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| ANED Country report on Social Protection and Article 28 |
| **Slovakia** |  |
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The [Academic Network of European Disability experts](http://disability-europe.net/) (ANED) was established by the European Commission in 2008 to provide scientific support and advice for its disability policy Unit. In particular, the activities of the Network support the development of the European Disability Strategy 2010-2020 and practical implementation of the United Nations Convention on the Rights of Disabled People in the EU.

This country report has been prepared as input for the synthesis report on Social Protection and Article 28 UNCRPD.

 

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# PART A: FACTUAL DATA

# Standard of living

According to the national EU-SILC data[[1]](#footnote-1) the risk of poverty among households with members with disabilities is generally higher than among those with non-disabled members. The situation is illustrated by several selected data in the following table below.

*Table: Selected EU-SILC data on poverty risk in households with and without disabled members*

|  |  |  |  |
| --- | --- | --- | --- |
| *Indicator* | *EU SILC 2012* | *EU SILC 2013* | *EU SILC 2014* |
| *Disabled*  | *Non-disabled* | *Disabled*  | *Non-disabled* | *Disabled* | *Non-disabled* |
| Monthly average equivalent disposal income (in €) | 579 | 665 | 572 | 636 | 584 | 655 |
| Low work intensity of households with non-disabled members, and with disabled members (in %) | 14.8 | 7.2 | 14.4 | 6.9 | 12.5 | 7.0 |
| Material deprivation of households with non-disabled members and with disabled members (in %) | 29.7 | 19.0 | 30.3 | 18.3 | 29.1 | 18.0 |
| Severe material deprivation with non-disabled members and with disabled members (in %)  | 13.9 | 8.3 | 12.6 | 7.8 | 12.1 | 8.3 |
| Income from work of households with non-disabled members and those with disabled members as a part of general income (in %) | 63.3 | 85.4 | 61.9 | 84.3 | 64.0 | 86.1 |
| Income from social benefits of households with non-disabled members and those with disabled members as a part of general income (in %) | 35.9 | 13.5 | 37.2 | 14.6 | 35.4 | 13.0 |

*Source: Statistical Office of the SR**(Informácie, 2015, unpublished document)*

The data in the table show that an average equivalent disposal income per month in 2014 was 1.12-times higher in households with non-disabled member (€ 655 in comparison to € 584 in household with a member with disability). Annually this income has risen in 2014 in both types of households; moreover, in the households with a member with disability it was the highest since 2012.

Totally 12.5% of households with a member with disability were in the risk of low work intensity in 2014 compared to 7% of households with non-disabled members. Annually this type of risk has declined slightly among households with a member with disability.

The risk of material deprivation is higher in both types of households but the risk is obvious in households with a member with disability. 29.1% of these households were in the risk of material deprivation in 2014 compared to 18% of those with non-disabled members only.

Regarding the indicators of material deprivation there are no national data available on disabled people’s access to food, clothing and clean water.

On the contrary, the income from work in households with a member with disability makes only 64% of general household income, while in households with non-disabled member it is almost 1.35-times higher (86.1% of general income). On the other hand, the income from social benefits in households with a member with disability makes higher proportion of general household income (35.4%) than in households with non-disabled member (13%).

# Overview of disability protection systems

Unless otherwise stated, reference to entitlements is from Act No. 447/2008[[2]](#footnote-2)

## Services, devices and assistance

### Devices (including assistive technologies)

1. **Devices from public health insurance scheme**

Assistive devices for disabled persons with various types and degrees of functional impairments are provided from the health insurance fund under Act No. 140/1998 Coll. on medicines and medical aids, as amended.[[3]](#footnote-3) There is a Register of categorised medical aids which is regularly updated (the most recent updating is valid since January 2016).[[4]](#footnote-4) The health insurance fund finances, for example, crutches, mechanical and electric wheelchairs, bathtub boards, hearing appliance or adaptive beds.

**B. Devices from social assistance pillar** (provided under Act No. 447/2008 Coll. on direct payments for compensation for the consequences of severe disabilities, as amended)[[5]](#footnote-5)

*Name:* **cash-benefit for purchasing a device** (sections 24-28 of the Act);[[6]](#footnote-6) cash benefits for training in using a device (sections 24-28 of the Act); cash benefits for device adaptation (sections 24-28 of the Act); cash benefits for repairing a device (section 32 of the Act)

*Purpose:* to support moving, communication or self-serving of persons with disabilities in daily living and social activities

*Means and property tested:* yes, cut-off income limit is over 5 times of living minimum for an adult person as a social protection scheme (presently sum 198,09 €),[[7]](#footnote-7) i. e. currently almost 990 € (5x198 €). Property cut-off limit is over 39 833 €. When the person´ s property value (ownership of flats, gardens, houses which are not used for daily living) exceeds this sum, there is no claim for cash benefit for any device.

*Social insurance:* no

*Eligibility:* status of a person with severe disability (at least 50% of functional disorder); means and needs tested; no age limit; level of benefit is based on a price of a device – its purchase, training, adaptation or repairment - in combination with the income of a person with disability. There is a legal rule that cash benefits for purchasing a device cannot be provided if the same device is provided from the health insurance system, with the exception of second mechanical and electric wheelchair and second hearing appliances.[[8]](#footnote-8)

*Name:* **cash-benefit for purchase of a lifting appliance** (section 33 of the Act).[[9]](#footnote-9)

*Purpose:* to support moving within a dwelling

*Means tested:* yes, cut-off income limit is over 5 times of living minimum for an adult person, currently ca 990 €/month. Property cut-off limit is over 39 833 €.

*Social insurance:* no

*Eligibility:* status of a person with severe disability (at least 50% of functional disorder); means and needs tested; no age limit; level of benefit is based on a price of the lifting appliance in combination with an income of a person with disability.

*Name:* **cash-benefit for purchase of a specially trained dog** (such dog is considered for compensation purpose as an aid)[[10]](#footnote-10)

*Purpose:* to support moving and orientation of persons with disabilities, mainly outdoors

*Means tested:* yes, cut-off income limit is over 5 times of living minimum for adult person, currently ca 990 €/month. Property cut-off limit is over 39 833 €.

*Social insurance:* no

*Eligibility:* status of a person with severe disability (at least 50% of functional disorder); means and needs tested; no age limit; level of benefit is based on an income of a person with disability.

### Personal assistance

Entitlements are regulated under Act No. 447/2008 Coll. on direct payments for compensation for the consequences of severe disabilities as amended (sections 22-23 of the Act)

*Name:* **cash-benefit for personal assistance**

*Purpose:* to encourage independence of a person with disability in his/her life and chances to make own choices and decisions corresponding to his/her age-based life role, with regard to family, job, education and leisure time

*Means tested:* yes, property cut-off limit is over 39 833 €. There is an income protection up to level of 4 times of living minimum of an adult person, currently ca 79.36 €/month. When the income of a person is higher, then the level of benefit is decreasing linearly.

*Social insurance:* no

*Eligibility: (1)* status of a person with severe disability (at least 50% of functional disorder); (2) means and needs tested; (3) the maximum amount for one person is 7,300 hours of personal assistance a year; (4) age limit: over 6 years and up to 65 years.[[11]](#footnote-11) Note: The benefit does not cover assistance related to job performance or education. In these cases, assistance can be provided within active labour market measures as job assistance (regulated in the Act No. 5/2004 Col. on Employment Services) or as teaching assistance for a pupil with a disability (regulated in the Act No. 245/2008 Col. on Education[[12]](#footnote-12)

### Other forms of service/Assistance

*Name:* **parental allowance** (regulated under Act No. 571/2009 Coll. on parental allowance as amended)[[13]](#footnote-13)

*Purpose:* to support provision of personal parental care for children with disabilities in special care needs

*Means tested:* no, provided within a pillar of social state support for families

*Social insurance:* no

*Eligibility:* unfavourable health conditions of a child aged over 3 up to max. 6 years, universal / the same amount of benefit for all beneficiaries 203.20 €/month

*Name:* **care allowance** (regulated under Act No. 447/2008 Coll. on direct payments for compensation for the consequences of severe disabilities as amended, sections 39-40 of the Act)[[14]](#footnote-14)

*Purpose:* to support provision of informal care for care dependent persons in the highest level of care needs,[[15]](#footnote-15) mainly by relatives.

*Means tested:* yes; full level of benefit currently ca 220 €/month by care for one person and ca 294 €/monthly by care for two or more persons; co-payment by a caretaker: protection of his/her income up to 1,4 times of living minimum (currently 277 €/month), when care-taker is an adult person, and up to 3-times of living minimum (currently 594 €/month), when care-taker is an age-dependent child. Over these limits level of benefit for caregiver is decreasing linearly. When caregiver is a pension benefit receiver a level of the care allowance is provided as a lump sum of 46,38 €/month.

*Social insurance:* no

*Eligibility: (1)* caretaker having status of a person with severe disability (at least 50% of functional disorder); (2) means and needs tested; (3) age limit over 6 years of a caretaker; (4) additional income from a job of a caregiver not higher than 2 times of living minimum (currently 396 €/month). There are the same entitlements: (a) in a situation when supported informal care is combined with professional care not exceeding 20 hours weekly; (b) another option in which the benefit will be provided is when caregiver takes time-off as a respite care (to have a rest of intensive care without a loss of entitlements) – the time-off is limited up to 30 days a year.

*Name:* **social services** (regulated under Act No. 448/2008 Coll. on social services as amended);[[16]](#footnote-16) namely: home care, day care centres, residential care of different types (e.g. senior homes, social services homes, specialised facilities, rehabilitation centres, supported housing)

*Purpose:* to support social inclusion of persons in different types of unfavourable social situation, including those situations caused by disability, higher age or unfavourable health conditions

*Means and property tested:* yes

*Social insurance:* no

*Eligibility: (1)* health and needs assessment – minimum care dependence level II., i. e. care dependence of a person for 2-4 hours daily; (2) age limit only depending on type and form of social service (e.g. new registered social service providers cannot provide residentially organised service for children aged up to 18 years in a permanent form), otherwise no age limit; (3) co-funding by users depending on their income in combination with a form of provided services;[[17]](#footnote-17) (4) there is a maintenance obligation of relatives.

*Name:* **cash-benefit for purchase and adaptation of personal vehicle** (regulated under Act No. 447/2008 Coll. on direct payments for compensation for the consequences of severe disabilities as amended (sections 34-35 of the Act)[[18]](#footnote-18)

*Purpose:* to support individual transport of persons with disabilities if they are not able to utilize public transport

*Means and property tested:* yes; cut–off limit is over 5 times of living minimum (currently ca 990 €/month). Property cut-off limit is over 39 833 €.

*Social insurance:* no

*Eligibility: (1)* status of a person with severe disability (at least 50% of functional disorder); (2) dependence on individual transport; (3) means and needs tested; (4) utilisation of the vehicle at least two times a week for transport to job, education or social service provider; (5) age limit up to 65 years; (6) maximum base-line price of a vehicle for calculation of the benefit is 13 277 €.

*Name:* **cash-benefit for transport** (regulated under Act No. 447/2008 Coll. on direct payments for compensation for the consequences of severe disabilities as amended, section 36 of the Act)[[19]](#footnote-19)

*Purpose:* to support individual transport of persons with disabilities if they are not able to utilize public transport

*Means and property tested:* yes; cut–off limit is over 5 times of living minimum (currently ca 990 €/month); property cut-off limit is over 39 833 €.

*Social insurance:* no

*Eligibility:* status of a person with severe disability (at least 50% of functional disorder); dependence on individual transport; means and needs tested; utilization of the vehicle for transport to job, education, leisure time, visiting families and friends (support of social inclusion); documenting of transport costs.

## Income protection

*Name:* **disability pension** (regulated by Act 461/2003 Coll. on Social insurance as amended,sections 70-73)[[20]](#footnote-20)

*Purpose:* to support financial situation of persons with reduced work capacity over 40% in comparison to general working population

*Means tested:* no

*Social insurance:*yes (pillar of an invalidity insurance); only persons who have fulfilled the required period of insurance. The required period of employment depends upon age, as follows: Up to 20 years, < 1 year; 20–24 years, minimum 1 year; 24-28 years, minimum 2 years; 28-34 years, minimum 5 years; 34-40 years, minimum 8 years; 40–45 years, minimum 10 years; over 45 years, minimum 15 years. Persons over the age of 45 years must have completed the employment period of at least 15 years prior to the occurrence of the disability. In the case of employment injuries or occupational diseases, and for persons disabled since childhood, no minimum period is required.

*Eligibility:* age limit over 18 years in combination with insurance period mentioned above; amount of disability pension depending on level of disability and insurance period. There are two disability levels: (1) between 41-70% of reduced work capacity (in older legal terminology “partial invalidity pension’) and (2) more than 70% (previously “full invalidity pension’); no limitation to have an income from job when receiving disability pension.

*Name*: **Assistance in material need** (regulated under the Act No. 417/2013 Coll. on Assistance in material need, as amended; link: <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2013/417/20160102>)

*Purpose:* to ensure certain income for people with no income by provision of a material need benefit, housing contribution /allowance and protective contribution/allowance)

*Means and property testing*: yes

*Social insurance*: no

*Eligibility*: persons with reduced work capacity by more than 70% who are not eligible for disability pension (because they did not fulfil the required period of insurance); persons providing an every-day personal care to a person with severe disability are exempted from the testing of possibility to contribute actively to raise their income by work. They are entitled for material need benefit, housing contribution/allowance. Within the system, a protective contribution/allowance may also be provided (for persons with reduced work capacity and for carers in amount of ca 63 € monthly). Persons in material need who live in supported homes or in social service homes are eligible for the housing contribution, too.

*Name*: **Unemployment benefit** (regulated under the Act No. 461/2003 Coll. on social insurance, as amended, sections 104-108; link: <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2003/461/20160102>)

*Purpose*: to provide substitution for a loss of income during unemployment period, to ensure maintenance of basic living conditions

*Means-testing*: no

*Social insurance*: yes (pillar of an unemployment insurance)

*Eligibility*: Persons with reduced work capacity by more than 70% who receive disability pension are not entitled to contribute to unemployment insurance, and consequently they are not eligible to receive unemployment benefit. Persons with reduced work capacity by more than 40 % and less than 70 % have to meet the same eligibility criteria for all unemployed persons, namely: (1) they have to register themselves as job-seekers at the offices of labour, social affairs and family, (2) they had paid unemployment insurance as employees, self-employed persons or voluntarily unemployed persons; (3) The length of the unemployment insurance has to be at least 730 days during three years prior to registration as a job-seeker (in this case, the benefit is received for 6 months). Persons who used to work on temporary contracts have to pay social insurance at least 730 days during four years prior to registration as job-seekers (the benefit is received for 4 months).

*Name*: Protection against a high co-payment for medicines (regulated by the Act No. 363/2011 Coll. on amount and conditions for co-payment for medicines, medical devices and dietetic foods on a basis of public health insurance, as amended, section 4; link: <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2011/363/20151101>)

*Purpose*: to protect eligible people (including persons with severe disabilities) from unreasonably high co-payments for necessary medicines

*Means-testing*: no

*Social insurance*: no (paid on a basis of compulsory health insurance)

*Eligibility*: persons with severe disabilities (severe disability card holders), disability pension receivers, old-age pensioners, all children up to 6 regardless of disability. If the patient’s co-payments for medicines are higher than the legally set up limit, the Health insurance agency returns the exceeding amount back to the patient quarterly. The co-payment limit for a disabled adult person is set up for 25 € monthly (if the patient spends for medicines more than this limit, the exceeding sum will be paid back to him/her); there is no limit for a disabled child up to 6 (in this case, no co-payment for medicines is expected).

## 2.3 Disability-related expenses

*Name:* **cash-benefit for disability–related increased costs** (provided under Act No. 447/2008 Coll. on direct payments for compensation for the consequences of severe disabilities as amended, section 38 of the Act; link: <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2008/447/20160102>)

*Purpose:* to compensate monthly disability - related increased costs related to costly diet regime, operation of personal vehicle, hygiene needs and deterioration of laundry, shoes or furniture and to care for specially trained dog

*Means and property tested:* yes, cut-off income limit over 3 times of living minimum of adult person (currently 594 €/month). Property cut-off limit is over 39 833 €.

*Social insurance:* no

*Eligibility:* means and needs tested; no age limit

## Housing costs

*Name:* **support within The State Fund for Housing Development** (regulated by the Act No. 150/2013 Coll. on State Fund for Housing Development as amended)[[21]](#footnote-21)

*Purpose:* to support persons with disability to acquire their own flat in family house or residential house by provision of a loan for housing

*Means tested:* yes

*Social insurance:*no

*Eligibility:* status of a disabled person according to the annex of the Act; no age limit; income has to be higher than monthly payment for loan + 1,3 times of living minimum for the applicant´ s household, but less than 4 times of living minimum for the applicant´s household

*Name:* **cash-benefit for adaptation of dwelling or garage** (regulated under Act No. 447/2008 Coll. on direct payments for compensation for the consequences of severe disabilities as amended, sections 37 of the Act)[[22]](#footnote-22)

*Purpose:* to ensure accessibility of a dwelling which is owned by a person with disability (flat or house) or in garage

*Means and property tested:* yes; cut–off limit is over 5 times of living minimum (currently ca 990 €/month); property cut-off limit is over 39 833 €.

*Social insurance:* no

*Eligibility:* status of a person with severe disability (at least 50% of functional disorder); need of adaptation; means tested; level of cash benefit as a combination of the income of a person and the price of adaptation; total amount of provided benefits in period of 7 years not exceeding sum 6 639 € (by adaptation of flat or house) and sum 1 660 € (by adaptation of garage).

*Name:* **housing contribution** (regulated under Act No. 417/2013 Coll. on assistance in material need as amended, section 14 of the Act)[[23]](#footnote-23)

*Purpose:* partially support reimbursement of housing costs for persons in material need both, in their own flat/house or in residential care.

*Means tested:* yes; in accordance with the main principles of material need assessment (a household is in a situation of material need when the income of its members is lower than living minimum, and they are not able to ensure or increase their income)

*Social insurance:* provided as a provision of social assistance pillar, non-contributory benefit

*Eligibility:* status of a household in material need according to the law (as described above), level of contribution is 55,80 €/monthly for single person households and 89,20 € for household with two or more members; possibility to receive benefit also in a case when a household is situated within residential care (e.g. in supported housing, seniors’ homes, social service homes).

## Retirement benefits

*Name:* **old-age/retirement pension** (regulated by Act 461/2003 Coll. on social insurance as amended,sections 65-66)[[24]](#footnote-24)

*Purpose:* to ensure income of persons (including persons with disabilities) in their retirement age

*Means tested:* no

*Social insurance:*yes (pillar of an old-age insurance)

*Eligibility:* Recipients of disability/invalidity pension are entitled to ask for retirement pension after achieving retirement age (generally 62 years). If the amount of a person’s retirement pension would be higher than the amount of disability/invalidity pension, the Social Insurance Agency will pay the higher amount; entitlements. At the same time, the amount of a retirement pension cannot be since Jully 2015 lower than minimum retirement pension (currently € 269,50).

## 2.6 Other social protection measures

*Name:* **Christmas contribution** (regulated by the Act No. 592/2006 Coll. On Christmas contribution for some groups of pension recipients, as amended)[[25]](#footnote-25)

*Purpose:* to support financial situation of persons with different types of pensions, including invalidity pensions, specifically at the end of a year

*Means tested:* yes - when pension reaches level of living minimum (198,09 €/monthly), Christmas contribution is in sum of 87 €; over this limit the amount of Christmas contribution is linearly decreasing

*Social insurance:*no (the benefit belongs to the pillar of state support)

*Eligibility:* provided to disability and retirement pension recipients whose pensions are lower than 60% of an average wage in Slovakia

*Name:* **Exception from motorway tolls** (regulated under Act No. 488/2013 Coll. On motorway stickers as amended)[[26]](#footnote-26)

*Purpose:* to support financial situation of persons with severe disabilities who are dependent on individual transport, as well as blind and practically blind persons

*Means tested:* no

*Social insurance:*no

*Eligibility:* any person with severe disability dependent on individual transport and a blind or practically blind person can obtain a parking card. The holder of the parking card is exempt from motorway tolls. The exemption is limited to a single vehicle with a specific license number.

*Name*: **Parking card** (regulated under Act No. 447/2008 Coll. on direct payments for compensation for the consequences of severe disabilities as amended, section 17 of the Act)[[27]](#footnote-27)

*Purpose:* to guarantee free and available parking for persons with disabilities at public places in which they need to stay

*Means-testing*: no

*Social insurance*: no

*Eligibility*: any person with severe disabilities relying on individual means of transport and a blind or practically blind person can obtain a parking card. The holder of the parking card is exempt from motorway tolls. The exemption is limited to a single vehicle with a specific license number.

*Name*: **Travel expense discounts**

*Purpose:* The State-run passenger railway transport operator and partially private railway operators have maintained uniform travel expense discounts for the disabled persons to date. However, the provision of discounts in cases of long-distance bus transport, commuter transport and urban public transport is not uniform and depends on the region, town and carrier.

*Means-testing*: no

*Social insurance*: no

*Eligibility*: to be a severe disability card holder

*Name*: **Protected income in payments for social services (**regulated under Act No. 448/2008 Coll. on social services as amended, sections 72-73)[[28]](#footnote-28)

*Purpose*: to protect income of social services recipients (including recipients with disabilities) against an inappropriately high payment for provided social service; to ensure to them certain living standard. For instance, the recipient of home care service must not have after his/her payment for the service the remaining income lower than 1,4 times of living minimum (ca 277 €). In a case of permanent residential care, his/her level of protected income is 25% of living minimum (ca 40 €). There are some social service provisions which are completely payment-free. A recipient does not pay at all for interpreting into sign language, early intervention for children with disabilities, social counselling, social rehabilitation, occupational therapy, preventative or few other services.

*Means-testing*: no (the measure is not related to direct provision of contributions, but income protection)

*Social insurance*: no

*Eligibility*: all recipients of social services

*Name*: **Exception from payment for Slovak TV and Radio (RTVS)** (regulated under the act No. 68/2008 Coll. on payment for RTVS services provided to public as amended)[[29]](#footnote-29)

Purpose: to protect income of persons with disabilities and their families in relation to utilising of Radio and TV (RTVS) services

*Means Testing*: no

Social insurance: no

*Eligibility persons* with severe disabilities, as well as hospitals, and social service institutions

## Disability discrimination in social protection measures (including, in particular, social protection measures which are not disability specific)

Prohibition of discrimination is regulated by Act No. 365/2004 Coll. on Equal Treatment (the “Anti-discrimination Act”),[[30]](#footnote-30) which explicitly includes disability as a recognised ground of discrimination (§ 2, section 1). The act also states that discrimination due to disability shall also mean “the discrimination due to a previous health impediment or the discrimination of a person in the event that based on external signs of a person it would be possible to presume that the person has a disability”. Besides that, the act explicitly prohibits discrimination in social security: “Everyone is obliged to adhere to the principle of equal treatment in the field of employment and similar legal relations, social security, and healthcare, the provision of goods and services and education. … In conformity with the principle of equal treatment, the discrimination on grounds set out in § 2 section 1 shall be prohibited in social security, healthcare, provision of goods and services, and in education. The principle of equal treatment shall apply only with regards to the rights of persons laid down under separate laws regulating access to and provision of social assistance, social insurance, old age pensions, complementary old age pensions, state social security allowance and social benefits, ...” (§ 5 of the act).

# Case studies

General comment:

The majority of disability related social benefits (mainly from the system of compensation of consequences of severe disability) are not considered as automatic legal entitlements caused by one´s disability/severe disability. Rather, they are considered as a result of comprehensive assessment of one´s needs and means (+ property).

In all four case studies described below, some key information for such comprehensive assessment are missing. Therefore, our calculations made in the case studies have to be taken only as fictitious.

Some additional facts:

For analysis of entitlements for disability – related social benefits a median net wage has to be applied. The median wage was in third quarter of 2015 in Slovakia 599,33 €.[[31]](#footnote-31)

## Case study 1 - childhood

Eva is 10 years old. She lives at home with her parents and younger sister. One of her parents is working full-time on the median wage and the other is not in paid employment. They live in a rented house in the private sector. Eva has intellectual, physical and sensory impairments. She needs support and assistance to eat, dress and walk.

### Services, devices and assistance (including personal assistance and specialist technical devices)

1. *Devices (including assistive technologies)*

In a case when Eva is recognised under the law as a person with severe disability, and she is assessed as being dependent on some types of devices, she can be provided by:

* Cash benefit to purchase, train or repair devices (e.g. laptop/computer, special computer programs, light indicator, colour indicator, watches for a blind person, reading magnifier)
* Cash benefit for lifting appliance (to make her moving in her flat easier)

When we calculate ca 600 € of the working parent + ca 300 € of unemployment benefit of the non-working parent, total recoverable income of a household is ca 900 € monthly. Consequently, the income for each member of a household is ca 225 € (900 €: 4 persons=225 €). In this case, there is no financial limitation for Eva to be provided with social benefits from the system of compensation. However, there are always certain co-payments for the devices set out in the act. It may be a serious problem for this family to afford these co-payments. Example: when a price of a device is up to 330 € and person´s income is up to 2 times of living minimum (ca 400 €/month) then co-payment reaches 10% of the price of the device - 33 €. Another example: by the price of a device up to 1660 € and person´s income up to 2 times of living minimum, co-payment reaches 5% of the price of the device – 83 €. But when a person has an income up to 5 times of living minimum (ca 1000 €/month), the co-payment for the same device (which costs 1660 €) reaches 35% of this price – 581 € (annex 10 of the act No. 447/2008 Coll.).[[32]](#footnote-32)

1. *Personal assistance*

She can be granted certain amount of hours for personal assistance provided that any relative does not apply for care allowance to care for Eva permanently. We can estimate ca 5-6 hours of personal assistance per day (help by eating, dressing, hygiene, walking, transport, accompanying)[[33]](#footnote-33)

1. *Other forms of service/Assistance*

In a case when the personal assistance is not a decision of Eva´s family, there is another option. One parent can apply for care allowance to help Eva by her activities of daily living (hereinafter ADLs).

If Eva attends a school she would be eligible for contribution to purchase a personal vehicle and contribution for increased costs for operating a vehicle

### Income protection

As Eva is younger than 18, she is not entitled for disability/invalidity pension. But, if her parent who cares for her receives care allowance, he is insured for obligatory health insurance and social insurance by state. Moreover, the protective limit for co-payment for medicines is applied.

### Disability-related expenses

As mentioned above, Eva would be eligible for contribution for operation of a vehicle, also for increased costs for hygiene needs and deterioration of laundry, shoes or furniture on grounds of consequences of her disability

### Housing

As Eva has physical and sensory impairment, she can be provided by contribution to adapt her flat (e.g. reconstruction of bathroom)

### Poverty line

By the described composition of the household the poverty line represents sum 517,12 €/monthly (under the Act No. 601/2003 Coll. on living minimum as amended), whereas their estimated income is ca 900 €. Under the law the household is not recognised as a household in material need, no social benefits related to material need situation can be provided. Disability related cash benefits (e. g. for personal assistance, or for purchasing a device) are not taken into account in terms of poverty, and Eva does not receive disability pension due to her low age. So household in which Eva lives is over the poverty line even without a disability pension, for which she has not been eligible yet anyway.

### Additional comments about the social protection of disabled children

In Slovakia, it is not rare that in families having a child with severe disability, one of parents is not in a paid job (partially also due to lack of available services). Despite the possibility to apply for care allowance, it is extremely difficult for these families to pay for living costs from only one full income. It is even more difficult to afford co-payments, or pay e. g. for specialist rehabilitation services. The households of single parents with a child with disabilities are even in higher risk, and they will certainly find themselves just slightly above the poverty line.

On the other hand, in a situation, when an age-dependent child is a person with disability (with long-term unfavourable health conditions), there are available some additional social protection provisions. They are related not directly to a child rather to his/her parent if they receive care allowance, namely:

* income protection for care allowance entitlement is higher in a case of disabled child, in comparison to a disabled adult person (as mentioned in section 2.1.3),
* non-working care allowance recipients caring for a disabled child are not entitled for a tax bonus. As a compensation they can receive a contribution to child allowance (under the Act No. 600/2003 Coll. on child allowance as amended, section 7a).

## Case study 2 - adulthood (in work)

Sam is 35 years old. He is married and lives with his spouse. They are both working and each of them earns half the median wage. They are buying their own home with a loan from the bank. Sam uses a wheelchair for mobility.

### Services, devices and assistance (including personal assistance and specialist technical devices)

Sam´s household income is ca 900-950 €/monthly (income from two jobs + his disability pension). For social protection purpose Sam´s income is calculated in amount of ca 450-475 € monthly. There are no financial limitations for him to be provided with disability related social benefits.

1. Devices (including assistive technologies)

As Sam is wheelchair user, he could apply for the cash benefit for second mechanical/electric wheelchair; if he has also impaired upper limbs, specially adapted chair, dishwasher, electric slicer, special kitchenware or mixer may be provided.

Cash benefit for lifting appliance to help with moving in his flat

1. Personal assistance

Sam would be eligible for approx. 8-10 hours of personal assistance per day,[[34]](#footnote-34) not only for ADL/IADL. Amount is increased for situations of acute illnesses or holiday times.

1. Job assistance

Sam is entitled to receive job assistance according to his needs related to job performance a time spending at job place. Job assistance is independent of the personal assistance and it is not means tested. Employer can receive state contribution to cover job assistance related costs (Art. 59 of the Act No. 5/2004 Coll. on employment services, as amended).[[35]](#footnote-35)

1. Other forms of service/Assistance

Direct payment to purchase a personal vehicle and direct payment for increased costs for operation of a vehicle, may be provided, as Sam is employed.

### Income protection

Sam can receive disability/invalidity pension. The amount of the pension depends on level of reduced work capacity. According to the Annex 4 of the Act No. 461/2003 Coll. on social insurance as amended in a case of severe paresis a decrease of work capacity is ca 75% what means level of “full” disability pension. Moreover, the protective limit for co-financing medicines is applied. And Christmas contribution can be provided.

### Disability-related expenses

Sam would be eligible for contribution for increased costs related to operation of a vehicle, even so for increased costs for hygiene needs and deterioration of laundry, shoes or furniture

### Housing

As Sam is severely physically impaired, he can be provided by direct payment to adapt his flat (e.g. reconstruction of bathroom, kitchen furniture, widening a door space, when needed)

### Poverty Line

By the described composition of the household the poverty line represents sum 336,28 €/monthly (for him and his spouse). Under the law the household is not recognised as a household in material need (income is ca 900 €), no social benefits related to material need situation can be provided. Disability related cash benefits are not taken into account in terms of poverty, and Sam’s household would be above the poverty line even without his disability pension (ca 900 € of total household income – ca 350 € of disability pension = 550 €, which is still more than 336,28 € representing poverty line for this household).

### Additional comments (working age adults)

In Sam´s case there is no benefit – trap effect. But, in a case of single households or household with only two adult persons who have fully paid jobs with around average national wage (+ disability pension/s), the benefit trap effect works very often. For this reason, adult persons with disabilities are very often demotivated to work full-time due to a loss of disability-related benefits´ entitlements, mainly regular cash benefit for increased costs or for personal assistance.

Situation of small and low income households, where persons with disabilities live, may be risky or problematic due to a co-payment mechanism for necessary devices or adaptations which persons with disabilities need. Apart from that, the low-income households may have a problem to receive commercial loans from bank institutions for housing – it is unlikely that with this estimated income, Sam and his spouse would have a loan.

## Working age adulthood (not in work)

Betti is 45 years old and lives alone. She has severe depression and chronic fatigue syndrome. She left her job three months ago because of the time off she needed because of her health. She does not feel well enough to look for other work.

### Services, devices and assistance (including personal assistance and specialist technical devices)

1. Devices (including assistive technologies)

Betti can be recognised by the law as a person with severe disability, in accordance with the Act No. 447/2008 Coll. and its Annex2 the severe levels of affective depressive impairments are calculated on level of 60% of functional disorder.

However, in this case, it is questionable what kind of special devices Betti might need (since these are more related to physical or sensory impairments), and so there is probability that no cash benefits for special devices or assistive technologies would be provided.

1. Personal assistance

If Betti is recognised under the law as a person with severe disability, ca 2-3 hours[[36]](#footnote-36) for personal assistance can be provided, mainly for supervision or accompanying during a day.

1. Other forms of service/Assistance

Betti can be offered some counselling in crisis living situation provided by Office of Labour, Social Affairs and Family.

### Income protection

As she is non-working only for 3 months, she is either provided by sickness benefit (in a case when Betti stays in her status of the employee) or by unemployment benefit (in a case she definitely left her job). There is no entitlement for disability /invalidity pension. When the unfavourable health situation takes longer an application for disability pension can be administered at the Social insurance agency (such applications are administered when sickness benefit receipt takes for 12 months).

Protective limit for co-financing medicines is applied.

### Disability-related expenses

Due to reasons mentioned in section 3.3.1a) no other disability related benefits can be provided.

### Housing

Due to reasons mentioned in section 3.3.1a) no other disability related benefits can be provided.

### Poverty line

Betti´s poverty line is 198,09 € monthly. As she is probably sickness benefit recipient, in a case the amount of sickness benefit is below poverty line, she can be provided by benefits related to material need situation (e.g. social benefit in material need, protective contribution). Disability related cash benefits are not taken into account in terms of poverty.

### Additional comments (adults not in work for disability-related reasons)

Support of social situation of persons with mental disorder is undervalued in the Slovak social protection legislation. Yet, mental disorders are now the second most often cause of “invalidisation” (reduced work capacity) of persons in working age.[[37]](#footnote-37) These persons have a very complicated situation at open labour market and after determination of the diagnosis they usually leave their paid job (fully or partially). Especially demanding is a phase from sickness benefits to disability/invalidity pension entitlements which can take more than a year. Moreover, they are not entitled for most compensation-based cash benefits, as they do not have manifested impairments in mobility or self-serving fields. Possible assistance is focused to support their communication with people, keeping them in social contacts or accompanying.

## Case study 4 – older age

Jon is 75 years old. He lives alone. He is retired after working his whole career as a teacher. He owns his own apartment. Recently he became totally blind.

### Services, devices and assistance (including personal assistance and specialist technical devices)

1. Devices (including assistive technologies)

Under the act No. 447/2008 Coll. on cash benefits for compensation)[[38]](#footnote-38) Jon can be recognised as a person with severe disability with a level of functional impairment reaching 80-90%. Some cash benefit for purchasing, training or repairing device may be provided, e.g. light indicator, colour indicator, watches for a blind person, reading magnifier, speech kitchen scale and specially trained dog.

1. Personal assistance

If Jon has not been personal assistance recipient before 65, he is not entitled for this form of social assistance now.

1. Other forms of service/Assistance

In a case, he is recognised as care dependent person at level V.-VI. (more than 8 hours of care daily), somebody from his family or friends can apply for care allowance. Another option is to provide him with home care service (from municipality) in an amount he needs. However, he will have to pay for this service according to the rules mentioned in section 2 (parts 2.1.3 and 2.6).

### Income protection

In a case he is a home care service recipient his income is protected up to 1,4 times of living minimum, i. e. his income cannot be lower than this when he pays for the service. Moreover, the protective limit for co-payment for medicines is applied. And Christmas contribution can be provided. It is also to be noted here that Jon would not become a recipient of disability pension, since he receives old-age pension.

### Disability-related expenses

Possibly, the cash benefit for hygiene needs and deterioration of laundry, shoes or furniture and for care about specially trained dog (if he has a special trained dog) can be provided.

### Housing

As Jon is completely blind, he can be assessed for some flat adaptation, e.g. montage of a signalising appliance

### Poverty line

Jon´s poverty line is 198,09 € monthly. By his income, which is at least at the level of minimum retirement pension (269,50 EUR) no material need´s benefit can be provided.

### Retirement

Jon is an old age/retirement pension recipient. We assume amount of his retirement pension is ca 400 €/monthly.[[39]](#footnote-39)

### Additional comments (older people)

Older persons do not belong in Slovakia to such groups which are in higher risk of poverty in comparison to general population. There is rather opposite situation, when poverty risk among older population (65+) is below the younger one (16-64) (9%: 17,5%), even so prevalence of poverty risk among older disabled population is below the younger disabled one (15,1%: 27,1%).[[40]](#footnote-40) On the other hand, there is a very demanding bulk of financial burden for older persons with unfavourable health conditions and for their families in area or health – related costs. Although they are protected against over limited medicines´ co-payments, a significant part of their health care is paid out of their pockets, or from means of their families (e.g. vitamins, cosmetic means to care about a fragile skin).

# PART B: CRITIQUE AND EVALUATION

General comment:

This part of the report has been based mainly on the following sources:

* *Alternative Report of Non-governmental and Disability Persons Organisations on Implementation of the UN CRPD in Slovakia* (July 2015).[[41]](#footnote-41)
* Reports prepared within the project “*Podpora spolupráce MNO pri účasti na implementácii a monitoringu uplatňovania Dohovoru OSN o právach osôb so zdravotným postihnutím” (Support of the involvement of the NGOs in the process of implementation and monitoring of the UNCRPD)*, which was coordinated by the Slovak Disability Council as an umbrella DPO in 2015. Within the project, 4 round-tables were organised, in which the representatives of the DPOs discussed the current state of the UNCRPD implementation in Slovakia in several selected themes. In December 2015, the final conference of the project took place, and the final report, including proposal of measures, was prepared. The report has not been publicly available yet. Three reports from the project which we took into consideration are as follows:
* Měchura, M.: “*Dohovor OSN o právach osôb so zdravotným postihnutím: Stručné zhodnotenie súčasného stavu, návrh opatrení a námety na riešenia*.” (*UNCRPD: Evaluation of the current state, proposals and recommendations*.”) Report from the final conference of the project, December 2015.
* Kobol, T.: “*Nezávislý spôsob života, deinštitucionalizácia sociálnych služieb, kompenzačné príspevky*.” (*Independent living, deinstitutionalisation of social services, compensation polic*y).
* Měchura, M.: “*Sociálna ochrana a životná úroveň, opatrovanie blízkej osoby a opatrovateľská služba*” (*Social protection and standard of living, care allowance, and home care service)*.

# Critique and evaluation of specific benefits/schemes

## Services, devices and assistance

1. **Devices (including assistive technologies)**

In general, the most critical issue related to the affordability of the assistive devices is a low level of the income over which no cash benefit to purchase or repair a device will be provided. In particular, cash benefit to purchase a device are paid only in a case where the income of a person with severe disability is not over ca 950 € (corresponding to the 5 times living minimum). Otherwise, the highest contributions can be provided when the income of a person is not more than 2 times of living minimum, however, some small co-payments are still required. Above this level of income (equal to 2 times of living minimum), the cash payments are continuously decreasing up to the income of 5 times of living minimum, by which a person is not eligible to receive any contribution, as already mentioned. This is especially disadvantageous for single person households if a person has a paid job. For example, when a single person receives full disability pension (ca 350 €), and has a minimum wage (405 €), his / her total income (755 €) is just slightly below the level of 4 times of living minimum, and he/she would obtain lower contributions than a person who is not employed. If this employed person earns average wage (ca 880 €), then his / her income (ca 1200 €) is higher than 5 times of living minimum (950 €), and he / she is not eligible to receive any cash benefit to purchase or repair a device at all. On the other hand, when the same person who earns average wage has an age dependent child, then his / her income on purpose of cash payment is 1200 €/2 =

€ 600 which is far below a 5 times of living minimum and he / she is eligible to obtain contributions. For this reason, the current mechanism of income assessment and subsequent reduction can also be a disincentive to searching for a job.

Besides that, the Alternative Report (2015, p. 14) identifies following critical issues related to purchase of devices for persons with disabilities from public health insurance system:

“Another problem is the amount of co-payments for more complex aids such as electric or mechanical wheelchairs, often, paid on the basis of public health insurance. In addition to the excessive co-payments, the system of payments is also problematic. Wheelchairs in standard configuration are usually reimbursed fully or with a minimal co-payment. The costs of individual adjustments required due to very severe disabilities (electric positioning of backrest, seat tilt, footrest, or special backrests for major spinal deformities, etc.) are not paid from public health insurance and therefore these groups of people do not have access to high-quality aids. Another obstacle in the provision of high quality aids is the arbitrary criteria. Its application means that it isn’t possible to provide an electric wheelchair with an adjustable bed at the same time. It therefore means that an insured person must choose whether he or she will move comfortably or will rather spend his or her night without assistance of another person.”

1. **Personal assistance**

In general, personal assistance in Slovakia is a very popular and in some way generous scheme to support independent living of persons with disabilities. One of the reasons is that it also compensates for almost non-existing community based services. As an example, in 2014, there were 8 956 recipients of the cash benefit for personal assistance. Monthly average allowance for each of them was 386,51 €[[42]](#footnote-42) (30 € more than the average disability pension). It means that each recipient has been provided in average with 140 hours of personal assistance a month. However, there are several criticised issues in relation to the scheme, as follows:

*First*, there is the issue of availability of personal assistance. In cases where individuals require support for more hours of personal assistance during the day, it is difficult to find people willing to provide personal assistance especially in rural areas. This “unwillingness” is partially related to the low remuneration for personal assistance (2.76 €/hour). So even when the average costs of personal assistance per one person with disability are higher than the average disability pension (as already mentioned), this is due to huge number of hours of personal assistance. The remuneration per one hour as such is often not enough attractive.

*Second*, similarly to cash benefits to purchase or repair a device, there are set out income limits by which cash benefit for personal assistance are reduced. In particular, contributions for personal assistance are paid in full only in a case where the income of a person with severe disability is lower than ca 792 € (corresponding to the 4 times of living minimum). In the consequence, income from employment already slightly above the minimum wage causes that person with disability fails in testing, and his / her contribution is cut down and he or she is obliged to pay part of costs of personal assistance. In some cases, even whole costs.

*“Third*, there is an issue of accessibility for persons older than 65. Cash benefit is provided to elderly people only in cases where he or she has received this cash benefit before turning 65. If a person with severe disability happens to be disabled after he or she is over 65, there is thus no entitlement to receive cash benefit for personal assistance. This situation constitutes discrimination against elderly people with disabilities.” (Alternative Report, 2015)

In short, it is disputable whether personal assistance shall be included in the pillar of social assistance which is means tested, or it shall be removed in the pillar of state support which is rather universally based.

1. **Other forms of service/Assistance**

Concerning the **parental allowance** (to support provision of personal parental care for children with disabilities up to six years of age), there were identified several positive developments:[[43]](#footnote-43)

1. since 2011, a parent receiving this allowance is also allowed to have an income at paid work, what supports reconciliation of care commitments and work;
2. the level of the allowance has been continuously increasing (in 2014 = 203,20 €; in 2016 = 280 €)

Provision of the **care allowance** has been criticised for several reasons. *Firstly,* despite the fact that the maximum sum of the allowance is quite low (111,32 % of living minimum, which is currently ca 220 € monthly), the average sum provided to its recipients is even lower due to a mechanism of means testing. In fact, in 2014, there were 58 992 care givers receiving the allowance in average equal to ca 147 €.[[44]](#footnote-44)

*Table: Care allowance in 2014 (in €)*

|  |  |
| --- | --- |
| Maximum care allowance | 220,52 |
| Average care allowance | 147,32 |
| Minimum wage | 352 |

*Source: authors (based on the above mentioned data)*

*Secondly*, the calculation mechanism of the care allowance is very complicated, dependent on number of persons to whom care-giver provides care, and means-tested on both sides – income of care-giver as well as the income of care-taker. For instance, if the disability pension of care-taker is higher than 1,4 times of living minimum (i. e. currently higher than ca 277 €), then the care-givers in productive age get less money compared to those who receive old-age pension. Otherwise for those care-givers in productive age, the higher is the income of care-taker above the 1,4 times of living minimum, the lower is the care allowance. On the other hand, care-giver who are old-age pension receivers are provided for their intensive care by the lump sum regardless of their old-age pension rates or the care-takers´ disability pension rates.

*Thirdly*, as stated in the report on social protection (Měchura, 2015), if the care giver’s income from the paid work is higher than 2 times of living minimum, the state will not pay the pension insurance[[45]](#footnote-45) for this person. Similarly, the state will stop paying pension insurance for a care giver after twelve years of receiving the care allowance. From a disability perspective, this may be especially disadvantageous for parents giving life-long care to their children with severe disabilities. For example, when a parent starts receiving the care allowance at the age of 6+ of his/her child, then he/she will not be paid pension insurance when a child becomes 18, although the care would be provided further on.

With regards to social services, in November 2011, Slovakia adopted *Strategy on Deinstitutionalisation*[[46]](#footnote-46) and *National* *Action Plan on Transformation of Residential Social Services*[[47]](#footnote-47)and in December 2014 *National priorities of development of social services in 2015 - 2020*. Even though these are very positive steps, the advancement in practice seems rather slow. The Alternative Report (2015) states: “There are several problems. *First*, transformation and deinstitutionalisation (hereinafter DI) concern only 10 institutions out of almost 800. *Second*, there are missing strategies at the level of local municipalities, which would recognise DI as a systemic aim, hence the DI process is quite limited. *Third*, even this limited transformation in scope has massive delays”.

Despite these problems, transformation, deinstitutionalisation and development of community-based services has been slowly continuing and gradually expanding into all regions (Alternative Report, 2015, p. 13). To support this process, the Government also allocated 214 912 750 € in the Regional Operation Fund for the period of 2014 - 2020.”[[48]](#footnote-48)

There was some critique concerning the cash benefit to purchase a motor vehicle which is a subject to fulfilment of conditions such as commuting to work, to school, or to get social services. These conditions logically exclude a number of persons with disabilities dependent on individual transport (Alternative Report, 2015).

## Income protection

On the one hand, it may be considered positive that in Slovakia the disability pension is not means-tested, i. e. it remains the same even when a person gets a job. On the other hand, in February 2015, only 31% of disability pension recipients were employed (including short-term employment).[[49]](#footnote-49) Therefore the income protection of non-working people whose main source of income is disability pension is especially relevant in terms of risk of poverty. Apart from that, as already mentioned, there are two levels of disability pension in Slovakia: (1) between 41-70% of reduced work capacities (average sum in 2015 = ca 198 €) and (2) more than 70% (average sum in 2015 ca 352 €).

Concerning the disability pension, following issues have been highlighted by the NGOs in the Alternative Report:

“The established, law-approved indexation mechanism of pensions already granted has been gradually changing since 2014. By 2014, pensions granted annually increased by percentage, determined as the sum of 50% of the annual growth of the average wage and 50% of the annual growth in consumer prices. Since 2014, the share of the annual growth of the average wage is reduced gradually until 2018 in the formula for calculating the percentage for the pension increase while the share of the annual growth in consumer prices is increased. Starting from 2018 in the indexation of pensions granted only the percentage of the annual growth in consumer prices for households of pensioners will be taken into account. Considering that, in the future the Slovak Republic is predicted to have a higher rate of the wage growth compared to growth in consumer prices, which is also confirmed by statistical data from the previous ten years. This change has already had and will have three basic consequences:

*i)* The difference in the standard of living between citizens with the income from a gainful activity and citizens with the income from pension benefits will increase. The difference in the standard of living becomes the greater the longer a person has been dependent only on pension benefits.

*ii)* Since in the newly granted pensions only the annual growth of the average wage is taken into account, disability pensions granted in later years will always be higher than disability pensions granted earlier, although their amount will be determined from a relatively identical level of income and about the same number of years of pension insurance.

*iii)* The at-risk-of-poverty threshold will increase faster than the growth in disability pensions granted, so many citizens who are dependent on them in the long term will find themselves with their income below the risk of poverty over time.” (Alternative Report, 2015, p. 27)

Other issues are illustrated in the following table.

*Table: Comparison of poverty line, average old-age pension and average disability pension (in €)*

|  |  |  |  |
| --- | --- | --- | --- |
| *Year* | *Poverty line* | *Old age pension*  | *Disability pension (above 70%)* |
| 2012 | 346 | 367 | 328 |
| 2013 | 337 | 381 | 339 |
| 2014 | 341 | 391 | 347 |
| 2015 | n/a | 401 | 352 |

*Source: Měchura, M. “Social protection”, 2015*

The data from the table confirm that the difference between average old age pension and average disability pension has been increasing. Besides that, the average disability pension is just slightly above poverty line, although in many cases, people receive smaller disability pension than the average one, i. e. they are below the poverty line. These people are not entitled to the minimum pension until they are at the age of 65, when they become entitled for an old-age pension. **This is especially relevant for people who acquired disability prior to 18 years of age. These people receive disability pension from the state budget, not from the social insurance, which is in average lower than minimum old age pension as well as average disability pension based on social insurance (calculated from the previous income of the insuree).**

***Table: Comparison of selected types of pension per month in September 2015 (in €)***

|  |  |
| --- | --- |
| **Minimum old-age pension** | **269,50** |
| **Average disability pension paid to people who acquired disability prior to the age of 18** | **260,91** |
| **Average full disability pension based on social insurance** | **352,90** |

***Source: Social Insurance Agency***[[50]](#footnote-50)

## Disability-related expenses

Cash benefit for disability–related increased costs is similarly to other cash benefits for severely disabled persons means tested. Therefore, the DPOs would prefer to include the compensation mechanism into the pillar of state support rather than social assistance.

## Housing costs

Cash benefit for adaptation of a dwelling or garage was in 2014 provided to 1577 persons with disabilities.[[51]](#footnote-51) Otherwise, there are no specific benefits to support affordability of housing for persons with disabilities, except from housing benefit, which is provided only to people in material need in accordance with the Act No. 417/2013 on assistance in material need. However, people with disabilities who receive disability pension higher than living minimum (or the income per each member of their household is higher than living minimum) do not fall in this category. On the other hand, people receiving partial disability pension and having no other income may belong there. Neither the alternative report nor the discussions of the DPOs within the above mentioned project paid special attention to the housing related difficulties in terms of affordability rather than accessibility.

## Retirement benefits

The disability pension of recipients will be by the retirement age (generally 62 years) transformed into a retirement pension. For those recipients of disability pension who have been employed (i. e. they have contributed to the pension insurance system) and meet the eligibility criteria for an old age pension (see section 2.5), the amount of their disability pension, and the old age pension to which they are entitled, will be compared. They are then entitled to receive that sum of these two which is higher. This higher sum becomes their old age pension, and they will no longer receive disability pension. Otherwise, since July 2015, there is also a minimum old age pension set out in the Act on Social Insurance (see section 2.5). If a person eligible for old age pension has a lower pension than the minimum, the sum will be made up by the Social Insurance Agency to this guaranteed minimum level. As shown in section 4.2, the average old-age pension is in general higher than the average disability pension, and the difference seems to be increasing.

## Disability discrimination and social protection measures (including, in particular, measures which are not disability specific)

In Slovakia, there has been no case law concerning specifically discrimination on grounds of disability in social protection. The only case of discrimination on grounds of disability[[52]](#footnote-52) decided by the Supreme Court of the Slovak Republic was related to the implementation of **Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation.**

**Nevertheless, there are several cases concerning misinterpretation of certain acts. For instance, in 2014 the Regional Court of Nitra was dealing with a question whether the home care service can also be provided to children with disabilities. Usually, this type of service is provided to elderly people, but the act on social services does not explicitly regulate eligibility in terms of age. The municipality rejected the request of parents of a disabled child for provision of home care service claiming that the service is not designed for children. However, the court ruled that children are equally eligible for such service since in accordance with the act, they have a right to choose the appropriate type of service.**[[53]](#footnote-53)

In some sense, it may be discriminatory that the Act No. 461/2003 Coll. On Social Insurance does not allow people with reduced work capacity by more than 70 % (i.e. those receiving full disability pension) who have a paid job to be insured against unemployment. While there is a duty of obligatory unemployment insurance for non-disabled employees, those people with disabilities cannot even be insured voluntarily.[[54]](#footnote-54) This has tremendous consequences on the income of people with disabilities when they lose their job, because they do not receive the unemployment benefit derived from their previous wage, but the disability pension only. In other words, whereas during employment, they received a wage + disability pension, during unemployment, they may only receive disability pension, which may be lower than the unemployment benefit derived from the wage.

Besides that, the DPOs recommend to include concept of multiple discrimination into the Act on Equal Treatment (Alternative report, 2015). On the other hand, since September 2015 the *Act No. 176/2015 Coll. on commissioner for children and commissioner for persons with disabilities* has come into legal force.[[55]](#footnote-55) The commissioners are independent bodies whose task will be to contribute to the advocacy of people with disabilities in contact with public bodies and in policy-making and monitoring.

# Critique and evaluation of overall situation and cumulative effect - standard of living

As already mentioned, it is not easy to estimate the average level of income of people with disabilities based on all kinds of available support. It depends on several important factors, such as whether the person has a job (and wage) or not; what level of disability he / she has (partial / full disability pension) and what kind of support is needed (e. g. how many hours of personal assistance can be refunded), etc.

As shown in Part 1, section 1, the situation concerning standard of living is worse in majority of aspects for households with disabled member compared to those with non-disabled members only. Nevertheless, unemployed people with disabilities who receive full disability pension seem to have higher income in comparison with long-term unemployed (non-disabled) people who rely on the scheme of assistance for material need (in Slovakia, this is in fact quite a large group of people including often marginalised Roma communities).[[56]](#footnote-56) At the same time, disability pension is often referring to a benefit trap for people with disabilities, since income from employment already slightly above the minimum wage causes that person with disability fails in testing on purpose of compensation cash benefits (purchase of a device, adaptation of dwelling, personal assistance, disability related expenses). In consequence, his or her benefits are cut down and he or she is obliged to pay part of costs of the aids.” For this reason, it is disputable whether compensation scheme shall remain in the pillar of social assistance, or it shall be removed into the pillar of state social support, which is not means-tested. This is especially important for single person households with an income from a paid job, who are likely to fail in testing easily.

# PART C

# Key points

## Examples of good practice

Following examples can be considered good not from the perspective of social protection of persons with disabilities as such, rather from perspective of particular social protection provisions for some groups of persons with disabilities.

**Good example1: Deinstitutionalisation in Slovakia - a chance to integrate social protection with a wider social inclusion perspectives within the disability policy**

In 2011 Slovakia adopted two very important documents in the field of deinstitutionalisation, namely “*The Strategy on deinstitutionalisation of social services system and foster care in Slovakia*”[[57]](#footnote-57) and “*The National Action Plan for the transition from institutional to community based care in system of social services for years 2012-2015*”.[[58]](#footnote-58)

Based on these documents the national project *“Support for deinstitutionalisation and transformation of social services system”*[[59]](#footnote-59) was implementedin period 2013-2015. That was based on a key human rights idea that persons with disabilities, even though being provided permanently with social services, should not be treated as “social cases”, outside of their usual community life. The goal of the project was to create completely new living conditions for persons with disabilities by changing approach of social practice from institutionally to the community based public services for them.

Totally seven residentially organised social service providers for persons with disabilities were participating within the project. They arranged changes in housing conditions for their clients (removing from institutions situated outside of usual communities into small houses situated directly within usual community settings) in combination with an effort to engage their participation in open labour market and paid job. The idea to interlink social services and employment services for persons with disabilities was in this case a completely new one in Slovakia.

From seven participating providers totally 12 clients got their paid job and 29 clients gained a status of registered job-seeker.[[60]](#footnote-60) Social services providers, their clients, labour offices, employers and municipal policy makers started to cooperate in the new way. This pilot-based practice will become a good practice for other service providers to enforce a national priority in the field of social services in Slovakia – “*to support transition of recipients of social services from institutional to community based care*” (priority No. 2.2 of the National priorities for improvement of social services for years 2015-2020).[[61]](#footnote-61)

**Good example 2: Financial support for assistive devices**

The financial support for assistive devices regulated under the Act No. 447/2008, as amended, helps a number of people with disabilities in different ages to overcome consequences of their functional impairments in various living areas (e.g. in their employment, education, family life, leisure time). Cash benefits are provided not only to purchase a necessary device (devices), including to obtain a special trained dog, but also to ensure repairing the devices or to train their utilisation. Mostly people with disabilities living in low income and larger households are entitled to engage their independence and social inclusion.

**Good example 3: Protection against unreasonably high co-payment for medicines**

This measure can be considered as a good example of income protection for some vulnerable groups (retired people, people with disabilities, parents of children up to the age of 6, including children with disabilities) in the field of health care. Under the Act No. 363/2011 Coll. on amount and conditions for co-payment for medicines, medical devices and dietetic foods on a basis of public health insurance the measure came into force in 2012. Originally it was means-tested. In November 2015 the no limit of medicine co-payments for all children up to the age of 6 (with and without disabilities) was included and means-testing was repealed.

## Concerns

It seems that the system of social protection of persons with disabilities in Slovakia shall be more diverse throughout many sectors, Not only sector of labour, social affairs and family. There are some special provisions provided under the sector of health care, education or transportation as mentioned in previous sections more deeply.

Nevertheless, a majority of disability – related financial support remains a part of social assistance pillar. Moreover, there is a quite large group of persons with disabilities who are not eligible for this support because of legally stated cut-off limits for entitlements (mainly working age people, people with full jobs, single households or households without age-dependent children).

## Recommendations

Based on the findings mentioned above a fundamental question may be raised: whether the system of disability related cash benefits should be a part of non-means-tested system of the state social support rather than a part of the means-tested system of social assistance (which is a current state). Provision of financial support not only for poorer or “middle-income” people with disabilities and their households may bring more interlinks between both aspects of integrative disability policy. One aspect is related to their financial or other protection, and another aspect is related to wider social inclusion of these people (also in the labour market). Such twofold coordinated lines in disability policy could bring more social justice for all social groups in Slovakia.

For this reason, our main recommendation is to tackle the benefit trap caused by means-testing.

1. Provided by the Statistical Office of the Slovak Republic. [↑](#footnote-ref-1)
2. <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2008/447/20160102>. [↑](#footnote-ref-2)
3. <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/1998/140/20110701>. [↑](#footnote-ref-3)
4. <http://www.health.gov.sk/Clanok?zkzp-201601>. [↑](#footnote-ref-4)
5. <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2008/447/20160102>. [↑](#footnote-ref-5)
6. <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2008/447/20160102>. [↑](#footnote-ref-6)
7. <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2003/601/20160102>. [↑](#footnote-ref-7)
8. <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2008/447/20160102>. [↑](#footnote-ref-8)
9. <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2008/447/20160102>. [↑](#footnote-ref-9)
10. <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2008/447/20160102>. [↑](#footnote-ref-10)
11. After 65 years of age, personal assistance can only be provided to persons who were entitled for it before reaching this age. [↑](#footnote-ref-11)
12. <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2008/245/2016010>. [↑](#footnote-ref-12)
13. <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2009/571/20140630>. [↑](#footnote-ref-13)
14. <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2008/447/20160102>. [↑](#footnote-ref-14)
15. Care dependency levels V.-VI. out of maximum VI. [↑](#footnote-ref-15)
16. <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2008/448/20151215>. [↑](#footnote-ref-16)
17. For instance, there is higher income protection of user of home-care service (up to 1,4 times of living minimum), in comparison to user of residentially provided service (25% of living minimum). [↑](#footnote-ref-17)
18. <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2008/447/20160102>. [↑](#footnote-ref-18)
19. <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2008/447/20160102>. [↑](#footnote-ref-19)
20. <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2003/461/20160102>. [↑](#footnote-ref-20)
21. <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2013/150/20160101>. [↑](#footnote-ref-21)
22. <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2008/447/20160102>. [↑](#footnote-ref-22)
23. <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2013/417/20160102>. [↑](#footnote-ref-23)
24. <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2003/461/20160102>. [↑](#footnote-ref-24)
25. <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2006/592/20160101>. [↑](#footnote-ref-25)
26. <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2013/488/20160101>. [↑](#footnote-ref-26)
27. <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2013/417/20160102>. [↑](#footnote-ref-27)
28. <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2008/448/20151215> [↑](#footnote-ref-28)
29. <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2008/68/20120901>. [↑](#footnote-ref-29)
30. Available at: <http://www.snslp.sk/CCMS/files/AntidiskriminacnyZakon_ENG-1.1.2015.pdf>. [↑](#footnote-ref-30)
31. Information about a net median wage is not publicly available in Slovakia. Trexima, the organisation responsible for monitoring of national wage developments, publishes only a level of gross median wage. This information was received on request addressed to this organisation. [↑](#footnote-ref-31)
32. <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2008/447/20160102>. [↑](#footnote-ref-32)
33. The amount was consulted with a representative of the Office for Labour, Social Affairs and Family in Bratislava. [↑](#footnote-ref-33)
34. The amount was consulted with a representative of the Office for Labour, Social Affairs and Family in Bratislava. [↑](#footnote-ref-34)
35. <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2004/5/20160102>. [↑](#footnote-ref-35)
36. The amount was consulted with a representative of the Office for Labour, Social Affairs and Family in Bratislava. [↑](#footnote-ref-36)
37. Source: Statistics on health reasons of disability/invalidity pensions accorded in 2010, 2011, 2012, 2013, 2014 Štatistika zdravotných príčin invalidných dôchodkov priznaných v roku 2010, 2011, 2012, 2013, 2014). Bratislava: Sociálna poisťovňa / Social Insurance Agency. [↑](#footnote-ref-37)
38. <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2008/447/20160102>. [↑](#footnote-ref-38)
39. Present average wage of teachers (specialist according branch system SK-ISCO 08) is 958 € gross wage/monthly (source: Informational system on work price/Informačný systém o cene práce. Bratislava: Trexima, 2015), what means ca 750 € net wage, retirement pension covers ca 45-50% of a previous wage. [↑](#footnote-ref-39)
40. Source: European Semester 2015/2016 country fiche on disability. Slovakia. [↑](#footnote-ref-40)
41. Available at: <http://dohovor.nrozp.sk/dohovor/dohovor-osn-a-alternativna-sprava.html>. [↑](#footnote-ref-41)
42. Správa o sociálnej situácii obyvateľstva za rok 2014 [Report on the Social Situation of the Population of Slovak Republic 2014]. Available at: [↑](#footnote-ref-42)
43. Developments identified at the final conference of the mentioned project in 2015. [↑](#footnote-ref-43)
44. Ibid. [↑](#footnote-ref-44)
45. Pension insurance is a part of social insurance system in Slovakia, and comprises disability pensions as well as old age pensions. So for instance, the qualifying condition for a person to be entitled to the old- age pension is 15 years of insurance by reaching the pensionable age. If the state did not pay pension insurance for care givers, they might miss these years, and consequently would not be eligible for an old age pension. Another option would be to be insured voluntarily, which is however not likely due to very low average care allowance. For more information, see: <http://www.socpoist.sk/social-insurance-system-in-slovakia/24533s>. [↑](#footnote-ref-45)
46. Available in Slovak at: <https://www.employment.gov.sk/files/legislativa/dokumenty-zoznamy-pod/strategia-deinstitucionalizacie-systemu-socialnych-sluzieb-nahradnej-starostlivosti-1.pdf>. [↑](#footnote-ref-46)
47. Available in Slovak at:

<https://www.employment.gov.sk/files/slovensky/rodina-socialna-pomoc/socialne-sluzby/nap_di.pdf>. [↑](#footnote-ref-47)
48. Integrated operational program 2014 - 2020, p. 86, available in Slovak at:

<http://www.mpsr.sk/index.php?navID=1036&navID2=1036&sID=67&id=9006>. [↑](#footnote-ref-48)
49. Available at: [http://www.socpoist.sk/aktuality-vo-februari-pracovalo-takmer-200-tisic-starobnych-a-invalidnych-dochodcov/48411s59863c](http://www.socpoist.sk/aktuality-vo-februari-pracovalo-takmer-200-tisic-starobnych-a-invalidnych-dochodcov/48411s59863c%20). [↑](#footnote-ref-49)
50. Source: <http://www.socpoist.sk/priemerna-vyska-vyplacanych-dochodkov--v-mesiacoch-/1600s>. [↑](#footnote-ref-50)
51. Report on the Social Situation of the Population of Slovak Republic 2014. [↑](#footnote-ref-51)
52. Available at: <http://www.judikaty.info/najvyssi-sud-sr-jaspi/diskriminacia-z-dovodu-zdravotneho-postihnutia/>. [↑](#footnote-ref-52)
53. More info at: <http://www.nrozp-mosty.sk/zo-zivota-organizacii-7-2015.html>. [↑](#footnote-ref-53)
54. Consultation at the helpdesk of the Social Insurance Agency, 3rd February 2016. [↑](#footnote-ref-54)
55. Available at: <http://www.zakonypreludi.sk/zz/2015-176>. [↑](#footnote-ref-55)
56. Statistics on number of recipients is available at: <http://www.upsvar.sk/statistiky/socialne-veci-statistiky.html?page_id=10826>. [↑](#footnote-ref-56)
57. Available at: <https://www.employment.gov.sk/files/legislativa/dokumenty-zoznamy-pod/strategia-deinstitucionalizacie-systemu-socialnych-sluzieb-nahradnej-starostlivosti-1.pdf>. [↑](#footnote-ref-57)
58. Available at: <https://www.employment.gov.sk/files/legislativa/dokumenty-zoznamy-pod/narodny-plan-deinstitucionalizacie_en.pdf>. [↑](#footnote-ref-58)
59. Available at: <https://www.socialnaspolocnost.sk/narodny-projekt-podpora-procesu-deinstitucionalizacie-a-transformacie-systemu-socialnych-sluzieb/>. [↑](#footnote-ref-59)
60. Data are not publicly available yet, they were received on a special request. [↑](#footnote-ref-60)
61. Available at: <https://www.employment.gov.sk/files/slovensky/rodina-socialna-pomoc/socialne-sluzby/nprss-2015-2020.pdf>. [↑](#footnote-ref-61)