic or social origin, property, lineage or other status.”

Footnote to reference 12a shall read as follows:

“<sup>12a)</sup> Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination, and on amending and supplementing certain other laws (Antidiscrimination Act)“

## Article VI

Act No. 200/1998 Coll. on state service of customs officers and on amending and supplementing certain other laws as amended by Act No. 54/1999 Coll., Act No. 337/1999 Coll., Act No. 417/2000 Coll., Act No. 328/2002 Coll., Act No. 664/2002 Coll., Act No. 251/2003 Coll. and Act No. 464/2003 Coll. shall be amended as follows:

Section 2a shall be inserted after Section 2 and it reads as follows:

### „§ 5a

(1) Rights laid down by this Act shall be guaranteed equally to all citizens when joining and serving in the civil service and to customs officers when performing civil service in conformity with the principle of equal treatment in employment and similar legal relations provided for under separate provisions.<sup>1a)</sup> In conformity with the principle of equal treatment, any discrimination shall be prohibited also on grounds of marital and family status, colour, language, political and other opinion, trade union involvement, ethnic or social origin, property, lineage or other status.

(2) The exercise of rights and obligations resulting from a service relation must be in compliance with good morals. No person may abuse such rights and obligations to the detriment of another person. No customs officer shall be persecuted or otherwise adversely treated in the context of civil service performance as a reaction to a complaint, legal petition or petition to start criminal proceedings against another customs officer or a superior.

(3) Citizens when joining civil service or customs officers who consider themselves wronged in their rights or interests protected by law because the principle of equal treatment has not been applied to them when joining civil service may go before a court and claim legal protection provided for under separate provisions.<sup>1a)</sup>

(4) The Service Office or the superior may not impose any sanctions or disadvantage on a customs officer who exercise their rights resulting from their service relation.“

Footnote to reference 1a shall read as follows:

“<sup>1a)</sup> Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination, and on amending and supplementing certain other laws (Antidiscrimination Act)“

## Article VII

Act No. 370/1997 Coll. on military service as amended by Act No. 10/2000 Coll., Act No. 400/2000 Coll., Act No. 263/2002 Coll., Act No. 320/2002 Coll., Act No. 321/2002 Coll., Act No. 512/2002 Coll. and Act No. 545/2003 Coll. shall be amended and supplemented as follows:

1. Section 4a shall be inserted after Section 4 and it reads as follows:

„§ 4a

(1) Rights provide for under this Act shall be guaranteed equally to all citizens when starting military services and to soldiers while performing military service in conformity with the principle of equal treatment in employment and similar legal relations provided for under separate provisions.<sup>9a)</sup> In conformity with the principle of equal treatment, any discrimination shall be prohibited also on the grounds of marital and family status, colour, language, political and other opinion, trade union involvement, ethnic or social origin, property, lineage or other status. This shall be without prejudice to Sections 5 to 7.

(2) Citizens when joining military service or soldiers while performing military service who consider themselves wronged in their rights or interests protected by law because the principle of equal treatment has not been applied to them may go before a court and seek legal protection provided for under separate provisions.<sup>9a)</sup>“

Footnote to reference 9a shall read as follows:

“<sup>9a)</sup> Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination, and on amending and supplementing certain other laws (Antidiscrimination Act)“

2. In Section 181 paragraph 2 the words “Section 15” shall be replaced with “Sections 13, 15”.

3. In Section 181 paragraph 2 the words “Section 15” shall be replaced with “Sections 13, 15”.

### Article VIII

Act No. 73/1998 Coll. on state service of members of the Police Force, Slovak Intelligence Service, Corps of Prison and Court Guard of the Slovak Republic and Railroad Police as amended by Act No. 58/1999 Coll., Act No. 181/1999 Coll., Act No. 356/1999 Coll., Act No. 224/2000 Coll., Act No. 464/2000 Coll., Act No. 241/2001 Coll., Act No. 98/2002 Coll., Act No. 328/2002 Coll., Act No. 422/2002 Coll., Act No. 659/2002 Coll., Act No. 212/2003 Coll., Act No. 178/2004 Coll. and Act No. 201/2004 shall be supplemented as follows:

Section 2a shall be inserted after Section 2 and it reads as follows:

„§ 2a

1) Rights provided for under this Act shall be guaranteed equally to all citizens when joining civil service and police officers while performing civil service in conformity with the principle of equal treatment in employment and similar legal relations provided for under separate provisions.<sup>1)</sup> In conformity with the principle of equal treatment, any discrimination shall be prohibited also on grounds of marital and family status, colour, language, political and other opinion, trade union involvement, ethnic or social origin, property, lineage or other status.

(2) The exercise of rights and obligations resulting from a service relation must be in compliance with good morals. No person may abuse such rights and obligations to the detriment of another person. No police officer shall be persecuted or otherwise adversely treated in the context of civil service performance as a reaction to a complaint, action or petition to start criminal proceedings against another police officer or a superior.

(3) Citizens when joining civil service or police officers who consider themselves wronged in their rights or interests protected by law because the principle of equal treatment has not been applied to them may go before a court and seek legal protection provided for under separate provisions.<sup>1)</sup>

(4) The Service Office or the superior may not impose any sanctions or disadvantage on police officers on ground of exercising their rights resulting from their service relation.“

Footnote to reference 1 shall read as follows:

“<sup>1)</sup> Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination, and on amending and supplementing certain other laws (Antidiscrimination Act)“

Current reference 1 and footnote to reference 1 shall be called reference 1a and footnote to reference 1a.

## Article IX

Act No. 315/2001 Coll. on Fire and Rescue Service as amended by Act No. 438/2002 Coll., Act No. 666/2002 Coll., Act No. 424/2003 Coll., Act No. 451/2003 Coll. and Act No. 462/2003 Coll. shall be amended and supplemented as follows:

1. Current text of Section 16 shall be marked as paragraph 1 and paragraphs 2 to 5 reading as follows:

“(2) Rights provided for under this Act shall be guaranteed equally to all citizens when joining civil service and officers while performing civil service in conformity with the principle of equal treatment in employment and similar legal relations provided for under separate provisions.<sup>10a)</sup> In conformity with the principle of equal treatment, any discrimination shall be prohibited also on grounds of marital and family status, colour, language, political and other opinion, trade union involvement, ethnic or social origin, property, lineage or other status.

(3) Exercising rights and obligations resulting from a service relation must be in compliance with good morals. No person may abuse such rights and obligations to the detriment of another person. No officer shall be persecuted or otherwise adversely treated in the context of performing civil service as a reaction to a complaint, action or petition to start criminal proceedings against another officer or a superior.

(4) Citizens when joining civil service or officers who consider themselves wronged in their rights or interests protected by law because the principle of equal treatment has not been applied to them may go before a court and seek legal protection provided for under separate provisions.<sup>10a)</sup>

(5) The Service Office or the superior may not impose any sanctions or disadvantage on a customs officer on grounds of exercising their rights resulting from their service relation.“

Footnote to reference 10a shall read as follows:

“<sup>10a)</sup> Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination, and on amending and supplementing certain other laws (Antidiscrimination Act)“

2. In Section 20 paragraph 2 the second sentence shall read: “The principle of equal treatment must be complied with in selection procedures.<sup>1a)</sup>“.

3. In Section 193 words “Section 13“ followed by a comma are inserted after words “provisions shall be applied as appropriate”.

## Article X

Act No. 455/1991 Coll. on licensed trades (Small Business Act) as amended by Act No. 231/1992 Coll., Act No. 600/1992 Coll., Act of the National Council of the Slovak Republic No. 132/1994 Coll., Act of the National Council of the Slovak Republic No. 200/1995 Coll., Act of the National Council of the Slovak Republic No. 216/1995 Coll., Act of the National Council of the Slovak Republic No. 233/1995 Coll., Act of the National Council of the Slovak Republic No. 123/1996 Coll., Act of the National Council of the Slovak Republic No. 164/1996 Coll., Act of the National Council of the Slovak Republic No. 222/1996 Coll., Act of the National Council of the Slovak Republic No. 289/1996 Coll., Act of the National Council of the Slovak Republic No. 290/1996 Coll., Act No. 288/1997 Coll., Act No. 379/1997 Coll., Act No. 70/1998 Coll., Act No. 76/1998 Coll., Act No. 126/1998 Coll., Act No. 129/1998 Coll., Act No. 140/1998 Coll., Act No. 143/1998 Coll., Act No. 144/1998 Coll., Act No. 161/1998 Coll., Act No. 178/1998 Coll., Act No. 179/1998 Coll., Act No. 194/1998 Coll., Act No. 263/1999 Coll., Act No. 264/1999 Coll., Act No. 119/2000 Coll., Act No. 142/2000 Coll., Act No. 236/2000 Coll., Act No. 238/2000 Coll., Act No. 268/2000 Coll., Act No. 338/2000 Coll., Act No. 223/2001 Coll., Act No. 279/2001 Coll., Act No. 488/2001 Coll., Act No. 554/2001 Coll., Act No. 261/2002 Coll., Act No. 284/2002 Coll., Act No. 506/2002 Coll., Act No. 190/2003 Coll., Act No. 219/2003 Coll., Act No. 245/2003 Coll., Act No. 423/2003 Coll., Act No. 515/2003 Coll., Act No. 586/2003 Coll. and Act No. 602/2003 Coll. shall be amendeded as follows:

Section 5a shall be inserted after Section 5 and it reads as follows:

### „§ 5a

(1) Rights provided for under this Act shall be guaranteed equally to all persons in conformity with the principle of equal treatment in employment and similar legal relations provided for under separate provisions.<sup>(24f)</sup> In conformity with the principle of equal treatment, any discrimination shall be prohibited also on the grounds of marital and family status, colour, language, political and other opinion, trade union involvement, ethnic or social origin, disability, age, property, lineage or other status.

(2) Persons who consider themselves wronged in their rights or interests protected by law because the principle of equal treatment has not been applied to them may go before a court and seek legal protection provided for under separate provisions.<sup>24f)</sup>

(3) The Small Business Office may not impose any sanctions or disadvantage on a person on grounds of exercising their rights resulting from this Act.“

Footnote to reference 24f shall read as follows:

“<sup>24f)</sup> Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination, and on amending and supplementing certain other laws (Antidiscrimination Act)“

## Article XI

Act No. 154/2001 Coll. on prosecutors and prosecutor candidates as amended by Act No. 458/2003 Coll., Act No. 462/2003 Coll., Act No. 561/2003 Coll. shall be amended and supplemented as follows:

1. In Section 20 paragraph 3 the second sentence shall read: “The principle of equal treatment in employment and other similar legal relationships provided for under separate provisions<sup>14a)</sup> must be complied with in selection procedures.

Footnote to reference 14a shall read as follows:

“<sup>14a)</sup> Act No. .../2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination, and on amending and supplementing certain other laws (Antidiscrimination Act)“

2. In Section 20 paragraph 3 the following sentence shall be added at the end: “In conformity with the principle of equal treatment, any discrimination shall be prohibited also on the grounds of marital and family status, colour, language, political and other opinion, trade union involvement, ethnic or social origin, property, lineage or other status.”

## Article XII

Act No. 5/2004 Coll. on employment services amending and supplementing certain other laws as amended by Act No. 191/2004 Coll. shall be amended as follows:

Section 14 including its heading shall read:

### „§ 14

#### The right to access to employment

(1) The right to access to employment is the right of a citizen who wants to work, can work and looks for a job, to services providing assistance in

- a) search for appropriate employment,
- b) education and training for the labour market as needed for being successful in the labour market.

(2) Citizens shall have the right to access to employment without any restrictions in conformity with the principle of equal treatment in employment and similar legal relations provided for under separate provisions.<sup>(20a)</sup> In conformity with the principle of equal treatment, any discrimination shall be prohibited also on the grounds of marital and family status, colour, language, political and other opinion, trade union involvement, ethnic or social origin, disability, age, property, lineage or other status

(3) Exercising rights and duties resulting from the right to access to employment must be in compliance with good morals. No person may abuse such rights and obligations to the detriment of another citizen. No person shall be persecuted or otherwise adversely treated in the context of exercising their right to the access to employment as a reaction to a complaint, action or petition to start criminal proceedings against another persons or authority.

(4) Citizens shall have the right to submit a complaint to the authority in connection with the violation of rights and duties laid down in paragraphs 1 to 3; the authority shall be obliged to respond to such a complaint without undue delay, perform retrieval, abstain from such conduct and eliminate the consequences thereof.(5) The authority may not impose any sanctions or disadvantage on citizens on grounds of exercising their rights resulting from their right to access to employment.“

(6) Citizens who consider themselves wronged in their rights or interests protected by law because the rights under Sections 1 to 5 have not been applied to them may seek legal protection under the special act on legal protection before a court.<sup>20a)</sup>

(7) Citizens have the right to choose their employment freely and they may perform it in the whole territory of the Slovak Republic or they may arrange for their employment abroad.“

Footnote to reference 20a shall read as follows:

“<sup>20a)</sup> Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination, and on amending and supplementing certain other laws (Antidiscrimination Act)“

#### Article XIII

Act No. 131/2002 Coll. on higher education as amended by Act No. 209/2002 Coll., Act No. 401/2002 Coll., Act No. 442/2003 Coll., Act No. 465/2003 Coll. and Act No. 528/2003 Coll. shall be amended as follows:

In Section 55 new paragraphs 2 to 5 shall be inserted after paragraph 1, reading as follows:

“(2) Rights provided for under this Act shall be guaranteed equally to all applicants and students in conformity with the principle of equal treatment in education laid down in separate provisions.<sup>35a)</sup> In conformity with the principle of equal treatment, any discrimination shall be prohibited also on the grounds of gender, religion or belief, marital and family status, colour, language, political and other opinion, trade union involvement, ethnic or social origin, disability, age, property, lineage or other status

(3) Exercising rights and obligations resulting from this Act must be in compliance with good morals. No person may abuse such rights and obligations to the detriment of another applicant or person. No applicant or student shall be persecuted or otherwise adversely treated in the context of exercising their rights as a reaction to a complaint, action or petition to start criminal proceedings against another applicant, student, teacher, researcher or artist or other university staff.

(4) Applicants or students who consider themselves wronged in their rights or interests protected by law because the principle of equal treatment has not been applied to them may go before a court and seek legal protection provided for under separate provisions.<sup>35a)</sup>

(5) The university or a school of the university must not impose any sanctions or disadvantage on an applicant or student on grounds of exercising their rights resulting from this Act.“

Footnote to reference 35a shall read as follows:

“<sup>35a)</sup> Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination, and on amending and supplementing certain other laws (Antidiscrimination Act)“

Current paragraphs 2 and 3 shall be called paragraphs 6 and 7.

#### Article XIV

Act No. 386/1997 Coll. on further education and on amending Act of the National Council of the Slovak Republic No. 387/1996 Coll. on employment as amended by act No. 70/1997 Coll. as amended by act No. 567/2001 Coll. shall be amended as follows:

In Section 1 paragraph 2 the following sentence shall be added at the end:

“Clauses of a special provision on the application of the principle of equal treatment shall be applied to the access to further education as appropriate.<sup>1a)</sup>“

Footnote to reference 1a shall read as follows:

“<sup>1a)</sup> Section 55 paragraphs 2 to 5 of Act No. 131/2002 Coll. on higher education as amended.”.

## Article XV

Act No. 29/1984 Coll. on the system of primary and secondary schools (the School Act as amended by Act No. 188/1988 Coll., Act No. 171/1990 Coll., Act No. 522/1990 Coll., Act of the National Council of the Slovak Republic No. 230/1994 Coll., Act of the National Council of the Slovak Republic No. 231/1994 Coll., Act No. 6/1998 Coll., Act No. 5/1999 Coll., Act No. 229/2000 Coll., Act No. 216/2001 Coll., Act No. 416/2001 Coll., Act No. 506/2001 Coll., Act No. 334/2002 Coll., Act No. 408/2002 Coll., Act No. 553/2003 Coll. and Act No. 596/2003 Coll. shall be amended as follows:

1. In Section 2 paragraph 2 the first sentence shall read: “Schools specified in paragraph 1 with the exception of primary schools, primary schools with kindergartens, special primary schools, practical schools, vocational schools, apprentice training centres and general secondary schools (gymnasium) can be merged into a joined secondary school upon founder’s proposal.

2. Section 4b shall be inserted after Section 4 and it reads as follows:

„§ 4b

“(1) Rights laid down by this Act shall be guaranteed equally to all applicants and pupils in conformity with the principle of equal treatment in education provided for under separate provisions.<sup>1da)</sup> In conformity with the principle of equal treatment, any discrimination shall be prohibited also on the grounds of gender, religion or belief, marital and family status, colour, language, political and other opinion, trade union involvement, ethnic or social origin, disability, age, property, lineage or other status.

(2) Exercising rights and obligations resulting from this Act must be in compliance with good morals. No person may abuse such rights and obligations to the detriment of another applicant or pupil. No applicant or pupil shall be persecuted or otherwise adversely treated in the context of exercising their rights as a reaction to a complaint, action or petition to start criminal proceedings against another applicant, pupil, teacher or other school staff under section 2 or Section 33a.

(3) Applicants or pupils who consider themselves wronged in their rights or interests protected by law because the principle of equal treatment has not been applied to them may go before a court and seek legal protection provided for under separate provisions.<sup>da)</sup>

(4) The primary or secondary school must not impose any sanctions or disadvantage on an applicant or pupil on grounds of exercising their rights resulting from this Act.”

Footnote to reference da shall read as follows:

“1da) Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination, and on amending and supplementing certain other laws (Antidiscrimination Act)”

3. Section 7 paragraph 5 shall read:

„(5) Education and training shall also be given at joined secondary schools formed as the result of a merger between secondary technical schools and secondary vocational schools having, usually, the same or similar content of technical education with the aim of effective educational process management, improvement of technical education and better use of human and technical resources of these schools.”.

4. Section 10 shall be repealed.

5. In Section 19 paragraph 2 the word “as a rule” shall be omitted.

6. New Sections 32a, 32b, 32c shall be inserted after Section 32 and they, including the titles, read as follows:

“Forms of integrating pupils with special educational and training needs into primary and secondary schools

§ 32a

School integration and forms of school integration

(1) School integration shall mean educating and training pupils with special educational and training needs (Section 3 paragraph 2) in school classes, except classes in special schools, under this Act.

(2) Forms of school integration shall include:

- a) integration in special classes at a primary or secondary school where pupils with special educational and training needs learn in separate classes. Some lessons may take place together with other pupils of the school; teachers of both classes shall be present during the lesson. The pupil may attend some subjects outside the special class.
- b) individual integration where the pupils with special educational and training needs are attending classes and groups with other pupils of the schools and they are educated according to an individual educational and learning plan with curricula and methodology adjusted to their needs.

(3) Usually, special classes at primary schools and special classes at secondary schools are opened for pupils with special educational and training needs who have the same type of disability.

§ 32b

(1) An integrated pupil shall mean a pupil with special educational and training needs admitted to a primary or secondary school on the basis of written statement made by a specialised educational counselling institution<sup>4c)</sup> after diagnostic tests made by this institutions. Pupils with learning or behavioural developmental disorders may also be registered and reported as integrated upon a written statement made by an educational and psychological counselling institution.<sup>4d)</sup>

(2) Upon written request by the representatives at law, written opinion by the specialised educational counselling institution<sup>4c)</sup> the headmaster of the school shall issue a decision on the admission of the pupil to a primary or secondary school after thoroughly studying pupil's diagnosis and prognosis, after discussion with teachers who will teach the pupil, after deliberations in the educational board of the school and after arranging necessary material, technical and human resources.

(3) Prior to pupil's admission the headmaster of the school shall in cooperation with the school special education teacher<sup>4e)</sup> or specialised educational counselling institution<sup>4c)</sup> create conditions for integrated education of the pupil, make adjustments in the classroom and the school, arrange for compensatory devices, or take other measures in order to ensure the required level of integrated education and training for the pupil.

(4) An individual educational training plan of a pupil with special educational and training needs drafted and continuously updated by the classroom teacher in cooperation with the school special education teacher or specialised educational counselling institution<sup>4c)</sup> shall be a part of obligatory documentation of an individually integrated pupil.

(5) Individual educational and training programmes shall include basic information on the pupil, the specific effect of his diagnosis and prognosis on the educational and training process, requirements for changes in the classroom environment, teaching procedures, organisation of the education and training process, curricula and plans, compensatory devices and special teaching aids and personal assistance.

(6) The headmaster of the school, in cooperation with the school special education teacher<sup>4e)</sup> and/or specialised educational counselling institution<sup>4c)</sup>, shall ensure that in case of integrated pupils no groundless reduction of requirements occurs and that requirements put on the pupils are matching their capacities.

(7) When evaluating or classifying the results and behaviour of integrated pupils their possibilities resulting from their diagnosis shall be considered.

(8) The regulations and rules applied to integrated education in special classes at primary schools and secondary schools shall be identical with the ones applied to education and training at relevant special schools.

(9) The content of education of individually integrated pupils with mental handicap is based on curricula for a special primary school for pupils with mental handicap.

§ 32c

#### The rights and duties of participants in school integration

(1) Pupils with special educational and training needs shall have the right to individual approach in education and training respecting their capabilities and health status, to instructions by a teacher having the necessary specialised and teaching skills,<sup>4d)</sup> to education and training in safe and healthy environment, to respect for them and to ensured protection against physical and mental violence.

(2) Integrated pupil's exercise of rights may not restrict the rights of other participants in the education and training process.

(3) Integrated pupil's representative at law shall consult the education concerning the integrated pupil with the classroom teacher, the school special education teacher,<sup>4e)</sup> and/or or specialised educational counselling institution<sup>4c)</sup> on a regular basis.

(4) The headmaster of the primary school or the secondary school, in cooperation with the school special education teacher,<sup>4e)</sup> and/or or specialised educational counselling institution<sup>4c)</sup>, shall inform the relevant school staff on the consequences and possible effects of integrated pupil's diagnosis on the educational and training process, on the individual educational and training programme, the need of compensatory and other devices the pupil is going to use in school and shall ensure their availability and appropriate room for their storage.“.

7. In Section 33 the title “Special School for Mentally Handicapped” shall be repealed.

Notes to footnotes 4c to 4f shall read:

<sup>4c)</sup> Section 22 of Act No. 279/1993 Coll. on school facilities as amended.

<sup>4d)</sup> Section 21 of Act No. 279/1993 Coll. as amended.

<sup>4e)</sup> Section 25 paragraph 2 of Act No. 2 Coll. on school facilities as amended.

4f) Decree of the Ministry of Education of the Slovak Republic No. 41/1996 Coll. on professional and educational competence of education staff as amended

8. Section 34 shall be added paragraph 6 reading as follows:

“(6) The Ministry of Education shall cover the training of the education staff for children and youth under paragraph 1 technically, organisationally, methodologically and financially.“.

9. In Section 58a the current text shall be named paragraph 1 and it shall be added a paragraph 2 that reads as follows:

“(2) No activity directed to or directly inciting racial and ethnic hatred, ethnic and religious intolerance as well as influencing sexual orientation that is contradictory to human dignity and traditional values of European culture and incitement to xenophobia shall be allowed at primary schools, primary schools of arts, apprentice training centres, secondary schools, special schools and school facilities in the framework of and also outside educational activities.“.

#### Article XVI

Act No. 461/2003 Coll. on social insurance as amended by Act No. 551/2003 Coll., Act No. 600/2003 Coll., Act No. 5/2004 Coll., Act No. 43/2004 Coll. and Act No. 186/2004 Coll. shall be amended as follows:

In Section 6 paragraphs 3 to 4 shall read:

“(3) Policyholders shall have rights in the exercise of social insurance in compliance with the principle of equal treatment in social security provided for under separate provisions.<sup>23a)</sup>

(4) Policyholders who consider themselves wronged in their rights or interests protected by law because the principle of equal treatment has not been applied to them may go before a court and seek legal protection provided for under separate provisions.<sup>23a)</sup>

Footnote to reference 23a shall read as follows:

“<sup>23a)</sup> Act No. 356/2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination, and on amending and supplementing certain other laws (Antidiscrimination Act)“

#### Article XVII

Act No. 195/1998 Coll. on social assistance as amended by Act No. 389/1998 Coll., Act No. 155/1999 Coll., Act No. 450/2000 Coll., Act No. 416/2001 Coll., Act No. 507/2002 Coll., Act No. 534/2002 Coll., Act No. 724/2002 Coll., Act No. 453/2003 Coll., Act No. 599/2003 Coll., Act No. 45/2004 Coll. and Act No. 141/2004 Coll. shall be amended as follows:

Section 4a shall be inserted after Section 4 and it reads as follows:

#### „§ 4a

(1) Rights provided for under this Act shall be guaranteed equally to all citizens in conformity with the principle of equal treatment in social security provided for under separate provisions.<sup>6a)</sup>

(3) Persons who consider themselves wronged in their rights or interests protected by law because the principle of equal treatment has not been applied to them may go before a court and seek legal protection provided for under separate provisions.<sup>6a)</sup>

Footnote to reference 6a shall read as follows:

“<sup>6a)</sup> Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination, and on amending and supplementing certain other laws (Antidiscrimination Act)“

### Article XVIII

Act No. 328/2002 Coll. on social security of police officers and soldiers and on amending and supplementing certain other acts as amended by Act No. 447/2002 Coll., Act No. 534/2002 Coll. and Act No.. 463/2003 Coll. shall be amended as follows:

In Section 113 paragraphs 5 to 6 shall read:

“(5) Police officers, professional soldiers, soldiers in preparatory service shall have rights in the exercise of social security in compliance with the principle of equal treatment in social security provided for under separate provisions.<sup>47a)</sup>

(6) When police officers, professional soldiers, soldiers in preparatory service consider themselves wronged in their rights or interests protected because the principle of equal treatment has not been applied to them may go before a court and seek legal protection provided for under separate provisions.<sup>47a)</sup>

Footnote to reference 47a shall read as follows:

“<sup>47a)</sup> Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination, and on amending and supplementing certain other laws (Antidiscrimination Act)“

### Article XIX

Act of the National Council of the Slovak Republic No. 277/1994 Coll. on health care as amended by Act of the National Council of the Slovak Republic No. 98/1995 Coll., Act of the National Council of the Slovak Republic No. 110/1996 Coll., Act of the National Council of the Slovak Republic No. 222/1996 Coll., Act No. 140/1998 Coll., Act No. 241/1998 Coll., Act No. 80/2000 Coll., Act No. 416/2001 Coll., Act No. 553/2001 Coll., Act No. 118/2002 Coll., Act No. 131/2002 Coll., Act No. 219/2002 Coll., Act No. 450/2002 Coll., Act No. 457/2002 Coll., Act No. 138/2003 Coll., Act No. 445/2003 Coll., Act No. 528/2003 Coll. and Act No. 578/2003 Coll. shall be amended as follows:

The current text of Section 4 shall be marked as paragraph 1 and it is supplemented with paragraphs 2 to 5 reading as follows:

“(2) The right to health care provision shall be guaranteed equally to every person in conformity with the principle of equal treatment in health care provided for under separate provisions.<sup>(2aa)</sup> In conformity with the principle of equal treatment, any discrimination shall be prohibited also on grounds of gender, religion or belief, marital and family status, colour, language, political and other opinion, trade union involvement, ethnic or social origin, disability, age, property, lineage or other status.

(3) Exercising rights and obligations resulting from this Act must be in compliance with good morals. No person may abuse such rights and obligations to the detriment of another person. No person shall be persecuted or otherwise adversely treated in the context of exercising their rights as a reaction to a complaint, action or petition to start criminal proceedings against another person, health care staff, medical doctor, health care facility or other facility in the health care system.

(4) Persons who consider themselves wronged in their rights or interests protected by law because the principle of equal treatment has not been applied to them may go before a court and seek legal protection provided for under separate provisions.<sup>2aa)</sup>

(5) Health care providers may not impose any sanctions or disadvantage on a person on grounds of exercising their rights resulting from this Act.“

Footnote to reference 2aa shall read as follows:

“<sup>2aa)</sup> Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination, and on amending and supplementing certain other laws (Antidiscrimination Act)“

## Article XX

Act of the National Council of the Slovak Republic No. 273/1994 Coll. on health insurance, health insurance funding, on establishing the General Health Insurance Company and on establishing sectoral, branch, company and civic health insurance companies as amended by Act of the National Council of the Slovak Republic No. 374/1994 Coll., Act of the National Council of the Slovak Republic No. 58/1995 Coll., Act of the National Council of the Slovak Republic No. 98/1995 Coll., Act of the National Council of the Slovak Republic No. 231/1995 Coll., Act of the National Council of the Slovak Republic No. 304/1995 Coll., Act of the National Council of the Slovak Republic No. 376/1996 Coll., Act of the National Council of the Slovak Republic No. 386/1996 Coll., Act No. 202/1997 Coll., Act No. 332/1997 Coll., Act No. 124/1998 Coll., Act No. 11/1999 Coll., Act No. 56/1999 Coll., Act No. 151/1999 Coll., Act No. 242/2000 Coll., Act No. 245/2000 Coll., Act No. 448/2000 Coll., Act No. 233/2001 Coll., Act No. 505/2001 Coll., Act No. 553/2001 Coll., Act No. 118/2002 Coll., Act No. 291/2002 Coll., Act No. 457/2002 Coll., Act No. 534/2002 Coll., Act No. 671/2002 Coll., Act No. 138/2003 Coll., Act No. 442 /2003 Coll. and Act No. 578/2003 shall be amended as follows:

Section 26 shall be supplemented paragraph 5 and 6 reading as follows:

“(5) Policyholders shall have rights in the exercise of health insurance in compliance with the principle of equal treatment in health care provided for under separate provisions.<sup>13hi)</sup>

(6) Policyholders who consider themselves wronged in their rights or interests protected by law because the principle of equal treatment has not been applied to them may go before a court and seek legal protection provided for under separate provisions.<sup>13hi)</sup>

Footnote to reference 13hi shall read as follows:

“<sup>13hi)</sup> Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination, and on amending and supplementing certain other laws (Antidiscrimination Act)“

## Article XXI

Act No. 634/1992 Coll. on consumer protection as amended by Act of the National Council of the Slovak Republic No. 220/1996 Coll., Act No. 137/1998 Coll., Act No. 310/1999 Coll., Act No. 128/2002 Coll., Act No. 414/2002 Coll., Act No. 529/2002 Coll. and Act No. 469/2003 Coll. shall be amended as follows:

1. Section 6 paragraph 1 shall read: “(1) When proving goods and services to consumers the seller has the obligation to comply with the principle of equal treatment provided for under separate provisions.<sup>7b)</sup> The seller shall mainly not refuse to sell the consumer products displayed

or otherwise prepared for selling or to refuse to provide a services within his capacity; the seller may also not tie product selling or provision of services to selling of other products or provision of other services unless it is a restriction identical for all cases and usual in commercial relations. This shall not apply to cases when the consumer fails to comply with requirements that must be satisfied under separate provisions.<sup>7b)</sup>“.

Footnote to reference 7b shall read as follows:

“<sup>7b)</sup> Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination, and on amending and supplementing certain other laws (Antidiscrimination Act)“

2. Section 6 shall be added paragraph 4 reading as follows:

(4) Consumers who consider themselves wronged in their rights or interests protected by law because the principle of equal treatment has not been applied to them may go before a court and seek legal protection provided for under separate provisions.<sup>7b)</sup>“

## Article XXII

Act No. 596/2003 Coll. on state administration in the school system and school self-government and on amending and supplementing certain other acts shall be amended and supplemented as follows:

A new paragraph 7 shall be inserted in section 8 after paragraph 6, reading as follows:

“(7) Provisions applicable to reimbursing travel costs of a primary school pupil’s representative at law under paragraph 6 can also be applied to pupils of special primary schools.“.

The current paragraph 7 shall be called paragraph 8.

## Article XXIII

This Act shall come into effect on 1 July 2004.

Rudolf Schuster  
President of the Slovak Republic

Pavol Hrušovský  
President of the National Council of the Slovak Republic

Mikuláš Dzurinda  
Prime Minister of the Slovak Republic

Annex to Act No. 365/2004 Coll.

The list of transposed legal acts of the European Communities  
and the European Union

1. Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (Official Journal of the European Communities L 180, 19/07/2000).
2. Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (Official Journal of the European Communities L 303, 02/12/2000).
3. Council Directive 96/97/EC of 20 December 1996 amending Directive 86/378/EEC on the implementation of the principle of equal treatment for men and women in occupational social security schemes (Official Journal of the European Communities L 046, 17/02/1997).