

# WRITTEN COMMENTS

of the European Roma Rights Centre, Concerning Slovakia

For Consideration by the Committee on Economic, Social and Cultural Rights  
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CHALLENGING DISCRIMINATION PROMOTING EQUALITY

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This list of critical issues is presented by the European Roma Rights Centre (ERRC)<sup>1</sup> to assist the Pre-Session Working Group with country-specific information on issues affecting Roma in Slovakia that raise questions under the International Covenant on Economic, Social and Cultural Rights (ICESCR). The report focuses on the following issues:

- access to adequate housing for Romani people, including access to safe drinking water
- segregation of Romani children in education
- access to the labour market

## INTRODUCTION

In its 2012 Concluding observations (**E/C.12/SVK/CO/2**), the Committee touched upon the above mentioned issues. Though several years have passed since, the ERRC believes that the Slovak government has taken no significant steps to address the issues, therefore, the situation remains largely unchanged and the problems persist.

## ACCESS TO ADEQUATE HOUSING

### RESIDENTIAL SEGREGATION AND SUBSTANDARD LIVING CONDITIONS<sup>2</sup>

A substantial number of the Roma population in the Slovak Republic is subject to residential segregation, substandard housing, lack of access to basic infrastructure and, importantly, a lack of access to drinking water. Based on the Atlas of Romani Communities (2013), out of 803 localities that are inhabited by more than 30 percent Roma, over 40 percent of these localities are located at the margins of municipalities and over 18 percent of the Roma population - nearly eighty thousand people - live in segregated areas<sup>3</sup>. Living in segregation often translates into substandard housing, with associated health risks and lack of infrastructure, or behind a segregation wall that separates Roma from the rest of the society. Paved roads, electricity, water pipelines, sewage systems, access to public services are either non-existent, very limited or hard to access.

Overall, 27% of the Roma population in Slovakia live in homes with damaged roofs, wet walls or other construction issues.<sup>4</sup> About 14.7% of people living in Romani settlements live in non-standard forms of housing (e.g. shacks, wooden houses).<sup>5</sup> Approximately 45% of the segregated Roma homes are not connected to public water resource and 56% are not connected to public sewage.<sup>6</sup>

Many Romani families live under the threat of forced eviction due to insufficient legal protection from forced evictions and ineffective system of legalization procedure which could lead to home ownership. Many Romani dwellings are located either on state owned or private land as a result of the transition from communism and decentralization during that period.

An example of maintaining residential segregation by using the support of public funds is in the Strelnik settlement located in Letanovce village, a Romani community of almost 1000 people. After living in a segregated settlement for decades, they were provided with 96 social housing units by the municipality of Letanovce in October 2013. The designated accommodation only ghettoized the locality however, as it was located on the margins of the municipality

1 The ERRC is an international public interest law organisation working to combat anti-Romani racism and human rights abuse of Roma through strategic litigation, research and policy development, advocacy and human rights education. Since its establishment in 1996, the ERRC has endeavoured to provide Roma with the tools necessary to combat discrimination and achieve equal access to justice, education, housing, health care and public services. The ERRC has consultative status with the Council of Europe, as well as with the Economic and Social Council of the United Nations. Visit us at: [www.errc.org](http://www.errc.org).

2 See: <http://www.errc.org/article/errc-submission-to-un-cerd-on-slovakia-november-2017/4601>.

3 Atlas of Roma Communities 2013, UNDP, available at: <https://minv.sk/?dlacove-spravy&sprava=priority-ministerstva-vnutra-v-roku-2017>.

4 FRA: MIDIS II: European Union minorities and discrimination survey, Roma – Selected findings, p. 35.

5 Atlas, p. 43.

6 Atlas, p. 27.

and lacked proper access to public services such education, or health care, and also other daily life amenities such as grocery stores or pharmacies. The location of the housing estate is 500 meters away from the closest village of Hrabusice and 2.5 kilometers from Letanovce where the Romani residents have their permanent residence.<sup>7</sup>

The Roma in Červenica who have also been provided social housing have to live with the reality of its substandard quality. Here, only 47 apartments were provided to a Romani community of nearly 300 people. The apartments were constructed in a substandard manner, again with support of public funds. In the year 2017, sewerage, water pipelines, or a stable electricity supply are still not present in these homes, a year after the Roma moved in to the social housing accommodation. Accessing water for the community means a kilometre walk with containers to the hard-to-reach forest, or taking water from a river that is also located a kilometre away.<sup>8</sup>

On 19th October 2016, a fire broke out and forced 116 Roma from their apartments on Bratislavská Street in Žilina. As a solution to the crisis, the municipality of Žilina provided 12 container houses for over 100 people, including elderly people and children.<sup>9</sup> Based on the ERRC's field mission in March 2017, each container has a living space of only 15 square meters and is inhabited by multigenerational families. The containers do not have their own toilettes, showers, or access to water. The social facilities are common for all the inhabitants and can be found in two separate containers. Roofs of some containers leak and there is a mould on the walls.

## FORCED EVICTION UPDATE - NIŽNÉ KAPUSTNÍKY (KOŠICE)

The ERRC is involved as a third party in the court proceedings related to the eviction of Roma in Nižné Kapustníky (Košice). On 30 October 2012, the municipality evicted 156 people, including 63 minors based on the Act on Waste. The municipality did not possess any eviction order and claimed that the area was not a settlement but a waste dump.<sup>10</sup> In July 2013, the Slovak Ombudsperson published a report stating that the municipality of Košice's actions are in violation of the Slovak's Constitution article 21 - right to inviolability of the dwelling, and article 8 of the European Convention on Human Rights - right to respect for private and family life.<sup>11</sup> Currently, five years after the eviction, the case is pending only at the District Court level.

## ACCESS TO DRINKING WATER AND RELATED HEALTH RISKS<sup>12</sup>

As a result of residential segregation, many Roma lack access to safe drinking water which does not pose a health risk to them. Recent research by the ERRC in Slovakia covering 21 Romani neighbourhoods found that in only two neighbourhoods did most of the Romani households have an indoor drinking water tap; more than 40% of Roma reported that they only have access to a shared water supply; one third declared that they have to walk distances between 150 meters and several kilometres to the nearest water supply. Many reported that their routes to fetch water often necessitated trespassing, and are full of obstacles like highways, railways, forests, and fences.

For example, in Nižný Tvarožec, Eastern Slovakia, there is a medium-sized Romani settlement on the outskirts of the town which is separated by some 500 metres from the town by a farm. The Roma here are left without access to drinking water by the authorities so they are forced to drink water from an unprotected well contaminated by agricultural pesticides and biological material. The ERRC has submitted water from the well to a certified water lab in Košice in May 2014 and the test results revealed that the quality of the water was poor and significantly contaminated by nitrogen. The mayor did not consider the settlement a part of her municipality (she declared to the ERRC and UNDP researchers that there was 100% water pipe coverage in her town).<sup>13</sup>

7 Pravda, *Letanovce: showcase how not to do it*: <https://spravy.pravda.sk/domace/clanok/251447-letanovce-ukazka-ako-to-nerobit/>.

8 SME, *Roma in Cervenica have no water and experience power shortcuts in their new apartments*, available at: <https://presov.korzar.sme.sk/c/20459440/romovia-v-cervenici-nemaju-v-novych-bytoch-vodu-vypadava-im-elektrina.html>.

9 Pravda, *After a month of living in a gym, they are moving to containers*, available at: <https://spravy.pravda.sk/regiony/clanok/411325-po-mesiaci-zivota-v-telocvicni-sa-stahuju-do-unimobuniek/>.

10 SME, *Košice zlikvidovali nelegálnu osadu pri teplárni*, available at: <http://kosice.korzar.sme.sk/c/6587108/kosice-zlikvidovali-nelegalnu-osadu-pri-teplarni.html>.

11 Webnoviny, *Košice did not have the right to evict Roma Ombudswomen says*, available at: <http://www.webnoviny.sk/kosice-nemali-pravo-vystahovat-romov-trvdi-ombudsmanka/>.

12 See: <http://www.errc.org/article/errc-submission-to-un-cerd-on-slovakia-november-2017/4601>.

13 Thirsting for Justice 2017, ERRC, available at: <http://www.errc.org/cms/upload/file/thirsting-for-justice-march-2017.pdf>.

Roma, especially those living in the eastern part of Slovakia, suffer from higher hepatitis rates than the rest of Slovakia. According to research carried out on a sample of 441 Roma and published in the Central European Journal of Public Health, more than half had been infected by hepatitis B in their life time. The study estimates that Roma are being disproportionately affected by hepatitis B as 12.5 percent of the Roma population in Eastern Slovakia suffers from it, compared with 1.7 percent level among the majority population.<sup>14</sup> Hepatitis A has been also affecting Romani communities due to lack of access to safe drinking water. For instance, in Sobrance a major Hepatitis A outbreak was recorded in 2016 leading to a declaration of emergency by the local municipality. The outbreak started at a local Roma community that was living without access to drinking water, having been previously cut off from it and as pointed out by the regional health authority the location was polluted by waste as the municipality failed to provide a waste collection schedule for the locality.<sup>15</sup>

### Suggested questions to the Government

- What concrete policy measures, including financial allocation does the Slovak Government plan to take to fulfil its obligation under ICESCR to ensure that all Roma in segregated localities have adequate access to safe, clean drinking water and sanitation?
- What measures does Slovakia take to ensure that evictions are carried out in compliance with the international standards on forced eviction,<sup>16</sup> in light of article 2 and article 26 of the International Covenant on Civil and Political Rights?
- What remedies does the Slovakian legal system offer in case of a forced eviction? Are there remedies available with automatic suspensive effect (i.e. to ensure that a court reviews the lawfulness of the eviction before it takes place), so as to ensure those evicted will not be subjected to inhuman or degrading treatment?
- What is the Government doing towards eliminating obstacles (financial, administrative, legal etc.) that preclude Roma from regularising the legal status of the houses they have lived in for long periods of time? What steps are planned or taken by the Government to facilitate the legalisation of informal housing in the country, or to facilitate the provision of affordable housing for Roma, including through social housing schemes or other means of affordable accommodation?

## DISCRIMINATION IN EDUCATION<sup>17</sup>

In Slovakia, thousands of Romani children still face systemic discrimination and segregation in education. First, Romani children are segregated in Roma only schools or classes. Second, they are disproportionately channelled into special schools designed for children with mild intellectual disabilities or special needs. Finally, Romani children are overrepresented in special classes existing within the mainstream elementary school settings.<sup>18</sup> An OECD 2015 report reviewing school resources in Slovakia highlighted “significant concerns for equity in Slovak school system.”<sup>19</sup> The OECD concluded that the impact of children’s socio-economic background on school performance in the country is among the highest, and stresses that integration of Romani children in mainstream education is limited.<sup>20</sup> Most recently, this worrying situation has been confirmed by the UN CERD Committee which expressed serious concerns “*about the persistent, widespread and systemic discrimination and segregation affecting Roma children in the education system*”.<sup>21</sup>

14 Central European Journal of Public Health, *High Hepatitis B and Low Hepatitis C Prevalence in Roma Population in Eastern Slovakia*, available at: [http://apps.szu.cz/svi/cejph/show\\_en.php?kat=archiv/2014-sup-09](http://apps.szu.cz/svi/cejph/show_en.php?kat=archiv/2014-sup-09).

15 Regional Office of Public Health Of Slovakia in Michalovce, *Viral hepatitis type A in Sobrance, year 2016 - interim report*, available at: <http://www.ruvzmi.sk/index.php/epidemiologia/117-informacie-odd-epidemiologie/431-virusova-hepatitida-typu-a-v-meste-sobrance-rok-2016-predbezna-sprava>.

16 In particular, General Comment no.7 of the International Convention on Economic, Social and Cultural Rights.

17 See: <http://www.errc.org/article/errc-submission-to-un-cerd-on-slovakia-november-2017/4601>.

18 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).

19 OECD Reviews of School Resources: Slovak Republic 2015, at 58, available at: <http://www.oecd.org/publications/oecd-reviews-of-school-resources-slovak-republic-2015-9789264247567-en.htm>.

20 *Ibid.* at 15.

21 CERD/C/SVK/CO/11-12, para. 25.

In reaction to the ongoing infringement proceedings of the European Commission against Slovakia for violating the EU Race Equality Directive, in June 2015 the Slovak Parliament adopted an amendment to the Schools Act.<sup>22</sup> However, these legislative changes have been highly insufficient, as they alone cannot secure equal access of Romani children to education if not accompanied by any concrete and sustainable de-segregation policies and measures. This was confirmed, for example, by the UN CRC Committee which found that despite “*the 2015 legislative amendments, the number of Roma children placed in schools for children with mild disabilities continues to be disproportionately high, the process of psychological assessment during school attendance continues to fail to take into account the different socioeconomic backgrounds of Roma children, the State party’s legislation does not stipulate that a regular re-evaluation of the initial diagnosis of the disability should be undertaken and the system is financially incentivized to retain the highest possible number of Romani children in special schools and classes*”.<sup>23</sup>

In 2017, the ERRC and Amnesty International produced a report reviewing recent legislative changes intended to tackle the erroneous placement of Romani children in special schools and classes for children with “mild mental disabilities” and examines broader structural factors driving segregation and discrimination across the education system. The research found that the legislative changes adopted in 2015 had minimal impact and discrimination of Romani children in education still persists. As the report further stated, Romani children are continuously confronted with other obstacles to realizing their right to education, such as racism, prejudice, stigmatization and lack of expectations from educational staff, observed in all locations studied for this report. Segregation often begins even before primary school.<sup>24</sup>

The ERRC understands that the right to education should be viewed from the perspective of the inclusive education paradigm. We are not arguing that the state should simply prevent placement of Romani children into special schools for children with intellectual disabilities but rather that the state must adopt complex change of the persisting segregated education system to ensure that education is accessible to *all*.

To achieve this aim the Government should primarily develop, adopt and effectively implement systematic and complex de-segregation policies designed to secure equal access of Romani children and all other children to education. Further, the law should expressly provide for an enforceable right to inclusive education, including by defining inclusive education in accordance with the Incheon Declaration on education 2030: towards inclusive and equitable quality education and lifelong learning for all of the United Nations Educational, Scientific and Cultural Organization, and Sustainable Development Goal No. 4. These measures should be accompanied by other concrete measures, including allocation of adequate resources.

#### **Suggested questions to the Government:**

- Does the Slovak Government consider adopting a comprehensive plan for the transition from segregated schools into inclusive education at all levels? If yes, what are the timelines, under the responsibility of which national body will this plan will be implemented, and are there any financial resources earmarked for introducing such a plan?
- What data does Slovakia use to measure progress in relation to the implementation of the National Strategy for Roma Inclusion<sup>25</sup>, and thus fulfil its obligations under the CDESCR?

22 In particular, five legal provisions were amended. The first two provisions only reaffirmed the existing prohibition of discrimination of Romani children in education and did not have potential to secure equal access of Romani children to quality education in everyday school practice. The third provision deals with the so-called “specialised classes”, which can be established as a compensation measure for those pupils who are deemed incapable of mastering the regular curriculum. The amended provision provides that children can be placed in such a class for up to one year, on the proposal of the class teacher and an educational counsellor and with the consent of the parent (or legal guardian). The amended provision essentially continues to allow for segregated catch-up classes for socially disadvantaged children. The fourth provision offered financial incentives to schools that educate children from socially disadvantaged backgrounds in mainstream classes. However, the amount of the subsidy is very low (106 EUR per pupil in the year 2015). The fifth provision particularly broadened especially the responsibilities of the State School Inspectorate, especially in the area of monitoring the compliance of educational counselling centres and the overall diagnostics process with the Act on State Administration in the School System and on School Self-Governance. For more details see the submission of the ERRC and Center for Civil and Human Rights, Concerning Slovakia to the UN CRC Committee, April 2016, p. 7-8. The submission is available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolo=INT%2FCRC%2FNGO%2FSVK%2F23781&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolo=INT%2FCRC%2FNGO%2FSVK%2F23781&Lang=en).

23 CRC/C/SVK/CO/3-5, para. 44.

24 Amnesty International, European Roma Rights Centre: A lesson in discrimination – Segregation of Romani children in education in Slovakia, 2017, available at: <http://www.errc.org/article/a-lesson-in-discrimination-segregation-of-romani-children-in-primary-education/4557>.

25 See: [http://ec.europa.eu/justice/discrimination/files/roma\\_slovakia\\_strategy\\_en.pdf](http://ec.europa.eu/justice/discrimination/files/roma_slovakia_strategy_en.pdf).

- Is there any data-collection system to be introduced that follows established best practices in the area and meets the standards of European Union legislation concerning the protection of personal data? – (with a view to provide long-term and accurate statistics on school enrolment, including type of school - attendance, transfers, drop-outs, class repetition, attainment and achievement, disaggregated by ethnicity and other appropriate characteristics including age, citizenship, gender, disability, national origin and socio-economic status and thus to be used to track, identify and address discrimination and segregation).
- Is there a domestic legal obligation, or consistent practice of gathering data in order to design and assess public policies aimed at combating long-standing segregation and discrimination in education against Romani children?
- How does the Slovak Government plan to introduce an enforceable right to inclusive and quality education in the Education Act, including by defining inclusive education in accordance with the Incheon Declaration on education 2030: towards inclusive and equitable quality education and lifelong learning for all of the United Nations Educational, Scientific and Cultural Organization, and Sustainable Development Goal No. 4?
- Are there any measures planned or taken to ensure that all Romani children who so require it, have access to personal assistance or other individualised support measures, and resources allocated for this purpose?

## ACCESS TO THE LABOUR MARKET

Many Roma, especially Roma girls and women, in Slovakia still face discrimination in the labour market and suffer early educational drop outs that prevent them participating in the labour market.

Discrimination is one of the most prominent reasons for Roma to be unemployed. The 2016 Second European Union Minorities and Discrimination Survey (EU-MIDIS II) reveals the level of discrimination towards Roma within the Slovakian labour market. Amongst Roma over the age of 16 seeking employment, 53 percent of respondents felt they had been discriminated against in the last five years. The discrimination does not end with recruitment, once Roma secure employment they still face discrimination at the workplace. Amongst Roma over the age of 16 in employment, 18 percent felt they had been discriminated against in the last 5 years.

The Institute for Financial Policy - under the Ministry of Finance of the Slovak Republic - has demonstrated the existence of discrimination against Roma in the Slovak labour market. As revealed by their test, compared with the non-Roma population, Roma have less than half the chance that they will be invited to a job interview with the same personal and working background as non-Roma.<sup>26</sup>

Despite the fact that the Slovak unemployment levels are at their lowest on record, Roma are still being left out due to lack of skills and education. The current Slovak labour market requires a skilled and educated workforce, but educational attainment amongst young Roma is low. According to the EU-MIDIS II, 65 percent of young Roma aged 16-24 years neither work nor are taking part in education or training.<sup>27</sup> One of the reasons for these figures is a 58 percent early dropout rate amongst Roma aged 18-24 from education and training – the general population dropout rate is only 7 percent.<sup>28</sup>

The European Commission, highlights the insufficient efforts of the Slovak government to tackle the issue of Roma unemployment: “Roma participation in the Slovak labour market remains very weak. Innovative measures such as promoting social enterprises and Roma entrepreneurship, reaching out to private employers, do not appear sufficiently exploited. The fight against discriminatory practices in the labour market should be reinforced.”<sup>29</sup>

26 See: <http://www.finance.gov.sk/Default.aspx?CatID=9887>.

27 Second European Union Minorities and Discrimination Survey (EU-MIDIS II) Roma – Selected findings p. 21 available at: <http://fra.europa.eu/en/publication/2016/eumidis-ii-roma-selected-findings>.

28 Second European Union Minorities and Discrimination Survey (EU-MIDIS II) Roma – Selected findings p. 27 available at: <http://fra.europa.eu/en/publication/2016/eumidis-ii-roma-selected-findings>.

29 See: [http://ec.europa.eu/justice/discrimination/files/roma-report-2016\\_en.pdf](http://ec.europa.eu/justice/discrimination/files/roma-report-2016_en.pdf), p. 79-80.

Romani girls and women face even more difficulties when accessing the labour market. Many Romani girls attending secondary schools follow the two-year study programme called “Practical Woman” (Praktická žena). The programme does not prepare them for certain future careers. Instead, they are taught how to cook, knit and do other house-work, according to traditional gender stereotypes. Most of the schools teaching this programme are located next to Romani settlements.<sup>30</sup>

**Suggested questions to the Government:**

- What measures is the Slovak government planning to introduce to reduce the educational dropout rates among young Roma aged 18-24?
- How is the Slovak government planning to curb the discrimination of Roma in the labour market?
- What measures is the Slovak government planning to introduce that would provide educational and training opportunities for young Roma aged 16-24?