

# **SLOVAKIA 2012 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

The Slovak Republic is a multiparty parliamentary democracy led by a prime minister and a 150-member parliament (Narodna Rada). On March 10, voters gave the Smer-SD (Direction--Social Democracy) party, led by Robert Fico, a majority of seats in the 150-member National Council, returning it to power after a two-year break. President Ivan Gasparovic, the head of state, was reelected for a five-year term in 2009. Both elections were considered free and fair. Security forces reported to civilian authorities.

Notable human rights problems during the year included abuse of power by judicial figures, a lack of checks and balances within the judicial system, and continued societal discrimination and violence against Roma.

Other human rights problems included prison overcrowding and targeting of the press for civil defamation suits by members of the political and business elite.

The government investigated reports of abuses by members of the security forces and other government institutions, but some officials engaged in corrupt practices with impunity.

### **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.

#### **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 mostly respected these provisions.

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.

In the past the Council of Europe's Committee for the Prevention of Torture (CPT) noted that the situation in the country had improved, notwithstanding recurring complaints from detainees about excessive use of force by authorities. There were no CPT monitoring visits since 2009. The CPT urged the government to investigate all allegations of involuntary sterilization of Romani women promptly and thoroughly and to educate doctors about their criminal liability for performing sterilization without consent.

Romani advocacy groups lobbied the government to acknowledge and compensate victims for past involuntary sterilization practices on Romani women in public health facilities. The European Court on Human Rights (ECHR) ruled against the country in two sterilization cases in June and November, following a similar ruling in November 2011. While the court ruled against the country in these cases, it did not find a pattern of systematic discrimination. One additional alleged forced sterilization case remained pending before the court.

### **Prison and Detention Center Conditions**

Prison and detention center conditions met most international standards, but overcrowding continued to be a problem.

Physical Conditions: During the year on average 11,034 persons were in prison, 1,358 of whom were in pretrial detention. Of that total, 1,036 were men and 672 women; 132 were under the age of 18. The overall capacity of the prisons was 10,822, with an overall overcrowding percentage of approximately 2 percent. Authorities held men and women separately, and the same was true for underage prisoners held separately from adults unless there was a reasonable justification, such as familial connections, for placing adults and juveniles together. There was sufficient access to potable water in all prisons.

Administration: Recordkeeping of prisoners was adequate. The law provided for alternative punishments to sentencing. Prisoners were able to file complaints without censorship, and a public defender of rights, or ombudsman, was available to provide legal aid. In March parliament elected a new ombudswoman, who did not report any political interference in her work.

Prisoners were allowed to practice their religion and observe their faiths freely.

Monitoring: 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 force 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 expel any member of the police. A special anticorruption police department, a special prosecution unit, and a specialized criminal court address corruption cases and increased their combined effectiveness.

During the year authorities charged 134 police officers for 185 crimes; in 68 of these cases, the crime was abuse of power and nine cases involved corruption.

Human rights training remained in 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 detention. The law requires a written court warrant 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 carrying a sentence of at least eight years) and either release or remand the individual. A bail system functioned effectively. The law gives detainees the right to consult an attorney immediately after authorities bring charges, and authorities must notify them of this right. The government provides free counsel to indigent detainees. The law allows attorneys to visit detainees as frequently as necessary and 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. Authorities respected these provisions in practice.

In the past, the CPT noted that the majority of persons interviewed claimed to have been informed of their right to an attorney only at the time of the first court hearing, when an ex officio counsel was appointed. The CPT found that in very few cases did detained persons have an opportunity to consult an attorney from the outset of their police detention, let alone request that an attorney be present during the interrogation or initial questioning.

Pretrial Detention: 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 to life. 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. Criminal court proceedings were lengthy in some cases, but did not exceed the legal mandated time periods.

#### **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 integrity and accountability continued to undermine judicial independence. In some cases judges claimed they were subjected to pressure aimed at influencing their decisions as well as to intimidation through disciplinary actions.

There were reports that persons at higher levels of the judicial hierarchy misused their power by inappropriate influence into the random case assignment system and by alleged undue influence over the composition of judicial panels.

Disciplinary actions against judges for delays in completing cases appeared to be highly inconsistent. In several cases authorities clearly used disciplinary action to intimidate judges into making judicial decisions favored by their superiors or to punish them for their critical statements. These practices led to an atmosphere of general mistrust in the judiciary.

Judge Miroslav Gavalec, spokesman for the organization For Open Judiciary, which consisted of judges favoring reforms, faced two disciplinary actions, one for “insufficient education” and the other for critical articles he wrote on the state of

the judiciary. According to Supreme Court President Stefan Harabin, Gavalec's "ungrounded" and "untrue" statements harmed the reputation of the judiciary. Harabin proposed that Gavalec be removed from his position. The case against Gavalec was pending before a disciplinary panel at year's end, for the third year.

With the exception of the Constitutional Court, courts employed a computerized system for random case assignment to increase transparency. However, there were continued reports that this system was subject to manipulation. The former justice minister filed a case against Supreme Court President Harabin for allegedly manipulating the electronic random case assignment system. The disciplinary case was pending before the Constitutional Court at year's end.

In November the ECHR decided a case brought by Supreme Court President Harabin, who claimed a violation of his rights by the disciplinary verdict of the Constitutional Court in relation to his refusal to allow a financial audit of the Supreme Court. Harabin claimed more than 150,000 euros (\$198,000) in pecuniary and nonpecuniary damages caused by the verdict. The ECHR ruled that Slovakia had in fact infringed upon his rights, as his right to a fair trial was breached because the verdict did not sufficiently explain how the Constitutional Court dealt with the bias objections raised. The ECHR obliged the state to pay 3,500 euros (\$4,620) in damages and compensate Harabin's legal costs.

### **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 a sentence or pay any fine until the final decision on appeal has been reached. Persons charged with criminal offenses have the right to be informed of the charges against them and are entitled to fair and public trials. NGO observers stated that judicial corruption often resulted in lengthy court delays and improper handling of police investigations. 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 adequate time and facilities to prepare a defense, to be present at their trial, consult in a timely manner with an attorney (at government expense if indigent), access government-held evidence, confront prosecution witnesses, and present witnesses and evidence on their own behalf. Defendants have the right to refuse self-incrimination and may appeal adverse judgments.

The law allows plea bargaining, which continued to reduce the backlog of court cases. In 2011 plea bargaining resolved 7,938 cases, compared with 7,619 cases in 2010.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **Civil Judicial Procedures and Remedies**

Citizens had unrestricted access to courts to bring lawsuits in civil matters, including human rights violations. Courts that hear civil cases were subject to delays as criminal courts and the judiciary suffers from very low public trust and an apparent lack of accountability were often perceived by the public as corrupt.

Administrative remedies were 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 92 of the approximately 2,275 complaints received in 2010 constituted violations of the rights of the claimants, most of which involved delays in court proceedings and the right to a fair trial. Another 851 requests regarding children's rights were resolved through the use of a Web page focused specifically on such rights.

### **Regional Human Rights Court Decisions**

During the year there were 553 new complaints filed against the state with the European Court of Human Rights (ECHR). The ECHR dealt with a total of 1,052 cases against the country during the year, declaring 694 to be inadmissible. In the 21 admissible cases on which the ECHR ruled in 2011, the court found one or more violations of the European Convention on Human Rights in 19. The court found a total of 28 violations of the state's commitments under the convention, including one violation involving inhuman or degrading treatment, 12 regarding the right to liberty and security, two regarding the right to a fair trial, five regarding the length of proceedings, one involving nonexecution of a court decision, two regarding the right of respect for private and family life, one involving freedom of expression, three regarding the right to an effective remedy, and one involving the prohibition of discrimination.

In June and November the ECHR found a violation of articles 3 and 8 in two separate cases and ruled in favor of Romani women who alleged they were sterilized between 1999 and 2002 without their full consent, bringing the total number of ECHR rulings against Slovakia related to sterilizations of Romani women to three since November 2011. In the November ruling, the court for the first time also found a procedural violation of article 3, because the criminal investigation by Slovak authorities into the sterilization of one of the plaintiffs was ineffective. The court awarded 80,500 euros (\$106,260) in compensation to the three plaintiffs. Slovakia has already paid the compensation awarded in the November 2011 and June 2012 rulings. In general the government did not react to the sterilization rulings, but in January former deputy prime minister for human rights Rudolf Chmel welcomed the November 2011 ECHR ruling.

#### **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.

### **Section 2. Respect for Civil Liberties, Including:**

#### **a. Freedom of Speech and Press**

The constitution and the law provide for freedom of speech and press. While the government mostly respected these rights in practice, in some instances, it limited these rights to impede criticism and limited actions of groups it considered extremist. The law prohibits the defamation of nationalities, punishable by up to three years in prison, and denial of the Holocaust, which carries a sentence of six months to three years in prison.

Freedom of Press: The independent media were active and expressed a wide variety of views. The majority of media were privately owned or funded from private sources. Radio and Television Slovakia and the TASR news agency received state funding for specific programming.

Libel Laws/National Security: Criminal penalties for defamation were rarely used. However, journalists faced other forms of criminal actions. For example, documentarian Zuzana Piussi, who directed the “Disease of the Third Power”

documentary (that portrayed flaws in the judicial system), faced a criminal investigation for “breach of confidentiality of spoken utterance and other personal expressions” because a judge featured in the documentary claimed she was filmed without her consent. In addition journalist Zuzana Petkova faced criminal charges for publishing the salary of an employee of the Justice Ministry who happened to be the wife of Supreme Court President/Judicial Council Chair Harabin. Authorities eventually stopped both criminal investigations and filed no charges during the year.

Members of the government, judiciary, and political elites in the past targeted the press in a number of civil defamation lawsuits, which often required the press to pay large sums of money, and the International Press Institute and other observers expressed concern that this financial risk could lead to media self-censorship. The *.tyzden* weekly journal was subjected to four libel suits, totaling 111,000 euros (\$146,500). The leading daily newspaper *SME* had approximately 20 lawsuits against it, totaling more than 500,000 euros (\$660,000).

In July 2010 the Bratislava District Court ruled against Prime Minister Fico, during his first term as prime minister, in his case against Petit Press, the parent company of *SME*, alleging damages incurred by publication of a cartoon on its opinion page. The appellate court dismissed Fico’s appeal of the verdict in November 2011, and he appealed the case to the Supreme Court.

During the year Supreme Court President Harabin sued the public radio and television company for libel, requesting 400,000 euros (\$528,000) for damages caused by a report about a mourning held in honor of late Supreme Court justice Juraj Majchrak. The report correlated Majchrak’s death, as well as the death of Judge Marta Laukova, with the fear and abuse of power present in the Harabin-headed judiciary. Harabin claimed he did not have anything to do with the two deaths.

### **Internet Freedom**

There were no government restrictions on access to the Internet or reports that the government monitored e-mails or Internet chat rooms without judicial oversight; however, police monitored Web sites containing hate speech and attempted to arrest or fine the authors. According to the International Telecommunication Union, 79 percent of the country’s population 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**

The constitution and law provide for freedom of assembly and association, and the government generally respected these rights in practice.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt](http://www.state.gov/j/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 and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

#### **Protection of Refugees**

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has an established system for providing some protection to refugees. While the asylum law gives officials broad authority to reject applicants based on technical errors in their applications, in practice this was not a problem.

NGOs were critical of procedures used to determine the age of illegal migrants who claimed to be minors. The Border and Alien Police used X-rays of applicants' wrists to decide whether an applicant was below the age of 18. Several NGOs argued that this procedure could not confirm with sufficient accuracy an applicant's age, and that other procedures should be implemented.

The country operates a facility for unaccompanied minors, which provides all social services and education, and provides for freedom of movement. Some NGOs expressed concerns regarding the quarantine procedures with unaccompanied minors left without direct human contact for seven days.

Safe Country of Origin/Transit: Authorities are required to ensure that the well-being of individual asylum seekers is not threatened if they are deported to a non-EU “safe third country.” The country was criticized for including on its “safe third country” list countries where same-sex sexual acts are illegal. The Border and Alien Police were criticized for lacking the information necessary to determine whether a given country would be safe for persons facing deportation there.

Refoulement: In April 2010 the government extradited an Algerian national and alleged terrorist, Mustapha Labsi, to Algeria despite an interim measure issued by the ECHR that specifically stated that he should not be expelled to Algeria until he exhausted all legal avenues for his asylum claim, including the Constitutional Court. Labsi was extradited before he had time to appeal to the Constitutional Court. In June the ECHR ruled against the country in the case, concluding that it violated Labsi’s rights.

Access to Basic Services: NGOs had access to refugees and asylum seekers residing in Interior Ministry facilities and participated in the provision of social and support services. NGOs also provided legal support and representation to illegal migrants and persons in the asylum process.

There were reports of aliens granted subsidiary protection having limited access to healthcare. The Ministry of Interior issued health insurance documentation directly to aliens with subsidiary protection, which created some instances of confusion among health providers who often did not know which medical procedures would be covered by the policy.

NGOs reacted critically to legislative and policy changes implemented during the year that allegedly threatened the future provision of legal assistance to migrants in administrative detention. A European Return Fund call for proposals in August by the Ministry of Interior, which had previously funded legal assistance to detained migrants, no longer supported this activity. The government insisted that it would provide legal aid instead directly by the government through the Bureau of Border and Alien Police (BBAP) and the Center for Legal Assistance. According to NGOs, however, the center’s statutes did not enable it to provide legal assistance to foreigners in administrative detention, and the center itself stated that it lacked the resources to provide such assistance. In November the BBAP stated that the provision of legal aid did not fall within its competencies. New legal rules that came into effect by year’s end mandated that only attorneys-at-law would be able to provide legal assistance to detained migrants; previously, legal experts who

were not necessarily attorneys could provide legal services to migrants. NGOs viewed this change disapprovingly, pointing to a lack of attorneys who specialize in migration and asylum proceedings. NGOs expressed concerns that the government would not be able to ensure the provision of legal aid and would be in breach of international obligations.

Temporary Protection: The government provided “subsidiary protection,” which is granted if asylum is denied but 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. A criticism of the subsidiary protection system related to the periods for which it was granted. The law requires aliens with subsidiary protection to renew their status every year, which in practice, in view of procedural requirements, meant renewing their status every 10 months. Critics argued that the uncertainty created by the relatively short periods of temporary residence granted each time could cause problems with finding stable employment.

During the year authorities granted 104 persons subsidiary protection, compared with 91 in 2011. The Border and Alien Police can also grant “tolerated residency.” Between July 2011 and June 2012, 375 individuals received tolerated residencies, compared with 350 during the previous 12-month period.

EU law defines the provision of temporary protection. There was no use of this provision during the year.

### **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**

Recent Elections: The most recent parliamentary elections were held in March. Citizens voted six political parties into parliament in free and fair elections. One of the six parties (Smer-SD) commanded a parliamentary majority (holding 83 of 150 seats) and therefore governed alone. Smer-SD party leader Fico led the government as prime minister. This marked the first time since the Velvet Revolution that a single party gained enough seats in parliament to form a government alone.

Communal elections were held in November 2010. Allegations of vote buying accompanied the elections, particularly in Romani communities in the eastern part of the country, and other infractions. Consequently, 20 councils had to repeat their elections in June 2011.

Participation of Women and Minorities: There were 28 women in the 150-seat National Council, 44 women on the 84-seat Supreme Court, and one woman in the 15-member cabinet.

The party Most-Hid (“Bridge”), which promotes greater cooperation between the country’s Hungarian minority and ethnic Slovaks, held 13 seats in parliament, nine of which were occupied by ethnic Hungarians. The March elections also brought in the first Romani Member of Parliament (MP) since the Slovak Republic gained independence. Roma nevertheless continued to be underrepresented in communal and national elective bodies. NGOs expressed concerns over vote buying tactics targeting marginalized Romani communities during the March parliamentary elections, as well as anti-Romani rhetoric by extremist and some mainstream political parties in campaigns.

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials; 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,” and some NGO governance experts reported that court proceedings had become a contest of vested interests and persons with connections to the judicial powers. The World Bank’s Worldwide Governance Indicators also reflected that corruption remained a problem.

Headed by a director who reports directly to the interior minister, the Bureau of Inspection Service of the Police Force is responsible for investigating police abuses. The inspection service, the police corps, the police department’s organized crime unit, and individual citizens, among others, may initiate cases.

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 Criminal Court is responsible for most corruption-related prosecution efforts. The general prosecutor, 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 oversees the state administration and answers to the prime minister, also plays a role in developing anticorruption legislation and regulations.

In June 2011 the former governing coalition elected a new prosecutor general, Jozef Centes, to fill the post that had remained vacant since the previous prosecutor general completed his term in February. The vote was mired in political and procedural complications, resulting in several rounds of voting before the final vote. Since that final vote, however, President Ivan Gasparovic refused to appoint Centes to his elected post, claiming the need to wait for a pending Constitutional Court decision on the legality of the vote. President Gasparovic also said that he was not convinced that Centes would be proper for the position, based on his perception of Centes' previous actions and decisions as deputy prosecutor general. The media and the governing coalition criticized the president for his inaction, asserting that he is legally obliged to appoint elected candidates and does not have the right to evaluate Centes' personality beyond the criteria stipulated by the constitution. Gasparovic countered such criticisms by arguing that the constitution does not set any specific deadline for appointing elected candidates.

The law requires income and asset disclosure by appointed and elected officials and mandates a parliamentary conflict of interest committee to monitor and verify such disclosures. A general summary of the declarations was made available to the public, and there were penalties for noncompliance. Concerned NGOs considered the declaration forms to be too general, however, because they did not identify clearly the value of assets, liabilities, and interests declared. Assets and income(s) of spouses and dependent children have to be filed periodically when changes occur in their holdings.

There was good public access to government information, due to related laws that were implemented effectively. The list of exceptions to public disclosures was short, time limits for providing information were brief, and fees for processing information were low.

## **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. Government officials were usually cooperative, although

NGOs reported that at times government officials appeared to view their activities with suspicion or mistrust.

Government Human Rights Bodies: Jana Dubovcova headed the Office of the Ombudsman (or Public Defender of Rights) and submitted an annual report on human rights problems to the parliament. In contrast to her predecessor, Dubovcova also commented on Romani problems, serious problems in the judiciary, and other human rights violations. The office also continued previous areas of focus, such as court delays, children's rights, and procedural shortcomings by institutions. In general the ombudsman's work was not subject to executive interference. Human rights activists considered the entity to be effective at raising the profile of fundamental rights problems throughout the country.

The country has an 11-member parliamentary Human Rights and National Minorities Committee. The committee held regular sessions during the year.

In September parliament abolished the position of deputy prime minister for human rights, dividing the portfolio among several ministries. Many human rights organizations criticized the measure strongly, insisting that the newly divided portfolio lacked central coordination and responsibility for human rights policy. Some suggested that the division of the portfolio was an intentional move to dilute the government's responsibility for human rights problems. NGOs were critical of the decision to transfer the main parts of the portfolio to the Ministry of Foreign and European Affairs, arguing that the ministry lacked relevant expertise, while also expressing suspicions about the transfer of responsibility for the situation of Roma to the Ministry of Interior.

The government insisted that human rights would be sufficiently covered within the new structure, and claimed that the minister of foreign affairs (who is also a deputy prime minister) could ensure coordination by chairing the government's Council on Human Rights, National Minorities, and Gender Equality. The council, which fulfills an advisory role on human rights problems, consists of representatives from the government and civil society. It may issue statements or recommendations on problems relevant to human rights.

In October Prime Minister Fico approved the creation of a government committee dealing exclusively with Lesbian, Gay, Bisexual, Transgender, and Intersex rights. The committee was a standing expert body of the government's Council on Human Rights, National Minorities, and Gender Equality, and was chaired by Minister of Justice Tomas Borec.

## Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and the law prohibit discrimination based on race, gender, disability, language, sexual orientation and/or gender identity, or social status; the government made efforts to enforce these prohibitions in practice.

### Women

Rape and Domestic Violence: The law prohibits rape, including spousal rape. Although the government enforced the law effectively, rape was an underreported problem according to NGOs and academics. As of November 87 rapes, 56 cases of sexual violence, and 450 cases of sexual abuse were reported. Rape survivors had access to shelters and counseling offered by NGOs and government-funded programs.

Domestic violence against women continued to be a problem. It is punishable by two to 12 years' imprisonment. 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. The law specifically prohibits suspected offenders from reentering the victim's home for 48 hours after an incident was reported. While the law prohibits domestic violence, it was widespread, and activists claimed that the government did not enforce the law effectively. As of November authorities recorded 321 cases of abuse of a member of household during the year. According to local NGOs, 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.

Sexual Harassment: The law defines sexual harassment as unlawful discrimination. There were few statistics available to measure the frequency or severity of the problem.

Reproductive Rights: The government recognized the basic right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children. Contraception was widely available, but the individual, not the public health services, must cover the costs. According to NGOs, the high cost of oral contraception in the country and the lack of public subsidization constituted a significant barrier to access. According to the UN Population Fund's 2012 State of World Population Report, 80 percent of married women between 15 and 49 used modern methods of contraception. Between 15 and 18, women must have the

approval of their parents to obtain a prescription for oral contraception. Women had access to extensive reproductive health services.

Discrimination: 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 Gender Equality Committee of the Government Council on Human Rights had not dealt with substantive gender-related problems by year's end. The National Center for Human Rights continued to receive a limited number of gender discrimination cases; underreporting, however, remained a problem. The Ministry of Labor, Social Affairs, and Family operated a gender equality department. Although women are legally protected from discrimination in the labor market, NGOs reported that many women were dismissed from their jobs upon becoming pregnant. According to the statistical office, in 2011 the gender pay gap was 24.2 percent. According to outside experts and the Ministry of Labor, Social Affairs, and Family, the reported wage differences were due to low participation of women in higher-paid management positions and a lower representation in private sector jobs in general, and large numbers of women working in low-paid occupations such as education, healthcare, social work, and light industry. In 2011 women represented 42 percent of the workforce in private sector higher paying jobs.

NGOs continued to advocate increased opportunities for the political participation of women, who were underrepresented in almost all spheres of public life. During the March parliamentary elections, 26 percent of the candidates were women, resulting in 16 percent of elected Members of Parliament being women. No women ran for the position of Chair of the Regional Self Government, while women took 38 percent of Slovakia's European Parliament seats. There was one female member of cabinet. Women held 9 percent of State Secretary posts and 64 percent of judges were women.

## **Children**

Birth Registration: Children acquire citizenship 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 submitted to a special vital records office administered by the Ministry of Interior.

Child Abuse: Child abuse remained an underreported problem according to child advocates. A number of children's foundations operated programs for abused children.

The government's National Action Plan for Children for 2009-12, funded through the government budget, focused on training social workers and other professionals dealing with children, as well as public education campaigns against corporal punishment and sexual abuse of children. By November 464 cases of sexual abuse were reported.

Child Marriage: The legal minimum age for marriage is 18 years. In exceptional cases, based upon request of one of the marrying couple, competent court may allow marriage of a person as young as 16, if both parents consent. In 2010 (latest data available) 1,300 women and 436 men ages 19 and under were married in the country.

Sexual Exploitation of Children: 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 law establishes 15 as the minimum age for consensual sex. The law prohibits child prostitution--a form of trafficking in persons--however, according to the UN, it remained a problem in the poorest Romani settlements.

The production, distribution, or possession of child pornography is also a crime with penalties ranging from two to 20 years' imprisonment.

Institutionalized Children: According to 2010 data (latest available), there were 5,263 children in residential institutional care, the majority of whom were Roma. Foster care or other forms of outside institutionalized care accommodated 8,626 children. There were 94 children's homes as of 2010. According to law children under the age of three must be cared for by foster families rather than being placed in orphanages. For older children, orphanages served as long-term care facilities rather than short-term residences. Activists claimed that orphans had difficulty integrating into society at age 18, when they were expected to start independent life, and faced an elevated risk of falling victim to trafficking. The Ministry of Labor, Social Affairs, and Family operated small-group homes for young adults aging out of foster care.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For

information see the Department of State's country-specific information at [www.travel.state.gov/abduction/country/country\\_3781.html](http://www.travel.state.gov/abduction/country/country_3781.html).

### **Anti-Semitism**

Jewish community leaders and 2011 census data estimated the size of the Jewish community at approximately 2,000 persons.

The law provides for penalties of two to six years' imprisonment for membership in an extremist group and three to eight years for production of extremist materials.

Organized neo-Nazi groups with an estimated 500 active members and several thousand additional sympathizers spread anti-Semitic messages.

While direct denial of the Holocaust was uncommon, expressions of support for the World War II-era Slovak fascist state, which deported tens of thousands of Jews, Roma, and others to death camps, occurred during the year.

The People's Party-Our Slovakia (LS-NS) group, which expressed support for, and used the symbols of, the World War II-era fascist Slovak state, organized numerous marches and gatherings throughout the year. In March and October, smaller groups gathered at the grave of the president of the World War II-era Slovak state, Jozef Tiso, to commemorate the founding of the Slovak fascist state and Tiso's birthday.

The Nation's Memory Institute (UPN) provided access to previously undisclosed records of the Slovak regimes from 1939-89. However, Jewish community leaders criticized the institute for paying too much attention to the persecution of prominent figures of the Fascist Slovak state during World War II and playing down their role in supporting anti-Semitic policies. One of the members of the UPN Board, Arpad Tarnoczy, was the former chair of the Union of Anti-Communist Resistance (ZPKO) known for his pro-Tiso sentiments. The ZPKO published a newsletter, *Svedectvo* (Testimony), which Jewish community officials criticized for praising the wartime fascist state. In October the UPN released a publication about the World War II political figure and priest Jan Ferencik, who was later persecuted by the Communist regime. The publication focused on Ferencik's repression and downplayed his praise of Hitler and anti-Semitic policies during the war.

The Ministry of Interior monitored violent extremist groups, and police monitored Web sites posting hate speech.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, air travel and other transportation, or the provision of other public 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 assist students with disabilities had 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 limited resources for psychiatric care outside of Bratislava, a lack of community-based psychiatric care, and an absence of mechanisms to monitor human rights violations against persons with such disabilities. Psychiatric institutions and hospitals, which fall under the purview of the Ministry of Health, continued to use cage beds to restrain patients. 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.

No broadcaster implemented legislation requiring television stations to provide voiceover for blind viewers. While the law defines mandatory standards for access to buildings, NGOs noted they were not fully implemented, although access to privately owned buildings improved more rapidly than access to state buildings.

The government's Council on Human Rights, National Minorities, and Gender Equality operated a committee for persons with disabilities. The council served as a governmental advisory body and included representation from NGOs working on disability problems.

### **National/Racial/Ethnic Minorities**

Societal discrimination against Roma and individuals of non-European ethnicity was common. According to government sources, Roma were the second largest ethnic minority with a population of 105,000 according to the 2011 census, a slight increase from the 2001 census. However, experts estimated that the Romani population was actually between 350,000 and 500,000 and hence might form the largest minority group in the country. The discrepancy was attributed to many Roma identifying themselves as Hungarians or Slovaks. At least 150,000 Roma resided in poor, marginalized communities.

According to the census, ethnic Hungarians represented approximately 458,000 of the overall population, a decrease from the 2001 census.

NGOs reported racially motivated attacks on minorities (Roma and others) throughout the year, but authorities' investigation of such incidents varied by jurisdiction. As of November authorities received 105 reports of violent crimes with a racial or extremist motive, and 27 cases of violence against groups. Roma were singled out for violence, and police detained numerous individuals for racially motivated attacks against Roma. In May a court sentenced two Romani men to 13 years' imprisonment for a racially motivated attack and death of a non-Romani man.

Extreme rightist, nationalist, and neo-Nazi groups continued to hold events designed to intimidate minority groups. The groups' members held gatherings to commemorate the wartime fascist state and to spread messages of intolerance against ethnic and religious minorities. In addition to commemorating historical events and figures associated with the World War II Fascist state, the LS-NS and other far-right groups organized anti-Roma public gatherings in locations where there were tensions between Romani and non-Romani populations, as well as marches in Bratislava in October and November, attended by several hundred people. The gatherings often concealed their true nature by claiming to be in support of issues such as justice, equal application of the law, or to rally against anti-social behavior; their anti-Roma character was apparent from banners and speeches displayed and given during the gatherings.

In March approximately 500 LS-NS supporters attended a march in the village of Krasnohorske Pohradie in response to an extensive fire at the nearby Krasna Horka castle, started accidentally by children from the local Romani community. Protesters blamed the entire Romani community and Roma in general for the incident. Police prevented successfully the group from entering the settlement. In

April LS-NS leader Marian Kotleba obtained ownership of plots of land in the community where several houses inhabited by Roma were built and announced his plans to “clean up” his land. In September approximately 300 of his supporters attended a gathering in the village, after he called on people to come and help him clean up the “waste” from his land. The police prevented the majority of the group from entering the Romani community; however, they allowed Kotleba, together with a small group of assistants, to enter and survey the land. The LS-NS leader obstructed municipal initiatives to sell municipally owned land to Roma who resided in houses built on the land.

In September the Mayor of Partizanske supported publicly a march for “the rights of decent people,” attended by approximately 300 local residents. The march was aimed against a local Romani community that the non-Roma population perceived to be a source of crime. The march was attended by approximately 200 far-right extremists, who unsuccessfully tried to enter the Romani community.

In general the police responded quickly and peacefully to such gatherings and prevented crowds from entering Romani communities or inciting confrontations.

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 during the year of public officials at every level defaming minorities and making derogatory comments about Roma.

Anti-Romani sentiments permeated public and political discourse. In the run up to the March parliamentary elections, several parties resorted to anti-Romani rhetoric, often painting Roma as a burden on society or referring to “Gypsy parasitism.” Apart from far-right extremists, some mainstream politicians also made remarks that were derogatory or dehumanizing towards the Roma. In July, for example, an opposition MP described Roma living in marginalized communities as belonging to three categories: people, half-people, and pigs. NGOs engaged in monitoring activities noted that media reports concerning Roma overwhelmingly focused on crime or other problems associated with socially excluded communities, or referred to Romani ethnicity in reporting on crimes when the perpetrators’ ethnicity did not warrant being mentioned, while non-Romani ethnicity was not explicitly stated when reporting similar crimes. When in June an off-duty policeman shot and killed three members of a Romani family, NGOs observed a tendency in the media to look for justification for the act. NGOs criticized statements by some political leaders and government officials for emphasizing what they labeled as repressive

measures when presenting reform initiatives aimed at marginalized Romani communities.

Widespread discrimination against Roma continued in employment, education, healthcare, housing, and loan practices. Roma continued to face discrimination in accessing a wide variety of commercial services, including restaurants, hair salons, and public transportation. NGOs asserted that the cases of discrimination reported to legal help lines represented only a fraction of discrimination cases in practice. In many cases Romani individuals from socially excluded communities did not report discrimination. In one case a Romani woman was prevented from entering a nightclub, which allegedly stated on its Facebook page that it did not admit Roma. NGOs continued to report cases of police harassment based on ethnicity. A district court in Kosice decided to restart the trial of a group of police officers accused of abusing in 2009 a group of Romani boys ages 10 to 16, arrested for robbing a woman. The accused did not agree with continuing the trial after one of the judges on the panel had to be replaced. Previously, they also had blocked the proceedings by failing to attend court hearings.

Activists frequently alleged that employers refused to hire Roma, with an estimated 80-90 percent of Roma from socially excluded communities being unemployed. NGOs working with Roma from socially excluded communities reported that, while job applications by Roma were often successful during the initial phase of selection, in a majority of cases employers excluded these applicants once they were found out to be Roma. Cases of discrimination in hiring were rarely pursued through the courts. One NGO reported a case where a Romani man was transferred from the job of baked goods delivery man to a different, lower paid position because a customer complained she did not want a “gypsy” delivering her baked goods. In another case, a young Romani man who was serving meals in a cafeteria was replaced by a non-Romani worker allegedly because the customers did not want their meals to be served by a Rom.

Local authorities forced evictions of Romani inhabitants, demolished their improvised housing, or blocked them from obtaining construction permits or purchasing land. NGOs reported an emerging trend where some municipalities labeled illegal homes and settlements as illegal “waste dumps” in order to expedite the demolition process. The Batizovce municipality demolished several homes built on municipal land in June, with a similar demolition close to Presov and a demolition of a large settlement with approximately 150 inhabitants in Kosice taking place in October.

NGOs reported persistent segregation of Romani women in maternity wards in several hospitals in the eastern part of the country, where they were accommodated separately from non-Romani women and not permitted to use the same bathrooms and toilets. Hospitals claimed that women were grouped according to their levels of hygiene and adaptability, not racial lines.

Romani children from socially excluded communities faced educational segregation in terms of their disproportionate enrollment in special schools or their placement in segregated classrooms within mainstream schools, which were predominately attended by either Romani or non-Romani children.

While education is universal and free through the postsecondary level and compulsory until the age of 15, Romani children exhibited a lower attendance rate than other children. Authorities disproportionately enrolled Romani children in “special” schools for children with mental disabilities, with later reevaluations often revealing that those same students would have likely succeeded in mainstream educational institutions. A special school education did not provide Romani children the knowledge or certification necessary to pursue higher education. According to a September 2010 report by Amnesty International, Romani children comprised 85 percent of the students in special schools. Regular schools in the same communities had very few Romani students, especially at the secondary school level. The registered student body of many special schools was nearly 100 percent Roma, according to NGO reports.

The government did not provide data on the percentage of Roma students in special schools, since it did not collect data on ethnicity. As of September there were 413 special schools and 349 special classrooms within regular schools. 25,484 students were enrolled in special schools and 10,433 enrolled in special classes within regular schools in the public education system.

NGOs continued to implement educational programs through community centers operated by local councils to reduce the number of Romani children enrolled in special schools or special classes. These programs included preschool and after-school work to improve basic motor and other skills and habits in neglected children, thereby avoiding their referral to diagnostic centers and ultimately special schools. Social workers also worked with parents in socially excluded families to help them understand the importance of attending a regular school, since Romani children were often placed in special schools with the agreement or at the request of their parents. These projects, however, depended on the good will, initiative, and budgetary resources of local councils and NGOs and did not achieve wide

coverage. Reportedly the extra funding that special schools or classes received for each student, compared to regular schools or classes, might have led to an excessive number of children, and particularly Romani children, being enrolled in such special schools and classes.

Romani children from socially excluded communities also faced segregation in regular educational establishments. There were reports of schools having predominantly or almost exclusively Romani pupils from several surrounding municipalities. This meant that, in practice, non-Romani children often attended a different school than Roma from the same area. In some predominantly Romani municipalities the parents of non-Romani children, who preferred that their children attend a different school with non-Roma, further entrenched the segregation of Roma and non-Roma in schools.

Segregated classrooms within mainstream schools were common. Schools often justified the segregation as being in the children's best interest and often claimed that Romani parents preferred their children to attend segregated classrooms. NGOs reported that many Romani children attended segregated classrooms, not just those from marginalized communities or with special learning needs. In a landmark decision in December 2011, a district court ruled that segregation of Romani children in a school in the eastern Slovak town of Sarisske Michalany was illegal. The court did not agree with the school's justification that the segregation was in the interest of the Romani children from marginalized communities, given their special learning needs. The school had allegedly implemented segregated access to the playground and, while non-Romani children received a hot lunch in the cafeteria, Romani children received a cold lunch in their classroom. In October the regional court confirmed the verdict and ordered the school to desegregate by September 2013.

At the beginning of the year, the government adopted a National Strategy for the Integration of Roma until 2020, mandated by the European Commission. The strategy emphasized desegregation, getting Romani children out of special schools, hiring teaching assistants, and other measures designed to help marginalized Romani children obtain effective education. In September the Ministry of Education, Science, Research, and Sport launched a two-year pilot project involving 200 schools, which provided all-day educational activities for marginalized children.

In October the government appointed MP Peter Pollak (who kept his parliamentary post), a Rom with extensive NGO experience in social work, as the Plenipotentiary

for Romani Affairs. The plenipotentiary maintained five regional offices to supervise the implementation of governmental policy on Romani problems, support infrastructure development, and cooperate with municipalities and villages to improve interaction between Romani and non-Romani populations. The plenipotentiary's office fell under the jurisdiction of the Ministry of Interior, which some NGOs thought was inappropriate in view of the ministry's law enforcement focus. 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 preventive health care. The Government Council on Human Rights, National Minorities, and Gender Inequality operated a Committee for the Prevention and Elimination of Racism, Xenophobia, Anti-Semitism, and Other Forms of Intolerance.

The law provides for the imposition of fines on government institutions, civil servants, and legal entities that did not provide information required by law in Slovak. The law authorizes the Ministry of Culture to levy fines of up to 5,000 euros (\$6,600) for noncompliance. Members of the ethnic Hungarian minority criticized the provision as discriminatory and a restriction on their right to free speech.

While Prime Minister Fico's first government, a coalition administration with the nationalist party, in 2006-10 engaged in or at least tolerated anti-Hungarian rhetoric, his current government took a more conciliatory tone with its neighbor. In October, for example, Prime Minister Fico met with Hungarian Prime Minister Victor Orban in the Hungarian town of Pilisszentkereszt, known in Slovak as Mlynky, to open a new cultural center for the local Slovak population there.

An alleged 2006 attack and subsequent perjury charges against Hedviga Malinova, an ethnic Hungarian (who was a university student in Nitra at the time), continued to draw media attention and raise questions about due process. Two young men allegedly physically assaulted Malinova after she spoke Hungarian. The district prosecutor opened, but then discontinued after two weeks, the investigation into the incident. At that time, perjury charges were brought against Malinova, allegedly for lying about the attack. In November 2011 the ECHR accepted an agreement between Malinova and the government and subsequently dropped the pending case. The agreement obligated the government to express regret over Malinova's case through a press release, which former Prime Minister Iveta Radicova did at the beginning of the year. In June Malinova attended a psychiatric examination ordered by the court in order to ascertain whether PTSD could have influenced her testimony shortly after the attack in 2006. Malinova refused to

answer the psychiatrist's questions, but stated that she would attend any examination she was ordered to attend. The prosecution then requested that Malinova be examined on an inpatient basis at a psychiatric hospital. In August a Nitra district court rejected this request, and in September the regional court confirmed the verdict but also stated that an inpatient examination could be used as a last resort if she refused to cooperate. NGOs criticized the order, insisting that such an examination would not be appropriate for determining the mental health of a person in 2006, and labeled the threat of being admitted to a psychiatric hospital as harassment.

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

The law prohibits discrimination in employment based on sexual orientation and gender identity. According to lesbian, gay, bisexual, and transgender (LGBT) rights advocates, prejudice and official and societal discrimination persisted, although no official cases were available for citation.

In contrast to the previous parade, the third Bratislava gay pride parade, held in June, demonstrated more effective cooperation between police and organizers, and no major incidents were reported.

An opposition MP, Stefan Kuffa, made statements in parliament comparing LGBT individuals to "the sick," and said that he considers it irresponsible to let them "run around on the streets without help." A number of MPs rejected this and similar derogatory remarks on LGBT rights.

### **Other Societal Violence or Discrimination**

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

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law, including related regulations and statutory instruments, protects the right of workers to form and join independent unions of their choice except in the armed forces. The law also provides for unions to conduct their activities without interference, including the right to organize and bargain collectively, and workers exercised these rights in practice. The law recognizes the right to strike with

advance notice, both when collective bargaining fails to reach an agreement and in support of other striking employees' demands (solidarity strike). Civil servants in essential services, judges, prosecutors, and members of the military do not have the right to strike. The law prohibits dismissing workers who legally participate in strikes; however, strikers were not ensured protection if a strike was considered illegal or unofficial.

The government effectively enforced applicable laws, including with effective remedies and penalties. These procedures were, however, occasionally subject to delays and appeals.

Workers and unions generally exercised these rights in practice without restrictions. Worker organizations were independent of the government and political parties. There were no reported violations related to collective bargaining rights, nor any indications that employers refused to bargain or bargained with unions not chosen by workers. Neither were there any reports of employers using hiring practices to avoid hiring workers with bargaining rights. There were no reports of antiunion discrimination or other forms of employer interference in union functions.

#### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor. Police are responsible for investigating forced labor but faced challenges in effectively enforcing the law.

There were reports that such practices occurred. Ukrainian and Romanian men and women were reportedly forced to work in the country. In 2010 the police broke up a gang that organized illegal employment for approximately 330 Ukrainians between 2006 and 2010, with two of the gang members charged with trafficking. The Ukrainian nationals were found to have endured poor living conditions and being forced to work 300-400 hours per month. During the year the Police Presidium cooperated with the National Labor Inspectorate (NLI) and carried out joint inspections in several locations, with a focus on construction sites. In May and June the Ministry of Interior, together with the International Organization for Migration, trained NLI staff in identifying trafficking victims.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

#### **c. Prohibition of Child Labor and Minimum Age for Employment**

The minimum age for employment is 15, although younger children may perform light work in cultural or artistic performances, sports events, or advertising activities if it does not affect their health, safety, personal development, or schooling. The National Labor Inspectorate and Public Health Office must approve, determine the maximum hours, and set conditions for work by children younger than 15. Children between 15 and 26 may not work more than 20 hours per week on average. This applies to all children who are high school or full time university students; part time university students older than 18 are excluded from this provision. The law does not allow children under 18 to work underground, work overtime, or perform labor inappropriate for their age or health.

Regional inspection units, which were under the auspices of the NLI, received and investigated child labor complaints. Apart from regional inspection units, the state Social Insurance Company was also responsible for monitoring child labor law compliance. If a unit determined that a child labor law or regulation had been broken, it turned the case over to the NLI. Enforcement was consistent across all communities. The NLI enforced this penalty and can impose fines on employers and individuals that failed to report adequately.

There were reports that Romani children in some settlements were exploited for commercial sex (see section 6, children). NGOs reported that most Romani victims, including children with disabilities, were exploited by family members or other Roma. Child labor in the form of begging was a problem in some communities.

#### **d. Acceptable Conditions of Work**

The minimum wage was 337.70 euros (\$445.70) per month. The minimum living standard (an estimate of the poverty income level) was 194.58 euros (\$256.85) per month.

The law mandates a maximum workweek of 48 hours, including overtime, except for people employed in the healthcare sector, whose maximum workweek was set at 56 hours, including overtime. In general overtime work could not exceed 150 hours per year; again, with the exception of healthcare professionals, where under specific cases and under an agreement with labor unions, overtime could reach 250 hours. Employees who worked overtime were entitled to an additional 25 percent of their premium hourly rate. Employers were obliged to provide 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, or 14 hours for employees younger than 18. Employees who work under conditions that endanger their health and safety are entitled to “relaxation” leave in addition to standard leave and 35 percent of their premium hourly rate. Additionally employees that worked during government holidays were entitled to an additional 50 percent of their premium hourly rate.

The labor code stipulates at least four weeks of annual leave for every employee; those older than 33 receive five weeks of annual leave. Those employed in the education sector receive at least eight weeks of annual leave.

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 for Labor Safety generally enforced. Approximately 299 labor inspectors investigated companies for compliance with the law. The Ministry of Labor, Social Affairs, and Family may impose financial penalties on companies found to be noncompliant. If there are safety and security concerns at a workplace, the inspectors can require companies to stop using equipment that poses risks until safety conditions are met. In cases where “serious misconduct” is found at workplaces, the law permits labor inspectors to impose additional financial penalties on noncompliant companies.

The 2008-2012 Plan for Occupational Safety and Health (OSH) called for an approximate 5 percent annual reduction of occupational accidents. The OSH statutory and regulatory framework is principally defined by two laws: the Law on Protection and Safety in the Workplace and the Workplace Inspection Law. Both laws have been in place for a number of years, although minor amendments were made over the last few years to assure compliance with EU directives. The government prepared in 2010 regulations to govern OSH for specific industries; however, this work had not been completed by year’s end.

In 2011 the National Labor Inspectorate (NIP) conducted nearly 20,000 inspections, including a number of spot inspections that were held without warning and could be used to investigate charges of companies being in violation of OSH regulations. Apart from the inspections, the NIP coordinated with regional educational institutions to host OSH-related conferences and training sessions and provided more than 28,000 consultations.

In 2011 the NIP issued decisions in more than 2,367 cases, amounting to 1.7 million euros (\$2.2 million) in fines. The most significant problems were in the areas of employee remuneration (1,783 decisions), safety and health regulation (280 decisions), and illegal employment (240 decisions). Four of these cases were in connection with illegal migrant work. Most labor law and OSH standards violations were found in the transport and infrastructure sector.