

Budapest, 25 January 2015

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Re: Deaths of Romani children in Košice's Mašličkovo settlement

The European Roma Rights Centre (ERRC) expresses its dismay and sadness at the deaths of two small Romani children on January 1 and January 3 in Košice's Mašličkovo settlement in Slovakia.

We consider that these deaths were utterly preventable and call on the municipal authorities to take immediate steps to eliminate the unsafe, hazardous and unhealthy housing conditions that have prevailed there for many years and to ensure the safety of children and families.

We share the anger expressed by the Government Proxy for the Roma Community, Peter Pollák, when he visited Luník IX and the Mašličkovo settlement in the aftermath of the tragedies where one child died in a fire and another froze to death.¹ The authorities know or ought to have known that lives were at risk and they had a legal obligation to take action.

The Grand Chamber of the European Court of Human Rights (ECtHR) established in *Öneriyıldız v Turkey* (2004) that States are liable, under Article 2 of the European Convention on Human Rights, for deaths resulting from unsafe housing conditions of which they are aware. The Court also established that States are liable under Article 2 for failing to prevent a real risk of death materialising once they are aware that the risk exists, even if they cannot identify specific individuals who are in danger, *Mastromatteo v Italy* (2002). In the latter case the Court affirmed that domestic authorities must "do all that could reasonably be expected of them to avoid a real and immediate risk to life of which they had or ought to have had knowledge" (paragraph 74 of the judgement). The ECtHR has also stated that in circumstances where children are at risk because of the economic and social conditions of their family, the appropriate response is for States to provide support to allow the families to stay together and the children to be safe, *Moser v Austria* (2006). Whatever assistance was being offered to these families (if any) was obviously inadequate. The facts surrounding the deaths of the two Romani children in Slovakia strongly suggest to us that Slovakian authorities have violated their obligations under Article 2 by not intervening to prevent the clear risk to life resulting from the housing conditions in Mašličkovo.

These two small children are the fatal casualties of more than two decades of discriminatory neglect in housing policies for marginalised Roma communities. We call on the municipal, regional, and national authorities to work together as a matter of urgency to develop a sustainable solution with earmarked resources and a fixed time frame to ensure that all residents of Luník IX and surrounding settlements have access to decent housing.

Within the context of the EU Framework for National Roma Integration Strategies, we call on the authorities to use European Regional Development Fund (ERDF) resources to implement integrated housing solutions for Roma. We echo the European

¹ Slovak Spectator, *Pollák visits Roma ghetto after two children die*, 7 January 2016. Available at: <http://spectator.sme.sk/c/20070867/pollak-visits-roma-ghetto-after-two-children-die.html>

Commission's insistence that "Action on housing needs to be part of an integrated approach including, in particular, education, health, social affairs, employment and security, and desegregation measures."²

We look forward to hearing from you concerning the immediate steps you intend to take to ensure that Košice's most vulnerable citizens have adequate shelter and safe living conditions to prevent further fatalities this winter.

Beyond temporary fixes, we would also like you to inform us about concrete strategic measures you envisage to accord with the European Council Recommendation on Effective Roma Integration Measures in the Member States adopted in 2013.

In the area of housing the Council recommends the following effective measures to ensure equal treatment of Roma in access to housing:

1. eliminate any spatial segregation and promote desegregation;
2. promote non-discriminatory access to social housing;
3. ensure access to public utilities (such as water, electricity and gas) and infrastructure for housing in compliance with national legal requirements.

Please provide us with information about which integrated policies will be put in place to deal with the range of factors that render Roma children especially vulnerable, and to ensure their health, safety, wellbeing and fundamental rights.

In the wake of this New Year tragedy which cost the lives of two small children, we kindly request that you inform us about further developments and steps taken by the Košice municipality to prevent any recurrences.

Sincerely,

Dorđe Jovanović
Network and Research Director

² 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. Brussels, 5.4.2011.
Available at: <http://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX:52011DC0173>