

# PARALLEL REPORT

BY THE EUROPEAN ROMA RIGHTS CENTRE, MILANA ŠIMEČKA FOUNDATION  
AND THE CENTRE FOR THE RESEARCH OF ETHNICITY AND CULTURE (CVEK)  
CONCERNING SLOVAKIA

To the Committee on the Elimination of Racial Discrimination, for consideration  
at the 82nd Session (11 February to 1 March 2013)

NADÁCIA  
MILANA  
ŠIMEČKU



MILAN  
ŠIMEČKA  
FOUNDATION

**CVEK**  
centrum pre výskum  
etnicity a kultúry

CHALLENGING DISCRIMINATION PROMOTING EQUALITY

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## INTRODUCTION

1. The European Roma Rights Centre (ERRC),<sup>1</sup> Milan Šimečka Foundation (NMS),<sup>2</sup> and the Centre for the Research of Ethnicity and Culture (CVEK)<sup>3</sup> hereby jointly submit this parallel report to the United Nations Committee on the Elimination of Racial Discrimination (the Committee or CERD) commenting on the Combined Ninth and Tenth Periodic Report of the Slovak Republic. The issues addressed in this report include:

- housing,
- education,
- police violence against Roma,
- non-state actors violence against Roma,
- overrepresentation of Romani children in the Child Protection System.

2. In its 2010 Concluding Observations (CERD/C/SVK/CO/6-8),<sup>4</sup> the Committee touched upon all of the above-mentioned issues, particularly emphasising the following concerns and recommendations:

“The Committee ... remains concerned about the **continued marginalization and precarious socio-economic situation** of members of this (Romani) minority, and the discrimination they are faced with, including in the fields of education, housing, health, and employment.”

“The Committee ... continues to be concerned about the **increase in racially motivated attacks**, including anti-Semitic violence and violence targeting Roma and non-EU migrants, sometimes perpetrated by neo-Nazi skinhead groups.”

“The Committee ... continues to be concerned about reports of **police brutality** against members of the Roma minority, including minors, during arrest or while in custodial detention.”

“The Committee reiterates its previous concern about the de facto **segregation of Roma children in education**. It expresses its concern at their large overrepresentation in special schools and classes for children with mental disabilities.”

“The Committee ... remains concerned about de facto **segregation, forced evictions, as well as other forms of discrimination related to housing**, encountered by the Roma minority.”

3. The submitting organisations are concerned that the Slovak Republic has done little to address the Committee’s concerns and recommendations and that progress in complying with the International Convention on the Elimination of All Forms of Racial Discrimination is slow and insufficient.

4. In response to European Commission Framework for National Roma Integration Strategies,<sup>5</sup> the Government adopted the “Strategy of the Slovak Republic for the integration of Roma until 2020” in

<sup>1</sup> The European Roma Rights Centre is an international public interest law organisation working to combat anti-Romani racism and human rights abuse of Roma. The approach of the ERRC involves strategic litigation, international advocacy, research and policy development and training of Romani activists.

<sup>2</sup> Nadácia Milana Šimečku (Milan Šimečka Foundation) was established in 1991. The main aim of the founders was to contribute to the building of a new democratic atmosphere in the country through civil society and the creation of a network of independent democratic institutions. Nadácia Milana Šimečku is a member of various international networks of NGOs and centres for pluralism, see: <http://www.nadaciamilanashimecku.sk/>.

<sup>3</sup> Centrum pre výskum etnicity a kultúry (Centre for the Research of Ethnicity and Culture, CVEK) is an independent research institution founded in 2005. The CVEK focuses its work on research and analytical work in the sphere of culture in its broad meaning and ethnicity. The CVEK’s aim is to enhance professional dialogue on issues of citizenship, nationalism, multiculturalism, minorities, migration and the social construction of ethnic and cultural identity and social exclusion and cohesion, see: <http://www.cvek.sk>.

<sup>4</sup> Committee on the Elimination of Racial Discrimination, *Concluding observations of the Committee on the Elimination of Racial Discrimination on the Slovak Republic (CERD/C/SVK/CO/6-8)*, 25 March 2010, available at: [http://www.google.hu/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=OCDAQFjAA&url=http%3A%2F%2Fwww2.ohchr.org%2Fenglish%2Fbodies%2Fcerd%2Fdocs%2Fco%2FCERD.C.SVK.CO.6-8.doc&ei=K3K3UNmEftDIsgbq8IGAa&usq=AFOjCNGGS6uKR27Mb9oVPz7e2bL8\\_Ap4HQ&sig2=MFrkWsoTwdEYlLnVuZwOzg](http://www.google.hu/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=OCDAQFjAA&url=http%3A%2F%2Fwww2.ohchr.org%2Fenglish%2Fbodies%2Fcerd%2Fdocs%2Fco%2FCERD.C.SVK.CO.6-8.doc&ei=K3K3UNmEftDIsgbq8IGAa&usq=AFOjCNGGS6uKR27Mb9oVPz7e2bL8_Ap4HQ&sig2=MFrkWsoTwdEYlLnVuZwOzg).

<sup>5</sup> The European Commission, *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - An EU Framework for National Roma Integration Strategies up to 2020*, 05 April 2011, available at: [http://ec.europa.eu/justice/policies/discrimination/docs/com\\_2011\\_173\\_en.pdf](http://ec.europa.eu/justice/policies/discrimination/docs/com_2011_173_en.pdf).

January 2012.<sup>6</sup> The Slovak Roma Integration strategy was developed in consultation with the World Bank, the UNDP and Slovak civil society. However, the submitting organisations note that the new Slovak Government, elected in April 2012, has decided not to implement the existing strategy (which is in line with the EC Framework). Instead it has prepared a new strategy called “Roma Reform” which consists of 100 measures from which only a few measures have been introduced so far. The new Roma Reform does not refer to the previous strategy. Furthermore, the recent statement of the Prime Minister, Robert Fico, that: “The Roma problem in Slovakia cannot be effectively solved without enforcing some limitations on human rights measures to which Slovakia, as a member of the European Union, previously agreed to comply”<sup>7</sup> raises further concerns about the Government’s commitment to take positive steps to eliminate discrimination and social exclusion of Roma in Slovakia.

## RESIDENTIAL SEGREGATION, FORCED EVICTIONS AND OTHER FORMS OF DISCRIMINATION RELATED TO HOUSING

5. The periodic report of the Slovak Republic to the Committee clearly demonstrates that one of the most urgent problems that need to be addressed is the exercise of the right to adequate housing for Romani people. The right to adequate housing is a fundamental right and a prerequisite for the enjoyment of other economic, social and cultural rights. In 2011, the ERRC produced a report “Standards Do Not Apply: Inadequate Housing in Romani Communities” which looked at problems that Roma from specific countries face in relation to the right to adequate housing, including forced evictions, segregation and the building of anti-Roma walls.<sup>8</sup> Many Roma in Slovakia live in poor and segregated settlements which are characterised by substandard or extremely substandard housing, a prevalence of environmental hazards including toxic waste, rubbish tips, intermingling of waste and drinking water. They often lack infrastructure such as paved roads, electricity, heating, sewage system and the provision of adequate drinking water, and are frequently excluded from other public services, such as bus, postal services, groceries or pharmacies.<sup>9</sup> According to the organisations submitting the report, this situation is due to the continuing failure of the Slovak Republic to fulfil its relevant obligations under the Convention. Since the last Concluding Observations, no effective steps have been taken by Slovak authorities to improve it. “The situation description found in the sixth, seventh and eighth periodic reports in the housing area has basically remained unchanged in view of the Roma communities in Slovakia. The housing issue is undoubtedly one of the issues where differences between the Roma population and majority population are greatest.”<sup>10</sup>
6. In Slovakia, many Romani families face the threat of forced eviction. This is due to change in land-ownership and very weak legal protection against forced evictions. Many Roma built their houses on lands which were State-owned. However, due to the processes of land privatisation and decentralisation which occurred during the transition to a democratic political system and market-oriented economy (and from which Roma rarely benefitted), these lands are now owned by private persons or municipalities. The existing domestic legal framework offering protection against forced eviction is low. The Slovak Building Act (Act no. 50/1976 Coll.) allows the municipality to order the demolition of houses that were built without a building permit. That is often the case with houses located in Roma settlements. Even though the law gives the owners of such houses the possibility to legalise them, they face several administrative difficulties, as they need to obtain up to 30 permits, including from the municipality. Roma do not usually possess sufficient financial means to afford the additional legalisation.
7. A new, worrying trend related to the practice of forced evictions has emerged in Slovakia. This is in the context of the movement *Zobud’me sa!* (Let’s wake up!), which was set up in 2011 and has

6 Slovakia, The Office of the Government, “Strategy of the Slovak Republic for the integration of Roma until 2020”, December 2011, available at: <http://www.ksuza.sk/doc/metodika/bozp/20012012.pdf>.

7 SITA, “Fico chce ústupky v ľudských právach pre rómsky problém”, 01 April 2012, available at: <http://www.webnoviny.sk/volby-2012-sdku-ds/fico-chce-ustupky-v-ludskych-pravach/484171-clanok.html>.

8 The European Roma Rights Centre, *Standards Do Not Apply: Inadequate Housing in Romani Communities*, December 2010, available at: <http://www.errc.org/article/standards-do-not-apply-inadequate-housing-in-romani-communities/3808>.

9 *Ibid.*, p. 7.

10 Slovakia, *Reports submitted by States parties under article 9 of the Convention, Ninth and tenth periodic reports of States parties due in 2012*, 27 August 2012 p. 35.

collected the signatures of 402 mayors of Slovak towns and villages and aspires to provide coordination of the demolition of Romani settlements in their municipalities commonly defined as waste dumps.<sup>11</sup> A number of municipalities carried out forced evictions and demolitions of settlements on the basis of environmental law and the Act on Waste (Act no. 223/2001 Coll.). The Romani settlements in question were considered a dumping ground and removed in accordance with the Act on Waste, which is designed to govern rights and duties of municipalities, legal entities and individuals in relation to general refuse. Evictions carried out under this unsuitable legislation have not respected international human rights treaties, the Constitution of the Slovak Republic or the Building Act. Some examples of recent evictions of Romani settlements follow.

8. On 29 November 2011, a Romani settlement in the town of Žiar nad Hronom was demolished, with houses belonging to Roma defined as communal waste. When asked about the coming winter, the Mayor, Ivan Černaj, said: “It does not matter when it is being done; they had enough time to eliminate the dumps. We have held intensive talks with the landowner and agreed on this course of action. We have agreed to do this now as they would have gone on making excuses forever.”<sup>12</sup> The national police assisted in carrying out demolition. The Mayor of Žiar nad Hronom is the head of the movement *Zobud’me sa!* (Let’s wake up!).
9. The Slovak media reported the forced eviction and demolition of houses in a Romani settlement in the area of Nižné Kapustníky (Košice) on 30 October 2012.<sup>13</sup> Reports indicate that the eviction and demolition were ordered by the Kosice municipality and that 156 people, including 63 minors, were evicted. As a result of the eviction, they became homeless. The municipality provided evictees with buses that should have taken them to the place of their supposed residence. A group of 17 people were transported to the village of Rakúsy did not have a place to stay and hence, they occupied an abandoned house in the centre of the village. In reaction to this, the Mayor of Rakúsy Václav Bystrík sent them back to Košice. To date the case has not been resolved.<sup>14</sup>
10. The media reported that the eviction was based on environmental law and that the homes in question were treated as a communal waste.<sup>15</sup> The information provided by the media were confirmed by the municipality of Kosice in their response to the ERRC’s request for information. The ERRC is concerned that neither Slovak nor international law seems to have been respected in the cases mentioned above. Among others, the Committee on Economic Social and Cultural Rights General comment 7 says: “Evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights. Where those affected are unable to provide for themselves, the State party must take all appropriate measures, to the maximum of its available resources, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available.”<sup>16</sup> Due to the concerns mentioned, the ERRC requested the Košice municipality to provide relevant information on the process that preceded the demolition, its legal basis and what actions (if any) were taken after the eviction to avoid making the evicted Romani people homeless. To date, no response has been received.
11. The situation of Roma in relation to their right to adequate housing is especially critical in Košice. In May 2011, the municipality demolished a Romani settlement in the Demeter neighborhood. About 80 people lost their homes.<sup>17</sup> The eviction and demolition in Demeter were, similarly to Nižné Kapustníky,

11 <http://www.zobudmesa.sk/o-nas/>.

12 SITA, “*Žiar nad Hronom razes illegal settlement with police assistance*”, Slovak Spectator, 30 November 2011, available at: [http://spectator.sme.sk/articles/view/44682/10/ziar\\_nad\\_hronom\\_razes\\_illegal\\_settlement\\_with\\_police\\_assistance.html](http://spectator.sme.sk/articles/view/44682/10/ziar_nad_hronom_razes_illegal_settlement_with_police_assistance.html).

13 Miroslav Sambor, “*Košice zlikvidovali nelegálnu osadu pri teplárni*”, Košický korzár, 30 October 2012, available at: <http://kosice.korzar.sme.sk/c/6587108/kosice-zlikvidovali-nelegalnu-osadu-pri-teplarni.html>.

14 Adéla Gálová, “*Starosta Rakús: v prípade košických Romů se měří dvojmětr*”, romea.cz, 27 November 2012, available at: <http://www.romea.cz/cz/zpravodajstvi/zahranicni/starosta-rakus-v-pripadu-kosicky-ch-romu-se-meri-dvojm-metrem>.

15 Jaroslav Vrábel, “*Košice chcu „rozbit“ osady*”, Košický korzár, 17 February 2012, available at: <http://kosice.korzar.sme.sk/c/6263077/kosice-chcu-rozbit-osady.html>.

16 Committee on Economic Social and Cultural Rights, *General Comment 7, Forced evictions, and the right to adequate housing (Sixteenth session, 1997)*, U.N. Doc. E/1998/22, annex IV at 113 (1997): Article 16, available at: <http://www.unhcr.ch/tbs/doc.nsf/%28Symbol%29/959f71e476284596802564c3005d8d50?Opendocument>.

17 Miroslav Sambor, “*Košickú osadu Demeter mesto zrovnalo so zemou*”, Košický korzár, 16 May 2011, available at: <http://kosice.korzar.sme.sk/c/5895723/kosicku-osadu-demeter-mesto-zrovnalo-so-zemou.html>.

based on environmental law.<sup>18</sup> In October 2012, about 300 Roma were evicted when a block of flats was demolished in the Luník IX segregated Roma neighbourhood.<sup>19</sup>

12. Another case of announcing evictions and demolition based on the Act on Waste took place in Krásna Hôrka in Southern Slovakia. Marian Kotleba, leader of the far-right political party of Ľudová strana Naše Slovensko (People's Party Our Slovakia) entered Krásna Hôrka with his supporters. He approached the estate which he had been previously donated and wanted to demolish houses inhabited by Roma built on the estate. He called the meeting "cleaning his land of a dump".<sup>20</sup> He unsuccessfully asked for assistance from the police to clear the land.
13. Aside from the forced eviction of Roma, another aspect of discrimination in housing (residential segregation and denial of access to adequate housing) are walls and barriers erected to segregate Roma from the rest of the society. The ERRC has evidence that at least 10 such walls and barriers to segregate Roma were built in the last two years; some of them even with the indirect support of municipalities.<sup>21</sup> Currently, there are 10 anti-Roma walls in Slovakia which separate Romani settlements from parts of cities where people from the majority live. Some of them are located in bigger cities including Prešov, Michalovce, Partizánske or Trebišov.

## SEGREGATION OF ROMA CHILDREN IN EDUCATION

14. Segregation of Romani children in education persists in the Slovak Republic. Different forms of segregation in education exist. Firstly, Romani children are segregated in Roma only schools or classes. Secondly, they are disproportionately channelled into special schools designed for children with mild mental disabilities or special needs. Finally, Romani children are overrepresented in special classes existing within the mainstream elementary school setting.<sup>22</sup> According to a report by the United Nations Development Programme,<sup>23</sup> one in five Romani children of primary school age attends a school operating under the special education framework. Every sixth Romani child between the ages of seven and 15 attends a special elementary school designed for children with mental disabilities.
15. Meanwhile, the segregation of Romani children in education was also condemned by Slovak courts. On 5 December 2011, the District Court in Prešov issued a judgment in which it ordered the desegregation of Romani pupils in the Mainstream Elementary School in Sarišské Michaľany.<sup>24</sup> The school segregated Romani pupils not only within classes but also by putting the Roma-only classrooms in a different part of the building. According to the District Court, the measures adopted by the school, i.e. separate classes with special standards for "children from socially disadvantaged environment", are discriminatory. The Court held that specific forms of educational means may be used for pupils from "socially disadvantaged environment". However, they must not violate human rights guaranteed by national and international law. Recently, the decision of the District Court was upheld by the Regional Court in Prešov.<sup>25</sup> According to

18 Boris Macko, Daniela Balážová, Pravda, "Rómsku osadu dal Hagyarí zrucať pod rúškom tmy", 25 October 2012, available at: [http://spravy.pravda.sk/romsku-osadu-dal-hagyari-zrucat-pod-ruskom-tmy-fl4-jsk\\_domace.asp?c=A121025\\_110213\\_sk\\_domace\\_p77#ixzz2FUQ40Bus](http://spravy.pravda.sk/romsku-osadu-dal-hagyari-zrucat-pod-ruskom-tmy-fl4-jsk_domace.asp?c=A121025_110213_sk_domace_p77#ixzz2FUQ40Bus).

19 SITA, "Video: Na Luníku IX zburali panelák, ďalšie budú chatrče", available at: <http://www.webnoviny.sk/slovensko/video-na-luniku-ix-zburali-panelak/554297-clanok.html>; or topky.sk, "Na Luníku IX. prišlo o domov 300 Rómov: Búraníu bagrom sa prizerali aj malé deti!", available at: <http://www.topky.sk/cl/10/1326978/Na-Luniku-IX-prišlo-o-domov-300-Romov-Buraniu-bagrom-sa-prizerali-aj-male-deti->.

20 European Roma Rights Centre, "Rights Groups Raise Concerns over Roma Eviction Threats in Slovakia", 21 September 2012, available at: <http://www.errc.org/article/rights-groups-raise-concerns-over-roma- eviction-threats-in-slovakia/4057>.

21 *Supra*, note 9, p. 17-22.

22 Roma Education Fund, "Country Assessment 2011 on Slovakia", 2011, available at: [http://www.romaeducationfund.hu/sites/default/files/publications/ref\\_ca\\_2011\\_sk\\_english\\_screen.pdf](http://www.romaeducationfund.hu/sites/default/files/publications/ref_ca_2011_sk_english_screen.pdf).

23 United Nations Development Programme, "Report on living conditions of Roma in Slovakia", 2007, available at: [http://issuu.com/undp\\_in\\_europe\\_cis/docs/report\\_on\\_the\\_living\\_conditions\\_of\\_roma\\_households](http://issuu.com/undp_in_europe_cis/docs/report_on_the_living_conditions_of_roma_households).

24 Slovakia, District Court in Prešov, *Poradiňa pre občianske a ľudské práva v. Základná škola s materskou školou Šarišské Michaľany (25C 133/10-229)*, 05 December 2011, available at: [http://www.sarisskemichalany.sk/dokumenty/skola/rozsudok\\_zs\\_okres.pdf](http://www.sarisskemichalany.sk/dokumenty/skola/rozsudok_zs_okres.pdf).

25 Poradiňa pre občianske a ľudské práva, "Krajský súd potvrdil segregáciu rómskych detí na yákladnej škole v Šarišských Michaľanoch", press release, 02 November 2012, available at: <http://poradna-prava.sk/?p=579>.

its judgment, the school discriminated against Roma pupils on the basis of ethnicity by creating Roma-only classes. The case is groundbreaking as this was the first time that the Courts in Slovakia had ruled on segregation of Romani children in education.

16. The existing tools intended to promote integration or inclusion of Romani children into mainstream education provide very limited potential to advance such objectives. The Centre for the Research of Ethnicity and Culture (CVEK) undertook a qualitative study of preparatory or zero classes and teaching assistants, multicultural education, individual integration, use of Romani language and the inclusive model of financing education at primary schools.<sup>26</sup> Researchers observed the situation and also conducted in-depth interviews with teachers, school principals and assistant teachers at 10 primary schools across Slovakia. While evaluating the said tools from the perspective of inclusive education, the study found that some measures such as preparatory classes in their current form in fact do not help inclusion. Generally, even tools such as teaching assistants, the use of Romani language or multicultural education are not fully exploited to promote inclusion.<sup>27</sup>
17. Existing measures are not successful in providing inclusive education because the current system considers children responsible for their own failure at school. The system tries to make pupils to adapt to the system's requirements and fails to create a space for their inclusion as equally valuable members of the school community. Notoriously, Romani children are viewed as a problem that should be addressed by their 'civilisation' and 'adaptation' that contains a significant element of linguistic assimilation. Not surprisingly, the most common result of such coercive assimilation is segregation.<sup>28</sup>

## POLICE VIOLENCE AGAINST ROMA

18. The submitting organisations note that a number of cases of unlawful use of police power and police violence have been reported in Slovakia. According to the periodic report sent to the Committee by Slovakia, special investigation bodies were established to investigate alleged acts of police violence. The alleged criminal offences and unlawful actions of the police are investigated by the Control and Inspection Service Section of the Ministry of Interior of the Slovak Republic. However, this raises doubts over the impartiality of the supervising body as both the police forces and the Inspection fall within the same branch of government and under the same Ministry. In relation to statistical data, there are no specific data collected about the number and nature of reported criminal acts with racial motive, no data disaggregated on the basis of ethnicity of victims and no data about punishment imposed on those who were found guilty.
19. In its report on the State response to violence, the ERRC documented several cases in which law enforcement officials were either directly involved in attacks against Roma or ill-treated them during the investigation in the period between January 2008 and February 2011.<sup>29</sup> There were many ongoing problems in the administration of justice in Slovakia during the period of monitoring. In the eight monitored cases of violence against Roma committed between January 2008 and February 2011, racial motive was ruled out in three cases; in one case it was still under investigation; in two cases racial motivation was included in the indictment; in one case racial motivation was confirmed in the judgment; and in one case no information was available. The ERRC monitoring still continues and a list of racially motivated attacks is available on the ERRC website.<sup>30</sup>
20. One of the cases monitored by the ERRC was the case of the police ill-treatment of a group of Romani boys from the city of Košice. On 21 March 2009, after being arrested by police on suspicion of robbing and causing injuries to an elderly woman in a shopping centre, six Romani males (three of them minors) were brought to the police station in Kosice where they were physically abused, ordered to hit and kiss

<sup>26</sup> Centrum pre výskum etnicity a kultúry, "Sú opatrenia na zlepšenie vzdelávania rómskych detí inkluzívne?", 2012, available at: [http://www.multikulti.sk/jine/su\\_opatrenia\\_na\\_zlepsenie\\_vzdelavania\\_romskych\\_deti\\_inkluzivne\\_.html](http://www.multikulti.sk/jine/su_opatrenia_na_zlepsenie_vzdelavania_romskych_deti_inkluzivne_.html).

<sup>27</sup> *Ibid.*

<sup>28</sup> *Ibid.*

<sup>29</sup> European Roma Rights Centre, "Imperfect Justice", 2011, available at: <http://www.errc.org/article/imperfect-justice-anti-romaviolence-and-impunity/3826>.

<sup>30</sup> European Roma Rights Centre, "Attacks against Roma in Hungary, the Czech Republic and the Slovak Republic", available at: <http://www.errc.org/article/attacks-against-roma-in-hungary-the-czech-republic-and-the-slovak-republic/3042>.

each other, and finally ordered to strip naked. Despite clear evidence of anti-Romani remarks made by a police officer and captured on video, the criminal trial is still pending before the Kosice District Court. Media reports indicate a change has been made in the senate deciding on the case, and this will cause delay in proceedings. None of the 10 accused persons attended the last hearing.<sup>31</sup> The Košice District Court and the Ministry of Justice have failed to respond to repeated requests from the ERRC for updates.<sup>32</sup>

21. Recently, a number of police raids were carried out in Kežmarok District, in northern Slovakia. In August/September 2012, four Romani settlements located in Kežmarok District were raided by the police: Stráne pod Tatrami, Huncovce, Podhorany, and Rakúsy. Allegedly, no arrest warrants or search warrants were shown. In spite of that, the police entered houses situated in settlements and searched them. According to information obtained by the ERRC were some people were physically and verbally abused, including elderly and handicapped people. Despite the possible violations of rights of those living in the settlements, the spokesperson of Prešov's Regional Directorate of Police Forces, Daniel Džobanik, informed the media that the police actions were in conformity with the law.<sup>33</sup> The ERRC is currently working with a Slovak lawyer to pursue this case of police brutality.

## RACIALLY MOTIVATED ATTACKS

22. The submitting organisations are concerned about the growing number of verbal and physical violent attacks against Romani individuals and based on racial motives. Slovakia reported a significant increase in racially motivated attacks in 2011 compared to previous years. In 2011, the number of racially motivated acts increased by 127.82 per cent in comparison to 2010.<sup>34</sup> The statistics provided only relate to identified and prosecuted perpetrators and the data is not disaggregated on the basis of ethnicity of victims.
23. Since 2008, the ERRC has been compiling a list of attacks against Roma, based on media reports and information from the ERRC monitor in Slovakia.<sup>35</sup> The attacks listed involve firebombing, shooting, stabbing, beating and other acts of violence. In many cases, there have been no successful prosecutions of offenders.
24. In 2012, the most violent case against Roma took place in Hurbanovo. On 16 June 2012, a municipality policeman shot three people dead and wounded two others, all from the same family, in the southern Slovak town of Hurbanovo. The murderer later gave testimony before the court during which he said: "That morning I woke up and felt that I must go there and restore order."<sup>36</sup> As in the previous case of the mass murder in the Bratislava/Devínska Nova Ves in 2010, where an ex-soldier executed eight people and injured 17 – he first shot his Romani neighbours and consequently opened fire on the street – a racial motivation was not confirmed.<sup>37</sup> The court ordered an expert examination of the mental state of the perpetrator which concluded that he had not been deranged when shooting. An indictment has been submitted to the court by the Prosecutor's Office.<sup>38</sup>
25. In March 2012, three young men attacked a group of Roma, including two women, who were collecting leftovers in rubbish containers in Kosice. The perpetrators first verbally attacked the Roma, calling them "Gypsy bitches", threatening to kill them and then they attacked them physically.<sup>39</sup>

31 Nový čas, "Kauza šikanovania rómskych chlapcov: Po vyše 2 rokoch znova súd!", 09 November 2012, available at: <http://www.cas.sk/clanok/236088/kaucha-sikanovania-romskych-chlapcov-po-vyse-2-rokoch-znova-sud.html>.

32 Supra, note 31.

33 RPA, "Nie je cekom jasné, či policajná razia v Stránach pod Tatrami bola vykonaná v súlade so zákonom", 25 September 2012, available at: <http://www.mecem.sk/rpa/?id=human&show=22516>.

34 Supra, note 11, p. 15.

35 Supra, note 31.

36 Topky.sk, "Poznáme motív masakru v Hurbanove: Policajt prezradil, prečo strieľal!", 25 June 2012, available at: <http://www.topky.sk/cl/100370/1314949/Pozname-motiv-masakru-v-Hurbanove-Policajt-prezradil-preco-strieal->

37 Wikipedia, "2010 Bratislava Shooting", available at: [http://en.wikipedia.org/wiki/2010\\_Bratislava\\_shooting](http://en.wikipedia.org/wiki/2010_Bratislava_shooting).

38 TASR, "Strelec z Hurbanova bol príčetný. Pôjde pre súd" Hospodárske noviny, 11 December 2012, available at: <http://hnonline.sk/slovensko/c1-58948690-strelec-z-hurbanova-bol-pricetny-pojde-pre-sud>.

39 SITA, "Za rasový útok udelili podmienky a upustenie od trestu", 12 January 2012, available at: <http://www.test.wbn.sk/slovensko/za-rasovy-utok-v-udelili-podmienky-a-u/449521-clanok.html>.

Another incident took place in Gelnica where a Molotov cocktail was thrown at a home inhabited by Roma. The property sustained some damage but, fortunately, no one was injured.<sup>40</sup>

26. The ERRC would like to draw attention to the ineffectiveness of investigations of crimes with a racial motive by Slovak authorities. As mentioned above, more than half of the investigations in 2011 have not been successful. In *Koky v. Slovakia*, a case in which the ERRC represented before the European Court of Human Rights 10 Roma who had been subjected to a racially-motivated attack in 2002, the Court held that the authorities had not done all that could have been reasonably expected of them to investigate the attack, to identify those responsible and to draw the necessary consequences.<sup>41</sup>
27. Unfortunately, the *Koky case* is not an isolated one. Rather, what happened to M. Koky and his relatives and neighbours was just one example of an ongoing reality: the Slovak Republic does not properly investigate crimes against its Roma citizens. In its report “Imperfect Justice”<sup>42</sup> published in 2011, the ERRC demonstrated the unwillingness of Slovak authorities (as well as Hungarian and Czech authorities) to conduct proper investigations and bring perpetrators to justice if the victims are Roma.
28. The submitting organisations are also seriously concerned about the rising number of anti-Roma marches and assemblies that take place in Slovakia. According to monitoring by the ERRC, 11 anti-Roma marches were held in the last two years in Slovakia.<sup>43</sup> They are organised all around the country and create an atmosphere of fear and racial hatred. One of the worst examples involved the mayor of Zlaté Moravce, who said during his New Year’s speech: “...we do order in the city and we will force to leave those, who do not work and parasites on us whites... I promise you you will have to work and for work you will be paid...no one will parasites on us and the others... thank you to all citizens... and declare fight against discrimination of whites in the city and whites in this country...”<sup>44</sup>
29. In September 2012, almost 3,000 people took part in the march in Partizánske with the slogan: “Stop to asocial people in your town”. The event was organised by the mayor of Partizánske Jozef Božík together with the mayors of Žiar nad Hronom and Handlová while those of Romani origin were labelled as “asocial people”.<sup>45</sup> Two anti-Roma marches were held in Bratislava in October and November 2012 respectively. They were organised as “marches for decent life” and several extremists who participated burnt the European Union flag.<sup>46</sup>
30. As the periodic report of the Slovak Republic states: “Extremist groups make use of certain loopholes in the current valid wording of Act No 84/1990 Coll. on the Right of Assembly.”<sup>47</sup> The ERRC notes that the Slovak Republic should take appropriate steps in order to eliminate those loopholes as “Each State Party shall take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists.”<sup>48</sup>

40 TASR, “Gelnica: Neznámy gauner zaútočil na Rómov”, 13 January 2012, available at: <http://tvnoviny.sk/sekciaspravy/krimi-a-nehody/gelnica-neznamy-gauner-zautocil-na-romov.html>.

41 European Court of Human Rights, *Koky and others v Slovakia*, 12 June 2012, Application no. 13624/03, available at: [http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-111410#{%22itemid%22:\[%22001-111410%22\]}](http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-111410#{%22itemid%22:[%22001-111410%22]}).

42 Supra, note 30.

43 Monitoring, European Roma Rights Centre, available upon request.

44 Topky.sk “Zvrat v kauze rómskeho útoku: Primátor mal pred ním vyzvať k ochrane bielej rasy!”, 10 January 2012, available at: <http://www.youtube.com/watch?v=KUK3JFgRRr8>.

45 TASR, “Pochod v Partizánskom: Tisíce ľudí povedali STOP asociálom!”, 29 September 2012, available at: <http://www.pluska.sk/spravy/z-domova/pochod-partizanskom-tisice-ludi-hovoria-stop-asocialom.html>.

46 TASR, “Na pochode za slušný život podpálili vlajku”, 10 November 2012, available at: <http://bratislava.sme.sk/c/6599118/na-pochode-za-slusny-zivot-podpalili-vlajku.html>.

47 Supra, note 11, p. 16.

48 United Nation, Convention on Elimination of All Kind of Racial Discrimination, Article 2(1, c).

## OVERREPRESENTATION OF ROMANI CHILDREN IN THE CHILD PROTECTION SYSTEM

31. In 2010, the ERRC conducted research on the overrepresentation of children of Romani origin in institutional State care in Slovakia, in partnership with the Milan Šimečka Foundation. The research (published in 2011) found that Romani children are disproportionately represented in State childcare institutions compared to non-Roma in the countries examined (Bulgaria, Czech Republic, Hungary, Italy and Slovakia).<sup>49</sup> In the Slovak Republic, the survey data indicated that Romani children account for around 82% of all children in the State care institutions, the highest percentage among the countries examined. For many institutionalised Romani children, reintegration into a family setting is unlikely and their ethnicity negatively affects their chances of adoption, meaning that many Romani children are doomed to spend their entire childhood without direct parental and family relations.
32. The research identified a number of factors influencing this dismal situation. Two main factor groups were identified. Firstly, the factors related to the family situation: poverty and material conditions, school absenteeism, single parenthood (especially single motherhood), unwanted pregnancies and migration. Secondly, factors related to the State's Child Protection System including: discrimination from the side of social care workers, stereotypes and a 'culture of blame' and inadequate or absenting legal and policy prevention measures. There are several shortcomings in terms of law and policy related to the protection of the rights of children. For example, Romani children are not recognised as a particularly vulnerable and target group of the relevant policies; despite legal bans on such criteria poverty and material conditions are often the decisive factors that lead to suspension of parental rights; social workers are overloaded with work; etc.
33. Another issue related to placement of Romani children in State care institutions is the failure of the Slovak Republic to address deficiencies in the system of adoption. For many children who enter State care, adoption represents the only alternative to an entire childhood in an institutional setting. For Romani children, however, the chance of adoption is significantly diminished as a result of anti-Roma racism and discrimination both inside and outside the child protection system. In all countries where the research was carried out, adoption authorities reported that many prospective adoptive parents are not willing to adopt Romani children.
34. Romani children in Slovakia are more likely to be adopted internationally. However, in this relation, the submitting organisations note that Slovak authorities failed to react properly to cases of forced adoption that occurred recently. As recent media reports reveal, several children from Slovak Roma families resided in the United Kingdom, were institutionalised and consequently forcefully adopted on the ground of alleged parental mistreatment.<sup>50</sup> Slovak authorities responsible for protection of children, above all Centrum pre medzinárodnopravnú ochranu detí (Centre for international protection of children), neglected their obligation to act in international adoption proceedings (even when repeatedly requested by the UK authorities). For example they were invited by English courts to take part in adoption proceedings, but refused, failing to take due steps to defend the interests of children.<sup>51</sup>

## RECOMMENDATIONS

The Slovak Republic does not fully comply with its obligations under the International Convention on the Elimination of All Forms of Racial Discrimination. In order to fully implement the Convention and recommendations of the Committee, the Slovak government should take the following measures without further delay:

49 European Roma Rights Centre, *"Life Sentence: Romani Children in Institutional Care"*, 2011, available at: <http://www.errc.org/cms/upload/file/life-sentence-20-june-2011.pdf>.

50 Veronika Prošová, SME, *"V Británii berú deti aj slovenským rodičom"*, 17 August 2012, available at: <http://www.sme.sk/c/6501407/v-britanii-beru-deti-aj-slovenskym-rodicom.html>.

51 Veronika Prošová, SME, *"Ombudsmanka: Je hanbou, ako Slovensko nebránilo svoje deti"*, 28 November 2012, available at: <http://www.sme.sk/c/6619668/ombudsmanka-je-hanbou-ako-slovensko-nebrnilo-svoje-deti.html>.

**On the housing situation of Romani people:**

- to adopt or amend appropriate national legislation to implement the Convention properly, especially in respect of procedural safeguards when it comes to evictions;
- to resolve urgent issues of land ownership arising from the transition to a market economy and decentralised governance;
- to ensure that evictions are a means of last resort, and are carried out in accordance with both national and international law;
- to stop forced evictions of Roma; and
- to take measures to prevent private citizens and municipalities from building walls and barriers segregating Roma neighbourhoods.

**On segregation of Romani children in education:**

- to explicitly mandate school desegregation of Romani children as part of a wider process of implementing a fully inclusive educational system for all, including children with disabilities;
- to strengthen anti-discrimination legislation to enable positive action leading to the abolition of segregated settings and achievement of better education outcomes for children from Romani communities and children with disabilities;
- to adopt a concrete plan and measures aimed at termination of segregation of Roma children in special schools or in segregated classrooms within elementary schools.

**On the improper use of violence with racial motives by the police:**

- to gather and disseminate data disaggregated by ethnicity to identify the extent racially motivated police violence against Roma and the rate of success of investigations;
- to strengthen its efforts to combat racist attacks committed by law enforcement personnel, particularly against the Roma, by among others, providing special training to law enforcement personnel aimed at promoting respect for human rights and tolerance for diversity;
- to ensure proper investigation and prosecution of alleged unlawful police actions with racial motive;
- to amend the Criminal Code to make punishments for racially motivated crimes committed by police officers more severe; and
- to provide anti-discrimination trainings for law enforcement officers with an emphasis on vulnerable minorities.

**On racially motivated attacks against Roma conducted by non-state actors:**

- to adopt a plan to increase the number of Roma employed in police forces;
- to ensure racially motivated crimes committed against Roma are publicly condemned by the government;
- to investigate and to prosecute to the fullest extent of the law all perpetrators of violence and hate crimes against Roma;
- to ensure that victims of racially motivated crimes are properly compensated; and
- to provide for collection of data disaggregated by ethnicity and register all of the hate crimes committed against Roma.

**On the overrepresentation of Romani children in the Child Protection System:**

- to amend domestic legal standards to provide full and adequate protection to Romani children and families at risk of separation;
- to revise national child protection policy to include Romani children and families as at particular risk of endangerment;

- to annually collect and disseminate comparable data disaggregated by ethnicity, gender, disability and other relevant factors, in the area of child protection;
- to develop measures and target funding to support families who are unable to provide their children with adequate conditions and to prevent the removal of their children on material grounds; and
- to ensure that Slovak authorities in charge of protection of children fulfill their obligations under both national and international law and represent the interests of children.