

FRA

Flash Report for AR 2010
Slovak Republic

Slovakia
October 2009

Contents

1. Racism, xenophobia and related intolerance (including criminal law).....	3
1.1. State of Affairs.....	3
1.2. Legal Developments	4
1.3. Good Practices	6
2. Discrimination based on sex, Race or ethnic origin, religion or belief, disability, age or sexual orientation and against persons belonging to minorities and any combination of these grounds (multiple discrimination) 7	7
2.1. State of affairs.....	7
2.2. Legal developments	8
2.3. Good Practices	9
3. Compensation of victims	10
3.1. State of affairs.....	10
3.2. Legal developments	10
3.3. Good Practices	11
4. The rights of the child, including the protection of children.....	12
4.1. State of affairs.....	12
4.2. Legal developments	13
4.3. Good Practices	13
5. Asylum, immigration and integration of migrants	14
5.1. State of affairs.....	14
5.2. Legal developments	14
5.3. Good Practices	16
6. Visa and border control.....	17
6.1. State of affairs.....	17
6.2. Legal developments	17
6.3. Good Practices	17
7. Participation of the citizens of the Union in the Union's democratic functioning.....	18
7.1. State of affairs.....	18
7.2. Legal developments	19
7.3. Good Practices	19
8. Information society and, in particular, respect for private life and protection of personal data.....	20
8.1. State of affairs.....	20
8.2. Legal developments	20
8.3. Good Practices	21
9. Access to efficient and independent justice.....	22
9.1. State of affairs.....	22
9.2. Legal developments	22
9.3. Good Practices	23

1. Racism, xenophobia and related intolerance (including criminal law)

1.1. State of Affairs

[1]. The Slovak Government approved the Action Plan on the prevention of all forms of discrimination, racism, xenophobia, anti-Semitism and other forms of intolerance for the years 2009-2011.¹ The Action Plan was prepared by the deputy Prime Minister responsible for information society, European affairs, human rights and minorities. It includes a concise summary of the actual situation, relevant legislation, responsible state authorities and other institutions as well as a definition of goals and tasks within the specific areas. The main goals are:

- effective protection against discrimination, racism, xenophobia, anti-Semitism and other forms of intolerance including alternative forms of protecting mechanisms,
- ensuring effective integration of persons belonging to national minorities or ethnic groups, aliens or persons coming from socially disadvantaged groups,
- systematic education of members of professional groups who may influence the prevention of all forms of discrimination, racism, xenophobia, anti-Semitism and other forms of intolerance,
- creating proper conditions for successful integration of asylum seekers and migrants into the society while observing the right to non-discrimination and implementation of the principle of equal treatment.

[2]. Similar to the neighbouring countries (the Czech Republic, Hungary), the hostile atmosphere against the Roma minority escalates in the Slovak Republic. In August 2009 there was a protest “against Roma terror” held by the association ‘Slovenská Pospolitosť’ [Slovak Fellowship]. This association openly acknowledges itself as a supporter of the first Slovak State existing during World War II and supporting Nazi Germany. The protest was organised as a response to a physical attack against a member of the majority population conducted by two Roma boys. The protest was attended by approximately 200 participants who were joined by local inhabitants. The local Mayor forbade the protest and the Police had to use force to disperse the crowd, while 30 participants were arrested.² This gathering was later followed by other smaller, similar meetings, e.g. in Krompachy, Kosice, and Nitra. These were joined by

¹<http://www.rokovania.sk/appl/material.nsf/0/BBB09FE41E690DFCC12575AC002CD327?OpenDocument> (19.10.2009).

²<http://www.diskriminacia.sk/?q=node/897> (19.10.2009).

citizens of the respective towns. These gatherings and marches were closely monitored by the Police; however, no police actions were needed. The association ‘Slovenská Pospolitosť’ announced their intention to found a new political party.³

- [3]. The Slovak National Centre for Human Rights released a report on monitoring of the media with special attention to displays of racism, xenophobia and anti-Semitism during the first half of the year 2009.⁴ The survey showed that the most discussed topic of relevant themes in the media were racially motivated attacks and extremism at sporting activities. Together with the escalation of public demonstrations of radical and extremist attitudes with anti-Roma content held in various cities of the Slovak Republic, these are the most acute problems concerning extremism which are reflected by the media. The monitoring also proved a rising of racial, ethnic and other intolerance promoted by the internet.

1.2. Legal Developments

- [4]. In June 2009 the Slovak Parliament passed an amendment⁵ of the Criminal Code.⁶ The amendment defines the terminology regarding extremism, extremist group, and extremist material and introduces new crimes related to extremism.⁷ The President refused to sign the law and returned it to Parliament which voted down the President’s veto in repeated voting.
- [5]. The mentioned amendment implements some of the provisions of the Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law, such as:
- definition of the new terms “extremist group” and “extremist material”,
 - introduction of new “special motives” for crimes,⁸ which shall now include committing a crime with the intention to publicly incite to violence or hatred directed against individuals or a group of people defined by reference to race, nation, nationality, skin colour, ethnicity, descent or religion,⁹

³ <http://www.sme.sk/c/4970014/slovenska-pospolitost-chysta-stranu-a-nove-akcie.html> (19.10.2009).

⁴ http://www.snslp.sk/rs/snslp_rs.nsf/0/EA2A1C3C0B0399FAC125764A00280843?OpenDocument&ID=PAR087829175103&TYPE=U&LANGUAGE=S&LENGTH=S (19.10.2009).

⁵ Slovakia/zákon 257/2009 (16.06.2009).

⁶ Slovakia/zákon 300/2005 (20.05.2005).

⁷ <http://www.zbierka.sk/zz/predpisy/default.aspx?PredpisID=209074&FileName=zz2009-00257-0209074&Rocnik=2009> (19.10.2009).

⁸ Besides aggravating circumstances there are also so called special qualifying terms which shall be considered in the investigation of crimes. These special qualifying terms also include special motives and crimes of extremism.

⁹ Article 140 (d), Slovakia/zákon 300/2005 (20.05.2005).

- definition of a new “qualifying term” for crimes of extremism,¹⁰
 - introduction of new crimes of extremism, such as support and promotion of groups aiming at the suppression of rights and freedoms of others; production, dissemination and harbouring of extremist materials; defamation on the grounds of nation, race or belief; incitement to national, racist and ethnic hatred; etc.,¹¹
 - introduction of indications of extremism within some of the existing crimes as aggravating circumstances.
- [6]. Criminal liability of legal persons pursuant to Articles 5 and 6 of the Council Framework Decision has not yet been transposed into the Slovak legislation, not even by the amendment mentioned above.
- [7]. Article 1(4) of the framework decision was partially implemented into Slovak legislation. According to the Criminal Code it is a crime if a person publicly defames a group of persons or an individual (without any further definition of characteristics of the persons) or threatens them in a way that publicly excuses acts according to Articles 6, 7, and 8 of the Rome Statute of the International Criminal Court, defined as genocide, crimes against humanity or war crime, or an act according to Article 6 of the Charter of the International Military Tribunal appended to the London Agreement of 8 August 1945 defined as crimes against peace, war crimes or crimes against humanity, if such a crime is directed against a group of persons or an individual (meaning a group of persons in general, without any further specification), or if an offender or a person participating in such a crime was validly condemned by the international court, publicly denies or significantly trivialises such a crime.¹²
- [8]. There are no specific measures addressing the need to ensure that freedom of expression and association are respected in accordance with the requirements of Article 7 of the framework decision. Since the framework decision was implemented only recently there is no relevant case law available yet.
- [9]. There are no specific measures regarding jurisdiction of the Slovak judicial authorities with respect to the framework decision and its Article 9(3).
- [10]. One of the most publicly monitored cases, a murder of a student in 2005, ended up by the release of all accused. A student was allegedly killed by supporters of Neo-Nazi movements; later it turned out that his murderers more probably were members of mafia. Although the investigation procedure took four years, the court ruled that it was not proved beyond all doubts that the accused really

¹⁰ Article 140a, Slovakia/zákon 300/2005 (20.05.2005).

¹¹ Articles 421-424a, Slovakia/zákon 300/2005 (20.05.2005).

¹² Article 424a paragraph 1 (b), Slovakia/zákon 300/2005 (20.05.2005).

committed the murder. The prosecution did not file an appeal against this decision.¹³

1.3. Good Practices

[11]. There is nothing to report on this issue.

¹³ <http://www.sme.sk/c/4891879/tupeho-vrah-trestu-unika-sud-ho-nenasiel.html> (19.10.2009).

2. Discrimination based on sex, Race or ethnic origin, religion or belief, disability, age or sexual orientation and against persons belonging to minorities and any combination of these grounds (multiple discrimination)

2.1. State of affairs

- [12]. In April 2009 the Slovak Government approved the draft of the National strategy of gender equality for the years 2009-2013¹⁴ and the draft of the Overall report on state of gender equality in the Slovak Republic.¹⁵ The report was prepared also on the outcomes of the conference “Gender equality – new questions, new challenges” which took place in November 2008. The draft of the National strategy was prepared in cooperation with experts of all levels of state administration, municipalities, NGOs as well as academic and university institutions dealing with the problem of gender equality.
- [13]. The Government also approved the Evaluation of the fulfilment of the Action Plan to prevent all forms of discrimination, racism, xenophobia, anti-Semitism and other forms of intolerance for the years 2006-2009.¹⁶ The document evaluated the tasks or responsible state authorities or other subjects in accordance with the Action Plan, which mainly concerned education of relevant professional groups, increasing of information of the public on the topic, adopting relevant legislation, monitoring of activities aimed at the repression of anti-discrimination activities and realisation of approved projects.
- [14]. In June 2009 the Governmental Plenipotentiary for Roma Communities was removed from her function upon her own request. A new plenipotentiary was

¹⁴<http://www.rokovania.sk/appl/material.nsf/0/BE0330A17DEFAEB4C125757E0049B9D7?OpenDocument> (19.10.2009).

¹⁵<http://www.rokovania.sk/appl/material.nsf/0/46DAADEFABCF1186C125758B002CB5AA?OpenDocument> (19.10.2009).

¹⁶<http://www.rokovania.sk/appl/material.nsf/0/590A8C6A196ABA60C12575AC0029F2BB?OpenDocument> (19.10.2009).

appointed by the Deputy Prime Minister for information society, European affairs, human rights and minorities only in September 2009.¹⁷ This personal change was accompanied by a broadly discussed statement of the Deputy Prime Minister who said that the next plenipotentiary “must be a man and a vigorous person who will establish order”. Later on the Deputy Prime Minister changed his interpretation of his statement and tried to mitigate its implications, stating that since there were two female Plenipotentiaries, the next one could be a male person, which however (according to the Deputy Prime Minister) does not exclude women from this function. The Deputy Prime Minister also proposed changes to the Statute of the Office of the Plenipotentiary concerning powers and duties of the Plenipotentiary.¹⁸

2.2. Legal developments

- [15]. The Slovak Parliament passed a new amendment of the Act on State Language.¹⁹ The amendment shall change existing legislation by introducing some new rules and obligations in using the state language in official contacts. It establishes state supervision over observing its provisions and introduces new fines to enforce the fulfilment of the law. The amendment evoked rather intensive reactions of minorities, namely the Hungarian minority living in the Slovak Republic. They claimed that the law was eliminative in respect to their right to use their mother tongue. Representatives of the Hungarian Coalition Party submitted a draft legislation to amend the adopted Act on State Language; however, it was already dismissed in the first reading.²⁰
- [16]. The High Commissioner of the OSCE observed that the Slovak law is supposed to strengthen the Slovak national language which is rather common within the Member States. Nevertheless there is a right of national and ethnic minorities to use their own mother tongue. He also stated that there are some provisions of the law which are not clear and it is important that the government adopts methodical instructions to avoid misinterpretation.²¹
- [17]. The well known and broadly monitored case of a female student attacked because of her Hungarian nationality is still not solved and concluded. The student was attacked in August 2006 and according to her interpretation the attack was for her speaking Hungarian. However, the case was later politicised and the Minister of the Interior together with the Prime Minister publicly accused the student that she made up the whole story and that she committed a crime – false testimony. The student had swellings, scratches and bruises. She

¹⁷ <http://romovia.vlada.gov.sk/> (19.10.2009).

¹⁸ <http://www.rokovania.sk/appl/material.nsf/0/FD6087C34177646CC125763100447FF7?OpenDocument> (19.10.2009).

¹⁹ Slovakia/zákon 270/1995 (15.11.1995).

²⁰ <http://www.nrsr.sk/Default.aspx?sid=zakony/cpt&ZakZborID=13&CisObdobia=4&ID=1209> (19.10.2009).

²¹ <http://www.diskriminacia.sk/?q=node/926> (19.10.2009).

was examined by a doctor immediately after the attack and the doctor issued a medical report on the examination. The General Prosecutor asked for a new medical opinion. The medical opinion was supposed to be put together by the Dean of the Medical School in Bratislava and a group of other reputable doctors and it did not support the version presented by the student. Consecutively, however, the medical opinion was doubted by its alleged authors who claimed that their statements were misrepresented or intentionally put out of context. Moreover, some of the evidence used in the medical opinion was doubted as well. The Ministry of the Interior did not comment the medical opinion.²²

- [18]. There has not been another significant legislative development related to the implementation of Council Directive of 29 June 2000, implementing the principle of equal treatment on grounds of racial and ethnic origin or Council Directive 2000/78/EC of 27 November 2000, establishing a general framework for equal treatment in employment and occupation.
- [19]. With regards to the new Directive against discrimination outside employment on grounds of religion or belief, disability, age and sexual orientation, proposed by the European Commission on 2 July 2008, it is necessary to state that the Slovak Anti-discrimination Act in principle already meets its requirements. According to the Anti-discrimination Act the fulfilment of the principle of equal treatment shall include the prohibition of discrimination on the ground of gender, religion or belief, race, affiliation to nationality or ethnic group, health disability, age, sexual orientation, marital and family status, skin colour, language, political or other opinion, national or social origin, property, lineage or other position.²³ The principle of equal treatment shall be followed in the areas of social relationships, health care, providing with goods and services in education, employment and similar legal relationships.²⁴

2.3. Good Practices

- [20]. The Slovak Republic adopted a quite elaborated Anti-discrimination law in 2004 which was significantly amended in 2008. The law guarantees not only free legal assistance and representation to victims of discrimination by stipulated legal entities, but in certain situations those legal entities may even file a complaint to the court instead of factual victims. Nevertheless, despite of existing discrimination on various grounds in everyday life and despite of the guaranteed legal procedure which provides for rather effective remedies for victims of discrimination, there are almost no judicial cases based on this legislation. In this respect there exists an interesting project of the association 'Poradna pre ľudské práva' [The Centre for Civil and Human Rights] based in Kosice. Poradna is implementing a project named "The implementation of the

²² <http://www.sme.sk/c/5007818/posudok-malinova-sa-hryzla-do-pery.html> (19.10.2009).

²³ Article 1, Slovakia/zákon 365/2004 (20.05.2004).

²⁴ Article 5, Slovakia/zákon 365/2004 (20.05.2004).

Slovak Anti-discrimination Act at courts – practice and perspectives”. The project commenced in 1 April 2009 and shall proceed until 31 December 2010.²⁵

3. Compensation of victims

3.1. State of affairs

- [21]. Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims was transposed into the Slovak legislation by the Act on Compensation of victims damaged by aggravated crimes in 2006.²⁶ This Act was not amended in 2009. Generally speaking, there is not much information publicly available about this law, e.g. the Ministry of Justice provides no information whatsoever regarding its position as an assisting authority in accordance with the Act.²⁷ There is some information regarding the procedure of claiming damage compensation on the portal of public administration.²⁸
- [22]. Poor publicity and application of the Act is also proven by the Report of the European Commission on implementation of Council Directive 2004/80/EC. The report was adopted on 20 April 2009.²⁹ According to the report there was no case assisted by the Ministry of Justice in 2009.
- [23]. There is no information available on any initiatives taken by the Ministry of Justice or by other state authorities during 2009 concerning the compensation of victims, including improvement of clarification and transparency concerning key elements of national compensation schemes.

3.2. Legal developments

- [24]. The European Convention on the Compensation of Victims of Violent Crimes was ratified by the President of the Slovak Republic and thus the Slovak Republic became party to the Convention. The Convention is published in the Collection of laws of the Slovak Republic.³⁰

²⁵ <http://www.poradna-prava.sk/go.php?p=4> (19.10.2009).

²⁶ Slovakia/zákon 215/2006 (15.03.2006).

²⁷ Article 11, Slovakia/zákon 215/2006 (15.03.2006).

²⁸ <http://portal.gov.sk/Portal/sk/Default.aspx?CatID=39&etype=1&aid=1612> (19.10.2009).

²⁹ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52009DC0170:SK:HTML> (19.10.2009).

³⁰ Slovakia/oznamenie Ministerstva zahraničných vecí 162/2009 (06.05.2009).

- [25]. The Slovak Parliament approved an amendment to the Witness protection Act.³¹ This amendment specifies conditions of a programme of witnesses' protection and to increase its effectiveness, stipulates new provisions regarding testimony of the victims and introduces prosecutors' supervision over the execution of the programme. The new law shall also more precisely elaborate conditions for commencing the programme, processing of repeating motions for including a person into the programme and termination of it.³²
- [26]. Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings 2001/220/JHA was transposed by the provisions of the Criminal Code, but no changes were made in 2009.

3.3. Good Practices

- [27]. There is nothing to report on this issue.

³¹ Slovakia/zákon 256/1998 (08.07.1998).

³² Slovakia/zákon 180/2009 (24.04.2009).

4. The rights of the child, including the protection of children

4.1. State of affairs

- [28]. The Draft Report of the Slovak Republic to the Optional Protocol to the Convention on the rights of the child, on the sale of children, child prostitution and child pornography was submitted by the Minister of the Interior and approved by the Government. The Draft Report provides detailed information on measures adopted to implement the Optional Protocol. It provides definitions of the expressions of prohibition of trafficking in children, children's prostitution and pornography, and the overall criminal framework of children protection within this area. The Draft Report also provides jurisdiction of the courts in this area, legal assistance and legal aid, protection of the rights of child victims and information on international assistance and cooperation.³³
- [29]. In April 2009 there was an incident in the Police station in Kosice which included six Roma children. At least six active policemen participated in degrading and humiliating treatment of children. Boys in age from 10 to 16 were suspected of the robbery of an elder woman and they were caught by the police and brought to the police station. Policemen forced them to take off their clothes, to hit and kiss each other, while they were recording this situation on video-camera and by mobile phones. The tape also proved that the policemen let police dogs bark at the children at the police station while at least one of them was crying. The recording was later accidentally released in the media. The responsible policemen were immediately removed from their functions and will be subject to criminal prosecution. Nevertheless there is no official statement of the Police or the Ministry of the Interior available at their web site.³⁴
- [30]. There is no information available on how social services balance the right to respect for private and family life and the right of the child to protection from violence in the household. The law on social and legal protection of children³⁵ states that everybody is obliged to inform the relevant social authority about violations of child's rights. Moreover, the Family Law³⁶ states that if parents

³³<http://www.rokovania.sk/appl/material.nsf/0/F60B1C444AD96D23C12575F500413B26?OpenDocument> (19.10.2009).

³⁴<http://www.diskriminacia.sk/?q=node/770> (19.10.2009).

³⁵ Slovakia/zákon 305/2005 (25.05.2005).

³⁶ Slovakia/zákon 36/2005 (19.01.2005).

misuse their parental rights by abusing, torturing or neglecting a child or by molesting treatment of a minor, the court shall withdraw their parental rights and take away the child from his/her parents.

- [31]. The official authorities do not provide any information on the impact of measures aimed at combating violence against children within the household on very poor families. The latest report of the General Prosecutor on evaluation of measures of criminal law used in combating household violence against women and children is from 2002.³⁷

4.2. Legal developments

- [32]. The Act on Social protection of children and on social custody was amended and this amendment came into force on 1 January 2009. The law implements some changes of provisions which caused interpretation problems, introduces new provisions to increase the quality and extent of social protection of children and to improve conditions of alternative family protection. The law shall also contribute to the execution of relevant judicial decisions within the institutions of social protection of children.³⁸
- [33]. The Slovak Republic shall become party to the Convention on the protection of children against sexual exploitation and sexual abuse. The Government approved signing this Convention and assigned the Minister of Justice in cooperation with the Minister of the Interior and the General Prosecutor to analyse the Convention and to propose necessary legislative changes in order to implement the Convention. After the necessary legislative changes adopted on the outcome of the analysis, the Convention will be proposed for ratification, which is planned for the second half of the year 2011.³⁹

4.3. Good Practices

- [34]. There is nothing to report on this issue.

³⁷<http://www.genpro.gov.sk/domace-nasilie-voci-zenam-a-detom--2002--9151/47791s>
(19.10.2009).

³⁸<http://www.zbierka.sk/zz/predpisy/default.aspx?PredpisID=208502&FileName=zz2008-00466-0208502&Rocnik=2008> (19.10.2009).

³⁹<http://www.rokovania.sk/appl/material.nsf/0/4709F93E1746E064C12575C80045C614?OpenDocument> (19.10.2009).

5. Asylum, immigration and integration of migrants

5.1. State of affairs

- [35]. The Slovak Government approved the pilot document in the field of migrants' integration. The Concept of integration of migrants was proposed by the Minister of Social Affairs and it aims at comprehensively dealing with the integration of migrants. The Concept is primarily concerned with the employment of migrants, housing, education, social services, health care, integration of the migrants within society and the obtainment of the Slovak citizenship. The document provides proposals for long-term legislative and practical measures of integration policy, which are, however, not accompanied by any specific financial resources for the implementation of the policy due to the economic crisis.⁴⁰
- [36]. There have not been any implementation measures related to Directive 2009/52/EC of 18 June 2009 realised during the reporting period.

5.2. Legal developments

- [37]. The Slovak Government approved the agreement between the Slovak Republic and the International Organisation for Migration on coordination of the activities of the European Migration Network. The agreement stipulates an obligation to create a national contact point, to establish a national steering committee, and to provide assistance in fulfilling the tasks of the migration network. The agreement also regulates other issues, such as the rights and obligations of the contractual parties, the mechanism of operation, control and evaluation of the implementation of the agreement, and the methods of financing the national contact point.⁴¹
- [38]. In September 2009 the Minister of the Interior submitted a draft of an amendment of the Act on the stay of aliens.⁴² The main goal of the amendment⁴³

⁴⁰<http://www.rokovania.sk/appl/material.nsf/0/49B2BD84C294A652C12575900040092B?OpenDocument> (19.10.2009).

⁴¹<http://www.rokovania.sk/appl/material.nsf/0/2A27DEDB551B44E0C12575EF003FE0CD?OpenDocument> (19.10.2009).

⁴² Slovakia/zákon 48/2002 (13.12.2001).

is to transpose Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals. Relevant changes are proposed concerning provisions on administrative removal and detention of third-country nationals. Other changes shall deal with visa procedures and temporary and permanent residency.⁴⁴

- [39]. Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals has not been implemented into the Slovak legislation. Some of its requirements are regulated by existing laws, especially by the Act on illegal work and illegal employment,⁴⁵ the Act on the stay of aliens,⁴⁶ the Act on labour inspection⁴⁷ and the Labour Code.⁴⁸ The above mentioned amendment to the Act on the stay of aliens includes a provision obligating the employers to inform police authorities about every termination of employment relationships of third-country nationals. Nevertheless, there are no legal provisions regulating any measures enabling third-country nationals to lodge complaints against their employers. Pursuant to existing legislation a third-country national without a permission to temporary stay and/or permission to work is considered to be an illegal worker. Illegal workers may be fined with up to 330 Euro.⁴⁹ Moreover, a person who performs activities other than permitted by his/her permission to temporary stay may be removed from the country.⁵⁰
- [40]. There is no legislation entitling any organisation to engage on behalf or in support of an illegally employed third-country national against the employer. The Slovak Criminal Code stipulates that everybody who is organizing an illegal crossing of the border or crossing through the territory, or enabling or helping such an action, shall be held criminally responsible.⁵¹ Similarly, enabling or helping to stay within the territory of the Slovak Republic to a person who is not a Slovak citizen or does not have a permanent residency permit, or enabling or helping such a person to stay or to be illegally employed within the territory of the Slovak Republic, shall be criminally responsible.⁵²
- [41]. There has been no relevant legislative development in this area during the reviewed time period.

⁴³ <http://www.rokovania.sk/appl/material.nsf/0/9CE31A9CCD77F532C125763B00404513?OpenDocument> (19.10.2009).

⁴⁴ <http://www.minv.sk/?tlacove-spravy&sprava=od-buduceho-roka-sa-zmenia-niektore-pravidla-pre-cudzincov> (19.10.2009).

⁴⁵ Slovakia/zákon 82/2005 (09.02.2005).

⁴⁶ Slovakia/zákon 48/2002 (13.12.2001).

⁴⁷ Slovakia/zákon 125/2006 (02.02.2006).

⁴⁸ Slovakia/zákon 311/2001 (02.07.2001).

⁴⁹ Articles 2, 6 and 7, Slovakia/zákon 85/2005 (09.02.2005).

⁵⁰ Article 57, Slovakia/zákon 48/2002 (13.12.2001).

⁵¹ Article 355, Slovakia/zákon 300/2005 (20.05.2005).

⁵² Article 356, Slovakia/zákon 300/2005 (20.05.2005).

5.3. Good Practices

- [42]. Pursuant to the agreement among the Slovak Republic, the UNHCR and the International Organisation for Migration, the Slovak Republic will provide temporary refuge for 101 Palestinian refugees, in particular families consisting of women and children. They come from the refugee camp in Al Walled in Iraq and it is assumed that they will stay within the territory of the Slovak Republic for six months. The refugees shall be temporarily placed within the asylum facility in Eastern Slovakia, Humenne, and will consecutively be transferred to third countries. The agreement regulates the obligations of the contractual parties regarding these refugees, including their legal status, providing necessary health care and social services, their transfer to other countries and the way of financing of all related activities.⁵³

⁵³<http://www.rokovania.sk/appl/material.nsf/0/905D0CDF6F30466EC12575EF0040F22F?OpenDocument> (19.10.2009).

6. Visa and border control

6.1. State of affairs

- [43]. In August 2009 the Ukraine unilaterally stopped cargo railroad transportation across the border with the Slovak Republic claiming to turn off a scanner installed at the border. The Slovak Republic claimed that the scanner is an effective equipment to detect illegal commodities transferred across the border. On the other hand, the Ukraine claimed that the scanner is dangerous to the health of employees of the Ukrainian railroads. The Slovak side turned off the scanner and the railroad carriages were inspected manually. After the review of the scanner by the International Agency for Nuclear Energy which provided that it is harmless to health the scanner was started again in September 2009.⁵⁴

6.2. Legal developments

- [44]. In February 2009 the Slovak Government abolished the regulations which unilaterally cancelled visa obligations of the citizens of some non-EU countries such as some of the Central and South American countries, Andorra, and Brunei Darussalam. The abolishment was adopted in accordance with the relevant Schengen Acquis and other EU legislation and enables the citizens of the respective countries to stay within the territory of the Slovak Republic for up to 90 days.⁵⁵

6.3. Good Practices

- [45]. There is nothing to report on this issue.

⁵⁴<http://www.rokovania.sk/appl/material.nsf/0/E1A7BE2C5D8A4621C125761E002AD403?OpenDocument> (19.10.2009).

⁵⁵<http://www.rokovania.sk/appl/material.nsf/0/738D43E26D47E97DC1257547004C96BF?OpenDocument> (19.10.2009).

7. Participation of the citizens of the Union in the Union's democratic functioning

7.1. State of affairs

- [46]. The National Council of the Slovak Republic⁵⁶ and the Government of the Slovak Republic⁵⁷ issued a statement regarding the elections campaign of the Hungarian political party Fidesz. According to the statement the Slovak Republic expressed its concerns about the anti-Slovak campaign of Fidesz. Parliament and the Government mainly objected repeated expressions of some of the representatives of Fidesz, including its President, which were considered to be aiming at ethnic separation, denying the sovereignty of neighbouring countries and questioning the territorial integrity of the Slovak Republic.
- [47]. The President, the Chairman of the National Council of the Slovak Republic and the Prime Minister issued a joined declaration for citizens to participate in the elections to the European Parliament.⁵⁸ The President encouraged the citizens to come to vote also independently from other officials.⁵⁹ Also the Deputy Prime Minister for Information Society, European Affairs, Human Rights and Minorities invited all Slovak nationals to participate in the elections to the European Parliament.⁶⁰ The appeal was made before the official commencement of the election campaign. The Deputy Prime Minister promoted the importance of the elections and stated that non-participation is only good for extremists.
- [48]. Similarly, in principle each significant political party or movement encouraged Slovak nationals to participate in the elections and to vote. These appeals were included in the normal political election campaign.

⁵⁶http://www.nrsr.sk/Default.aspx?sid=schodze/hlasovanie/vyhladavanie_vysledok&ZakZborID=13&CisObdobia=4&Popis=&CPT=1125&CisSchodze=&DatumOd=&DatumDo=&FullText=False (19.10.2009).

⁵⁷[http://www.rokovania.sk/appl/material.nsf/0/0EB2AD05472BFD99C12575CB002A5DD9/\\$FILE/Zdroj.html](http://www.rokovania.sk/appl/material.nsf/0/0EB2AD05472BFD99C12575CB002A5DD9/$FILE/Zdroj.html) (19.10.2009).

⁵⁸http://www.prezident.sk/?rok-2009&news_id=9012 (19.10.2009).

⁵⁹http://www.prezident.sk/?rok-2009&news_id=9005 (19.10.2009).

⁶⁰<http://www.olaf.government.gov.sk/15804/vyhlasenie-podpredsedu-vlady-sr-dusana-caplovica-pred-officialnym-zaciatkom-volebnej-kampane-pre-volby-do-europskeho-parlamentu.php> (19.10.2009).

- [49]. Other than that, there were no special activities implemented to encourage participation in the elections, not to mention encouraging citizens of other Member States. None of the political parties included candidates to be elected to the European Parliament who were nationals from other Member States.
- [50]. According to the data of the Statistical Office of the Slovak Republic, voters turnout in elections was only 19,64 per cent.⁶¹

7.2. Legal developments

- [51]. The Constitutional Court ruled⁶² that one of the provisions of the Act on Election to the European Parliament⁶³ is unconstitutional. The provision stated that imprisonment is an obstacle to the execution of the right to elect. The respective provision was declared void. The ruling of the Constitutional Court came into force in 1 April 2009.
- [52]. The Act on Election to the European Parliament enables nationals from other Member States to vote in the elections in the Slovak Republic as well as to be elected there.⁶⁴ However, there were no legislative changes in 2009 regarding the implementation of Council Directive 93/109/EC of 6 December 1993 laying down detailed arrangements for the exercise of the right to vote and to stand as a candidate in elections to the European Parliament for citizens of the European Union residing in a Member State of which they are not nationals.

7.3. Good Practices

- [53]. There is nothing to report on this issue.

⁶¹ <http://portal.statistics.sk/volbyep2009/sr/tab1.jsp?lang=en> (19.10.2009).

⁶² Slovakia/ústavný súd PL 6/08 (11.02.2009).

⁶³ Slovakia/zákon 331/2003 10.07.2003).

⁶⁴ Articles 2 and 3, Slovakia/zákon 331/2003 10.07.2003).

8. Information society and, in particular, respect for private life and protection of personal data

8.1. State of affairs

- [54]. The Government of the Slovak Republic adopted a National Policy for electronic communications for the years 2009-2013. This strategic document also includes a section on personal data protection, although this part is rather short, superficial and without elaborating details.⁶⁵ The Government also passed a proposal for the Education system in the area of information security which besides other issues includes a draft of school and extracurricular education in this area and a proposal for the implementation of the framework educational system.⁶⁶
- [55]. The Government Office in cooperation with the Ministry of Finance and the National Agency for Network and Electronic Services has prepared a package of services enabling the public to file electronic applications to the state administration authorities. Since July 2009 it is possible to electronically file applications, proposals, complaints or information requests to selected state administration authorities. The service is available to all users using electronic signature or users registered in the central portal of public administration.⁶⁷

8.2. Legal developments

- [56]. The Slovak Republic became party to the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism. The Convention has been in force since 1 January 2009. Similarly, the Slovak Republic acceded to the Prüm Convention (Schengen III), i.e. the Convention on the stepping up of cross border cooperation, particularly in combating terrorism, cross border crime and illegal migration. The President of the Slovak Republic signed the Convention which has been in force since 28 May 2009 on 13 February 2009.

⁶⁵<http://www.rokovania.sk/appl/material.nsf/0/2712A53C70C2DCEBC12575AC0023D7D6?OpenDocument> (19.10.2009).

⁶⁶<http://www.rokovania.sk/appl/material.nsf/0/76F4F2337A779C15C12575BD001FB870?OpenDocument> (19.10.2009).

⁶⁷<http://informatizacia.gov.sk/16569/nove-egovernment-sluzby-ustredneho-portal-u-verejnej-sprav-y-pre-obcanov-a-podnikatelo-v-na-slovensku.php> (19.10.2009).

- [57]. The Slovak Republic signed bilateral agreements with Lithuania, the USA, Bosnia and Herzegovina and Serbia on cooperation in combating crimes, especially against terrorism, illegal drug trafficking, and organising criminal activities. All these agreements include provisions on the protection of personal data.
- [58]. The Ministry of the Interior adopted an Ordinance on details of the camera security system.⁶⁸ The camera security system shall enable the identification of faces of individuals participating in public gatherings, sports and touristic assemblies. The ordinance also provides technical details of the camera security system.

8.3. Good Practices

- [59]. There is nothing to report on this issue.

⁶⁸ Slovakia/vyhláška 332/2009 (14.08.2009).

9. Access to efficient and independent justice

9.1. State of affairs

[60]. During the year 2009 there have been significant changes in the judicial system of the Slovak Republic. In April 2009 the special military courts were abolished and their agenda was transferred to the general courts.⁶⁹ In May 2009 the Constitutional Court declared the Special Court to be unconstitutional and this court was abolished.⁷⁰ The Special Court was established in 2004 in order to more effectively investigate and judge corruption cases of public figures, cases of organised crime and the most severe cases of financial and property criminality. The abolished court was immediately substituted by the Special Criminal Court with a slightly changed agenda.⁷¹

9.2. Legal developments

[61]. Mediation is an alternative form of disputes resolution regulated by the Act on Mediation.⁷² Pursuant to the law, mediation may be used to deal with cases resulting from civil law, family law, commercial law and labour law relationships. The Civil Procedure Code stipulates that the court may recommend to the parties to the proceedings to solve their case by mediation.⁷³ According to Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters its provisions shall be implemented into national legislation until 21 May 2011. Pursuant to Governmental resolution No. 693 of 1 October 2008⁷⁴ the person responsible for the implementation is the Minister of Justice. Nevertheless, there have not been any other legislative updates concerning mediation since 2004.

⁶⁹ Slovakia/zákon 59/2009 (11.02.2009).

⁷⁰ Slovakia/ústavný súd PL US 17/08 (20.05.2009).

⁷¹ Slovakia/zákon 291/2009 (18.06.2009).

⁷² Slovakia/zákon 420/2004 (25.06.2004).

⁷³ Article 99, Slovakia/zákon 99/1963 (04.12.1963).

⁷⁴ [http://www.rokovania.sk/appl/material.nsf/0/E3098AA3672DAC7BC12574DD002EE06B/\\$FILE/Zdroj.html](http://www.rokovania.sk/appl/material.nsf/0/E3098AA3672DAC7BC12574DD002EE06B/$FILE/Zdroj.html) (19.10.2009).

9.3. Good Practices

[62]. There is nothing to report on this issue.