



Slovak Republic

Country Reports on Human Rights Practices - [2002](#)

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The Slovak Republic became an independent state in 1993, following the dissolution of Czechoslovakia. The Constitution provides for a multiparty parliamentary democracy, with power shared between a popularly elected President and the 150-member Parliament. Rudolph Schuster was elected for a five-year term in the first direct presidential elections in May 1999. In the fall, a reform-oriented government, led by Prime Minister Mikulas Dzurinda, was reelected after parliamentary elections. Both elections were declared free and fair by the Organization for Security and Cooperation in Europe (OSCE). The Constitution provides for an independent judiciary, and several amendments to strengthen the status of the courts were implemented during the year; however, corruption and inefficiency within the judiciary were serious problems.

The national police had sole responsibility for internal and border security. With the exception of the Slovak Information Service (SIS), which reported directly to the Prime Minister, all security forces were under the Ministry of the Interior. A parliamentary commission composed of legislators from ruling and opposition parties oversaw the SIS. Civilian authorities maintained effective control of the security forces. Some members of the police and SIS forces committed human rights abuses, although the performance of the security forces, particularly the police, continued to improve during the year. Some members of the police were investigated for committing past human rights abuses, particularly against the Roma minority.

The country's population was approximately 5.4 million. The economy was a mixture of heavy industry, with a long tradition in steel and iron production, manufacturing, processing of raw materials, and agricultural commodities. Industry and the banking sector have been largely privatized. In the first half of the year, the private sector generated approximately 88.2 percent of the GDP. Real annual economic growth was 3.9 percent during the same period, and inflation was at an all-time low in July, falling to 2 percent. The unemployment rate was approximately 18.5 percent nationwide, but it approached 30 percent in some regions, and was virtually 95 percent in most Roma settlements. The nominal average monthly wage was \$368. The country provided citizens with unemployment benefits of approximately 90 percent of the average wage.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Police officers allegedly on occasion beat and abused persons, particularly Roma. A few politicians used discriminatory language against minorities election campaigns during the year. Skinhead attacks on Roma and other minorities continued. The number of prosecutions of racially motivated crimes increased during the year, but some NGOs alleged that a number of hate crimes were not thoroughly investigated and the perpetrators were not punished. Ethnic minorities, particularly Roma, faced considerable societal discrimination. Domestic violence against women and children remained a problem. Trafficking in women also remained a problem, particularly among Roma. Reform of the country's political and economic structure led to an invitation in December to join the European Union (EU) in May 2004. The Slovak Republic was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting of in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

Seven police officers, who were charged with torture and inhuman and degrading treatment in the 2001 death of a Rom, Karol Sendrei, were dismissed from the police force. Investigation of the case was completed in September; however, the four defendants remaining in detention applied for release and their request was pending at year's end, further delaying the beginning of the trial. The investigation into the alleged involvement of the Mayor of Magnezitovce in this incident was reopened after a judgment from the Supreme Court, although on a lesser charge of bodily harm.

Newly appointed Interior Minister Vladimir Palko continued many reforms of the previous Interior Minister, particularly in the areas of abuse of power and anticorruption. However, further reform is needed at the municipal police level, where the majority of the abuse occurred.

The police officer who shot and killed a 21-year-old Rom during an interrogation in 1999 was found guilty of not securing his weapon and suspended for 1 year. The complaint filed by the European Roma Rights Center remained pending before the European Court of Human Rights (ECHR) at year's end.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices; however, on occasion both national and municipal police allegedly beat suspects in custody, primarily Roma. Many reports of police misconduct pointed to local police forces. In 2001 the U.N. Committee Against Torture (CAT) expressed concern for inadequate police investigation concerning violence against Roma citizens and excessive force used by police officers.

Police reportedly used pressure and threats to discourage Roma from pressing charges of police brutality (see Section 1.e.). Credible sources stated that at times police contributed to the problem of violence against Roma by not thoroughly investigating attacks against them in a timely and thorough manner, or by coercing Roma not to submit potentially incriminating evidence (see Sections 1.e. and 5.).

Skinhead attacks against Roma and other minorities occurred during the year. There were reports that police were not actively and effectively investigating skinhead attacks. However, the new Police Center for Monitoring Extremist Activities organized several raids on suspected meeting places of extremist groups and cooperated on fact finding investigations with NGOs during the year. The police also created a methodology for investigating racially motivated crimes and produced information pamphlets and cards to identify neo-Nazi symbols and clothing.

In July Ivan Lexa was extradited from South Africa to face eleven criminal charges in the country. The prosecutor filed an appeal to the Supreme Court to also allow prosecution for the abduction case of the son of former president, Michal Kovac. However, the amnesty granted by Former Prime Minister Meciar was upheld by the court during the year; he remained in custody on other charges at year's end.

Prison conditions generally met international standards. Men and women were held separately, as were juveniles from adults, and pretrial detainees from convicted criminals.

The Government permitted visits by independent human rights observers. The Slovak Helsinki Committee was still attempting to obtain government approval to observe prison conditions at year's end.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

A person accused or suspected of a crime must be given a hearing within 48 hours (or a maximum of 72 hours in serious cases) and either be released or remanded by the court. During this time, the detainee has the right to an attorney. If remanded by a court, the accused is entitled to an additional hearing within 48 hours, at which time the judge either releases the accused or issues a substantive written order placing the accused in custody.

Investigative detention may last 18 to 40 days, with further pretrial detention permitted. The total length of pretrial detention may be extended every 6 months for up to 3 years. If the Supreme Court determines that the person

constitutes a serious danger to society, the period of detention may be extended up to 5 years. However, there were a number of instances during the year when criminals were released from detention allegedly due to the influence of organized crime elements, personal connections, or bribery of judiciary officials. In September the Minister of Justice Carnogursky threatened to recall a district judge who missed a deadline resulting in the release of seven suspected members of an organized crime syndicate charged with murder. In another incident, investigators threatened to charge three Supreme Court Justices with a complaint after they reversed the decision of a lower court, releasing Ivan Lexa, former head of the SIS, from pretrial custody after his extradition from South Africa to face eleven charges, including abuse of power and complicity in kidnapping. Lexa was taken back into custody in December, when he was charged with ordering the 1996 murder of Robert Remias (see Section 1.c.).

The law allows family visits and provides for a court paid attorney if one is needed. There was a bail system. Detainees have the right to see an attorney immediately and must be notified of this right; however, one NGO reported that in practice, not all detainees were notified of their rights.

Noncitizens may be held for up to 6 months for identification purposes, but most applied for asylum and were released. NGOs contracted by the UNHCR periodically monitored the detention facilities and offered legal counsel. While asylum applications were pending, detainees were transferred to a refugee reception center and were held for 30 days in quarantine. Applicants for asylum were then transferred to a refugee center. Noncitizen children in detention facilities and reception centers were not offered access to education, but access to physicians was provided.

The law allows monthly family visits upon request, and receipt by detainees of a package of up to 10 pounds every 2 weeks. Attorney visits were allowed as frequently as necessary, and consular visits were allowed upon request by a judge.

The Constitution prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial

The Constitution provides for courts that are independent, impartial, and separate from the other branches of government; however, there were reports of problems with corruption and inefficiency in the judiciary. In the past, critics alleged that the independence of the judiciary was undermined by its dependence on the Ministry of Justice for logistical and administrative support. In March amendments to the Constitution formally recognized the relationship between the Ministry of Justice and the Judicial Council, an independent organization of lawyers and judges. This council provided recommendations to the Ministry on issues pertaining to budgets, schedules, appointments, and judicial evaluations; however, it was not convened until September, when funds were made available. Another amendment abolished the 4-year probationary period for judges and they are now appointed for life. The controversial Supreme Court President Stefan Harabin was reelected in December, despite allegations that he granted unbalanced year-end bonuses to influence votes. However, his formal appointment was delayed when his opponent took legal action, claiming that voting procedures violated his rights. Harabin allegedly broke an unwritten rule by casting a vote for himself. Many activists credibly alleged that some judges were corrupt. Public perception of corruption and inefficiency in the judiciary remained at a very high level. According to a recent World Bank report, 25 percent of households involved in court procedures admitted to paying a bribe to an official of the judiciary.

The court system consists of 55 district courts and 8 regional courts, with the Supreme Court as the highest court of appeals. There is a separate Constitutional Court with no ties to the Ministry of Justice that considers constitutional issues. In addition there is a separate military court system; its decisions may be appealed to the Supreme Court and the Constitutional Court. Under the Constitution, the President appoints Constitutional Court judges to 12-year terms based upon parliamentary nominations; the number of Justices recently increased to 13.

Under the law, persons charged with criminal offenses are entitled to fair and open public trials, although in practice observers stated that corruption among judges could infringe on a persons right to a fair trial. Individuals have the right to be informed of the charges against them and of their legal rights, to retain and consult with counsel sufficiently in advance to prepare a defense, and to confront witnesses. Defendants enjoy a presumption of innocence. Defendants also have the right to refuse to incriminate themselves, and they may appeal any judgment against them. According to existing legislation, suspects are also presumed innocent during the appeal process, and if that process lasts more than 3 years, the suspect must be released. Occasionally criminals were released from prison because they did not have a complete trial within the 3-year time limit. Lengthy pretrial detention remained a problem.

Human rights observers continued to charge that police investigators were reluctant to take the testimony of witnesses, particularly Roma, regarding skinhead attacks on Roma. They also contended that on occasion, police failed to investigate cases of skinhead violence when the skinheads did not admit to the crime (see Sections 1.c. and 5). Some NGOs reported that the police operated under severe constraints, including insufficient resources and a lack of modern equipment. In addition, only evidence collected by the investigator during the 48-hour detention period can be considered in the decision whether or not to hold the suspect. However, human rights observers also reported that in practice, police used countercharges or threats of countercharges to pressure Roma victims of police brutality to drop their complaints. They also reported that in practice medical doctors and investigators cooperated with police by refusing to describe accurately the injuries involved, and that lawyers often were reluctant to represent Roma in such situations for fear that it would have a negative effect on their law practices.

Credible sources stated that it was increasingly difficult for indigent citizens and marginalized groups, such as minorities and persons with disabilities, to obtain noncriminal legal representation, making it more difficult for some who believed their rights were violated to take legal action. In 2001 the Ministry of Justice initiated a program in which free legal advice was offered in seven cities every Wednesday for 5 hours; however, a legal NGO claimed that a more systematic approach was necessary. The Slovak Bar Association cooperated with the Ministry of Justice on several projects and encouraged their members to provide free legal services. The bar association has the authority within their bylaws to ask lawyers to accept indigent cases under certain conditions. During the year, the Association received 200 such applications and was only able to identify 8 available lawyers. They were also unable to identify funding for programs that would have increased legal representation for indigent citizens.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law provides for these rights; however, at times the authorities infringed on these rights in practice. The Criminal Code requires police to obtain a search warrant in order to enter a home. The court may issue such a warrant only if there is a well-founded suspicion that important evidence or persons accused of criminal activity are present inside, with few exceptions. Police must present the warrant before conducting the search or within 24 hours afterwards. Some Roma activists alleged that occasionally local police have entered Roma homes without a search warrant. This was reportedly most common in the eastern part of the country.

The law regulates wiretapping and mail surveillance for the purposes of criminal investigation, which may be conducted by order of a judge or prosecutor only in cases of extraordinarily serious premeditated crimes or crimes involving international treaty obligations. Late in the year, the Chairman of the Alliance of New Citizens (ANO), Pavol Rusko, received information that his telephone communications were monitored. The Ministry began an investigation into his allegations. In previous years, other prominent politicians made similar allegations, for examples, SMK Chairman Bela Bugar and the founder and chair of the "Smer" Party, Robert Fico, made similar allegations. There were also reports that the SIS actively monitored members of the Church of Scientology (see Section 2.c.).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respected this right in practice. The media generally was free and uncensored; however, in at least one case in 2001, the President used libel laws to suppress criticism of political or other leaders; some human rights activists criticized the section of the Penal Code that prohibits defamation of the state. In June Parliament passed an amendment nullifying two paragraphs of the Criminal Code on the defamation of public officials after a temporary suspension of those provisions by the Constitutional Court. However, Parliament and the Constitutional Court upheld paragraph 156, which classifies libel against public officials performing the duties of their office as a misdemeanor. Individuals reported that they were able to criticize the Government without fear of reprisal.

In November 2001, Parliament passed an amendment to the Penal Code criminalizing the "denial or belittling of the Holocaust." The Penal Code stipulates that anyone who publicly demonstrates sympathy towards fascism or movements oppressing human rights and freedoms can be sentenced to jail for up to 3 years. During the year, NGOs and police successfully removed web sites that propagated racism from servers.

Independent newspapers and magazines regularly published a wide range of opinions and news articles that were

distributed nationwide. There were nine national dailies, as well as a sports daily and several weeklies. According to statistics from the Ministry of Culture, funding provided for cultural activities and media in minority languages rose overall by approximately \$415,816 (16.3 million crowns). However, difficulties continued for a growing number of publications competing for funds.

Three boards appointed by a majority vote of Parliament supervised radio and television broadcasting. The national Radio and Television Council established broadcasting policy for state-owned television and radio. The National Council for Radio and Television Broadcasting issued broadcast licenses and administered advertising laws and other regulations. The Radio and Television Council issued 24 radio and 82 television and cable television licenses during the year. There were no reported incidents of government interference in radio or television during the year.

During the year, the International Press Institute contacted President Schuster to express concern that the Supreme Court President's office threatened to file a libel action in a criminal court against a journalist reporting about corruption in the judiciary. The regional court in Zilina upheld a ruling against the daily Novy Cas to pay \$127,551 (5 million crowns) in damages to Mayor Jan Slota for an article printed in 1999. The newspaper had not paid the fine and was considering pursuing the case in the Supreme Court at year's end.

Although Parliament passed amendments nullifying paragraphs 102 and 103 of the Penal Code, the Prosecutor did not reclassify the case against Ales Kratky, a writer for the daily Novy Cas, for defamation of a public official as a misdemeanor. The Office of the President did not pursue further action and the case was closed.

In April the Slovak Syndicate of Journalists and the Association of Publishers of Print Media founded a Press Council to preserve ethical standards in journalism and examine pending complaints against media institutions. The Council consisted of representatives from a variety of professions and backgrounds. From its establishment in April until the end of the year, the Council received 16 complaints and made five decisions; however, there were complaints about the Council's ineffectiveness, since it was not given the authority to enforce its decisions.

There were complaints that the media failed to represent minorities. The NGO MEMO 98 continued to monitor the media's treatment of minorities during the year, and found that the majority of reporting about minorities was dominated by information on Roma and one-fifth of the reports were incorrect. It asserted that 32 reports violated Council of Europe recommendations on the treatment of ethnicity.

In January 2001, a new Freedom of Information Act went into effect that grants citizens access to virtually all unclassified information from national and local government offices. More than 1,000 requests were submitted to the Government last year, and several resulted in lawsuits. During the year, Parliament approved two laws giving access to documents on intelligence operations between 1939-89, and created the Institute for the Memory of the Nation. The Institute was empowered to open files to the public and contribute to investigations of crimes from the Communist and Fascist-era.

The Government did not censor books, films, or plays. The Government did not limit access to the Internet; Internet use was not widespread, but was more common in the urban areas.

The Government did not restrict academic freedom. The President formally appointed professors to universities based on the recommendations of the universities. As part of planned decentralization of education, regional schools were transferred from the Ministry of Education to local governments. A new and controversial university law was passed during the year, liberalizing funding possibilities for public schools. While the Faculty of Medicine at Comenius University began a program to encourage Roma applicants, the low percentages of minorities at the university level remained a problem. The use of bribery by some students to improve their chances for acceptance into some prestigious faculties reportedly resulted in unequal access to higher education for economically disadvantaged students.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice. No official state religion exists; however, the Catholic Church, the dominant faith in terms of membership, received

significant state subsidies.

In November 2001, the Government signed an international treaty with the Vatican, which provides the legal framework for relations between the Catholic Church, the Government, and the Vatican. In April the Government signed an agreement with an additional 11 registered churches and religious groups in an attempt to counterbalance the Vatican agreement with the Catholic Church and provide equal status to the remaining registered churches.

Registration of churches is not required, but under existing law, only registered churches and religious organizations had the explicit right to conduct public worship services and other activities. However, no religions were banned or discouraged by the authorities in practice. Government subsidies for clergy and office expenses were provided in a nondiscriminatory way to registered religions that sought it. However, only 16 registered churches qualified for support, thus disadvantaging some smaller faiths.

The Government monitored, although it did not interfere with, religious "cults" and "sects." The Ministry of Interior actively monitored the Church of Scientology and its members. Some Scientologists complained of harassment by the Slovak Information Service (SIS). Several stories appeared in the media that were critical of companies that have ties to Scientology.

Anti-Semitism persisted among some elements of the population. Despite protests by the Federation of Jewish Communities and National Party members--and although not supported politically by the current Government--the official cultural organization Matica Slovenska continued its efforts to rehabilitate the historical reputation of Jozef Tiso, the leader of the Nazi-collaborationist wartime Slovak State.

In February Parliament passed an amendment that allows the compensation to Jewish Holocaust victims who lived in the country's territory when it was occupied by Hungary. The Law 305 compensates the victims or direct heirs of Nazi persecution during World War II in the wartime Slovak State.

A group of skinhead musicians, "Judenmord," (Murder of Jews) established a web site and participated in several concerts in the country as well as in the neighboring Czech Republic.

Incidents of desecration and vandalism of Jewish cemeteries by skinheads continued, to which authorities responded promptly and appropriately.

For a more detailed discussion see the 2002 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights; however, there were some limits on these rights for Roma.

According to a legal rights NGO, although the law requires state administrators to register all citizens, some local police officers refused to give registration stamps to Roma citizens, which in turn prevented them from receiving social benefits and housing (see Section 5).

Roma continued to seek asylum in Western European countries, although to a lesser degree than in previous years. Belgium, where Slovakia once had the highest number of asylum seekers, reported only 635 claims from 18,805 during the year, compared to 1,000 claims from 25,000 in 2001. Many organizations claimed that most asylum seekers migrated to receive financial benefits motivated by the lack of available economic opportunities rather than concerns about human rights. In 2001 the Parliament passed legislation directing border police to check travel documents more closely. Although this proposal did not specifically mention Roma, human rights organizations criticized government attempts to interfere with the rights of Roma to travel freely.

The law includes provisions for granting of asylum and refugee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees.

The law provides for "tolerated residence"--first asylum--which allows refugees to remain in the country for a designated period of time if their life would be threatened by a forced return to their home country. During the year, 15 refugees were granted first asylum. The Government occasionally adopted specific resolutions in response to a crisis, allowing for the temporary acceptance of refugees who did not wish to enter the asylum process. During the

year, the Government passed such a resolution for Afghan refugees.

According to National Migration Office statistics, by year's end, 20 persons received asylum out of a total of 9,743 applications. During the year, 47 refugees completed the required 5-year residency period and were granted Slovak citizenship, bringing the total number of those granted citizenship since 1993 to 99. Out of 8,382 applications reviewed during the year, 8,053 cases were terminated because asylum seekers disappeared from refugee camps or left the country. NGOs claimed that the location of refugee camps close to the borders, and the lengthy asylum process were both contributing factors to the high number of cases terminated because of the disappearance of applicants.

During the year, Parliament passed a new Asylum Law that brought existing legislation closer to the European Human Rights Convention. The new law broadens the grounds for granting asylum and temporary protection and formalizes cooperation with NGOs. Most importantly, it outlines the administrative procedures for the appeal process. Additionally, the courts may examine individual appeal cases according to substance, rather than remaining limited to judgments solely on whether procedural requirements were followed. Several NGOs noted that border police participated in sensitivity training at various times throughout the year, and that initial processing was improved as a result.

According to the Slovak Helsinki Committee, refugees faced serious difficulties integrating into society and were often victims of skinhead violence, as well as discrimination when seeking employment (see Section 5).

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully and citizens exercised this right through periodic, free, and fair elections held on the basis of universal suffrage. All citizens over the age of 18 were eligible to vote by secret ballot; however, there was no system of absentee voting for those outside of the country during elections. The Constitution reserves certain powers for the President as Chief of State (and directly elected by citizens), but executive power largely rests with the Prime Minister. Legislative power is vested in the National Council of the Slovak Republic (Parliament).

The head of Government was Prime Minister Mikulas Dzurinda, who took office for a second term after free and fair elections in September. The country was a multiparty, multiethnic parliamentary democracy. The Government did not restrict the functioning of political opponents, including their right to publicize political opinions.

The most recent national elections, held in September, were declared free and fair by the OSCE. The media's reporting in general was unbiased, with the exception of Markiza, the most popular private station, co-owned by the Chairman of ANO, Pavol Rusko. According to independent NGO observers such as MEMO 98, the prime time reporting of Markiza was not balanced and favored ANO. Police guarded several districts in Poprad during the national elections after several racially motivated attacks were reported. Local Roma activists claimed that Roma were afraid to go to the polls.

There were 29 women parliamentarians in the 150-member Parliament; however, no women received a ministerial posting. Overall, participation of women in the decision-making process continued to be disproportionate. Out of 2,618 candidates in the parliamentary elections; only 604 were women (23.1 percent) and only 4.8 percent were directly elected. According to an NGO observing the elections for gender sensitivity, only one party in the Government devoted part of its platform to discrimination issues; others only linked women's rights to the family. In the previous year's regional elections, women fared slightly better, receiving 17.3 percent of the positions.

The large ethnic Hungarian minority, whose coalition gained 20 seats in Parliament in the September elections, was well represented in Parliament and the Government. Many large, mainstream political parties promised to place Roma candidates on their list; however, only five received positions on a total of three lists, and none were elected to Parliament. According to human rights lawyers, several politicians used discriminatory language about minorities in election campaigns during the year.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction,

investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views. The Government established a Council for the Nonprofit Sector as an advisory body. The law requires that foundations register and have substantial financial resources in order to operate. This eliminated some foundations, primarily inactive ones; however, no organization was denied registration or faced any other limitations on their operations. Some NGO leaders continued to allege that the Government was sometimes unresponsive to their requests.

A 2001 amendment to the income tax law allows individuals to donate one percent of their taxes to nonprofit groups. NGOs collected approximately \$2.2 million (more than 97 million crowns) from approximately 325,000 citizens, about a third of the maximum allowed by the amendment. In April Parliament extended the amendment to allow corporations to donate one percent of their corporate taxes, which was expected to help increase domestic funding for NGO activities. However, Parliament did not create a special government endowment for NGOs from privatization revenues.

Several human rights NGOs expressed extreme dissatisfaction with the work of the National Center for Human Rights and questioned the effectiveness of the Center's use of state funds. The Center sponsored conferences, released publications, and received \$100,000 (5 million crowns) annually from the state budget. In the past, the Center refused any government oversight, claiming it represented government interference and threatened the independence of the center. The Parliamentary Committee for Human Rights approved amendments to the law to empower the Supreme Audit Office to oversee accounts funded by the state budget.

On March 19, the National Council elected the first Human Rights Ombudsman, Pavol Kandrak, over the candidate supported by most of the NGO community. The office became operational in September and received over 1,800 complaints, as many as 30 per day. Most complaints were about pensions, health care, and other social issues. No information was available regarding the resolution of these complaints by year's end. According to the Office, no complaints were received on behalf of a minority group during the year. The Government cooperated with international human rights organizations and domestic monitors.

In May 2001, the U.N. Committee Against Torture criticized police for the use of excessive force and inadequate investigation of violence against Roma citizens (see Section 1.c.). In October the OSCE expressed concern over growing skinhead violence in the country.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The law prohibits discrimination and provides for the equality of all citizens; however, enforcement of the law was inconsistent, and some minority groups have reported that their members often received no government assistance with complaints about discrimination. The Roma minority, immigrants, and homosexuals were frequently victims of societal violence. In some cases, police were found to condone such attacks by their unwillingness to investigate them fully (see Sections 1.a. and 1.c.).

Women

Violence, particularly sexual violence against women, remained a serious and underreported problem. One NGO's research showed that 38 to 40 percent of women were victims of domestic violence. A 2000 national poll indicated that as many as one in five women were subjected to some form of physical abuse in the home. Police estimated that two-thirds of female rape victims failed to report their cases. Police treated spousal abuse, other violence against women, and child abuse in the same way as other criminal offenses. Sections of the Criminal Code specifically address rape, sexual abuse, and trafficking in women (see Section 6.f.).

The law does not recognize or define the term domestic violence. In June new amendments to the Criminal Code relating to domestic violence were passed and were scheduled to be implemented by early 2003. The laws strengthen victims' rights by expanding the definition of possible perpetrators to include people other than spouses, defining better specific acts of violence that are prosecutable, and increasing sentences for perpetrators. The amendments also changed the Criminal Procedural Code, the Act on Minor Offenses, and the Civil Procedure Code. However, NGOs were still lobbying for an additional amendment that would physically remove and ban the offender from the victim's place of residence. The police can only hold a suspect for 24 hours; then they must wait 7 days for the court to decide whether to remove an accused attacker from the victim's home. According to one NGO, there were 39 places for women and children in the government system, but only one safe house with the capacity to house 8 women. In addition, there were six crisis centers for women and children outside the government framework, with three specifically for the victims of domestic violence.

An international NGO began a study examining allegations of coerced and forced sterilization of Roma women during the year. It had not been published by year's end.

Prostitution is legal; however, the Code prohibits activities related to prostitution such as renting apartments for prostitution, spreading sexually transmitted diseases, or trafficking in women for the purpose of prostitution. Trafficking in women was a problem (see Section 6.f.).

Women are equal under the law. They have the same rights as men to property, inheritance; however, discrimination against women remained a problem in practice. According to studies, women received approximately 85 percent of men's wages for the same work; however, "the same work" is not defined precisely. On average women earned 22 percent less than men. Women's issues were made part of the responsibilities of the Parliamentary Committee for Human Rights, Nationalities, and Women.

The Gender Center for Equal Treatment of Men and Women was an independent NGO that cooperated with the U.N. Development Program (UNDP) and the Government. The Center dealt mainly with claims of unfair treatment of women in the workplace; however, it also focused on mobilization and job creation for women. The Government's Coordinating Committee for Women's Affairs, which included NGO representatives, has still done little to implement a national action plan meant to reduce violence against women, protect women's health, and reduce women's economic disadvantages.

Children

The Government was committed to children's rights and welfare; it maintained a system of public education and health care. The Ministry of Labor oversaw implementation of the Government's programs for children. The Constitution, the Law on Education, and the Labor Code each addressed part of the issue of children's rights. There also was a system of financial assistance for families with children. Education was universal, free, and compulsory for 9 years, or until the age of 15; however, this requirement was not enforced strictly, particularly for the Roma minority. Parents may be prosecuted for not sending their children to school; officials claimed that enrollment was 100 percent. While most ethnic Slovak and Hungarian children attended school on a regular basis, a high percentage of Roma children failed to regularly attend school; the percentage increased with higher grade levels in school.

Child abuse remained a problem and was underreported. Experts from various state institutions dealing with child abuse claimed that there were significant discrepancies between official figures on violence against children and the actual situation. Among the most frequent crimes committed against children were nonpayment of child support, sexual abuse, and beatings. According to independent studies, 25 percent of all children were punished physically on a regular basis.

The Family Law was amended during the year, further defining the rights of children. Previously, NGOs remarked that the law protected aggressors rather than the victims. In article 68, the law specifies that children in state custody may be adopted if a parent does not show consistent interest in a child under institutional care for a minimum of 6 months.

The Commission on the Rights of the Child in the Ministry of Social Affairs provides information to children regarding their rights. UNICEF has operated a hot line for children for the past several years, receiving close to 13,500 calls per month. Most of the calls have been from girls outside of the capital, Bratislava; half of the callers have been between the ages of 11 to 14. There were several grant organizations that supported educational campaigns and projects for abused or disabled children.

Child prostitution is not addressed specifically in the Criminal Code, but is covered by more general provisions in the law. The Penal Code contains a provision outlawing child pornography.

Trafficking of girls for the purpose of prostitution was a problem (see Section 6.f.).

Activists claimed that children were increasingly born into poverty and that this phenomenon affected the Roma minority in particular. It has resulted in an increased number of Roma children being abandoned, either at the hospital, immediately after birth, or during infancy. These children became wards of the state and were sent to orphanages.

Persons with Disabilities

The Constitution and implementing legislation provide for health protection and special working conditions for persons with mental and physical disabilities, including special protection in employment relations and special assistance in training. A 1994 decree provided incentives to employers to create a "sheltered" workplace (i.e., a certain percentage of jobs set aside for persons with disabilities). The law also prohibits discrimination against persons with physical disabilities in employment, education, and the provision of other state services; however, experts have reported that discrimination in the accessibility of premises and access to education, particularly higher education, remained a problem. During the year, the country joined a project called Leonardo da Vinci, which is an information network to support university education for persons with disabilities.

Although not required specifically by law, a government decree mandates accessibility for new public building construction. The decree provides for sanctions but lacks a mechanism to enforce them. A spokeswoman for an NGO dealing with persons with disabilities stated that due to pressure from a number of NGOs and the willingness of the Dzurinda Government, accessibility has been improving, particularly regarding new construction and public buildings.

Several new government initiatives for persons with disabilities were implemented during the year. While there was a government-based Council for Citizens with Disabilities, the Government also formed a Coordinating Committee for People with Disabilities in May, which served as an advisory body to the Government for persons with disabilities. Parliament passed significant legislation during the year improving social assistance for persons with severe disabilities.

National/Racial/Ethnic Minorities

The Constitution provides minorities with the right to develop their own culture, receive information and education in their mother tongue, and participate in decision-making in matters affecting them, although there was no comprehensive law against discrimination; however, violence and discrimination against minorities, particularly Roma, continued. The Government continued to provide funding for cultural, educational, broadcasting, and publishing activities for the major ethnic minorities.

According to the Law on the Use of Minority Languages, in places where a minority constitutes at least 20 percent of the population, the minority language can be used in contacts with government officials. In July 2001, the Government ratified the European Charter for Regional or Minority Languages. NGO members reported that these two laws have conflicting language and that neither has been properly implemented.

The largest minority was the ethnic Hungarian minority, whose SMK political party again was an active member in the governing coalition. It was concentrated primarily in the southern part of the country, and its population, according to the most recent census in 2001, was 520,528. Tensions between the Hungarian Coalition and partner political parties fluctuated during the year, reflecting the ongoing discussions between the Slovak Government and the Government in Hungary over the Status Law. Decentralization to provide more autonomy to regions in education, land ownership, and restitution of confiscated property continued to be an issue for the large Hungarian minority.

In 2001 the Slovak National Party (SNS), which employed strongly nationalist rhetoric, split into two parties because of internal disagreements, and neither party was able to cross the 5-percent threshold to enter Parliament.

Higher education opportunities in the Hungarian language were limited. Approximately 2 percent of ethnic Hungarians in the country attended university, compared to 4.8 percent of Slovaks. Ethnic Hungarians claimed many ethnic Hungarian students chose to attend university in Budapest because they wanted to study in Hungarian. A Hungarian university remained one of the highest priorities for the Slovak-Hungarian Party, and it has been included in the new government program.

Roma constituted the second largest ethnic minority, estimated by experts to number up to 500,000, although according to the most recent census in 2001, there were 90,000 Roma in the country. NGOs maintained that Roma continued to be reluctant to identify themselves because they feared discrimination.

Cases of police brutality continued to be reported. The former Minister of Interior made several attempts to remedy the problem, including the adoption of a new Police Code of Conduct in February. In Kosice two police officers were found not guilty of beating Roma while off duty. Eyewitness testimony of the events conflicted, and the case was expected to be pursued in a higher court. The Ministry of Interior made several attempts to remedy the problem, including the adoption of a new Police Code of Conduct in February.

Skinhead violence against Roma continued to be a serious problem. The NGO People Against Racism reported that although Police were increasingly responsive in their efforts to monitor and control the skinhead movement, the problem persisted. They also reported that the skinhead movement continued to grow and became more organized, and estimated that there were approximately 500 to 800 skinheads and 3,000 to 5,000 skinhead sympathizers. They also stated that skinheads had been targeting members of other ethnic and national groups as well as Roma.

In June three skinheads were prosecuted for causing serious bodily harm with racial motivation against 19 year-old Daniel Milan. The court handed down varying sentences from 4½ years to 4 months for a passive observer of the attack. In December the regional court of Bratislava sentenced a skinhead to 4 years in jail in connection with the murder of Ignac Mezei, a Rom murdered in April 2001.

During the year, the police recorded 109 racially motivated attacks, of which the police solved 76 cases. The majority of incidents took place in the district of Bratislava, and the highest number of prosecutions was in the district of Zilina. Only 27 cases were considered to be of an extremely violent nature, out of which 18 were prosecuted. The Roma were the most frequent targets of these attacks.

On February 28, 15 unknown men attacked residents in 3 family houses in the village of Ganovce, causing bodily harm to numerous Roma. Although, the Poprad Police initially denied the crime was racially motivated, on March 13, the primary investigator classified the case as racially motivated and raised the qualification of the act from bodily harm to grievous bodily harm. On April 26, the Poprad Police decided to close the case because it had failed to collect sufficient evidence to accuse certain individuals. The case was subsequently reopened and was pending at year's end.

On February 12, the Kosice Police Chief refused to shake hands with a Romani journalist, Denis Havrlova, asking her to present a health certificate before agreeing. The police chief later resigned under pressure from the Ministry of Interior as a result of this incident.

Roma suffered disproportionately from high levels of poverty and unemployment. Credible reports by human rights monitors indicated that Roma continued to suffer from discrimination in employment, housing, schooling, health care, and the administration of state services. Discrimination was most severe in the eastern part of the country, where unemployment was higher and the Roma population was larger. Among Roma living in settlements in the east, the unemployment rate was estimated to be nearly 95 percent. In urban areas in the east, incidents of Roma being denied admission to certain hotels, restaurants, and swimming facilities were reported widely.

According to the Office for Protection of Legal Rights (KPO), Roma often were segregated in hospitals, particularly in maternity wards, and some said Roma received inferior care. The 2000 case regarding allegations that maternity wards were segregated was closed based on lack of evidence. According to press reports, physicians denied any segregation and claimed Roma women did not want to share rooms with non-Roma. Many NGOs alleged that segregation in schools continued and the newly established police commission tasked with improving relations with minorities also noted that segregation in schools existed. Roma children were disproportionately placed in special schools for the mentally retarded, in many cases due to their insufficient knowledge of the Slovak language. The Act on Public Service was amended in June to introduce assistant teachers for elementary and preschools. This step was intended to facilitate the integration of Roma children into the standard educational system.

In March the Government adopted a second Action Plan to prevent all forms of discrimination, racism, xenophobia, anti-Semitism, and other forms of intolerance. It included plans to train professional groups about tolerance, promote activities in schools, strengthen government bodies dealing with the fight against racism, and enhance cooperation between state institutions and NGOs in preventing discrimination and adopting anti-discrimination legislation.

The government Plenipotentiary for Roma Communities appointed in 2001, Klara Orgovanova, and established an informal Advisory Board with a large number of representatives from the Roma community and civil society. A regional office was opened in October 2001 in Presov, in eastern Slovakia, where the majority of Roma resided. In April the Government approved Resolution 357, and outlined the priorities of the office.

The budget of the Office of the Plenipotentiary was approximately \$1,403,000 (55 million crowns). NGOs continued to allege that the Office lacked sufficient authority because the position was not established by law and as an adjunct of the Prime Minister's Office it lacks statutory authority to present material to the Government. After the parliamentary elections, members of the coalition Government proposed altering the structure and the strategy of the office. The office received funding from the state budget, but its status was still undecided at year's end.

On March 19, the country's first Human Rights Ombudsman, opposition candidate Pavol Kandrak, was elected. By law the Ombudsman should assist in protecting the fundamental rights and freedoms in cases where public administration bodies have violated the legal system or rule of law. A budget of approximately \$600,000 (2.3 million crowns) was allocated to the office, which was expected to have a staff of 30.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides for the right to form and join unions, except in the armed forces, and workers exercised this right. Approximately 45 percent of the work force were unionized. Unions were independent of the Government and political parties; however, they continued to lobby those entities in order to gain support for union positions on key labor issues. A new labor code was drafted over the course of several years, representing a joint effort between the Ministry of Social Affairs and the unions. The new code changed more than half of the previous statute.

The Law on Citizens' Associations prohibits discrimination by employers against union members and organizers. Complaints may be resolved either in collective negotiations or in court. If a court rules that an employer dismissed a worker for union activities or for any reason other than certain grounds for dismissal listed in the Labor Code, the employer must reinstate the worker. There were no reports of abuses targeted against unions or workers.

Unions were free to form or join federations or confederations and to affiliate with and participate in international bodies, and they did so in practice.

b. The Right to Organize and Bargain Collectively

The law provides for collective bargaining. A new controversial labor law took effect on April 1, affecting most labor statutes. Both the private sector and representatives of labor unions alleged certain provisions limited workers' rights and new amendments were being negotiated.

The Constitution provides for the right to strike; however, according to this law, a strike is legal and official only if it is for the purpose of collective bargaining, if it is announced in advance, and if a list of strike participants is provided. There were no instances of retribution against strikers or labor leaders. Relevant legislation on collective bargaining prohibits the dismissal of workers legally participating in strikes; however, if a strike is not considered official, strikers are not ensured protection. There were no national strikes during the year.

The law regulates free customs zones and customs warehouses. Firms operating in such zones must comply with the labor code; there have been no reports of special involvement by the trade unions to date. No special legislation governs labor relations in free trade zones.

c. Prohibition of Forced or Bonded Labor

Both the Constitution and the Employment Act prohibit forced or bonded labor, including by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment

The law sets the minimum employment age at 15 years. Problems with child labor were nearly nonexistent and existing legislation was effectively implemented and enforced.

All types of employment are prohibited for children under 15 years of age. Children under the age of 16 may not work more than 33 hours per week, be compensated on a piecework basis, work overtime or night shifts or work underground or in specified conditions deemed dangerous to their health or safety. The minimum age for hazardous work was 18. The law that relates to child labor applies to all sectors of employment; however, the more stringent regulations apply only to certain sectors. For example, the minimum age for mining was 21. The revised labor code requires that employment of children younger than 15 in artistic professions, including modeling and acting, also be approved by the National Labor Inspector's Office of the Ministry of Labor.

The country had adequate laws and regulations for the implementation and enforcement of measures to prohibit the worst forms of child labor. Civil fines were the legal remedy available to government agencies. A first offender

can be fined up to \$11,494 (500,000 crowns), while a repeat offender can be required to pay up to \$22,989 (1 million crowns). The enforcement remedies have proven adequate to deter violation to date. The country has established formal institutional mechanisms to investigate and address complaints relating to allegations of child labor. Child labor complaints were received and investigated by district inspection units. When a complaint was registered, an inspector would visit the worksite and inspect the contract. If it is determined that a child labor law or regulation has been broken, the case is turned over to the national inspection unit of the Ministry of Labor. Furthermore, the Government requires employers to submit significant characteristics about their employees into a national database managed by the Ministry. This new requirement facilitated better monitoring of firms.

e. Acceptable Conditions of Work

The minimum wage was \$142 (5,570 crowns) per month; even when combined with special allowances paid to families with children, the minimum wage did not provide a decent standard of living for a worker and family. The Ministry of Labor was responsible for enforcing the minimum wage; no violations were reported. The standard workweek mandated by law is 42.5 hours, although collective bargaining agreements achieved reductions in some cases (most often to 40 hours). For state enterprises, the law requires overtime pay up to a maximum of 8 hours per week, and 150 hours per year, and provides 5 weeks of paid vacation annually. Private enterprises can compensate their employees for more hours of overtime than stipulated by the law. There is no specifically mandated 24-hour rest period during the workweek. The trade unions, the Ministry of Labor, and local employment offices monitored observance of these laws, and authorities effectively enforced them.

The Labor Code establishes health and safety standards that the Office of Labor Safety generally enforced effectively. For hazardous employment, workers underwent medical screening under the supervision of a physician. They have the right to refuse to work in situations that endanger their health and safety and may file complaints against employers in such situations. Employees working under conditions endangering their health and safety for a certain period of time are entitled to paid "relaxation" leave in addition to their standard leave.

The country is largely a transit point without a significant illegal underground labor market.

f. Trafficking in Persons

The law specifically prohibits all forms of trafficking in persons; however, there were instances of trafficking in women and girls for prostitution.

The Law Against Trafficking in Persons was strengthened and implemented on September 1. According to the statute, an individual involved in the trafficking of persons can receive a sentence of 3 to 10 years. However, if the offender is a member of a crime syndicate, the sentence is from 12 to 15 years. According to official statistics from 2001, six people were prosecuted for the trafficking of women and six people were prosecuted for procurement (a person who makes a profit from the prostitution of a trafficked person). During the year, there were 17 reported cases of trafficking under Article 246, and the Ministry of Justice reported that 32 cases were prosecuted and convicted. According to government offices, many women who worked abroad did not want to testify, which made prosecutions of these cases difficult.

The changes in the Criminal Code further defined trafficking in human beings and took steps toward the implementation of the U.N. Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women in Children. The Government signed the protocol in November 2001, but had not ratified the treaty in Parliament by year's end.

The Government focused attention on trafficking during the year by creating a new Investigative Unit at the Ministry of Interior. The new trafficking unit was established in June to gather information and investigate agencies with suspicious activity. The office worked in close international cooperation with local NGOs and the International Office of Migration (IOM). The U.N. Office for Drug Control and Crime Prevention began a new technical cooperation project aimed at improving legal enforcement and strengthening international cooperation. Slovak police attorneys and investigators traveled to the Czech Republic, Austria, and Belgium on training tours. Police received training to identify and handle cases of victims of trafficking at the Police Academy.

The country is an origin, transit point, and destination for victims of trafficking. There were reports that women were trafficked to France, Germany, and the Czech Republic. Exact numbers of women and girls trafficked abroad for prostitution were unknown.

A report issued in 2001 by the Ministry of Interior stated that the country was a transit point for persons being

trafficked from Ukraine and Russia mainly to Austria, the Czech Republic, and Germany for the purpose of prostitution. It reported that women from Russia and Ukraine were trafficked through the country on their way to countries such as Turkey, Greece, Italy, Germany, and Serbia, where they also were forced to work as prostitutes.

Although previously the Slovak Republic primarily was a country of origin, women from less prosperous Eastern European countries (including Russia, Belarus, Ukraine, Romania, and Bulgaria) found themselves trafficked through and to the Slovak Republic. Women, mostly Ukrainian and Russian, were lured to the country with the promise of work as domestic servants or waitresses. However, when they arrived, their documents allegedly were stolen and they were forced to work as prostitutes or in nightclubs and threatened with violence if they attempted to escape. Young women also were recruited through agencies (which offered false opportunities) or through personal contacts of owners or employees of hotels, casinos, entertainment or prostitution establishments.

During the year, police, with assistance from German police, arrested seven members of a trafficking gang from the southwestern part of the country. According to a press report, police suspected the involvement of a low-level government employee. Over the course of 8 years, the gang procured at least 60 young women, some claimed to be sold for \$255 (10,000 crowns) abroad. The traffickers lured some into prostitution by promising a good salary or debt forgiveness, and others were forced through violence. The women were sent to Germany, Poland, Switzerland, and France. The head of the gang was previously prosecuted for sex trafficking in France and had been banned from the EU for a period of 5 years. In total, the gang made an estimated profit of \$127,000 (5 million crowns).

The Act on Protection of Witnesses and the Act on Compensation of Damages allowed the Government to give more assistance to victims of trafficking. A special unit for the protection of witnesses was established within the Police Presidium and an inter-ministerial committee granted the protection. Deportation of foreigners may be postponed if a person is in the witness protection program. According to the IOM, foreign victims of trafficking were usually sent to detention centers, where they remained for 30 days after which they were usually sent back to their country of origin. NGOs and the IOM reported that victims feared returning to their home countries because of the stigma attached to trafficking victims. There was very little legal, medical, or psychological assistance for victims of trafficking. According to NGO activists, government agencies such as customs and police officers treated victims poorly, since many law enforcement officials believed that victims were not forced, but rather chose their fate.

There were no national organizations in the country focused solely on the issue of trafficking. However, local organizations successfully repatriated victims of trafficking and carried out public awareness campaigns on a regional and municipal level.

There reportedly was not enough attention paid to the issue of trafficking in the media or in public education campaigns during the year. According to a 2000 IOM study, 50 percent of young women surveyed did not know the methods or tactics employed by traffickers.