

The serious situation of the Roma minority, problems related to political asylum and residence issues, and lack of progress in government measures to combat human trafficking were among pressing human rights issues in Slovakia in 2006.

### **Ethnic minorities**

The general elections in 2006 were followed by the formation of a coalition government including the extreme right. All three coalition parties fomented racism as electoral strategies. In the wake of the formation of the government, the European Socialist Group suspended the membership of primary party of government "Smer," for working with the Slovak National Party, the most extreme of the three parties.

The situation of Roma in Slovakia remained particularly serious in 2006, despite high-level government involvement in Roma issues, both before and after the general elections.

### ***Coercive sterilisation of Romani women***

The government continued to refuse to remedy Romani women coercively sterilised in the period between the 1970s and 2002, despite the intervention of a number of international and European agencies, and despite previous government acknowledgement of the practice.

Since the publication of a report on coercive sterilization<sup>1</sup> in 2003, the Slovak authorities have threatened that the authors would be criminally prosecuted and the Slovak Ministry of Health directed hospitals not to release the records of the victims to their legal representatives. Moreover, Slovak prosecutors – despite extensive advice not to do so – opened investigations for the crime of genocide, a crime so serious that evidentiary standards could not be met. They predictably concluded that this crime had not been committed, ending their investigation into the matter.

Finally, Slovak police investigating the issue urged complainants to testify, but reportedly warned a number of them that their partners might be prosecuted for statutory rape, since it was evident that they had become pregnant while minors; under this pressure, a number of victims withdrew testimony.

### ***Social and economic rights***

Reforms to the social welfare system which triggered rioting among Roma in early 2004 continued to have the predicted effects of forcing major segments of the Romani community deeper into poverty. Despite the evidently racially discriminatory character of the revised social welfare law, which had disparate negative impact on individuals with many children, as well as those not having legally registered housing, no effective acts were undertaken in 2006 to reverse the law's negative consequences.

European Roma Rights Center documentation on the schooling of Romani children in Slovakia revealed extreme levels of racial segregation: during the 2002/2003 school year, in many Slovak schools for the mentally disabled, more than half of the students were Romani. In some schools for the mentally disabled, every single pupil was Romani. There has been no indication of substantive changes since then.

The government failed during 2006 to enforce a 2005 ruling by the UN Committee on the Elimination of Racial Discrimination concerning discrimination in access to housing in Dobsina. In addition, housing conditions among the Roma worsened during 2006 throughout the country and homelessness remained a problem. Discrimination and vigilante actions – in a number of cases assisted or facilitated by local authorities – blocked Roma in a number of municipalities from moving into integrated housing. A large number of Roma were

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This chapter was provided by: Mgr. Zuzana Številová of the Human Rights League on asylum seekers and immigrants; JUDr. Henrieta Kollárová of the Alliance of Women in Slovakia on human trafficking; and the European Roma Rights Center (ERRC) on Roma rights.

unable to access a range of basic services because they lacked a residence permit in the place of their factual residence.

Official data indicated that unemployment among Roma in Slovakia was approximately six times the average rate (ca. 14%) of the population at large. Discrimination against Roma on the labour market was widespread if not total.

### ***Failure to enforce anti-discrimination law***

Although Slovakia adopted an anti-discrimination law in 2004, the law has yet to be implemented in practice. Few cases have been successful in court, and statements by employees of the Slovak Centre for Human Rights, the body designated under the law to act as implementing body, indicated that it has did not act as effective guarantor of the ban on discrimination in Slovakia where the Roma were concerned. In its *Report on the Observance of Human Rights for the Year 2005*, the centre provided only vague information (and on Roma issues entirely unenlightening) on implementation of the law,<sup>2</sup> failing to set to rest frequently expressed concerns that the body was not effective for the purposes of countering the powerful forces of racism in Slovakia.

### **Human trafficking<sup>3</sup>**

In recent years, Slovak governments have taken various legal and other formal measures to help combat human trafficking.

As from 1 January 2006, with coming into force of an amended criminal code, the offence of human trafficking (section 179) carries a prison term between four and ten years, or more under aggravating circumstances.<sup>4</sup> The law addresses both human trafficking committed within the Slovak Republic and the consequences of the fact that Slovakia is not only a country of origin and transition but becoming also a country of destination for human trafficking

In contrast to earlier legislation, sections 180 and 181 that deal with trafficking in children no longer require that a reward was paid, or promised to be paid, to the trafficker to define an act of trafficking as a crime: it is sufficient to prove that the offence has been committed with any acquisitive purpose.

While prostitution was not prohibited under penal law, profiting from prostitution was punishable (section 367) as the offence of procuring and soliciting prostitution. In addition, the government adopted the National Action Plan to Combat Human Trafficking on 11 January 2006.

Despite the above-mentioned, and other<sup>5</sup> formal measures to combat trafficking, practical results were hardly visible in 2006. Regretfully, governmental agencies also appeared reluctant to cooperate with NGOs working in this field, and to make use of their expertise and services, in order to fight trafficking more efficiently. In addition, the findings of governmental information, or measures taken, were not made public or discussed with NGOs.

It also appeared that governmental agencies and the police had no efficient mechanisms in place to protect victims of trafficking: the victims were often detained, charged with offences such as illegal entry to the Slovak Republic, and deported. Such practices showed that Slovak legislation lacked a clear distinction between victims of trafficking and illegal immigrants.

While there was a witness protection program, and some witnesses were offered protection in exchange of assistance in police investigations, lack of trust in the police prevented most potential witness from cooperating.

The July 2004 amendment to the criminal procedure code (made on the basis of a motion from NGOs) prescribed that investigative, prosecuting and adjudicating bodies must provide trafficking victims with a list of NGOs that will be able to offer

services to them. However, police appeared not to have direct contacts with such organizations in all cases and in all parts of the country.

According to official statistics, seven cases of trafficking ended in guilty judgments in courts in 2006, with eleven traffickers convicted.

### Asylum seekers<sup>6</sup>

The granting of asylum status and/or protection against *refoulement* was based on the Asylum Act No. 480/2002,<sup>7</sup> and the Migration Office was in charge of its implementation. The office's decisions could be appealed to regional courts in Bratislava and Kosice in the first instance, and the Supreme Court in the second. In most, but not all, cases an appeal suspended the implementation of the office's decisions. Yet courts were able only to uphold or overturn the office's decisions – not to grant asylum – which meant that the cases landed back to the Migration Office. The office had, however, to respect the courts' legal reasoning in the returned cases.

As the law did not provide for time limits for courts to decide on appeals, they often took a relatively long time to deal with the cases: first instance decisions took usually 2-8 months, and Supreme Court decision more than a year.

By the end of 2006, 2,871 asylum claims were submitted to the Migration Office, of which 1,944 cases were terminated; 861 were rejected; 355 decisions were challenged in regional courts; and 95 cases were appealed to the Supreme Court.<sup>8</sup> Only eight individuals were granted asylum.

Officially, the large number of terminated cases stemmed from the fact that the applicants allegedly used Slovakia only as a transit country to reach Western Europe and "disappeared" before their cases had been processed. However,

NGOs noted that also the low asylum acceptance rate, the long procedure, and the generally negative attitudes toward asylum seekers and immigrants contributed to the "disappearance" of asylum seekers.

In most cases, asylum seekers had to stay 30 days in reception centers (which they were not allowed to leave) and undergo medical examinations, after which they were moved to accommodation centers. All centers were situated relatively isolated in border areas, thereby limiting the asylum seekers' access to work and leisure opportunities. In September, a center in Brezova pod Bradlom burned down (without casualties) but a new one was opened in late 2006 in Humenne near the Ukrainian border.

While the confidentiality of personal data on asylum seekers was legally protected, there were serious suspicions that in some cases in which the applicants had been detained before they filed their asylum claim and remained in detention pending decision, the aliens police leaked such information to authorities of the applicants' countries of origin – and Slovak media, which used it for negative reporting – with the aim of receiving extradition requests from the countries of origin.

◆ A Chechen asylum seeker was deported to the Russian Federation in September while his asylum application was still being processed. He was arrested by Russian authorities at Sheremetyevo airport in Moscow upon his arrival, sent to prison in Grozny, prosecuted, and tortured so badly that he had to be hospitalized.<sup>9</sup>

◆ Two Chechen asylum seekers were facing deportation upon the request Russian authorities at the time of this writing, while awaiting a final solution of their asylum claims.<sup>10</sup>

At the end of 2006, the Asylum Act was amended so as to transpose into Slovak law the so-called Asylum Qualification

Directive (2004/83/EC). This amendment allows for the subsidiary protection of people rejected by definition of refugee status but in danger of suffering serious harm if returned forcibly to their country of origin.

Asylum seekers who entered Slovak territory illegally were usually detained for the maximum of 180 days, as provided by law. The detention decision could be challenged in a court, however the procedure usually lasted 2-6 months, which was not in compliance with the promptness requirements of article 5(4) of European Convention for Human Rights (ECHR). In compliance with European standards and a ruling by the Supreme Court, the aliens police ceased to detain individuals on grounds that were not compatible with the ECHR.

If a foreigner fulfilled one of the criteria for expulsion laid down by the Aliens Act, he or she automatically received an expulsion order that usually had to be ex-

ecuted within 15-30 days: failing to leave the country within that time period would result in a criminal investigation. Family ties (as prescribed in article 8(2) of the ECHR) were taken into consideration only in a negligible number of cases.

### *Residence permits*

Aliens Act No. 48/2002<sup>11</sup> provides for three forms of residence permits: permission for tolerated stay, temporary stay and permanent stay. "Tolerated" permit could be granted for 180 days (subject to prolongation) on a case by case basis to those who would be subjected to torture, inhuman or degrading treatment or punishment or whose life or freedom would be at risk if expelled. Persons enjoying "tolerated stay" were entitled to very basic social benefits but were not allowed to work, which easily forced them to illegal labor and/or leaving the country as soon as possible.

## **SOURCES FOR FURTHER INFORMATION:**

### *Organizations:*

- ◆ Human Rights League, at [www.utecenci.sk](http://www.utecenci.sk)
- ◆ Alliance of Women in Slovakia, at [www.alianciazien.sk](http://www.alianciazien.sk)
- ◆ European Roma Rights Centre, at [www.errc.org](http://www.errc.org)

### *Publications:*

- ◆ JUDr. Henrieta Kollárová, Alliance of Women in Slovakia, "Human trafficking: the Situation in the Slovak Republic in 2006," January 2007.
- ◆ La Strada and Alliance of Women in Slovakia *Trafficking in human beings* – Information material (not only) for professionals, April 2006.
- ◆ Mgr. Zuzana Številová, Human Rights League, Slovakia, *Annual Report on the Situation of Migrants, Asylum Seekers and Refugees*, January 2007.
- ◆ Center for Reproductive Rights and the Advisory Centre for Citizenship and Human and Civil Rights, *Body and Soul: Forced Sterilization and Other Assaults on Roma Reproductive Freedom in Slovakia*, at [www.crlp.org/pub\\_vid\\_bodyandsoul.html](http://www.crlp.org/pub_vid_bodyandsoul.html)
- ◆ Milan Šimecka Foundation, Centre on Housing Rights and Evictions (COHRE) and the European Roma Rights Centre (ERRC), *Forced Evictions in Slovakia – 2006*, January 2007, at [www.errc.org/cikk.php?cikk=2719&archiv=1](http://www.errc.org/cikk.php?cikk=2719&archiv=1)
- ◆ European Roma Rights Centre, *Roma Rights* quarterly, at [www.errc.org](http://www.errc.org)

## Endnotes

- <sup>1</sup> Center for Reproductive Rights and the Advisory Centre for Citizenship and Human and Civil Rights, *Body and Soul: Forced Sterilization and Other Assaults on Roma Reproductive Freedom in Slovakia*, at [www.crip.org/pub\\_vid\\_bodyandsoul.html](http://www.crip.org/pub_vid_bodyandsoul.html).
- <sup>2</sup> See the passage of the report on the implementation of Act No. 365/2004 Coll. "On Equal treatment in certain fields and on protection against discrimination and on the amendment of certain acts," cited in Slovak Centre for Human Rights, *Report on the Observance of Human Rights in the Slovak Republic for the Year 2005*, Bratislava 2006, pp. 61-62.
- <sup>3</sup> Based on *Human trafficking, the Situation in the Slovak Republic in 2006*, by JUDr. Henrieta Kollárová, member of the Alliance of Women in Slovakia.
- <sup>4</sup> E.g., committed within a framework of an organised group, or for a long period of time, or causing death of several persons.
- <sup>5</sup> For example, in June 2002 a special police unit was created to "combat human trafficking and sexual exploitation," later promoted to the Department for Human Trafficking, Sexual Exploitation and Support to Victims, with expanded powers. Also, in 2005 the interior minister appointed an expert group for the prevention of trafficking and to provide support to victims of human trafficking. The group was made up from representatives of various ministries and also representatives of IOM and UNHCR, but of no NGO representatives. The primary task of the group was to draft the National Action Plan to Combat Human Trafficking.
- <sup>6</sup> This section was provided by Zuzana Številová from the Human Rights League, Slovakia. For more details, see her full report *Annual Report on the Situation of Migrants, Asylum Seekers, and Refugees*, available from the Human Rights League, Bratislava, or the IHF.
- <sup>7</sup> Zákon č. 480/2002 Z.z. o azyle a o zmene a doplnení niektorých zákonov
- <sup>8</sup> According to the Migration Office, 15 February 2007, at [www.minv.sk/mumvsvr/STAT/statistika.htm](http://www.minv.sk/mumvsvr/STAT/statistika.htm)
- <sup>9</sup> Russian Movement against Illegal Migration, 21 September 2006, at [www.dpni.org/index.php?0++7846](http://www.dpni.org/index.php?0++7846); and RIA Novosti, "A Chechnyan Native Deported from Slovakia to Russia, Wounded for Robbery Suspicion," 19 September 2006,
- <sup>10</sup> Reported by the lawyers of the Human Rights League.
- <sup>11</sup> Zákon č. 48/2002 Z. z. o pobyte cudzincov