



## 2008 Human Rights Report: Slovak Republic

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

[2008 Country Reports on Human Rights Practices](#)

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The Slovak Republic, with a population of approximately 5.4 million, is a multiparty parliamentary democracy led by a prime minister and a 150-member Narodna Rada (National Council). The head of government, Prime Minister Robert Fico of the social democratic Smer Party, was elected for a four-year term in 2006. President Ivan Gasparovic, the head of state, was elected for a five-year term in 2004. Both elections were free and fair. Six political parties, three of which comprise the governing coalition, sit in the National Council. Civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens; however, there were problems in some areas. Notable human rights problems included some continuing reports of police mistreatment of Romani suspects and lengthy pretrial detention; restrictions on freedom of religion; corruption in the judiciary, local government, and government health services; violence against women and children; trafficking in women and children; and societal discrimination and violence against Roma and other minorities.

### 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 that the government or its agents committed arbitrary or unlawful killings.

In February the Banska Bystrica Regional Court found seven former police officers guilty of torture and inhuman treatment in connection with the 2001 death of a Romani man in police custody. The man died while handcuffed to a radiator; the official autopsy revealed injuries to vital organs caused by fist and nightstick blows, kicks, and other forms of physical abuse. Two of the officers were sentenced to eight-and-a-half years in prison, and the other two received sentences between four and seven years.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The constitution and the law prohibit torture and other cruel, inhuman, and degrading treatment or punishment, and the government generally respected these provisions in practice.

Nongovernmental organization (NGO) sources and members of the Romani community cited a continuing trend of mistreatment of Romani suspects by police officers during arrest and while in custody. The Council of Europe's

Committee for the Prevention of Torture (CPT) released an inspection report in 2006 that noted significant allegations of mistreatment of detainees by law enforcement agencies, including slaps, punches, kicks, or blows with hard objects such as batons. In a "notable proportion" of cases the victims were Roma.

Police continued to provide special training on Romani culture and language to police officers working in districts with Romani communities in the Kosice and Presov regions. The Bratislava branch of post-secondary schooling for police also offered an elective course in Romani language and culture.

#### Prison and Detention Center Conditions

Prison conditions generally met international standards; however, overcrowding continued to be a problem. The government permitted visits by independent human rights observers.

In 2007 the minister of justice allocated additional funds for prison facility upgrades resulting in a decreased prison occupancy rate, from 102 percent in 2006 to 76 percent of capacity, with only three facilities over capacity. Despite this improvement, a prison official stated that more time and funding would be required to implement all of the necessary modifications.

#### d. Arbitrary Arrest or Detention

The constitution and the law prohibit arbitrary arrest and detention, and the government generally observed these prohibitions.

#### Role of the Police and Security Apparatus

The national police has sole responsibility for internal and border security and reports to the Ministry of Interior (MOI). The head of the police force reports directly to the minister of interior, who has the authority to recall any member of the police. Human rights observers believed that police were occasionally reluctant to accept the testimony of witnesses, particularly Roma, women, and homeless persons, and often failed to promptly and thoroughly investigate cases involving Roma and other minorities.

Instances of police corruption and misconduct were reported, primarily the extortion of bribes during traffic stops. Headed by a director who reports directly to the minister of interior, the Bureau for the Inspection Service of the Police Corps is responsible for investigating police abuses. Cases may be initiated by, among others, the inspection service, the Police Corps, the police's organized crime unit, and individual citizens.

The most common charge brought against police officers was abuse of power. Other charges included battery, assault, and illegal intrusion into private homes. In November 2007 two police officers and one former police officer were convicted for the on-duty 2006 murder of a businessman in Polomka. One of the officers, who bargained for a reduced sentence, admitted that a business associate of the victim ordered the murder. The primary assailant received a 25-year sentence, while the other two received sentences of between five and 10 years.

There were some indications that impunity was a problem, as evidenced in the ongoing case of Radoslav Puky, a Slovak citizen of Romani origin. In 2004 Puky's body was found in a Trebisov canal following his disappearance during a police operation. A CPT investigation indicated that police took only perfunctory action to investigate reports of police assault against Puky. In March 2007 the Constitutional Court dismissed a new complaint filed by the League of Human Rights Activists on behalf of the Puky family. The league subsequently submitted the case to the European Court of Human Rights (ECHR), where it was pending at year's end.

Human rights training remained on the curriculum at police training facilities.

#### Arrest and Detention

The constitution and the law stipulate that a person can be taken into custody only for explicit reasons and must be informed immediately of the reasons for detainment. A written court warrant is required for arrest. The court must grant a hearing to a person accused of a crime within 48 hours (or a maximum of 72 hours for "serious cases," defined as violent crimes, treason, or other crimes with a sentence of at least eight years) and either release or remand the individual. Detainees have the right to consult with an attorney immediately and must be notified of this right. The government provides free counsel to indigent detainees. If remanded by a court, the accused is entitled to an additional hearing within 48 hours, at which time the judge must either release the accused or issue a written order placing the accused in custody. The authorities respected these provisions in practice.

There was a bail system in place that functioned effectively. Attorney visits were allowed as frequently as necessary. The law allows monthly family visits upon request.

Criminal court procedures mandate that the total time of detention (pretrial plus trial) cannot exceed 12 months in the case of minor offenses, 24 months for regular crimes, 36 months for severe crimes, and four years for crimes in which the expected sentence is more than 25 years. In addition, pretrial detention cannot account for more than one-half of the total detention time. In cases with extenuating circumstances, the Supreme Court may extend pretrial detention to four years. Delays in court procedures and investigations frequently led to lengthy detentions during both the pretrial and trial periods. According to 2007 statistics, pretrial detainees accounted for approximately one-third of the total prison population and were held on the average for 125 days at the district court level and 399 days at the regional court level. Ten percent of detentions at the district court level and 51 percent of detentions at the regional court level were longer than one year.

The law allows plea bargaining, which reduced the backlog of court cases. During 2007, 4,428 cases were resolved by plea bargaining, compared with 1,833 cases in 2006.

#### e. Denial of Fair Public Trial

The law provides for an independent judiciary; however, problems with corruption and inefficiency in the judiciary continued.

Cases are generally first heard in the district courts; appeals are made to the eight regional courts. The Supreme Court, consisting of 70 active judges, is the highest court of appeals and the court of last resort in all civil and most criminal cases. The constitutional court, with 13 judges serving 12-year terms, is independent of the Ministry of Justice and rules on cases regarding the constitution and international treaties, considers cases in which constitutional provisions are in conflict, and hears complaints about violations of basic rights and freedoms; its decisions cannot be appealed to the Supreme Court. The Judicial Council, a constitutionally recognized independent body of lawyers and judges, makes decisions regarding disciplinary actions, administrative issues, and appointments of judges. The special court hears cases of official corruption and those related to high-ranking government and political figures and organized crime. The court's decisions may be appealed to the Supreme Court, which has thus far upheld every verdict. Military courts hear criminal cases concerning soldiers, police, prison guards, and related government security services. Military courts also have jurisdiction in cases involving civilians suspected of treason during time of war. Military courts provide the same rights as the regular court system.

With the exception of the constitutional court, courts employed a computerized system for random case assignment to increase transparency. Nevertheless, public skepticism toward the court system remained widespread.

### Trial Procedures

BY law persons charged with criminal offenses are entitled to fair and public trials and have the right to be informed of the charges against them. However, NGO observers stated that judicial corruption often resulted in lengthy court delays and improper handling of police investigations. Defendants enjoy a presumption of innocence, have the right to refuse self-incrimination, and may appeal adverse judgments. They are also presumed innocent during the appeals process, meaning that a person found guilty by a court does not serve his imposed sentence nor pay any fine until the final decision on his appeal is reached. The law does not provide for jury trials. A panel of three judges is obligatory in criminal cases and in civil cases at the regional court and Supreme Court levels. Defendants have the right to be present, consult in a timely manner with an attorney (at government expense if indigent), access government-held evidence, confront witnesses against them, and present witnesses and evidence on their own behalf.

### Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

### Civil Judicial Procedures and Remedies

Citizens have unrestricted access to an independent judiciary to bring lawsuits in civil matters including human rights violations. Courts that hear civil cases were subject to the same delays as criminal courts and were often perceived as being corrupt. Administrative remedies are available in certain cases. The National Center for Human Rights has the authority to provide mediation for cases of discrimination and to represent claimants in court.

The Office of the Public Protector of Rights (ombudsman) determined that 877 of the approximately 14,000 complaints received in the past six years constituted violations of the rights of the claimants, most of which involved delays in court proceedings of five or more years. The ombudsman's office began providing free legal services throughout the country by holding traveling legal clinics in cooperation with individual municipalities. The clinics assisted 5,200 individuals during the year.

The ECHR issued seven rulings during the year against the country based on the "reasonable time" requirement for civil and criminal proceedings under the European Convention on Protection of Human Rights.

### Property Restitution

The law provides citizens an opportunity to apply for the return of land confiscated by the state between 1948 and 1989. Since the passage of the property restitution law of 1991, 48,518 claims have been filed. As of December 2007, 39,369 of these claims had been resolved through land return, land awards, or financial reimbursement. Under the property restitution law of 2003, 34,287 claims were filed, of which 14,340 were resolved (which includes land return, awards, or financial reimbursement) through December 2007. A lack of historical documentation prolonged the process and prevented many cases from being resolved.

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

The constitution and the law prohibit such actions, and the government generally respected these prohibitions in practice.

Police must present a warrant before conducting a search or within 24 hours afterwards.

Romani advocacy groups pressured the government to acknowledge and compensate victims for past involuntary sterilization practices on Romani women in public health facilities. Patients are legally required to submit written requests at least 30 days before sterilizations are performed; however, criminal charges cannot be filed for offenses that took place prior to 2005, when the law took effect. No victims of involuntary sterilization or sterilization without informed consent received financial redress for sterilization in the country's court system.

According to the NGO Poradna (Center for Civil and Human Rights), which helped alleged victims prepare cases, several civil court cases have been filed, and in 2007 the Presov regional court decided against the plaintiff.

Two forced sterilization civil suits that predate the 2005 law were filed at the ECHR in 2004. Both were still pending at year's end. In one case three Romani women claimed that they were sterilized without informed consent. In 2006 the Constitutional Court ruled that regional level prosecutors had violated the constitution and the European Convention on Human Rights by improperly closing the investigation of the original claim, and it awarded each of the claimants 50,000 koruna (approximately \$2,380). The court instructed the prosecution to reopen its investigation in 2007, but the investigation did not yield any new results. The NGO representing the victims filed another appeal to the Constitutional Court, which was pending at year's end.

In the second case, eight Romani women, who suspected they had been sterilized without their knowledge, filed a case with the ECHR when hospitals allegedly denied them access to their medical records. Four of the women subsequently received access to their medical files, and at least one discovered she had been sterilized. The remaining four women continued to be denied access to their medical records despite a government decree. In May 2007 the Ministry of Health informed Poradna that the women's medical records were lost.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and the law provide for freedom of speech and of the press; while the government generally respected these rights in practice, it sought to limit actions of extremist groups.

The law prohibits the defamation of nationalities, which is punishable by up to three years in prison, and denying the Holocaust, which carries a sentence of six months to three years.

The independent media were active and expressed a wide variety of views without restriction, although state-owned television and wire services were subject to political influence by the government. There were reports that directors of Slovak Public Television exerted pressure in the news department to provide favorable coverage of governing coalition events and activities.

Members of government took several actions that observers believed were intended to pressure the media to curtail reporting critical of the government.

In September the Bratislava District Court adjourned the trial of Prime Minister Robert Fico's libel suit against the publisher of the weekly Trend. Fico filed the suit in response to the cover story "Thief of Your Future Pensions" published in Trend in September 2007. The article reported on efforts of the Fico government to roll back pension reform introduced under the previous government.

In February two journalists from the weekly Zurnal were charged with leaking classified information and fined 15,000 koruna (approximately \$714) by the National Security Office. Journalists from several leading media outlets declared this an "absurd" limitation of the press. On July 30, prosecutors dropped the case.

On July 29, the Constitutional Court refused the newspaper Pravda's appeal of the February 2006 regional court ruling ordering it to apologize and pay damages of four million koruna (approximately \$190,500) to a former Supreme Court chairman and the current minister of justice for news stories and cartoons alleging judicial corruption.

On June 1, a new media law went into effect that requires publishers to print responses to any "statement of fact that impinges on the honor, dignity, or privacy of a natural person, or the name or good reputation of a legal entity." The law requires publishers to print replies on the same numerical page and space as the original article, regardless of whether the original statement was factually correct. Journalists and publishers opposed the law because it could force them to print official government responses without the opportunity for a counterresponse. Miklos Haraszti, the Organization for Security and Cooperation in Europe's representative on freedom of the media, regretted the law's adoption and said, "Instead of handling the right to correction or reply in compliance with the standards, Slovakia is forcing its media to become subject to political give and take. This goes against the country's international commitments to protect the freedom of its media."

#### Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mails; however, police monitored Web sites hosting hate speech and attempted to arrest or fine the authors. The law defines hate speech as speech that publicly threatens an individual or group based on nationality, ethnicity, race, skin color, or that publicly incites the restriction of rights and freedoms of such an individual or group. Individuals and groups could otherwise engage in the peaceful expression of views via the Internet, including by e-mail. Internet access was generally available across the country.

#### Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

#### b. Freedom of Peaceful Assembly and Association

##### Freedom of Assembly

The constitution and the law provide for freedom of assembly, and the government generally respected this right in practice.

In December 2007 the Banska Bystrica regional court sentenced five neo-Nazis to probation of three to six months for propagating an ideology that suppresses the rights of others and riotous conduct during a September 2006 rally in Turecka.

##### Freedom of Association

The constitution and the law provide for freedom of association, and the government generally respected this right in practice. However, the law requires organizations to pay a nominal registration fee and stipulates that those registering as foundations have "substantial" financial resources of 180,000 koruna (approximately \$8,571) to operate. In August 2007 the MOI denied Juzanska Rada (Southern Council for Self-determination) registration on the grounds that the organization's calls for separate self-governance structures for Hungarians in southern Slovakia were unconstitutional.

#### c. Freedom of Religion

The constitution and the law generally provide for freedom of religion; however, the law prevents smaller religious groups from registering. Catholicism was the dominant religion due to the number of adherents and received larger state subsidies; however, there is no official state religion.

In May 2007 the government amended the religious registration law to require that religious groups must provide signatures of 20,000 citizens or permanent residents who are adherents of the faith in order to register officially. The law previously required the signatures of 20,000 citizens, not specifically adherents. Registered groups received state subsidies for clergy and office expenses and were permitted to proselytize in prisons and hospitals and to conduct legal marriage ceremonies. There were 18 registered religious groups in the country. No unregistered religious group had sufficient membership to meet the new requirements for registration.

Leaders of smaller religious communities, particularly Muslims, but also some Protestant denominations, the Hare Krishna community, and the Church of Scientology, complained that the membership requirement for registration effectively barred them from obtaining official status, although these groups experienced no restrictions on assembly and worship.

The law requires public elementary school students to take either a religion or an ethics class. The law also allows government-funded religious schools to remove material inconsistent with church beliefs from their curricula.

In November the cabinet approved a penal code amendment that would toughen penalties for extremist acts. The amendment was pending with the parliament at year's end.

The MOI officially disbanded the far-right organization Slovenska Pospolitost in November, after issuing the organization a warning that it was under investigation five days earlier. Pospolitost's spokesman asked for an explanation from the government and said that he believed the decision was illegal. NGO observers commented that the ministry did not follow the legal procedures and that the action indicated that the government could disregard the law in the name of rooting out extremism.

#### Societal Abuses and Discrimination

There were reports of societal violence and discrimination against religious groups; however, the government made efforts to prosecute offenders and conducted programs to prevent it.

Organized neo-Nazi groups, estimated to have 500 active members and several thousand additional sympathizers, promoted anti-Semitism and harassed and attacked other minorities, including Roma. Jewish community leaders expressed concern that some media coverage in the country exhibited anti-Semitic undertones. Jewish community leaders and 2001 census data estimated the size of the Jewish community at approximately 3,000 persons.

In August three teenagers (ages 16 to 18) were caught vandalizing the Velka Ida Jewish cemetery near Kosice. They damaged 12 gravestones and a rabbi's mausoleum. The 18-year-old faced a possible sentence of two years in prison, while the two younger boys faced a possible sentence of one year each. The trial remained pending at year's end.

In September the National Council held a special session to debate the political opposition's recall effort of minister of justice Harabin, who was accused of having business ties to a narcotics trafficker. Harabin told opposition parliamentarian Daniel Lipsic that his inquiry reminded him of the "behavior of certain Nazis, who had Jewish ancestors and managed to participate in the killing of innocent children, women, and old men in concentration camps, just to prove their loyalty to fascism," and asked "What is the difference between Goebbels and Lipsic?" Human rights groups, Jewish groups, and opposition groups criticized Harabin's statements as anti-Semitic and

organized an anti-Fascism rally in Bratislava in the week following the special session. Prime Minister Fico publicly distanced himself from Harabin's statements, and stated that there was no room for anti-Semitism in his government.

In January 2007 two young men were arrested and charged with defamation against an ethnic group; the men shouted Nazi slogans at the Bratislava rabbi and his son as they were leaving a synagogue. The case was pending trial at year's end.

The 2006 trial of seven neo-Nazis in Kosice charged with possession of illegal weapons and propagating an ideology that suppresses the rights of others was postponed.

While direct denial of the Holocaust was not common, expressions of support for the World War II-era Slovak fascist state, which deported tens of thousands of Slovak Jews, Roma, and others to their deaths in German concentration camps, occurred during the year. Extreme right-wing groups, such as Slovenske Hnutie Obrody, regularly praised the wartime fascist state and denied its role in the Holocaust. Slovenske Hnutie Obrody and similar groups linked their Web sites to those of Matica Slovenska, a cultural heritage organization that received significant state subsidies, and reproduced articles from Slovenska's newsletter.

The Nation's Memory Institute (UPN), which provides access to previously undisclosed records of the Slovak regimes from 1939-89, was attacked by the Slovak National Party (SNS) Chairman, Jan Slota. In April Slota introduced a motion to abolish the UPN, effective January 2009. Slota's proposal was rejected by all other political parties, and in May Slota withdrew the proposal from the National Council. Several of the UPN's researchers, claiming the UPN had lost its independence under the leadership of SNS appointee Ivan Petrasky, left the UPN during the year.

The MOI actively pursued violent extremist groups, and police monitored Web sites hosting hate speech and attempted to arrest or fine the authors. The government also continued implementing its action plan to fight discrimination, racism, xenophobia, and anti-Semitism. During the year the government organized educational programs on minority and human rights issues. High school and university curricula promoted tolerance, and students could also compete in annual essay contests that focused on human rights issues.

For a more detailed discussion, see the 2008 International Religious Freedom Report at [www.state.gov/g/drl/irf/rpt](http://www.state.gov/g/drl/irf/rpt).

#### d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution and the law provide for freedom of movement within the country, foreign travel, emigration, and repatriation and the government generally respected these rights in practice. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

The law prohibits forced exile, and the government did not employ it.

#### Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government had an established system for providing some protection to refugees. However, the government granted very few asylum seekers refugee status, and the asylum law gives officials broad authority to reject applicants based on technical errors in their applications.

In practice the government provided protection against the expulsion or return of refugees to countries where their lives of freedom would be threatened.

The government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol and provided it to approximately 39 individuals from January to August; 185 individuals were rejected. The law provides for temporary protection, classified as "tolerated residence," which is granted if asylum is denied and the individual is not eligible for deportation to his or her country of origin due to administrative problems or fear for the person's safety.

The government accepted refugees from third countries and provided basic facilities and services to encourage integration. Language training and work permits were available for refugees and asylum applicants with extended stays.

In September 2007 the government, the UNHCR, and the local NGO Human Rights League signed an agreement to monitor border and airport activities in an effort to assist asylum and refugee seekers by providing a more efficient system for processing claims and making counseling and advocacy services available to applicants. The agreement was also designed to improve monitoring of illegal immigration and trafficking. The UNHCR reported that the tripartite cooperation was generally effective; however, the government on occasion delayed notification of UNHCR and NGO representatives, and individuals were occasionally returned to Ukraine before they are able to receive assistance.

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

The constitution and the law provide citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

#### Elections and Political Participation

In June 2006 citizens voted six political parties into the National Council in free and fair elections. Three of the six parties then formed the governing coalition. While election observers reported instances of localized vote buying in Romani communities in the eastern part of the country, they noted that it had no impact on the final election results.

Political parties operated without restriction or outside interference. A political party must receive at least 5 percent of the ballots cast to enter the National Council. In the 2006 elections, voters had the option to mark a preferential vote for an individual candidate on a political party list in addition to voting for a party.

There were 29 women in the 150-seat National Council, 36 women on the 70-seat Supreme Court, and one woman in the 16-member cabinet.

The law prohibits collecting information on ethnicity, and it was not possible to determine the number of members of minority groups in government. No member of the cabinet claimed minority status. The party of the Hungarian coalition held 20 seats in the National Council. Some ethnic Romani individuals and parties were successful at winning representation at the local level; however, Roma were consistently underrepresented in government service, and no Roma were in the National Council. The absence of a Romani political party was cited by some activists as a reason that the minority failed to gain any seats in the parliament, important government positions, or even the attention of mainstream Slovak parties.

#### Government Corruption and Transparency

The law provides criminal penalties for official corruption; however, the government did not always implement the law effectively, and officials sometimes engaged in corrupt practices with impunity. Corruption was a problem, and cases of corruption were reported in the legislative and executive branches.

NGOs reported several instances of corruption by high-ranking ministerial appointees. During the year a group of governing coalition parliamentarians, led by Movement for a Democratic Slovakia Party chairman Vladimir Meciar, campaigned for the dissolution of the special court. In February they delivered a motion to the Constitutional Court, arguing that the existence of the special court should be allowed only in wartime or other similarly extraordinary situations. The motion remained pending with the constitutional court at year's end.

In January minister of defense Frantisek Kasicky resigned after the discovery that he authorized overpayment by as much as 10 times to public tenders for cleaning services and snow removal.

In July minister of environment Jaroslav Izak resigned. Izak provided subsidies from the Environmental Fund to private individuals, which the prime minister stated violated the ethical principles of his government.

In December Branislav Macaj, the head of the telecommunications regulatory agency, was fired by a parliamentary vote at the request of the minister of transportation, post, and telecommunications, Lubomir Vazny, for allegedly delaying adoption of digital television standards. Macaj subsequently charged that the digital television strategy favored by the coalition's leading party was unduly influenced by financial interests behind two domestic television networks. That strategy aimed to preserve existing market shares for broadcasters, whereas Macaj's plan was to admit more competition as a condition for broadcasters to participate in new market offerings.

In September 2007 police began a criminal investigation of the NGO Privilegium on the grounds that it had failed to pay almost 2.5 million koruna (approximately \$119,000) in payroll taxes associated with government contracts in recent years. The minister of labor and social affairs worked at Privilegium before joining the cabinet in 2006. The investigation remained ongoing at year's end.

Government officials were subject to financial disclosure laws; however, the parliamentary committee that received such information did not have the authority to prohibit specific activities based on any identified conflict of interest.

The MOI is responsible for developing the government's overall strategy for combating corruption, with a specific focus on investigation and enforcement. The special court for corruption is responsible for most prosecution efforts. The general prosecutor, who is appointed by the parliament and independent of the executive and judicial branches, also plays a leading role in prosecuting corruption. The Office of the Slovak Republic, which answers to the prime minister, also plays a role in developing anticorruption legislation and regulations.

The law provides public access to government information; however, NGOs cited a need for greater public awareness of the responsibility of government to provide information. A few local government offices denied information requests without justification or left them unanswered.

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

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views, although NGOs reported that at times government officials seemed to view their activities with suspicion or mistrust.

In February the government withdrew a draft NGO law that sparked much public debate and generated significant press attention for its provisions that would effectively eliminate the legal basis for some watchdog organizations and curb the activities of international NGOs in the country.

#### Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and the law prohibit discrimination based on race, gender, disability, language, or social status; the government effectively enforced these prohibitions in practice. However, violence against women and children, trafficking in persons, and discrimination against minority groups were problems. In April the antidiscrimination law was amended to include "temporary balanced actions," or affirmative action. All government agencies are required to create special favorable conditions for groups who are victims of discrimination, including but not limited to employment, education, and vocational training.

#### Women

The law prohibits rape, including spousal rape. Although the government enforced the law effectively, rape was a problem and was underreported. In 2007 there were 22 convictions for rape. Rape victims had access to shelters and counseling offered by NGOs and government-funded programs.

Domestic violence against women also continued to be a problem. The law prohibits domestic violence; however, it was widespread, and activists claimed that the government did not enforce the law effectively. A joint study performed by the Ministry of Labor, Social Affairs, and Family (MLSAF) and the Public Policy Institute (IVO) concluded that one of every five Slovak women is a victim of domestic violence. In October the parliament passed a law providing police with greater tools to combat domestic violence; the law allows police to prohibit suspected offenders from re-entering the domicile where the victim resides for 48 hours after an incident is reported. In 2007 there were 457 incidents of domestic violence reported and 246 persons convicted for it. The law provides stricter sentences for violence directed toward members of the same household and allows for continued criminal prosecution even when a spouse drops charges. Domestic violence is punishable by two to 12 years' imprisonment. Domestic violence often was underreported due to the social stigma associated with being a victim; crime statistics did not adequately reflect the extent of the problem. The minister of labor, social affairs, and family produced a widely viewed "Stop Domestic Violence against Women" public information campaign from November 2007 to May 2008 with the support of NGOs and the Council of Europe.

Prostitution is legal, but related activities, such as operating brothels, knowingly spreading sexually transmitted diseases, or trafficking in women for the purpose of sexual exploitation, are prohibited. There was no reliable data on the extent of prostitution.

The law does not prohibit sexual harassment, and there were no statistics available to measure the frequency or severity of the problem. Women and men are equal under the law, including family law, property law, and in the judicial system; however, discrimination against women remained a problem in practice. The equal opportunity office in the MLSAF worked in an advisory capacity to ensure the legal rights of women, and has a particular department responsible for gender equality and equal opportunities. Experts believed that reported wage differences were due to large numbers of women working in low-paid occupations, such as in education or social services. According to the Ministry of Labor, the wage gap is due to the high participation of women in low-paid professions such as healthcare, education, social work, and light industry and low participation of women in higher-paid management positions. NGOs continued to push for increased opportunities for the political participation of women.

#### Children

The government was committed to children's rights and welfare; the MLSAF and the Ministry of Education oversaw implementation of the government's programs for children.

While education is universal, free through the post-secondary level, and compulsory until the age of 16, Romani children exhibited a lower attendance rate than other Slovak children. Although Romani children comprised nearly 15 percent of the total number of children under the age of 16, they were disproportionately enrolled in "special" schools for children with mental disabilities, despite diagnostic scores that were often within the normal range of intellectual capacity. In many "special" schools, the registered student body was nearly 100 percent Roma. Regular schools in the same communities had very few Romani students, especially at the secondary school level. A special school education did not provide Romani children the necessary knowledge on to higher education institutions, which also do not accept special school certificates as evidence that students meet entry criteria.

In July Amnesty International (AI) released a report on school segregation in the town of Pavlovce Nad Uhom. AI found that 99.5 percent of the pupils in the town's "special" school were Romani students, some of whom were previously functioning at an acceptable level in the mainstream elementary school prior to their transfer. AI also found that Romani parents were offered cultural and financial incentives (through the provision of motivational scholarships to high-performing children at the special school, regardless of the presence of a mental handicap) to send their children to what was locally known as the "gypsy" school. Following AI's report the government conducted an investigation of enrollment procedures at the special school and found that only 21 of the 57 new pupils admitted in 2007 had been properly assessed; 12 of the 57 students were transferred back to the mainstream school in February, a number that AI believed should have been much higher.

An increasing number of NGOs, including the League of Human Rights Activists (LPR), trained Romani children from special primary schools to help them transfer to regular schools. As a result of the LPR program, 24 children in Trnava entered regular schools in the 2006-07 school year, and 45 children entered regular schools in Zlate Klasy in the fall of 2007.

Child abuse remained an underreported problem according to child advocates. The government continues to increase training programs to reduce the instance of child abuse and implemented a publicity campaign to raise awareness of the issue. A number of children's foundations operated programs for abused and/or disabled children and the UN Children's Fund (UNICEF) continued to operate a hot line for children.

In June 2007 the MOI, UNICEF, and corporate contributors announced a new program to search for lost or runaway children, estimated at 700 nationwide, and to provide assistance to families of these children.

Child prostitution is prohibited; however, according to the UN, it remained a problem in Romani settlements with the worst living conditions. Most of the perpetrators were other Roma.

There were approximately 7,500 children in institutional care, the majority of whom were Roma. Most government orphanages were long-term care facilities rather than short-term residences. Activists claimed that orphans had difficulty integrating into society at age 18 and faced an increased risk of falling victim to trafficking.

#### Trafficking in Persons

The law prohibits all forms of trafficking in persons; however, there were reports that women and children were trafficked from, within, and through the country. Men were also trafficked for forced labor.

The International Organization for Migration (IOM) estimated that between 150 and 200 persons were trafficked from or through the country during 2007, mainly for the purpose of commercial sexual exploitation. There were

isolated reports that children were forced into prostitution. The IOM reported expanded usage of victims' assistance programs linked to increased awareness of these programs. Most of the victims trafficked through the country came from the former Soviet republics (particularly Moldova and Ukraine), the Balkan and Baltic countries, and China. According to a UN Office on Drugs and Crime (UNODC) study, from 1998 to 2007, an estimated 86,000 illegal migrants transited Slovakia. There were no foreign trafficking victims identified by law enforcement authorities during that same period. The MOI provided training in victim identification for national police and border guards during the year.

Traffickers also recruited Slovaks. Victims were typically trafficked through the Czech Republic or Austria to Western and Northern Europe. Victims were typically between the ages of 18 and 25 and from various social backgrounds, but particularly from areas with high unemployment. Some experts believed that Romani women and persons raised in state institutions were most vulnerable to being trafficked because of their socioeconomic situation and reduced freedom of mobility.

Traffickers lured women with offers of employment, often relying on personal connections. Victims, frequently forced to work while transiting the country, were often placed as prostitutes or as exotic dancers in nightclubs. Such activity was concentrated on the border with Austria, close to Ukraine, and along trucking routes with a prevalence of nightclubs. Traffickers closely monitored victims, withheld their documents, and used violence to ensure their compliance. Some victims allegedly were threatened with violence or even death if they attempted to escape.

By law traffickers may be sentenced to four to 10 years in prison. The sentence may be increased to as much as 25 years depending on complicating factors, for example, if a trafficking incident involves wrongful death.

Police initiated investigations in 10 cases of trafficking during the year. Courts convicted and sentenced seven traffickers in 2007, none of whom were involved in child trafficking. Sentences were often mild or suspended.

In February 2007 police uncovered a trafficking ring organized by Slovak and Slovenian citizens that recruited young Slovak women to work legally in Croatia, and then forced them to work as prostitutes in Slovenia. Four members of the organization were arrested and were in custody at year's end awaiting trial.

The government agencies responsible for combating trafficking include the national coordinator to combat trafficking in persons; the police antitrafficking unit; the ministries of interior, finance, justice, and education; the Prosecutor's Office; the border police; the equal opportunity office at the MLSAF; and the plenipotentiary for Romani communities. The government developed a 2008-10 national action plan to combat trafficking in persons, which focuses on training for law enforcement and social workers, as well as victim's assistance.

Police participated in international investigations on a limited basis. Slovenia, Austria, and Belgium made requests for extradition of perpetrators of trafficking in persons. One person was extradited to Slovenia in 2007 based on a European Union arrest warrant; the other cases were pending at year's end.

During the year, the national coordinator cooperated with five NGOs (Dotyk Crisis Center, Prima, Caritas, IOM, and the Cultural Association of Roma) to identify and provide shelter and services to victims of trafficking. Dotyk reported that it housed and assisted eight victims through the government's program during the year; IOM reported that it housed and assisted seven victims through the government's program during the year. The government also carried out a project with the UNODC in 2007 aimed at strengthening legislative, investigative, prosecutorial, and technical capabilities to combat trafficking and to provide protection and support to victims. The MOI carried out prevention programs for teachers, students, and mayors, with a particular focus on towns near the Ukrainian border. Although no formal screening or referral process was in place, the law required police to provide a

list of assistance programs to suspected victims. NGOs reported increased cooperation and communication with police.

The State Department's annual Trafficking in Persons Report can be found at [www.state.gov/g/tip](http://www.state.gov/g/tip).

#### Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or the provision of other state services, and persons with disabilities were able to vote and participate in civic affairs. In practice, however, experts reported that access to buildings and higher education remained a problem and that laws to provide assistance to students with disabilities were not implemented with regard to school facilities or educational materials. There were reports that persons with severe physical disabilities received less than the minimum wage in some instances.

NGOs reported deficiencies in psychiatric care of patients with mental disorders and in mechanisms to monitor human rights violations against them. Psychiatric institutions and hospitals, which fall under the purview of the Ministry of Health, continued to use cage beds. The law prohibits both physical and nonphysical restraints in social care homes, managed by the MLSAF. Several NGOs conducted public education campaigns on mental illness and worked cooperatively with the Health Ministry.

While the government enacted legislation in 2007 requiring television stations to provide "voiceover broadcasting" for blind viewers, less than 30 percent of television programs provide such services. While the law defines mandatory standards for access to buildings, NGOs noted that they had not been fully implemented, although access to privately owned buildings improved more rapidly than access to state buildings.

The Council for Citizens with Disabilities, chaired by the minister of labor, social affairs, and family, serves as a governmental advisory body regarding persons with disabilities.

#### National/Racial/Ethnic Minorities

Discrimination against Roma and individuals of non-European ethnicity was common. Roma are the second largest ethnic minority with a population of 90,000 according to the 2001 census. Experts estimated that the Romani population was actually between 350,000 and 400,000. The discrepancy was attributed to Roma identifying themselves as Hungarians or Slovaks.

Racially motivated attacks on minorities, Roma and otherwise, were reported widely throughout the year, but investigation of attacks and law enforcement varied by jurisdiction. Of the cases brought to trial during 2007, one case of racially motivated murder resulted in conviction; seven of the eight cases of racially motivated assault that involving in serious injury resulted in convictions, 22 of 33 cases of violence against a racial or ethnic group resulted in convictions; and 11 of 17 cases of "violent threatening" resulted in convictions.

Roma were particularly singled out for violence, and police detained numerous individuals for attacks against Roma motivated by racial hatred. There were also reports that police mistreated Roma. Skinhead and neo-Nazi violence against Roma and other minorities continued to be a serious problem. The League of Human Rights Activists (LPR) reported that, although police were increasingly responsive in their efforts to monitor and control the skinhead movement, the problem persisted. The LPR also reported receiving e-mail and telephone threats from skinheads.

Several non-Romani minorities as well as foreigners were also victims of racially motivated attacks.

In April two individuals attacked an African-American basketball player in Kosice. In response, she cancelled her contract with the Kosice sport club and left the country. In August the Kosice Prosecutor's Office filed a case against one of the perpetrators and bargained a sentence with the other perpetrator. The court sentenced the latter to a two-year suspended sentence and three years' probation.

In April a visiting British doctor of African descent was attacked by a 24-year-old male who shouted racial slurs during the attack. In November the Bratislava dDistrict Court found the attacker guilty of disorderly conduct and defamation of nationality and race and sentenced him to a one-year suspended sentence.

In September the district court in Kosice sentenced a 17-year-old boy to five years in prison for the killing of a 14-year-old Romani boy. The perpetrator repeatedly hit the victim in the head with an axe, continuing after the victim fell down, and left the victim's body near a local creek.

In March 2007 the LPR received reports of attacks on Nigerian, Mexican, and Vietnamese citizens. Several skinheads attacked the Nigerian citizen, a resident married to a Slovak woman, in Bratislava. After visiting the scene of the alleged crime with police, the victim went to the police station to file a complaint and was himself charged with assault and detained. The case was pending trial at year's end, with the LPR representing the Nigerian citizen.

The alleged 2006 attack on ethnic Hungarian university student Hedviga Malinova in Nitra continued to draw media attention during the year, sparking public debate on the government's handling of the case. Two young men allegedly physically assaulted Malinova after hearing her speak Hungarian. The district prosecutor discontinued the investigation after two weeks, concluding that Malinova had lied. The minister of interior and other officials publicly supported the decision. Journalists and human rights advocates criticized the decision, charging that a cover-up had taken place. Malinova's multiple appeals to the Constitutional Court were rejected, and in May 2007 the Nitra police formally charged Malinova with perjury. In September 2007 the prosecutor reopened the case with new investigative and prosecutorial teams at year's end. In October the Prosecutor's Office asked that Malinova submit to a lie detector test, which her lawyers refused to allow in Slovakia. The case remained pending at year's end. Malinova's case against the government for "inhuman and humiliating treatment" also remained pending at the ECHR.

Police continued to investigate the 2006 case of three masked attackers who broke into a Romani family's home in Sered and beat the occupants.

The Slovak National Center for Human Rights reported receiving 760 complaints of discrimination from January to August. In approximately 80 percent of the cases, claims involved labor-related discrimination, especially in regard to hiring processes. Other discrimination complaints concerned the provision of goods and services, social and health care, and education. One NGO criticized the length of time it took for the center to issue required legal opinions on claims of discrimination.

Widespread discrimination against Roma continued in employment, education, health services, housing, and loan practices. Activists frequently alleged that employers refused to hire Roma, whose unemployment rate exceeded 95 percent in many settlements.

Local authorities and groups forced evictions of Romani inhabitants or blocked construction permits or the purchase of land. Many Romani settlements lacked formal infrastructure, access to clean water, and proper sewage systems. In September 2007 the city of Nove Zamky sold a building occupied primarily by Romani tenants, many of whom were in default on rent payments, to a private owner, who announced he would tear down the building as a condition of the sale. The owner evicted and moved 40 Romani families to housing without basic services, mostly in

surrounding villages that lacked efficient transportation to the city. The case attracted the attention of the deputy prime minister, who labeled racism as a factor, saying the cases reminded him of World War II relocations. Similar, less-publicized cases were reported in other towns throughout the year, including Tornala, Kosice, and Kezmarok.

The law prohibits defamation of nationalities in public discourse; however, this law was enforced only when other offenses, such as assault or destruction of property, were also committed. There were instances of public officials at every level defaming minorities and making derogatory comments about Roma. Inflammatory speech by government officials also raised tensions between ethnic Hungarians and ethnic Slovaks, especially since 2006.

At a soccer match in Dunajska Streda on November 1, authorities used force to expel rowdy Hungarian fans from the stadium, which triggered a demonstration by Hungarians at the Slovak Embassy in Budapest.

On November 8, members of the Hungarian Guard dressed in Nazi-era uniforms crossed the border to lay wreaths at two war memorials, and were subsequently arrested by Slovak police. Hungarian Jobbik party members attempted to block the border crossing outside Bratislava on November 10. Slovak Prime Minister Fico and Hungarian Prime Minister Gyurcsany met on November 15 in an effort to reduce bilateral tensions.

Extreme right, nationalist, and neo-Nazi groups such as Slovenska Pospolitost (Slovak Community) and Narodny Odpor (National Resistance) continued to hold events designed to intimidate minority groups. Dressed in uniforms similar to those of the Hlinka Guards (the fascist wartime militia), the groups' members held marches and rallies to commemorate the wartime fascist state and to spread messages of intolerance against ethnic and religious minorities. In November the MOI withdrew Slovenska Pospolitost's registration as a citizen's organization. Pospolitost demanded an official explanation of the ministry's decision, claiming that the organization did not do anything illegal.

Anecdotal reports of increased sales of neo-Nazi and white supremacist materials continued. In September 2007 police arrested the owners of a Bratislava clothing store for selling Nazi apparel and educational materials. The trial remained pending at year's end.

The 2006 cases of racially motivated speech and incitement to violence by the leaders of the white supremacist World Church of the Creator and the National Alliance organizations and the 2006 Banska Bystrica case in which three men held banners with "Death to Hungarians" at a soccer match continued to await trial.

The government continued to make efforts to address violence and discrimination against Roma and other minorities, although some critics worried that judges lacked sufficient training in the relevant laws. The government continued to implement its action plan against xenophobia and intolerance, which included a special police unit to monitor extremist activities. A commission consisting of NGOs, police, and government officials advised the police on minority issues.

In January Anina Botosova, the plenipotentiary for Roma affairs, announced the updated national minority strategy, which incorporated a wide range of education, employment, housing, and social integration policy recommendations from the Roma advocacy community. Under an agreement between the government and the European Union (EU), the country must commit a minimum of 8 billion koruna (approximately \$381 million) of the funds it receives from the EU to projects that specifically address the needs of the Romani community.

The plenipotentiary maintained five regional offices to supervise the implementation of governmental policy on Romani issues, support infrastructure development, and cooperate with municipalities and villages to improve interaction between Roma and non Roma. Although the EU gave the plenipotentiary's office funds to hire 35 new staff members, NGO representatives believe the office remained insufficiently staffed and unable to actively engage

with the NGO community on a regular basis. The MLSAF assigned specially trained social workers to Romani settlements to assist with government paperwork and to advocate the importance of education and preventative health care. The Ministry of Health continued to train Romani-speaking health care assistants to improve the community's access to health services.

During the year the government allocated 9.5 million koruna (approximately \$452,380) for a national antidiscrimination plan. The Office of Deputy Prime Minister for Human Rights served as the secretariat for the Council of National Minorities and the Government Council for NGOs.

#### Other Societal Abuses and Discrimination

There were no reports of violence based on sexual orientation but, according to gay rights advocates, prejudice and discrimination persisted.

There were no reports of discrimination against persons with HIV/AIDS.

#### Section 6 Worker Rights

##### a. The Right of Association

The law provides for the right to form and join independent unions of their choice except in the armed forces, and workers exercised this right in practice. Labor unions estimated that 17 percent of the work force was unionized; business associations believed the actual figure was less than 10 percent. The law provides unions the right to strike with advance notice when collective bargaining fails to reach an agreement or to support other striking employees' demands (solidarity strike). The unions generally exercised these rights in practice without restrictions. The law prohibits dismissing workers legally participating in strikes; however, strikers are not ensured protection if a strike is considered illegal or unofficial. Civil servants in essential services and members of the military may not strike.

##### b. The Right to Organize and Bargain Collectively

The law provides for unions to conduct their activities without interference, and the government generally protected this right in practice. The law provides for the right to organize and bargain collectively, and workers exercised these rights in practice. There are no special laws or exemptions from regular labor laws in export processing zones.

##### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that women and children were trafficked for commercial sexual exploitation. According to IOM reports, eight men were victims of forced labor.

##### d. Prohibition of Child Labor and Minimum Age for Employment

The law provides for the protection of children from exploitation in the workplace; however, there were some reports that children were exploited and that Romani children in some settlements were exploited for commercial sex. NGOs reported that most victims, including children with disabilities, were exploited by family members or other Roma.

The minimum age for employment is 15, although children under 15 may perform light work in cultural or artistic performances, sports events, or advertising activities if it does not affect their health, safety, or schooling. The National Labor Inspectorate and Public Health Office must approve, determine the maximum hours for, and set conditions for child labor under age 15. Children under age 16 may not work more than 30 hours per week, and children ages 16 to 17 are limited to 37.5 hours per week. Children under age 18 are not allowed to work underground, work overtime, or perform work that is inappropriate for their age or health.

District inspection units received and investigated child labor complaints. If a unit determined that a child labor law or regulation had been broken, it turned the case over to the national inspection unit of the MLSAF. Enforcement was consistent across all communities.

Child labor, in the form of begging, was a problem in some communities; there were also isolated reports of children forced into prostitution, often by family members.

e. Acceptable Conditions of Work

In September President Gasparovic signed an amended Act on the Minimum Wage, which was the result of negotiations between the Ministry of Labor, unions, and employer associations. The amended act increases the minimum wage from 8,100 koruna (approximately \$385) to 8,900 koruna (\$423) as of January 1, 2009. The minimum wage provided a decent standard of living for a worker and family in rural areas of the country, but not in urban areas. The amended act increases the government's role in the minimum wage negotiations and decreases the role of "social partners" (the Ministry of Labor, unions, and employers) in the event these do not reach compromise on the exact amount of the minimum wage.

The law mandates a maximum workweek of 48 hours including overtime, with 30-minute breaks after six hours of work or after four hours for employees younger than 18, and rest periods of at least 12 hours between shifts. Trade unions, local employment offices, and the MLSAF monitored observance of these laws, and authorities effectively enforced them.

The law establishes health and safety standards that the office of labor safety generally enforced. Workers 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 be paid "relaxation" leave in addition to their standard leave.