

SLOVENIA 2015 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Slovenia is a parliamentary democracy and constitutional republic. Power is shared among a directly elected president (head of state), a prime minister (head of government), and a bicameral parliament composed of the national assembly (lower house) and the national council (upper house). In July 2014 the country held parliamentary elections that observers considered free and fair. Civilian authorities maintained effective control over the security forces.

The most significant human rights problem was the treatment of the thousands of migrants and asylum seekers who transited Slovenia en route to Austria and Germany since September. Their sheer numbers initially challenged the country's capacity to process cases and provide immediate services. The country's Romani population suffered societal discrimination and occasional harassment that aggravated their harsh living conditions, sustained their high unemployment rate, and led to social isolation. Judicial and administrative backlogs and inefficiency resulted in trial delays, although there were signs of improvement.

Other problems reported during the year included prison overcrowding; delays in resolving cases of property restitution; self-censorship of the press and the threat and use of defamation suits against journalists, which stifled media criticism of officials and politicians; government corruption; violence against women and children; trafficking in men, women, and girls, including forced labor; discrimination against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons; ineffective sanctions for violations of workers' rights; child labor; and ineffective enforcement of fair labor standards.

The government took steps to investigate, prosecute, and punish officials who committed abuses, whether in the security services or elsewhere in the government.

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.

The government continued to address extrajudicial killings and the uncovering of an estimated 581 mass graves stemming from the period during and immediately after World War II. During the year the government provided initial funding of 90,000 euros (\$99,000) in support of a decent burial for the remains of victims found at the Huda Jama mass grave. Some political and opinion leaders faulted the government for slow progress identifying victims and clarifying the circumstances of the 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 law prohibit such practices. During the year the Office of the Ombudsman for the Protection of Human Rights made numerous unannounced visits to prison and police stations in conjunction with nongovernmental organizations (NGOs). In most cases observers noted a marked reduction in complaints of excessive use of force.

Prison and Detention Center Conditions

Physical Conditions: At the end of the year, four persons had died in confinement: two detainees and one convict committed suicide, and one convict died in a medical clinic. Space limitations in Dob Prison restricted work options for some inmates.

Administration: Authorities investigated accusations of inhuman conditions and documented the results in a publicly accessible manner.

Independent Monitoring: The government permitted local and international human rights groups, the media, and international bodies, such as the International Committee of the Red Cross, to monitor prison conditions independently. The ombudsman's office together with numerous human rights groups and other NGOs conducted visits to all prisons during the year. To implement the national preventative mechanism from the UN Convention against Torture, the ombudsman and NGOs signed an agreement to allow designated NGOs to monitor the proper treatment of prisoners independently.

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

Police perform the country's basic law-and-order functions, including migration and border control, under the direct supervision of the Ministry of the Interior. The National Investigation Bureau and the Border Police fall under the general police administration in the Ministry of the Interior. The government, the Parliamentary Oversight Commission, the relevant district court, the ombudsman, the Court of Audits, and the Budget Supervision Office oversee the Slovenian Intelligence and Security Agency (SOVA). Parliament adopted changes to the law to expand the armed forces' authorization to assist the police in border control and preserving public order. To provide for the safe, controlled processing of large numbers of migrants and refugees who started crossing the country's borders in October, the government reached an agreement with the European Commission to deploy police officers from other EU member states to the country.

Civilian authorities maintained effective control over police, and the government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving security forces during the year. There were no arrests or trials for such cases by year's end.

Arrest Procedures and Treatment of Detainees

Police generally made arrests with warrants issued by either a prosecutor or a judge. Authorities may detain suspects for 48 hours before charging them. The law requires authorities to inform suspects of their rights immediately after arrest and to advise detainees in writing within six hours (or within three hours for minor offenses) of the reasons for their arrest. Suspects must have prompt access to a judge. Authorities generally released defendants on bail except in the most serious criminal cases. Upon arrest, detainees have the right to contact legal counsel of their choice and the right to counsel when authorities question them. The government provided indigent detainees with free counsel. The law provides for prompt access to immediate family members and recognizes detention under house arrest.

Pretrial Detention: Although the law provides the right to a trial without undue delay, court backlogs at times resulted in lengthy trial delays. Once authorities charge a suspect, pretrial detention may last for up to four months, depending on the severity of the alleged crime. An investigative judge must certify the charges. After trials begin, authorities may extend the total detention period for up to two years. Authorities must release persons detained more than two years while they await trial or pending conclusion of their trial.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, and the government generally respected judicial independence.

Trial Procedures

The constitution and law provide for the right to a fair trial, and an independent judiciary generally enforced this right. Defendants enjoy rights to a presumption of innocence, to be informed promptly and in detail of the charges (with free interpretation as necessary), to a fair and public trial without undue delay, to a trial by jury, and to legal counsel. While indigent defendants have the right to an attorney provided at public expense, the government did not establish a formal system to provide legal counsel to the indigent. The NGO Legal Information Center and the government's Free Legal Aid Office made free counsel available to indigents. Defendants have the right to adequate time and facilities to prepare a defense, to access government-held evidence, to confront prosecution witnesses, present their own witnesses and evidence, and to appeal. The law also provides safeguards against self-incrimination. These rights extend to all defendants.

The judicial system was overburdened and lacked administrative support, at times resulting in delays in the judicial process. In some instances criminal trials lasted from two to five years, and appeals courts sent many cases back for retrial. The "Lukenda" project, started by the government in 2005 to eliminate the judicial backlog, continued to improve the efficiency of the judiciary, reducing court backlogs and decreasing the average processing time.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

The constitution and law provide for an independent and impartial judiciary in civil matters, including damages for, or cessation of, human rights violations. As with criminal matters, court backlogs sometimes resulted in lengthy or delayed trials. Individuals may appeal court decisions involving alleged violations of the European Convention on Human Rights by the government to the European Court of Human Rights once they exhaust all avenues of appeal in domestic courts.

Property Restitution

Some cases involving the restitution of property seized during World War II and the Communist era remained unresolved. The World Jewish Restitution Organization (WJRO) continued to engage the government regarding a small number of outstanding claims for restitution. Representatives from the organization visited the country in May and continued talks on the problem. The WJRO and the Ministry of Justice have each named an expert to discuss individual heirless properties on a case-by-case basis.

Several remaining confiscated properties appeared to be untouchable because the parties occupying the sites were politically influential and thwarted attempts to reach negotiated settlement. For example, since 1993 close ties between the local government administrative unit and Radenska d.d., a major mineral water producer that is between 5- and 25-percent government-owned, stymied a foreign family's claims to the Radenci Spa property located on the family's ancestral lands. Several active appeals continued working their way through the administrative and judicial systems, including decisions on whether the claimant is a legal heir to the property.

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

The constitution and laws prohibit such actions, and there were no reports that the government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and press, and the government generally respected these rights. An independent press, an effective judiciary, and a functioning democratic political system combined to promote

freedom of speech and press. Reports of political pressures on the media continued.

Freedom of Speech and Expression: The law prohibits hate speech, including incitement to intolerance as well as violence. The penalty for hate speech is two years' imprisonment. There were no reports of prosecutions of hate speech during the year. A change in interpretation of regulations to identify the internet as a public space now allows police to levy fines for hate speech online, although there were no reports that authorities have exercised this authority.

Press and Media Freedoms: The print and broadcast media and publishers of books are subject to the laws that prohibit hate speech, defamation, and libel.

Censorship or Content Restrictions: The Slovenian Association of Journalists observed that standards of journalistic integrity suffered because of economic pressure; an increasing number of freelance journalists practiced self-censorship in order to maintain steady employment.

On April 15, government prosecutors dropped all charges and closed the case against journalist Anuska Delic due to lack of evidence. The journalist faced charges of disclosing classified intelligence in a series of articles on the SOVA published in 2011.

Libel/Slander Laws: The law provides criminal penalties for defamation that harms a person's honor or name, and there were a few reports of authorities' prosecuting journalists for defamation during the year. The government used criminal laws on defamation and injurious accusation against journalists who published allegations of misconduct by political figures.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority. According to statistics from the International Telecommunication Union, 72 percent of the population used the internet in 2014.

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 the freedoms of assembly and association, and the government generally respected these rights.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

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

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, and other persons of concern.

Citizenship: Based on the 2012 European Court of Human Rights (ECHR) decision in the case of *Kuric and Others v. Slovenia*, the government in 2013 introduced a system for providing just satisfaction (i.e., restitution for damages) for “erased” citizens of former Yugoslav republics who lost their Slovenian residency in the 1990s due to their removal from the register of the permanent population. The law also governs the right of such persons to monetary compensation as well as to other forms of restitution for damages. Under procedures established by the act, each “erased” person who files for compensation receives 50 euros (\$55) for each month without permanent residence status. Individuals can challenge the amount of compensation in court, to a maximum amount of three times the original award provided by the government. In 2014 the ECHR considered the government’s approach “appropriate.”

Protection of Refugees

During the year many countries in the EU and Southeast Europe experienced an unprecedented wave of migration from the Middle East, Africa, and Asia, consisting of a mix of asylum seekers/potential refugees, economic migrants, and trafficking victims, among others. For simplicity, this report will refer to these

populations as “migrants and asylum seekers” if more specific information is not available.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government established a system for providing protection to refugees. On December 10, the government adopted a revised asylum law in an effort to curb abuse and speed up the processing of asylum applications. From October 16 to December 31 (when an estimated 378,600 migrants transited the country en route to Austria), 141 foreign nationals requested asylum.

On October 16, authorities in Hungary closed its border with Croatia to large numbers of migrants and asylum seekers who were transiting the region to Western Europe. As a result, many of them sought to transit Slovenia en route to Austria and Germany. On October 20, the government sent soldiers to assist police in patrolling the border and providing logistical support at processing centers. As of mid-November, authorities started to install a razor-wire fence at three strategic points along the country’s border with Croatia. The government stated it constructed the fence to control and not to block the flow of migrants and asylum seekers.

Safe Country of Origin/Transit: The Dublin III regulation obligates the country, as a member state of the EU, to consider all EU countries to be safe countries of origin and transit. Under the regulation the government may return an asylum seeker entering the country from another EU country to the country of the person’s first entry into the EU. Pursuant to a decision by the ECHR, the government did not return asylum seekers to Greece.

Refugee Abuse: Several NGOs expressed concerns about conditions at the migration centers along the Slovenian-Croatian border, mostly in October when the numbers of migrants and refugees entering the country drastically increased. Concerns included inadequate shelter and toilets, hours of restrained movement without food and water, and limited translators and access to information. The Office of the Ombudsman expressed concerns about inadequate heating at the main center at the Slovenian-Austrian border and inappropriate behavior of some police towards migrants and refugees, including verbal and physical harassment. These reports abated later in the year as authorities improved temporary shelter facilities and made transportation for migrants and asylum seekers more efficient.

Access to Basic Services: In response to the large number of migrants and asylum seekers who started to cross the country’s border, the government took additional

steps to provide for their humane and safe treatment. Authorities set up reception and accommodation centers across the country and established an interagency coordinating group. The government coordinated closely with NGOs, international organizations, and other EU member countries to provide resources needed to manage the crisis. The government's Asylum House expanded its capacity to accept additional numbers of asylum seekers as needed. The government requested additional material aid via the EU Civil Protection Mechanism to provide for the migrants and for emergency and humanitarian personnel.

Temporary Protection: The government also provided subsidiary protection to individuals who may not qualify as refugees and provided it to approximately 15 persons in the first three quarters of the year.

Section 3. Freedom to Participate in the Political Process

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections based on universal and equal suffrage, and citizens exercised that ability.

Elections and Political Participation

Recent Elections: In July 2014 the country held parliamentary elections in which the party of Miro Cerar won a plurality of votes, leading to his being named prime minister. In 2012 the country held presidential elections, which former prime minister Borut Pahor won. Observers considered the elections free and fair.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal and civil penalties for corruption, conflicts of interest, and illegal lobbying by officials. The government did not implement the law effectively, and officials sometimes engaged in corrupt practices with impunity. According to World Bank indicators, corruption continued to be a problem. Although the criminal justice system continued its efforts to detect, investigate, prosecute, and adjudicate high-level corruption cases, the law lacks proper enforcement mechanisms, and the criminal justice system lacks resources.

Corruption: On February 26, the Supreme Court repealed on procedural grounds a report from 2013 accusing then prime minister Jansa and the mayor of Ljubljana, Zoran Jankovic, of financial wrongdoing and failure to disclose financial assets. In

June the Commission for the Prevention of Corruption (CPC) repeated the investigation of Jansa and submitted a new report.

On April 23, the Constitutional Court repealed the guilty verdicts in a separate case for bribery against Jansa and two codefendants and ordered a retrial. Subsequently, the Ljubljana local court determined that the statute of limitations had passed and dismissed the cases.

Corruption in higher education was suspected when “Supervizor,” a public funds tracking website, revealed that prominent professors received more than 600,000 euros (\$660,000) in fees (in addition to regular salaries) from the academic departments where they were employed. Minister of Education Stanka Setnikar Cankar stepped down after this information became public.

During the year the CPC received new reports and claims of corruption and issued legal opinions, explanations, and answers to public and private sector entities. It also completed proceedings on reports of suspicions of corrupt practices and other violations of the law. It initiated misdemeanor procedures for violations of the law and continued to offer guidance regarding possible corruption, integrity, lobbying, and conflict of interest. It undertook other measures, such as filing charges, issuing civil and administrative fines, principled opinions, and it requested annulment of business transactions. Media reports suggested that internal infighting hindered the effectiveness of the CPC.

Financial Disclosure: The highest-level officials in the government, parliament, and judiciary, or approximately 5,000 of the country’s 80,000 public employees, are subject to financial disclosure laws. There are administrative sanctions if these provisions are not respected. The government does not make this information available to the public, but it can become public record in other procedures (i.e., criminal, tax cases, etc.). The CPC can issue advisory opinions regarding prosecution.

Public Access to Information: The law provides for public access to all government information, and the government provided such access to both citizens and noncitizens, including foreign media. While the law provides for release of information without charge, the government allows state bodies to charge for information to cover the cost of materials and labor. This resulted in a deterioration of access to public information since media and citizens received bills of as much as 1,500 euros (\$1,650) to obtain documents.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views.

Government Human Rights Bodies: The constitution provides for an independent human rights ombudsman to monitor violations of human rights. Individuals may file complaints with the independent ombudsman to seek administrative relief in the case of a human rights violation. The independent ombudsman is effective and adequately resourced, and reports to parliament annually on the human rights situation and provides the government with recommendations.

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

The constitution and law prohibit discrimination based on national origin, race, sex, language, religion, political or other conviction, material standing, birth, education, social status, disability, or any other personal circumstance. All are equal before the law. The government usually enforced these prohibitions effectively.

Women

Rape and Domestic Violence: Rape, including spousal rape and domestic violence are illegal. The penalty for rape is one to 10 years in prison. SOS Helpline, an NGO that provided anonymous emergency counseling and services to victims of domestic violence, estimated that one in seven women was raped during her lifetime. Victims rarely reported spousal rape to authorities. Police actively investigated accusations of rape and prosecuted offenders. There were 18 reported rapes and 23 other reported acts of sexual violence in the first half of the year. SOS Helpline estimated only a small percentage of rape victims sought assistance or counseling due to concerns about the impact on themselves and their children.

The law provides for up to 10 years' imprisonment for aggravated and grievous bodily harm. Violence against women, including spousal abuse, was generally underreported. When police received reports of spousal abuse or violence, they generally intervened and prosecuted offenders. SOS Helpline estimated 25 percent of women were victims of domestic violence at some point during their lives. SOS

Helpline and the NGO Kljuc provided support hotlines, and SOS Helpline reported calls and e-mail queries.

There was a network of maternity homes, safe houses, and shelters for women and children who were victims of violence. The total capacity of this network was 424 beds--274 in safe houses and 150 in maternity homes. The police academy offered annual training on domestic violence.

Sexual Harassment: Sexual harassment is a criminal offense carrying a penalty of up to eight years' imprisonment. By the end of the year, five criminal investigations of sexual harassment resulted in convictions. Observers believed incidents of sexual harassment were underreported.

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of their children; to manage their reproductive health; and to have the information and means to do so, free from discrimination, coercion, or violence.

Discrimination: The law provides the same legal status and rights for women and men, including under family, labor, property, nationality, and inheritance laws. The law stipulates equal pay for men and women and provides for equal access to credit, pay, owning or managing a business, education, and housing. Despite legal provisions for equal pay, inequities still exist (see section 7.d.).

Children

Birth Registration: Citizenship is derived from the parents with certain limitations. A child is granted citizenship at birth, provided that at the time of birth the child's mother and father were citizens, one of the child's parents was a citizen and the child was born on the territory of the country, or one of the child's parents was a citizen while the other parent was unknown and/or of unknown citizenship and the child was born in a foreign country. Naturalization is also possible.

Child Abuse: In the first half of the year, according to law enforcement authorities, there were 301 cases of domestic violence, including parental negligence and child abuse. Law enforcement authorities continued their work in the field.

There were nine crisis centers for youth. One could accommodate 15 children from the time of birth to the age of six. The other centers were for children

between the ages of six and 18 and had 64 beds, with three additional beds to accommodate emergency cases arriving at night. If still in school, children were allowed to stay at these centers until they reached the age of 21.

Early and Forced Marriage: The minimum age for marriage is 18. Centers for social service can approve marriage of a person under the age of 18, together with the approval of parents or legal guardians. Child marriage occurred within the Romani community, but it was not a widespread problem.

Sexual Exploitation of Children: Statutory rape carries a sentence of six months to five years, and the law sets the minimum age of consent for sexual relations at 15. If the victim is found to be especially vulnerable, the minimum sentence is three years, and the law provides no maximum. If the perpetrator is a teacher, the penalty is from one to eight years in prison. The government generally enforced the law.

In the first half of the year, authorities received reports of 47 criminal acts of sexual abuse of a child under the age of 15. Children from Slovenia, neighboring countries, other European countries, and the Dominican Republic were subjected to sex trafficking within the country.

The law penalizes the possession, sale, purchase, or propagation of child pornography, and the government enforced the law effectively. The penalty ranges from six months to five years in prison, which may increase to eight years in prison if the abuse was committed as part of organized crime.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For country-specific information, see the Department's website at travel.state.gov/content/childabduction/en/country/slovenia.html.

Anti-Semitism

There were approximately 300 Jews in the country. Jewish community representatives reported some prejudice, ignorance, and false stereotypes of Jews propagated within society, largely through public discourse. There were no reports of anti-Semitic violence or overt discrimination.

The government promoted antibias and tolerance education in primary and secondary schools, and the Holocaust was a mandatory topic in the history

curriculum. In August the government declared the Maribor Synagogue, the oldest synagogue in the country, a cultural monument of national importance.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air travel and other transportation, access to health care, and the provision of other government services. The government generally enforced these provisions. The law mandates access to buildings for persons with disabilities, but modification of public and private structures to improve access continued at a slow pace, and some buildings were not accessible. The government continued to implement laws and programs to provide persons with disabilities with access to buildings, information, and communications.

National/Racial/Ethnic Minorities

The constitution and law provide special rights and protections to indigenous Italian and Hungarian minorities, including the right to use their own national symbols and to have access to bilingual education. Each of these minorities has the right to representation as a community in parliament. The Romani community also benefits from protections under the constitution and law, which assure Romani representation in 20 municipalities around the country. The 2014 European Commission against Racism and Intolerance (ECRI) report on the country stated, however, that the Law Implementing the Principle of Equal Treatment was dysfunctional and that, by the time of the report, racial discrimination had not been established in any case.

There were an estimated 8,000-12,000 Roma in the country, approximately 0.5 percent of the entire population. Discrimination against socially marginalized Roma persisted. Organizations monitoring conditions in the Romani community noted that the exclusion of Roma from the housing market remained a problem. Many Roma lived apart from other communities in illegal settlements lacking basic utilities such as electricity, running water, sanitation, and access to transportation.

Government officials emphasized that the illegality of settlements remained the biggest obstacle to providing Roma access to adequate housing, water, and sanitation. Under the law, only owners or persons with another legal claim to land may obtain public services and infrastructure, such as water, sanitation, transportation, and transport facilities. Lacking alternatives for resettlement, Roma were also vulnerable to forced evictions and discrimination. The government resolved such cases through dialogue with the Romani community. In April the government established a commission to safeguard Roma. The commission includes representatives from the Romani community and municipalities, and from the Ministries of Economy; Labor, Family, Social Affairs, and Equal Opportunity; Health; Environment and Spatial Planning; Education, Science, and Sport; Culture; and Public Administration.

Police conducted annual training for both police officers and civilians to sensitize them to the problems of working in a multicultural environment. Representatives of the Romani community participated in the program, which improved communication between police and individual Roma. The police force trained several officers in the Romani language and continued preparing a Slovenian-Romani dictionary.

Official statistics on Romani unemployment and illiteracy were not available. Organizations monitoring conditions in the Romani community and officials employed in schools with large Romani student populations unofficially reported that high unemployment and illiteracy rates among Roma remained a problem.

While education for children is compulsory through grade nine, school attendance and completion rates by Romani children remained low but showed signs of improvement. Poverty, discrimination, lack of parental and familial permission or support, and language differences continued to be the main barriers to the participation of Romani children in educational programs. The Ministry of Education, Science, and Sport financed a variety of programs to support Romani families and their children.

Although segregated classrooms are illegal, a number of Roma reported to NGOs that their children attended segregated classes and that school authorities selected them disproportionately to attend classes for students with special needs. A few educators confirmed that in some cases these groups consisted almost entirely of Romani students and pointed to the practice as de facto segregation. The European Social Fund, working in conjunction with the Ministry of Education, Science, and Sport, continued funding 22 Romani educators to work with teachers and parents.

According to the ministry, these educators had a positive effect on helping Romani children stay in school.

The government continued the final year of a five-year national action plan of measures to improve educational opportunities, employment, and housing for Roma. NGOs and community group representatives reported some prejudice, ignorance, and false stereotypes of Roma propagated within society, largely through public discourse.

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

While the law prohibits discrimination based on sexual orientation, societal discrimination was widespread. Because one team of doctors performed gender reassignment surgery, transgender persons often chose to seek treatment at private clinics abroad due to lengthy wait times. Some reported difficulties in accessing hormone therapies and scheduling second opinion medical appointments. The procedure legally to change gender is lengthy and complex. According to a recent survey, almost 50 percent of gay and lesbian respondents reported experiencing homophobic violence at least once. The law considers crimes against LGBTI persons to be hate crimes and prohibits incitement to hatred based on sexual orientation.

The Ministry of Labor, Family, Social Affairs, and Equal Opportunities; NGOs; and law enforcement authorities record but do not track the exact number of cases of violence against LGBTI persons. According to LGBTI sources, 90 percent of victims did not report these cases. The ECRI found that hate speech on the internet increased between the dates of its reports, with LGBTI persons being one of the main targets. According to an NGO specializing in LGBTI rights, 49 percent of LGBTI persons have at least once experienced violence or discrimination based on their sexual orientation. Of that 49 percent, 44 percent experienced violence or bullying in schools.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers to form and join independent unions, bargain collectively, and conduct legal strikes. The law does not prohibit antiunion discrimination or require reinstatement of workers fired for union activity.

The law requires that, before collective bargaining can be applied to the sector as a whole, 10 percent of the workers in an industry must be unionized. The law also restricts the right to strike for police, members of the military, and some other public employees, providing for arbitration instead. Resources, inspections, and remediation efforts were adequate; penalties for violations ranged from 400 euros (\$440) to 4,000 euros (\$4,400) or more, depending on the size of the company, and were sufficient to deter violations. Judicial and administrative procedures were not subject to lengthy delays and appeals.

The government and employers generally respected freedom of association and the right to bargain collectively.

b. Prohibition of Forced or Compulsory Labor

While the law prohibits all forms of forced or compulsory labor, and the government generally enforced the law, forced labor occurred. Resources, inspections, and remediation efforts were adequate. Penalties for violations ranged from one to 15 years' imprisonment and were sufficiently stringent to deter violations.

There were reports traffickers subjected men, women, and children to forced work in commercial sex, the construction sector, and begging. A report commissioned by the government found that minors and migrant workers were particularly vulnerable to forced labor or trafficking conditions, and that fraudulent employment and recruitment of migrant workers occurred.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The minimum age for employment is 15. The law limits hours, mandates rest periods, prohibits working in hazardous locations, and specifies adult supervision for workers under 18. Penalties for labor law violations related to child labor violations range from a fine to one year in prison. The government generally effectively enforced child labor and minimum age laws. Nevertheless, children younger than 15 in rural areas often worked during the harvest season and performed farm chores. Some children were also subjected to sex trafficking, forced labor, or begging.

d. Discrimination with Respect to Employment and Occupation

The law establishes a general framework for equal treatment and prohibits discrimination with respect to employment or occupation on the basis of race or ethnic origin, sex, color, religion, age, citizenship, disability, or sexual orientation. The government effectively enforced these laws. Women's earnings were 68 percent those of men; in comparable positions, women's earnings were 97 percent those of men. The law specifically prohibits discrimination based on language or HIV-positive status; the ECRI noted the list of protected classes was nonexhaustive.

There were few formal complaints of discrimination, although there were some reports of employment discrimination on the basis of gender, age, and with respect to migrant workers. Some discrimination occurred against Roma, and there were cases of employers not meeting the standards set by the labor laws regarding benefits and procedures for termination of employment.

e. Acceptable Conditions of Work

The national monthly gross minimum wage was 790 euros (\$869). The official poverty line is set at 596 euros (\$656) per month for single-member households.

The law limits the workweek to 40 hours and provides for minimum annual leave of 20 days and a mandatory rest period of at least one day per week. Collective agreements determined whether workers received premium pay for overtime. The law limits overtime to eight hours per week, 20 hours per month, and 170 hours per year. Special commissions under the Ministry of Health and the Ministry of Labor, Family, Social Affairs, and Equal Opportunities set occupational health and safety standards for workers. Workers may remove themselves from situations that endangered health or safety without jeopardy to their employment and authorities effectively protected employees in this situation. The law requires employers to protect workers disabled on the job. If incapacitated, such workers can perform other work corresponding to their abilities, obtain part-time work, and receive occupational rehabilitation and wage compensation.

The Ministry of Labor, Family, Social Affairs, and Equal Opportunities monitors labor practices and has inspection authority; police are responsible for investigating violations of the law. Authorities enforced the laws effectively, except in some cases involving migrant workers, who faced conditions of

exploitation. The International Labor Organization's Committee of Experts on the Application of Conventions and Recommendations (ILO CEACR) observed that conflicts between laws governing inspection could lead to uncertainty about whether inspectors have a right of access to work sites. The law requires employers to make social security payments for all workers. The Free Legal Aid Society continued to report that employers of migrant workers usually did not deduct social security from paychecks, leaving those workers without a future pension or access to social services. The government employed 30 inspectors of labor contracts and 40 for occupational safety and health problems. The ILO CEACR has also observed that there is an urgent need to increase the number of inspectors to keep up with the workload. Labor inspectors carried out labor contract and occupational safety and health inspections, found violations, and issued penalties. In both fields the majority of violations took place in construction and bars and restaurants. Penalties for violations ranged from 300 euros (\$330) to 20,000 euros (\$22,000) and were sufficient to deter violations.

There was one fatality of a worker who died in a landslide accident at a construction site in January. There were no major industrial accidents in which workers were injured.