



[Home](#) » [Under Secretary for Democracy and Global Affairs](#) » [Bureau of Democracy, Human Rights, and Labor](#) » [Releases](#) » [Human Rights Reports](#) » [2009 Country Reports on Human Rights Practices](#) » [Europe and Eurasia](#) » [Slovakia](#)

## 2009 Human Rights Report: Slovakia

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

### 2009 Country Reports on Human Rights Practices

March 11, 2010

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). Voters elected the head of government, Prime Minister Robert Fico of the Smer Party, to a four-year term in 2006. President Ivan Gasparovic, the head of state, was reelected for a five-year term during the year. Both elections were considered free and fair. Eight political parties, three of which form 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; concerns about the integrity of the judiciary, corruption in national government, 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 September the Supreme Court upheld the February 2008 Banska Bystrica Regional Court conviction of seven former police officers for 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. The former officers will serve between 18 months and eight years and six months in prison.

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.

The C  
Affair  
the U  
Exter  
cons:  
polici

Nongovernmental organizations (NGOs) 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. The CPT conducted a follow-up visit from March 24 to April 2. In general the CPT noted that the situation in Slovakia had improved, despite recurring complaints from detainees about excessive force. The CPT recommended that the government reassess police training methods pertaining to detention and include independent experts in the process. The CPT also urged the government to investigate all allegations of sterilization of Romani women promptly and thoroughly, to enforce the 2004 Healthcare Act effectively, and train doctors about their criminal liability for performing sterilization without consent.

On March 21, police officers abused six Romani boys (ranging in age from 11 to 16 years old) detained in Kosice following alleged theft of a purse. Videotapes of the incident, leaked to the media on April 7, showed the officers forcing the boys to strip naked, kiss, and hit each other. Police authorities immediately suspended nine officers, seven of whom subsequently lost their jobs, accused them of abuse of office and intimidation, and faced criminal charges; the trial was pending at year's end. Authorities also dismissed four of the officers' superiors.

Police continued to provide special training on Romani culture and language to officers working in districts with Romani communities in the Kosice and Presov regions. The Bratislava branch of postsecondary 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. Observers expressed concern that no independent group or NGO regularly monitored prison conditions.

#### 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. 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 certain witnesses, particularly Roma, women, and homeless persons and often failed to investigate cases involving Roma and other

minorities promptly and thoroughly.

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.

In June authorities arrested six police officers following an investigation that indicated they had been working as security guards in a brothel in Senec. At year's end the officers, who were members of teams in Bratislava and Trnava, awaited trial.

The most common charge authorities brought against police officers was abuse of power; other charges included battery, assault and battery, and illegal intrusion into private homes. In 2008 authorities charged 158 police officers with crimes; in 68 of these cases, the crime was abuse of power. Disciplinary action ranged from fines to expulsion from the police force.

Several NGOs criticized the actions of police at a June protest in Bratislava during the visit of Chinese president Hu Jintao. During violent clashes between Slovak protesters and supporters of the Chinese president, police did not actively intervene. Subsequently, police detained nine protesters, six Slovaks and three Chinese. In July five NGOs filed a complaint against the Ministry of Interior, alleging that police did not protect the rights of protesters and expressing concern that the investigation of the event was inadequate. Prime Minister Fico publicly supported the police action. In September the ministry dismissed the NGOs' complaint.

There were some indications that impunity was a problem, as evidenced in the continuing 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 2007 the Constitutional Court dismissed a new complaint filed by the League of Human Rights Activists on behalf of the Puky family. In April 2008 the European Roma Rights Center 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 Procedures and Treatment While in Detention

The constitution and the law stipulate that a person can only be taken into custody 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. There was a bail system in place that functioned effectively. 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. Attorney visits were allowed as frequently as necessary. The law allows monthly family visits upon request.

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.

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 five years for crimes in which the expected sentence is 25 years or a life sentence. In addition, pretrial detention cannot account for more than 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; detainees were held on the average for 125 days at the district court level and 399 days at the regional court level. At the district court level, 10 percent of detentions were longer than one year; at the regional court level, 51 percent of detentions were longer than one year. In 2008 authorities held 6,162 individuals in pretrial detention.

The law allows plea bargaining, which reduced the backlog of court cases. During 2008 plea bargaining resolved 5,741 cases, compared with 4,428 cases in 2007.

#### e. Denial of Fair Public Trial

The law provides for an independent judiciary; however, in practice problems with corruption, official intimidation of judges, inefficiency, and a lack of accountability continued to undermine judicial independence. In some cases the judiciary was subject to high-level influence and pressure by the government. In some cases judges felt they faced attempts to influence decision making as well as intimidation via disciplinary actions from the minister of justice or the Judicial Council.

Cases are generally first heard in the district courts; appeals are made to the eight regional courts. The Supreme Court, consisting of 76 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 nominally independent of the Ministry of Justice. It rules on compliance of lower legislation with the constitution and international treaties, 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. Military courts were abolished on April 1.

In May the Constitutional Court ruled seven to six that the Special Court, designed to hear cases of official corruption and those related to high-ranking government and political figures and organized crime, was unconstitutional. In June the parliament passed a bill to create a new specialized court to hear corruption cases. Under the new law, judges' salaries were reduced, and judges were no longer required to have security clearances. These changes addressed the Constitutional Court's reasoning for declaring the special court unconstitutional. Some judges expressed that they felt pressure to rule against the special court.

With the exception of the Constitutional Court, courts employed a computerized system for random case assignment to increase transparency. There were reports that this system was subject to manipulation. There were also reports of inconsistent decision making and substitution of judges to influence court decisions. Public skepticism toward the court system remained widespread.

In June former minister of justice Stefan Harabin was elected chairman of the Supreme Court. Several NGOs mounted a campaign against his election, citing his personal contacts with a person suspected of organized drug-related criminal activity. They also criticized his misuse of disciplinary actions as tools to intimidate and persecute judges. Over 12,000 persons signed the petition. Several judges also filed a Constitutional Court claim against his election, which remained pending at year's end.

In July a judicial disciplinary senate ruled that veteran judge Anna Benesova be demoted for allegedly prohibiting the recording of court proceedings in one of her cases. Benesova, however, asserted that the real motive for her demotion was her unwillingness to decide in favor of Harabin in a libel case against daily newspaper *SME*. After Benesova was suspended from the Bratislava Regional Court in July 2008, the judge who replaced her in the Harabin vs. *SME* case ruled in Harabin's favor and ordered *SME* to pay him 33,134 euros (approximately \$47,400). Witnesses at her disciplinary hearings testified Benesova did not prohibit the recording and, moreover, in other cases when recording was prohibited, judges received only minor sanctions or were not sanctioned.

Other disciplinary actions were criticized widely as unfair, such as the cases of judges suspended from function for filing a criminal complaint against Harabin, or for writing a letter to President Gasparovic about the situation in the judiciary. Disciplinary actions related to procrastination appeared heavily inconsistent-in some cases judges faced suspension from function for procrastination, while in other similar cases there was no action.

Suspension from function is a severe action, as the suspended judge is prohibited from entering the court building, receives only one-third of salary, and cases are assigned to other judge.

On September 15, 105 judges sent a letter to the president, prime minister, the chairman of the National Council, the minister of justice, and the Judicial Council protesting the improper use of disciplinary panels against independent judges. The letter stated that the disciplinary sanctions applied to critics of Harabin were nontransparent, inconsistent, and threatened the independence of the judiciary. The judges had not received a response at year's end.

An open statement called "Five Sentences," signed by 105 judges from across the country, was published on October 1. The judges wrote openly in their statement about "an atmosphere of fear" in conducting their work within the judiciary.

#### Trial Procedures

Defendants enjoy a presumption of innocence. 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. Persons charged with criminal offenses are entitled to fair and public trials and have the right to be informed of the charges against them. 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. However, NGO observers stated that judicial corruption often resulted in lengthy court delays and improper handling of police investigations. 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. Defendants have the right to refuse self-incrimination, and may appeal adverse judgments.

#### 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 by the

public as 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 157 of the approximately 2,528 complaints received in 2008 constituted violations of the rights of the claimants, most of which involved delays in court proceedings. The ombudsman's office continued providing free legal services throughout the country by holding traveling legal clinics in cooperation with individual municipalities.

As of July the ECHR had issued 13 rulings against the country based on exceeding 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 passage of the property restitution law of 1991, citizens filed 48,518 claims. As of December 2008, 41,218 of these claims had been resolved through land return, land awards, or financial reimbursement. Under the 2003 property restitution law, 34,287 claims were filed, of which 18,481 were resolved (which included land return, awards, or financial reimbursement) through December 2008. 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 had been filed. 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. Two additional cases were pending at regional courts following appeals, and four cases were pending before appeal courts.

Three forced sterilization civil suits that predate the 2005 law were filed at the ECHR in 2004. Two were still pending at year's end.

In April the ECHR ruled in favor of eight Romani women who suspected they had been sterilized without their knowledge.

The hospitals where the procedures had been performed allegedly denied them access to their medical records and the ECHR ruled that this denial of access was a violation of privacy; the allegation of uninformed sterilization was not at issue. 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 2007 the Ministry of Health had informed Poradna that the women's medical records were lost. After numerous unsuccessful civil proceedings, the plaintiffs were each awarded 3,500 euros (\$5,018) in damages.

As of July there were two other rulings by the ECHR against the government for violating the right to privacy. In one case a domestic court restricted the legal capacity of a person suffering from a mental illness. The woman was required to wait three years before applying to have her full legal capacity restored, during which time she was restricted from acting on her own before public authorities. In March the ECHR ruled that this extended period was excessive and interfered with her right to privacy. In the second case, the Ministry of Interior authorized an investigation team to wiretap a lawyer's cell phone to obtain information about one of the lawyer's clients suspected to be involved in organized criminal activities. In June the ECHR ruled that this interference with the right to privacy was unlawful.

## 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, in some instances the government limited these rights, including attempts by government officials to impede criticism and 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, although state-owned television and wire services were subject to political influence by the government. The three public media outlets (TV-STV, Radio SRo, and Wire-TASR) received state funding and were headed by political appointees. 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. Both the 2008 act on broadcast fees and the 2007 audiovisual law increased broadcast media's dependence on state funding and the perceived schism between print and broadcast media.

In June 2008 a 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 counter response. Miklos Haraszti, the Organization for Security and Cooperation in Europe's (OSCE) 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. Members of government took several actions that observers believed were intended to pressure the media to curtail reporting critical of the government.

In September Prime Minister Fico announced that he would seek changes to the press law that would require publishers

to issue corrections within 24 hours during the election period and that would ascribe fines to violations that would not require a court trial; at year's end however the prime minister had not submitted any amendments to parliament. Arne Koenig, head of the European Federation of Journalists, stated that such a law would be dangerous, as it would "distinguish between politicians and regular people." Haraszti declared "if such a draft law is submitted to parliament, we will officially intervene. This would mean another serious worsening of the position of publishers and their rights to decide on the content of their newspapers."

In November Prime Minister Fico used the right of reply provisions in the media law to respond to a commentary from the daily *SME*, which alleged that he was part of a privileged group prior to 1989 during the communist era in Slovakia. *SME* printed Fico's reply on its opinion page. Media analysts and publishers alike noted that when the media law was passed, Fico said that he would not use it, as it was designed to protect ordinary citizens from the press.

Criminal penalties for defamation exist under the penal code, but these provisions were rarely used. Jana Teleki, a journalist, was charged with the crime of defamation, allegedly caused by a poem she wrote in 1998. The criminal proceeding was first closed in 1999, but the proceeding was reopened in 2000. The first instance court issued a conditional sentence of 18 months against her in 2003. The appeal procedure was still pending at year's end. Many experts claimed that the procedure was not legally sound as the case was closed in 1999.

Members of the government, judiciary, and political elites targeted the press in a number of civil defamation lawsuits, which often required the press to pay large sums of money. The International Press Institute and other observers expressed concerns that this financial risk may lead to self-censorship in the media. Courts made multiple decisions in favor of political elites, despite compelling evidence of the veracity of the reports for which the media were being punished. In such cases many persons expressed concern that these decisions demonstrated that preserving a politician's personal reputation was valued more highly than the public's interest in the truth.

In April Prime Minister Fico won a 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 2007. The article reported on efforts of the Fico government to roll back pension reform introduced under the previous government. A judge ordered the publisher to pay Fico 8,000 euros (\$11,400) in damages and publish an apology.

In May then justice minister and current Chairman of the Supreme Court Stefan Harabin sent letters to three publishers and one radio station requesting out-of-court settlements of 200,000 euros (\$286,000) from each of them to compensate for articles and statements published in 2008-09 that allegedly damaged his reputation. Harabin did not invoke the new press law to ask for an apology or any printed corrections. Harabin has won several libel lawsuits against the media since 2006, a fact that he highlighted in the letters to the media outlets. Observers expressed concern that the former minister's objective was to intimidate and extort the media rather than to restore his reputation. The Association of Publishers of the Periodical Press in Slovakia issued a statement that called the letters "a very unusual, but characteristic in many aspects, continuation of the political representatives' actions against journalists and publishers." The statement claimed Harabin "is demanding exorbitant sums that are higher than those awarded by courts in the cases of the gravest health injuries or deaths."

In September former prime minister and current coalition partner Vladimir Meciar won 49,500 euros (\$70,800) in damages from the publishing house 7 Plus. In 2005 the weekly *Plus 7 Days* published an interview with an individual who called the financing of Meciar's luxurious "Elektra" villa a "virtual reality" that could not be explained. The court of first instance ruled that *Plus 7 Days* should issue an apology to Meciar but awarded no financial compensation; however, after both *Plus 7*

Days and Meciar appealed, the second instance court, the Bratislava Regional Court, overruled the earlier verdict and awarded Meciar compensation.

In September Prime Minister Fico sued Petit Press, the parent company of leading daily *SME* for 33,000 euros (\$47,143) for damages allegedly incurred by publication of a cartoon on its opinion page. The cartoon depicted Prime Minister Fico in a doctor's office, with the doctor examining an x-ray of Fico's neck and implying he was spineless. In his lawsuit the prime minister stated that while he was suffering unbearable physical pain, the *SME* daily was misusing his image and mocking his suffering, which harmed his dignity and reputation. Media analysts observed that if the courts ruled in Fico's favor, it would set a dangerous trend penalizing satire.

In December Fico held a press conference in which he accused the media of conspiring against him, attacking his family, and operating like the mafia. The publishers of all the leading dailies in the country responded with a joint article refuting Fico's claims that they had met to conspire against him and said, "what is equally inappropriate and offensive are the continuing and escalating attacks against journalists, full of inappropriate, or even vulgar, epithets. The media and journalists are doing nothing other than what is customary in a democracy. The prime minister naturally has the right to use all legal means for his defense if he believes that these activities are beyond the limits of the law. However, he does not have the right to cross the limits of decency and incite an atmosphere of aggressiveness toward the media and journalists in society."

#### Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mails or Internet chat rooms; 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. According to International Telecommunication Union statistics for 2008, approximately 51 percent of the country's inhabitants used the Internet.

#### 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. However, the regional authorities banned the activities of civic activist Ondrej Dostal in two instances. The courts subsequently ruled that the ban was illegal.

##### 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 \$8,600) to operate.

### c. Freedom of Religion

The constitution and the law generally provide for freedom of religion; and the government generally protected this right in practice, 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 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 religious 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.

In February 2008 the prosecutor general filed a case with the Constitutional Court against the 2007 registration law, citing that it infringed upon the freedom of association. The case was pending at year's end.

In April 2008 leaders of Christian Fellowship filed a case with the Supreme Court to appeal the minister of culture's rejection of their registration application in 2007, claiming that they had met all registration requirements. In March the Supreme Court ruled in favor of the appeal, and the Ministry of Culture renewed the registration process in May.

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.

### 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 June the Ministry of Justice announced that all legally justified applications for compensation to Holocaust victims had been settled. The Central Union of Jewish Religious Communities submitted a list of applicants to the ministry in 2004. In total the ministry paid 411,000 euros (\$588,000) in compensation. This was a symbolic payment meant to compensate survivors for suffering and was separate from property restitution.

In November 2008 the cabinet approved a penal code amendment that would toughen penalties for extremist acts.

President Gasparovic vetoed the amendment, stating that it did not sufficiently define extremism and extremist acts. NGOs also expressed concern that the amendment's ambiguity could be misinterpreted or misused to repress perceived enemies of government including NGOs or media. In June parliament overrode the veto, and the amendment took effect in September. The amendment provides penalties of two to six years' imprisonment for individuals convicted of membership in an extremist group and three to eight years' imprisonment for production of extremist materials.

The Ministry of Interior officially disbanded the far-right organization Slovenska Pospolitost in November 2008. In July the Supreme Court annulled this dissolution ruling that the necessary conditions were not met for the organization to be disbanded. The Ministry of Interior expressed its intent to outlaw the organization a second time. In October it sent a warning letter to Pospolitost asking it to cease illegal activities, but the process remained pending at year's end.

There were numerous acts of anti-Semitism reported. Police arrested individuals in Roznava, Nitra, Kolinany, Dolne Obdokovca, and other towns for painting swastikas on public buildings or propagating fascist ideology.

In 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.

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.

In March approximately 250 persons gathered in front of the presidential palace in Bratislava to commemorate the 70th anniversary of the founding of the wartime fascist Slovak state in 1939 and pay respect to its president, Jozef Tiso, who was executed for treason after World War II. The participants planned to march from the palace to the presumed grave of president Tiso, but police disbanded the march after arresting a marcher for calling out "Na Straz!" (On Guard!). The law forbids use of that phrase, which was the greeting of the Hlinka Guard, an official World War II-era paramilitary organization responsible for internal security and the deportation of thousands of Slovak Jews and Roma.

In August the extremist organization Slovenska Pospolitost held a rally to commemorate the 71st anniversary of the death of Andrej Hlinka, a priest and outspoken advocate for Slovak independence before his death in 1938, who continued to inspire nationalists.

The Nation's Memory Institute (UPN) provided access to previously undisclosed records of the Slovak regimes from 1939-89, and in past years there were efforts to abolish it. In April parliament elected Arpad Tarnoczy, former chairman of the Union of Anti-Communist Resistance (ZPKO) and known for his pro-Tiso sentiments, to the UPN supervisory board. The ZPKO issues the newsletter *Svedectvo* (Testimony), which Jewish community officials have criticized for advocating the wartime fascist state. Tarnoczy previously unveiled a monument to Jozef Kirchbaum, a leader of the Hlinka guard.

The Ministry of Interior 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 *2009 International Religious Freedom Report* at [www.state.gov/g/drl/rls/irf/](http://www.state.gov/g/drl/rls/irf/).

#### 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 country is a party to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol relating to the Status of Refugees. Its laws provide for the granting of asylum or refugee status, and the government has established system for providing some protection to refugees. The government granted 22 asylum seekers refugee status out of 909 applicants in 2008, in contrast with 2007, when 2,643 asylum seekers applied and the government granted refugee status to only 14 applicants. 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 on account of their race, religion, nationality, membership in a particular social group, or political opinion.

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 July the government, the UNHCR, and the International Organization for Migration (IOM) signed an agreement to temporarily house 98 Palestinian refugees from Iraq. The refugees arrived in August and were expected to stay for six months in an asylum facility in Humenne and be provided with accommodation, food, and medical care while their applications for permanent asylum elsewhere were processed.

The government also provided temporary protection to individuals who may not qualify as refugees under the 1951 Convention and the 1967 Protocol. 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.

#### 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 based on universal suffrage.

##### Elections and Political Participation

In April President Ivan Gasparovic, the head of state, was reelected for a five-year term in the second round of voting in an election that was considered to be free and fair. In 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 limited effect 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 of marking a preferential vote for an individual candidate on a political party list in addition to voting for a party.

There were 39 complaints of electoral abuse questioning the legality of the 2006 municipal elections. In 2008 the Constitutional Court ruled that procedures were illegal or unconstitutional in 14 of those cases.

There were 29 women in the 150-seat National Council, 36 women on the 70-seat Supreme Court, and two women 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. The party of the Hungarian coalition holds 20 seats in the National Council. Some ethnic Romani individuals and parties were successful at winning representation at the local and regional levels; however, Roma were consistently underrepresented in government service, and no Roma were in the National Council.

In November the country held elections for the chairmanships and parliamentary seats in the eight regional governments. Voter turnout was 22.9 percent. For the first time in the country's history, two ethnic Romani candidates were elected to the regional parliaments. In the eastern part of the country, there were some allegations of vote buying, particularly in Romani settlements.

#### Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, the government did not always implement the law effectively, and some officials engaged in corrupt practices with impunity. There were also concerns, particularly in the business sector, about the privatization of justice. Some reported that court proceedings have become a contest of vested interests and connections to the judicial powers. While the country has some financial disclosure laws, compliance was the exception rather than the rule. The World Bank's Worldwide Governance Indicators also reflected that corruption remained a problem.

Among many widely reported cases of large-scale corruption and lack of transparency in public procurements, three resulted in the replacement of high-level government officials.

In April Minister of Construction and Regional Development Marian Janusek, a member of the Slovak National Party (SNS), was forced to resign following the "bulletin board" scandal at his ministry. A contract worth 119 million euros (approximately \$170 million) for various services was announced only on a bulletin board inside the ministry and was awarded to two companies, Zamedia and Avocat, in 2007. Following intense pressure from NGOs, extensive press coverage, and an investigation by the European Commission, authorities removed Janusek and cancelled the remaining balance of the contract. However, his replacement, Igor Stefanov, had also signed the contract in question, and the government already paid nine million euros (\$12.9 million) for services received. In September the general prosecutor promised to initiate a criminal investigation, which remained pending at year's end.

In May Viliam Tursky replaced Environment Minister Jan Chrbet (SNS) based on corruption allegations in connection with the sale of carbon dioxide emission allocations to a foreign company. The company was created only months before winning the contract and had no relevant experience or history in emissions trading. In October 2008 Chrbet approved the sale of emission quotas for 10 million tons of carbon dioxide and an option for an additional 5 million tons for 6.05 euros (approximately \$8.65) per ton. The price of emissions quotas in comparable sales in the region at that time was at least 10 euros (approximately \$14.30) per ton.

In August Prime Minister Fico recalled Viliam Tursky and took political control over the Ministry of Environment from the SNS due to "continuous lack of expert capacity to lead the ministry." Deputy Prime Minister Dusan Caplovic, serving as acting Minister of Environment, immediately announced he would cancel the future emissions options in the contract, but this legal process remains unclear. Caplovic also removed top-ranking Environment Ministry officers appointed by the SNS. Investigation of additional disadvantageous contracts with private consulting companies continued at year's end. Despite the removal of key players at the ministry for suspected corruption, authorities undertook no criminal investigation.

In December 2008 Branislav Macaj, head of the telecommunications regulatory agency, was fired by a parliamentary vote at the request of Lubomir Vazny, the Minister of Transportation, Post, and Telecommunications, for allegedly delaying adoption of digital television standards. Macaj subsequently charged that financial interests behind two domestic television networks unduly influenced the digital television strategy favored by the coalition's leading party, and that high-ranking government officials threatened to fire him if he insisted on continuing with an open tender based on technical selection criteria. 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 August the Towercom company, which was financially linked to the two domestic networks, won the tender for digital broadcasting. Some observers believed the criteria for the tender was specifically designed to favor Towercom. In May the European Commission sent a letter of formal notice, the first step in an infringement proceeding against an EU member who is thought to be out of compliance with EU regulations. That inquiry remained pending at year's end.

The Ministry of Interior is responsible for developing the government's overall strategy for combating corruption, with a specific focus on investigation and enforcement. The specialized court is responsible for most prosecution efforts (see section 1.e.). The general prosecutor, who is appointed by parliament and independent of the executive and judicial branches, also plays a leading role in prosecuting corruption. The government Office of the Slovak Republic, which answers to the prime minister, also plays a role in developing anticorruption legislation and regulations.

The law provides for public access to government information; however, NGOs cited a need for greater public awareness of the responsibility of government to provide information. During the year both the constitutional court and the judicial council restricted access to information. The government often declined to provide information, reacted with extreme delay to requests, or released only heavily redacted information. In one case the government released a contract for the sale of carbon dioxide emissions allocations with the names of the buyers, the quantity of allocation units, and the price redacted. The reason given was that confidentiality clauses in the contracts protected these public procurements were protected by confidentiality clauses in the contracts. In several cases such as this, authorities finally released the information after widespread critical media coverage.

#### Section 5 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. Most NGOs were independent, although the Slovak National Center for Human Rights receives its budget from the parliament, and is thus semi-independent. Government officials were generally cooperative, although NGOs reported that at times government officials seemed to view their activities with suspicion or mistrust.

In February 2008 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.

The country is a member of the UN Human Rights Council. In May the UNHRC conducted the first Universal Periodic Review (UPR) for the country. Several nations expressed concern about the status of the Romani minority, and an NGO shadow report detailed concerns about school segregation.

The country has a Parliamentary Human Rights Committee, with 11 members, including one chairperson and one vice-chairperson. In April the chairman of the committee hosted an event at parliament with the NGO community to highlight concerns about the segregation the Romani minority.

#### Section 6 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 made efforts to enforce these prohibitions in practice. In April 2008 parliament amended the antidiscrimination law 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 an underreported problem. In 2008 there were reports of 152 rapes, 100 cases of sexual violence, and 387 cases of sexual abuse. There were 43 convictions for rape that year. 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 and the Public Policy Institute concluded that one of every five women was a victim of domestic violence. In October 2008 parliament passed a law providing police with greater tools to combat domestic violence; the law allows police to prohibit suspected offenders from reentering the domicile where the victim resides for 48 hours after an incident was reported. In 2008 there were 195 persons convicted for domestic violence. 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.

According to the Ministry of Health, under the National Action Plan for the Prevention and Elimination of Violence against Women for 2005-08, the ministry cooperated with other members of the expert group to educate health workers to monitor

violence against women. They were to increase empathetic acceptance, create detailed registration of cases of violence against women in their health documentation, and assure adequate crisis intervention by health workers. The aim was to provide greater cooperation between health workers and law enforcement authorities for the prosecution of perpetrators of domestic violence.

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 were no reliable data on the extent of prostitution.

The 2008 amendment to the Anti-Discrimination Act defined sexual harassment as unlawful discrimination; previously, there was no legal prohibition against sexual harassment. There were few statistics available to measure the frequency or severity of the problem. The National Center for Human Rights received 45 reports of sexual harassment in the workplace through the end of 2008.

The government recognized the basic right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children. Contraception is widely available, however, the costs must be covered by the individual; they are not covered by the public health services. According to the Ministry of Health, use of oral contraception is increasing (from 2 percent in 1988 to 20.5 percent in 2005). Between the ages of 15 to 18 years old, women must have the approval of their parents and gynecologist to obtain a prescription for oral contraception; they must pay the costs privately.

Maternal and child mortality are very low. The 2004 law on public health care coverage provides comprehensive reproductive health services for women. As a participant in the World Health Organization (WHO) UN Children's Fund (UNICEF) Baby Friendly Hospital Initiative, the percentage of women still breastfeeding in the sixth month increased from 6.2 percent in 1980 to 42 percent in 2006.

Sexual education is conducted at all levels of schools, and the government's goal is to reduce unwanted youth pregnancies by 50 percent. However, NGOs noted that the quality of sexual education is very low, and it is not mandatory.

The country has a low incidence of HIV/AIDS infection.

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. Although women are legally protected from discrimination in the labor market, NGOs reported that many women had been dismissed from their jobs upon becoming pregnant. The equal opportunity office in the Ministry of Labor, Social Affairs, and Family worked in an advisory capacity to ensure the legal rights of women. The Council of the Slovak Republic for Gender Equality, established at the end of 2008, approved a National Gender Equality Strategy for 2009-13.

The National Center for Human Rights reported that women's wages were an average of 24 percent lower than men's wages. According to outside experts and the Ministry of Labor, the reported wage differences were due to low participation of women in higher-paid management positions and large numbers of women working in low-paid occupations such as education, healthcare, social work, and light industry.

NGOs continued to advocate increased opportunities for the political participation of women. Women were underrepresented in all spheres of public power. In 2008 women accounted for 6.2 percent of senior government officials,

20 percent of the National Council, and equally low numbers in regional authorities.

## Children

Citizenship is acquired by birth to at least one citizen parent, regardless of where the child is born. Each domestic birth is recorded at the local vital statistics office. If the child is born in a foreign country, the foreign birth certificate must be notarized, translated, and recorded with a special vital records office administered by the Ministry of Interior.

The Ministry of Labor, Social Affairs, and Family and the Ministry of Education oversaw implementation of the government's programs for children.

While education is universal, free through the postsecondary level, and compulsory until the age of 15, Romani children exhibited a lower attendance rate than other children. Although Romani children comprised only 15 percent of the total number of children under the age of 16 years old, they were disproportionately enrolled in "special" schools for children with mental disabilities, despite diagnostic scores that were often within the average range of intellectual capacity. In many special schools, the registered student body was nearly 100 percent Roma. In the 2008-09 school year, there were 18,333 students enrolled in special schools, of which 36 percent were from socially disadvantaged, primarily Roma, households. 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 or certification to continue to higher education institutions.

In July 2008 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 disability 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 to the mainstream school in February, a number that AI believed should have been much higher. During the year the government's School Inspection Service began conducting an audit of 50 percent of all special schools to determine if proper enrollment procedure was followed.

In May 2008 the government passed a School Act that addressed some of the problems through reform and new programs. It eliminated motivational scholarships based on performance and replaced them with attendance-based financial incentives. It also provided for the creation of "zero year" classes, which offer one year of state-funded prekindergarten education to children from socially disadvantaged families. During the 2008-09 school year, 2,500 children participated in the zero year program. NGO observers expressed the view that the program was a successful model, but it needed to be expanded to be effective.

Child abuse remained an underreported problem according to child advocates. The government continued 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 or disabled children (or both).

In June 2007 the Ministry of Interior, UNICEF, and corporate contributors initiated a program to search for lost or runaway children, estimated at 800 per year nationwide, and to provide assistance to families of these children. The program

continued to work actively to prevent lost and runaway children, and it had its largest public awareness activity on May 25, which is the International Day for the Search of Missing Children. UNICEF also operated a 24-hour hotline for children. During the year they received 16,964 calls, of which 9,162 were substantive conversations in which UNICEF provided advice or consultation to the troubled children. The hotline was supported financially in part by the Ministry of Interior.

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.

According to the criminal code, the minimum age for consensual sex is 15 years of age. Rape and sexual violence carry penalties of five to 25 years imprisonment, depending upon the injury or harm caused, the victim, and the motive.

The production, distribution, or possession of child pornography is also a crime according to criminal code; the penalties range from two to 20 years imprisonment.

There were approximately 7,500 children in institutional care, the majority of who 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 years old and faced an increased risk of falling victim to trafficking.

#### Trafficking in Persons

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

The IOM estimated that 200 persons were trafficked from or through the country during 2008, mainly for 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 study, from 1998 to 2007, an estimated 86,000 illegal migrants transited the country. There were no foreign trafficking victims identified by law enforcement authorities during that period. The Ministry of Interior funded training in victim identification for 160 national police and border guards in 2008.

Traffickers also recruited citizens. 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 years old 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. In particular Romani women and girls were also trafficked internally for sexual exploitation, and Romani children were trafficked to Austria, Italy, and Germany for the purpose of forced begging.

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. Traffickers allegedly threatened some victims with violence or even death if they attempted to escape.

Under the 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 18 cases of trafficking in 2008. Courts convicted and sentenced 11 traffickers in 2008, none of whom were involved in child trafficking. Sentences were mild, and seven were suspended.

In 2007 police uncovered a trafficking ring organized by Slovak and Slovenian citizens that recruited young citizen women to work legally in Croatia and then forced them to work as prostitutes in Slovenia. Authorities arrested four members of the organization, who 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 Ministry of Labor, Social Affairs, and Family; 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 assistance.

The government offered foreign victims a 40-day period to receive shelter and assistance and to consider assisting law enforcement. However, no foreign victims were granted shelter during the year. The Ministry of Foreign Affairs funded the repatriation of three foreign victims in 2008.

During the year the national coordinator cooperated with five NGOs (Dotyk Crisis Center, Prima, Caritas, the IOM, and the Cultural Association of Roma) to identify and provide shelter and services to victims of trafficking. The government provided funding through these organizations for 17 victims who received shelter and assistance; an additional 20 victims were assisted through nongovernmental funding. The Ministry of Interior 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 requires police to provide a list of assistance programs to suspected victims. NGOs reported increased cooperation and communication with police.

The Department of State's annual *Trafficking in Persons Report* can be found at [www.state.gov/q/tip](http://www.state.gov/q/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. 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 laws to provide assistance to students with disabilities have not been 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 disabilities 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 Ministry of Labor, Social Affairs, and Family. Several NGOs conducted public education campaigns on mental illness and worked cooperatively with the health ministry.

A patient in a psychiatric facility in Pezinok was chained to his bed from February to July. The Ministry of Health believed that the physical restraint was lawful and necessary to protect facility staff, although several international NGOs expressed concern and dissatisfaction with this treatment. Plans existed to construct a detention facility to house violent psychiatric patients safely.

While the government enacted legislation in 2007 requiring television stations to provide "voiceover broadcasting" for blind viewers, less than 30 percent of television programs provided 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

Government and societal discrimination against Roma and individuals of non-European ethnicity was a common problem. Roma are the second largest ethnic minority with a population of 90,000 according to the 2001 census. Experts estimated that the Romani population is actually between 350,000 and 500,000. The discrepancy was attributed to Roma identifying themselves as Hungarians or Slovaks.

Racially motivated attacks on minorities (Roma and others) were widely reported throughout the year, but investigation of attacks and law enforcement varied by jurisdiction. Of the 213 cases of racially motivated crimes during 2008, two cases of racially motivated assault involving serious injury resulted in convictions; 33 cases of violence against a racial or ethnic group resulted in convictions; and 178 cases of promoting and supporting extremist groups resulted in convictions. There were no prosecutions for racially motivated murder in 2008.

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. On March 21, police officers in Kosice abused six Romani boys in detention (see section 1.c.).

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 June two young men attacked two students from Chad, physically assaulting them and shouting racist insults. One of the students was seriously injured. The attackers faced up to two years in prison if convicted.

In April 2008 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 2008 the Kosice prosecutor's office filed a case against one of the perpetrators and bargained a sentence with the other. The court sentenced the latter to a two-year suspended sentence and three years' probation. In March the court sentenced the other perpetrator to 17 months in prison, but he was released in June after serving only two months of his sentence, although criminal proceedings for a separate racially

motivated attack were already underway at that time against him.

The alleged 2006 attack on Hedviga Malinova, an ethnic Hungarian university student 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. Amidst media and NGO criticism the Constitutional Court rejected Malinova's multiple appeals, and in May 2007 the Nitra police formally charged Malinova with perjury.

In September Peter Labas, the dean of the Comenius University Medical Faculty, issued a report stating that Malinova's injuries were self-inflicted. Several of the doctors listed as expert witnesses on the medical report subsequently contradicted Labas' evaluation and asked to have their names removed from the report, casting doubts on its integrity. 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.

The Slovak National Center for Human Rights reported receiving 804 complaints of discrimination in 2008. In 650 of these cases, the claims involved labor-related discrimination, especially concerning 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 was estimated to be between 80 and 90 percent.

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 there were reports of Roma inhabitants of the Lunik IX apartments in Kosice being offered money for transport to Western European countries.

In October the local government of Ostrovany, a town in the east of the country, paid 13,000 euros (approximately \$18,600) to construct a concrete wall to "protect" the houses, land, and gardens of non-Roma citizens from the "Roma raids" that allegedly originated in the town's Roma settlement. A number of observers and citizens criticized the development, stating that the municipality was supporting segregation.

The law prohibits defamation of nationalities in public discourse; however, authorities enforced this law 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 increased tensions between ethnic Hungarians and ethnic Slovaks, especially since 2006.

In June parliament passed an amendment to the 1995 State Language Act. Members of the ethnic-Hungarian minority criticized the amendment as discriminatory and a restriction on their right to free speech, while Culture Minister Madaric defended the law as an effort to extend and promote the use of the Slovak language. The amendment includes a provision by which the Ministry of Culture can levy fines of up to 5,000 euros (approximately \$7,150) for institutions that do not comply with the law. The OSCE High Commissioner on National Minorities played an active role mediating the dispute and encouraged the government to develop a set of implementation guidelines to clarify some of law's provisions, particularly in the sanctions area. The government passed the guidelines in December, and they were set to enter into effect on

January 1, 2010.

Extreme right, nationalist, and neo-Nazi groups 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 August Slovenska Pospolitost held a rally in Sarisske Michalany to march against "Roma terror." NGOs reported that most of the Romani residents of nearby settlements left their homes due to fear of violent confrontations. Days after the rally, police in Banska Bystrica briefly detained Marian Kotleba, the founder of Slovenska Pospolitost, and charged him with defamation of race. The minister of interior promised to send extra police to the eastern part of the country in areas with large Romani populations to prevent violence. In October and November, 289 new police officer positions were created in the eastern part of the country, of which 127 positions were in Presov, 94 in Kosice, and 68 in Banka Bystrica. These three regions had the highest concentration of the Romani minority, and the additional police positions were designed to curb criminality.

In June a Bratislava court released the four defendants in the murder trial of Daniel Tupy, a student killed in Bratislava in November 2005. Tupy was allegedly singled out by neo-Nazis because of his long hair and dark clothes. Despite the minister of interior's statements that he would continue the investigation and appeal the court's decision, in September the prosecutor general stated that he was withdrawing the case, as the police had failed to collect sufficient evidence.

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 June Anina Botosova, the plenipotentiary for Romani affairs, resigned from her position, amid reports that she had inappropriately allocated money to her own NGO. In part due to her resignation, there was limited progress on the national minority strategy, which incorporated a wide range of education, employment, housing, and social integration policy recommendations from the Romani advocacy community. While the government has allocated approximately 200 million euros (approximately \$286 million) of EU structural funds to projects that specifically address the needs of the Romani community, NGOs complained that none of the funds had been spent and that the government lacked a comprehensive approach to Romani integration.

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. The Ministry of Labor, Social Affairs, and Family 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 continued to implement 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.

## Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

There were no reports of violence based on sexual orientation but, according to gay rights advocates, prejudice and official and societal discrimination persisted. In October there was a well-attended gay and lesbian film festival in Bratislava, which was in part supported by the international community.

**Officials at times expressed discriminatory views. In December Jan Slota, SNS Chairman (and governing coalition member), stated that "we're strictly against any promotion of these sick (same-sex) relationships...when I see those transvestites having their parades, strutting down the street naked and presenting this as a fashion...I consider this to be outrageous and sick."**

Lesbian, gay, bisexual, and transgender persons **(LGBT) organizations existed and operated without impediments and continued to lobby for legal rights.**

### Other Societal Violence or Discrimination

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

## Section 7 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 were not ensured protection if a strike was 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. Men were also trafficked abroad for forced labor.

The police have responsibility for investigating forced labor and trafficking.

#### 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 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 years old, although children under that age 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 the age of 15. Children younger than 16 may not work more than 30 hours per week; children who are 16 and 17 are limited to 37.5 hours per week. Children under the age of 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 Ministry of Labor, Social Affairs, and Family. 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 2008 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 increased the monthly minimum wage to 295 euros (approximately \$422) as of January 1. 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 increased the government's role in the minimum wage negotiations and decreased 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 years old, and rest periods of at least 12 hours between shifts. Trade unions, local employment offices, and the Ministry of Labor, Social Affairs, and Family 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. On August 1, 20 miners died in an underground explosion in Handlova; a methane gas explosion caused the disaster. Official investigation results were not public at year's end; however, experts and analysts agreed that investment in safety standards was insufficient.

Workers have the right to refuse work that endangers their life or health without risking the loss of their employment, and they exercised this right in practice. Employees who work under conditions that endanger their health and safety are entitled to "relaxation" leave in addition to standard leave.