



EUROPEAN ROMA RIGHTS CENTER

1386 Budapest 62, P.O. Box 906/93, Hungary
Phone: (36-1) 413-2200; Fax: (36-1) 413-2201
E-mail: office@errc.org
<http://errc.org>

July 30, 2004

**WRITTEN COMMENTS
OF THE EUROPEAN ROMA RIGHTS CENTER**

CONCERNING THE SLOVAK REPUBLIC

**FOR CONSIDERATION BY THE
UNITED NATIONS COMMITTEE ON THE ELIMINATION OF RACIAL
DISCRIMINATION
AT ITS 65th SESSION, AUGUST 2-20, 2004**

Executive Summary

The European Roma Rights Center (ERRC) respectfully submits written comments concerning the Slovak Republic for consideration by the Committee on the Elimination of Racial Discrimination ("the Committee") at its 65th session. The ERRC is an international public interest law organisation engaging in a range of activities aimed at combating anti-Romani racism and human rights abuse of Roma, in particular strategic litigation, international advocacy, research and policy development, and training of Romani activists. Since its establishment in 1996, the ERRC has established a reputation as the leading international non-governmental organisation engaged in human rights defence of Roma in Europe. The ERRC has undertaken extensive research, policy, law and training work in Slovakia due to the very serious issues Roma face in Slovakia. ERRC publications about Slovakia, as well as additional information about the organisation are available on the Internet at <http://www.errc.org>.

The ERRC is aware of the contents of the Slovak government's fifth periodic report to the CERD,¹ as well as other recent Slovak government policy documents of relevance to Roma. We welcome the fact of increasing attention by the Slovak government to policy matters as they relate to Roma. To date, however, measures adopted and undertaken by the Slovak government have been insufficient to ensure the effective implementation of the International Convention on the Elimination of All Forms of Racial Discrimination ("Convention").

¹ CERD/C/419/Add.2

As to Article 2, the government has not fully complied with its obligations to “prohibit and bring to an end, by all appropriate means, including legislation [...] racial discrimination.” Slovak parliament ratified on May 20, 2004, a comprehensive anti-discrimination law, and it entered into force on July 1, 2004. It is too soon to know whether the recently adopted law will in practice ensure that all individuals have access to justice when suffering the serious harm of racial discrimination. In light of how recently the new law was adopted, this submission will not attempt to speculate as to whether the law will finally remedy the long-term void of effective legal protections available in Slovakia to victims of racial discrimination. It is however of concern that on July 2, 2004, one day after the law entered into effect, a judge of the Bratislava IVth District court dismissed a discrimination complaint in a housing eviction case. It is also worrying that the Slovak Minister of Justice has stated that he will file challenges to the legality of certain provisions of the adopted law. In practice, Roma in Slovakia are regularly subjected to discrimination in almost all aspects of their life, from interaction with law-enforcement authorities and the judiciary to the exercise of economic, social and cultural rights.

As to Article 3 of the Convention, the ERRC is concerned that the government of the Slovak Republic has failed to prevent, prohibit and eradicate the racial segregation of Roma. This is especially evident in the field of education, where officials consistently deny equal access to Romani children, placing them in alarming numbers in segregated, substandard schools and classes. In addition to the inherent harms flowing from this practice, the racial segregation of Romani children in the Slovak school system virtually ensures that Roma will remain, for the foreseeable future, a systemically excluded underclass. Additionally, a large number of Roma live in a state of complete physical separation from mainstream society, in slum settlements segregated from the rest of the population and characterised by substandard conditions such as lack of basic infrastructure and facilities such as sanitation, drinking water, or electricity.

As to Article 4, anti-Romani hate speech is a regular part of public discourse in Slovakia. Anti-Romani statements are a standard and often unquestioned part of public life in Slovakia, and officials as high-ranking as the Prime Minister have made anti-Romani statements. Provisions of the criminal code sanctioning hate speech have rarely if ever been applied in cases where Roma are at issue. A new draft criminal code, currently before Slovak parliament, would remove some legal protections against hate speech, if adopted in its present proposed form.

As to Article 5, Roma have, in recent years, suffered violence at the hands of both law enforcement and non-state actors, in violation of “the right to security of person and protection by the State against violence or bodily harm” protected under the Convention. In several recent cases, Roma have been killed by Slovak police officers while in police custody. Furthermore, authorities continue to fail to provide Roma with adequate protection against racially motivated violence perpetrated by members and sympathisers of nationalist-extremist movements and other vigilante groups. In addition, research by independent human rights groups including the ERRC has revealed that Romani women have in recent years been subjected to coercive sterilisation in Slovak hospitals.

The ERRC and its partner organisations have documented violations of the rights of Roma to be free from discrimination in the exercise of economic and social rights, as protected by Article 5. Roma in the Slovak Republic suffer discrimination in the fields of employment, housing, health care, and access to social assistance and social welfare benefits.

As the substance of this submission makes clear, the Convention's Article 6 guarantee that "States Parties shall assure to everyone within their jurisdiction effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial

discrimination which violate his human rights and fundamental freedoms contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination" currently rings hollow for Roma in Slovakia. In 2004, there is near total impunity for racial discrimination against Roma, as well as for those who would frustrate Roma in their efforts to realise the Convention's substantive provisions.

Furthermore, there are persistent threats to human rights defenders working on racism issues in Slovakia. Official threats of criminal charges against Roma rights activists in relation to their work raises serious concerns about the government's commitment to its obligations under Article 7 of the Convention to adopt immediate and effective measures to promote understanding, tolerance and friendship among various ethnic groups and to propagate the purposes and principles of the Charter of the United Nations, the Universal Declaration on Human Rights and the Convention itself. A new draft criminal code, currently before Slovak parliament, includes proposals for provisions on "defaming a public official" which, if adopted into law, would potentially make possible criminal prosecution of individuals for public criticism of authorities, and would perpetuate the current "chill" prevalent in Slovak public life due to the existence of similar provisions in the current Slovak criminal code.

The present document does not aim to address all issues Roma face in Slovakia of relevance to the Convention. The sole ambition of this submission is to present the results of ERRC research in several areas of relevance to the Convention, with the aim of complementing the information provided in the Slovak government's report to the Committee. Following a general introduction, the present submission presents concerns in the following areas:

- **Anti-Romani Expression in Slovakia**
- **Anti-Discrimination Law and Policy**
- **Violence**
- **Coercive Sterilisation of Romani Women**
- **Medical Care, Social Security and Social Services**
- **Education**
- **Housing**
- **Issues Related to the Provision of/Possession of Residence Permits**
- **Discrimination in Access to Public Accommodation**
- **Ethnic Statistical Data**
- **Human Rights Defenders**

The submission concludes with some rudimentary recommendations for the Slovak government, intended to assist the Committee in bringing concluding observations with respect to Slovakia's compliance with the ICERD.

General Introduction: Human Rights Emergency of Roma in Slovakia

On the evening of Tuesday February 24, 2004, the Slovak government ordered the largest mobilisation of its armed forces since 1989, in order to address the problem of spreading unrest among Roma in a number of communities in central and eastern Slovakia. Although figures varied according to reports, on the territories of Kosice, Presov and Banska-Bystrica Counties, approximately 1600 police officers and 650 members of the army had been mobilised, with a further 350 soldiers put on active alert. Minister of the Interior Vladimir Palko was quoted by domestic media as having stated on the evening of February 24, "All police officers have had holidays suspended until further notice. At issue is the largest engagement of police forces since

1989. [...] Yesterday for the first time since 1989 water cannons were deployed and used." Slovak press was dominated by headlines such as "This is War!"

The engagement of supplementary armed forces came as a response to a series of riots by members of the Slovak Romani community, occurring with increasing intensity over the approximately two weeks since they first began, during which crowds of Roma looted and damaged food shops. The riots were triggered by changes to the social welfare system in which, from early 2004, the structure of the social welfare system has been changed, with all persons requiring social support receiving less than previously. Many Roma have however been particularly affected by the changes to the social welfare law, however, due to provisions cutting support for families with more than four children, as well as due to provisions linking parts of social benefit payments to evidence of legally registered housing. Judging by the comments of influential Slovak politicians as well as debates in the media prior to the adoption of the amendments, these provisions appear to have been specifically adopted to reduce the number of Roma on social welfare. The particular circumstances of the deployment of heightened levels of security forces were calls by prominent Romani activists for statewide protests against the changes to the social welfare system for Wednesday February 25. These were called off late in the afternoon of February 24, apparently due to the threat of violence. In the few municipalities where protests took place on February 25, these transpired peacefully.

The outbreak of rioting by Roma -- and emergency measures adopted by the Slovak government in response to rioting -- must be regarded as a powerful indication of the comprehensive failure to date of Slovak government policy with respect to Roma. Official data for the 3rd quarter of 2003 -- the most recent such data available -- indicates that approximately 87.5% of the Slovak Romani population was unemployed during the period, as compared with an unemployment rate of 14.2% for the population as a whole. Discrimination on the labour market is widespread if not total, and in the recent past, public labour offices have accepted announcements from prospective employers explicitly stating that Roma will not be considered.

As detailed below in the substantive chapters of this submission, ERRC documentation of the schooling of Romani children in Slovakia revealed extreme levels of racial segregation: during the 2002/2003 school year, in many Slovak schools for the mentally disabled, more than half of the students were Romani. In some schools for the mentally disabled, *every single pupil was Romani*.

Many Roma live in extremely substandard, racially segregated slum settlements. In one famous example, one such settlement -- Patoracka, outside Rudnany -- is located on the grounds of a former mercury mine. Most such slum settlements are characterised by substandard or extremely substandard housing, a prevalence of environmental hazards including toxic waste, rubbish tips, intermingling of waste and drinking water, etc. In general, Romani slums are partially or completely lacking in formal infrastructure such as paved roads, electricity, heating, sewage removal and the provision of adequate drinking water, and are frequently excluded from other public services, such as bus or postal services. In the most egregious example, since 1995, the city of Kosice -- Slovakia's second city -- has been, by policy, progressively evicting Roma from the city centre and re-housing them in a housing estate called Lunik IX. At the same time, it has allocated housing in other housing estates to non-Romani residents of Lunik IX, such that they may move away. In 2002, the last non-Romani individual living in Lunik IX moved out, leaving a pure -- and extremely substandard -- ghetto.

In addition, in 2001, the Slovak government amended the Slovak civil code to weaken the rights of tenants. In the wake of the amendments, Roma in Slovakia have been forcibly evicted from

housing in significant numbers, and many thousands of Roma in Slovakia currently live under threat of forced eviction, due to lack of legal security of tenure and/or because of rent arrears. Additional issues prevalent among Roma in Slovakia with respect to housing include homelessness and overcrowding, as well as discrimination in the allocation of state-provided housing, obstruction of land use and/or denial of planning permission.

Anti-Romani sentiment at the local level in Slovakia is very extreme in many municipalities. The year 2003 was marked by a number of efforts by local authorities to derail projects aimed at improving the situation of Roma. These efforts were frequently successful. For example, in the village of Svinia, despite an international project of close to a decade long, involving, among others, the Canadian International Development Agency (CIDA) and the US-based NGO Habitat for Humanity, the village remains racially segregated as a result of obstruction by the local council and (very many) members of the non-Romani community. On April 1, 2003, the local council adopted Resolution 34/2003 "approving the termination of activities currently being carried out in the village by the organizations Habitat for Humanity and CIDA".

In other instances, local councils of villages have consented to development projects for Roma only if they are in isolated or excluded areas. For example, in September 2003, the mayors of the villages of Letanovce, Hrabusice, Arnutovce, Spisske Tomasovce and Spisske Stvrtok agreed to a development project proposed by the government with European Union funding, only if it were located in the isolated community of Strelniky. Other localities to have planned and/or implemented racially segregated housing projects in recent years include Nitra and Presov.

In some instances, local officials have attempted to strike Roma from the municipal register. For example, on June 28, 2001, the local council of the town of Letanovce adopted Resolution 21/28.6.2001, "terminating the permanent residence of the citizens living in the Gypsy settlement Letanovce from August 1, 2001." Despite the intervention of the Slovak government's Plenipotentiary for Roma Communities, as well as review by a parliamentary committee, the local council refused to rescind the resolution. A court subsequently annulled the act by the Letanovce local council, but as of October 2003, approximately 60 Roma in the Letanovce settlement lacked permanent residence there, despite the fact that many of them were born there. Similarly, in the Vilcurna settlement in Spisska Nova Ves, out of a total number of approximately 1000 local Roma, only 727 persons had legal residence in the village as of the end of 2003.

Finally, the year 2003 was noteworthy for extensive discussions, both domestically and internationally, of allegations that Romani women have in recent years been coercively sterilized by medical professionals in Slovakia, as well as allegations that Roma have been subjected to a range of other abuses in the Slovak health care system, including racial segregation and verbal abuse. Members of the European Parliament on at least two occasions addressed questions related to the issue of coercive sterilisations of Romani women to EU Commissioner for Enlargement Günther Verheugen, and Slovak officials opened investigations into the allegations. On October 29, 2003, the Slovak government issued a "Statement by the Government of the Slovak Republic to the Report on the Developments in Allegations of Forced Sterilisations of Roma Women in the Slovak Republic and on Steps and Measures Adopted". This states: "[...] a thorough investigation of some sterilisations of women, indeed, confirmed procedural shortcomings." Despite this acknowledgement however, the Slovak government has not to date indicated that it is prepared to offer redress to victims of coercive sterilisations.

During the unrest of February 2004, on the morning of February 25, after refusing to visit affected communities for a number of days, Prime Minister Mikulas Dzurinda finally travelled to

eastern Slovakia, where he accused Roma of "speculating" on the social welfare system rather than working.

Responses by local officials and security forces to rioting were primarily collectively punitive, further alienating Romani communities. For example, in Trebisov, according to official information approximately 400 Roma from a local Romani population of around 5000 rioted in the late evening hours of February 23. According to ERRC field investigation carried out with local partner organisation Center for Roma Rights Slovakia (CRRS), approximately 240 police officers raided the local Romani community for a period of not less than 12 hours beginning in the early morning hours of February 24, during which officers:

- Indiscriminately entered the houses of a very large number of Roma, without showing any form of warrant or other authorisation, often violently kicking in doors;
- Struck violently with truncheons and also kicked a large number of (predominantly male) Romani individuals, in houses, in the open in the settlement, as well as in police custody;
- Used electric truncheons on the head, arms, chest and legs of a number of Romani individuals, including Romani minors.

During the action, at least 27 persons were detained. In addition to a very large number of adult males who alleged that police had physically abused them during the raid on February 24 (and who were in many cases able to show fresh visible linear bruises apparently caused by police truncheons), the ERRC and CRRS also interviewed:

- 16-year-old D.N., a mentally handicapped male Romani youth who, according to his own testimony had been beaten both in his home and in public by officers with truncheons, and had also been subjected to electric shocks to the arms, forehead and stomach from a cattle prod. D.N. had also been detained for approximately two hours, physically abused in custody, and forced to sign a form prior to his release which he neither read nor had read to him, and the contents of which he was ignorant;
- 14-year-old A.B., a Romani girl whom officers reportedly struck in the back with a truncheon;
- 16-year-old J.K., a male Romani youth whom police officers struck in the stomach and sides with truncheons until he vomited.

A number of eyewitnesses interviewed by the ERRC and CRRS alleged that officers were drunk during the raid, many stated that they had used abusive language, and several stated that at one point they looked from the window of their apartment and saw officers in their yard "dancing like it was Bosnia."

The ERRC and CRRS presented the above information to Director of the Trebisov District Police Directorate Mr Jozef Mlynarik orally during a meeting on February 25, and requested that his office initiate investigation into the actions of police officers on the basis of very compelling indications that police officers had in a number of instances violated their mandate. Director Mlynarik declined to initiate such an investigation, and the ERRC is unaware of any legal sanctions or disciplinary measures to date brought against any police officers in connections with actions undertaken during the Trebisov raid or in connection with the arbitrary detention of Romani individuals in Trebisov.

The ERRC has followed closely several cases developing in the context of the unrest of February 2004:

- On March 7, 2004, Mr Radoslav Puky, a Romani man from the Trebisov settlement, was found dead in a local stream just outside the settlement. He had last been seen being chased across an open field by police officers on the day following the riot, two weeks previously,

and his family had been frantically searching for him since the raid. A summary autopsy report states that the cause of Mr Puky's death is drowning. The full autopsy into his death has not been released to the public, but is rumoured to have documented bruising, broken ribs and a broken wrist. Mr Puky was buried in a very high-security funeral closed to all but close members of his family several days after his body was discovered. The ERRC and Bratislava-based partner organisation League of Human Rights Activists subsequently met with the Slovak General Prosecutor to urge that the case be reopened. As of the date of this submission, it had been informally communicated to the ERRC that the case would be reopened, but as yet we have received no direct confirmation from the Slovak General Prosecutor's office. His brother, L'udovit Puky, has been repeatedly threatened since signing a power-of-attorney with respect to the case.

- In the western Slovak village of Zahorska Ves, the local mayor took advantage of the unrest to expel from the village a number of Romani individuals whom he and other local officials had been harassing in a series of incidents beginning in September 2003, including by apparently organising physical attacks against a number of Roma in Zahorska Ves (details included below in the section on "violence"). On May 12, 2004, the District Police Directorate of Bratislava opened criminal investigation into abuse of power and other crimes in connection with a number of incidents between January 15, 2004 and April 2, 2004, in which the mayor directly told various Roma that they should leave the village, threatening them, inter alia, that their children would be placed in state care if they did not do so. Investigation was still open as of the date of this submission.
- In the village of Caklov, 32 Romani women and 2 Romani men were arrested for robbing the local food shop on February 24 (police version of events), or were invited by the manager of the state-owned shop to take goods so that she could claim to have been robbed to clear a recently discovered accounting shortfall (Romani inhabitants version of events). The shop, which the ERRC visited on February 26, was in perfect condition, no windows broken, shelves stocked with foodstuffs, cigarettes and alcohol. The police reportedly arrested the 34 individuals concerned in two raids (February 25 and 26), running through the streets with truncheons raised, banging on the doors of houses telling inhabitants to give themselves up or the door would be broken down. No arrest or search warrants were shown. The police reportedly used foul language during the raids and struck a three-year-old boy. After the individuals were arrested, no information was passed to the relatives of those detained. The detainees were brought before the Judge in Vranov nad Toplou after 48 hours in detention, and in a closed hearing were charged with robbery in an organised group (Article 234(2)(b) of the Slovak Criminal Code), a very serious crime in Slovakia, carrying with it possible sentences of 5 to 12 years imprisonment. All except two women (one pregnant, the other had a baby less than six months old) were sent to a Levoca detention centre to await trial, where they were kept in solitary confinement. One of the court-appointed attorneys for the detainees told the ERRC that the judge in the case had wanted to release them pending trial, but the Minister of Justice had insisted that all detained Roma should remain in custody. The ERRC subsequently telephoned the Ministry of Justice, and the Minister's Spokesperson denied that the Ministry had tried to influence the Judge. However, the Slovak General Prosecutor's Office was quoted during media coverage of the unrest as having stated that only pregnant women and those with children younger than six months would not be held in pre-trial detention. The relatives found out the fate of the detainees when they were transported from the court house to pre-trial detention, as they wrote notes and held these against the window of the coach. The Caklov detainees were held in custody until early April, when charges against them were finally reduced to theft (Article 247 of the Slovak criminal code) and they were released from custody. A number of the Caklov women detainees testified to

ERRC partner organisation the League of Human Rights Activists that while in detention, their hair was forcibly shorn. One of the women had reportedly lost 12 kilograms while in detention. Since being released from custody, two women in Caklov have reportedly received a letter stating, inter alia, "The new Hitler has been born. He will put Roma into the gas, smear them with blood, and make soap from them."

Finally, apparently as a direct response to international criticism of Slovakia's human rights record with respect to Roma, Slovak media reported on the morning of February 26 that the government had announced the intention to spend 50 million Slovak crowns (approximately 1,250,000 Euro) on an image campaign to improve Slovakia's reputation abroad.

The trigger for the unrest occurring in Slovak Romani communities in February 2004 was, as noted, changes to Slovak welfare laws. However, the human rights emergency facing Roma in Slovakia is longstanding and, indeed, is apparently in many areas worsening. Below follow in detail a number of specific issues of ERRC concern.

Anti-Romani Expression in Slovakia

A number of high-ranking Slovak public officials and other major public figures in Slovakia have made coded or explicit anti-Romani statements. For example, in 1993, former Prime Minister Vladimir Meciar stated, "If we do not deal with them now, in time they will deal with us." In 1995, then-Health Minister Lubomir Javorsky reportedly stated, "the government will do everything to ensure that more white children than Romani children are born." More recently, during the 2002 election campaign, Mr Robert Fico, currently among Slovakia's most popular politicians, campaigned under promises including, inter alia, to "actively effect the irresponsible growth of the Romani population."² In March 2003, Mr Jan Slota, mayor of town of Zilina and head of the True Slovak National Party, made newspaper headlines by stating that his party would table a bill offering Romani men 20,000 Slovak crowns each (approximately 480 Euro) in exchange for consenting to sterilisation. Mr Slota, who was previously head of the Slovak National Party, a junior coalition partner during several Slovak governments in the 1990s, had earlier become known for stating that he believed Romani issues in Slovakia should resolved "with a long whip in a small yard".

Anti-Romani statements are a normative part of Slovak public discourse. To name only two examples:

- "Gypsies of Svinia", a documentary film about a development project in the village of Svinia, includes a number of villagers advocating that all of the local Roma be killed, and an aid worker quoting a local official offering him "fifty cents for every Gypsy in the settlement; because that is the cost of one bullet."
- In September 2003, the ERRC sent a letter to *Orange Slovensko, a.s.*, a telecommunications company which had begun distributing to subscribers by electronic text message "jokes" including the following:

"What does a cow do? Moo. What does a dog do? Bark-bark. What does a Gypsy do? A Gypsy doesn't do anything."

² This list is far from comprehensive. For a useful summary of anti-Romani statements by public officials in Slovakia since 1989, see Commission on Security and Cooperation in Europe, "Coerced Sterilization of Romani Women in Slovakia", Washington DC, 2003.

And:

"Two ten-year-old Gypsy girls are talking to each other.
Rozika: 'Aranka, are you still a virgin?'
Aranka: 'I still am Rozika.'
Rozika: 'Why? Is your daddy impotent?'"

Although Orange sent a letter of apology to the ERRC, it issued no public apology to the Romani community for these "jokes" or a number of other offensive "jokes" located on the Orange Internet website. Slovak officials took no legal action in the matter, despite being apprised of the issue.

The ERRC knows of no instances in which a high-ranking Slovak public official has spoken out against anti-Romani racism in Slovakia. The ERRC also knows of no instances in which existing provisions in the Slovak criminal code have been brought against persons for making anti-Romani statements or otherwise engaging in promoting racism against Roma.

In addition, a new draft criminal code, currently before Slovak parliament, does not include the crime of defamation on the grounds of race, colour, nationality or ethnicity (current criminal code Article 198), and therefore would weaken Slovak criminal law in the area of hateful expression, if adopted in its current form. The new draft criminal code passed first reading in parliament on May 12, 2004, and will likely go to second reading in early Autumn 2004.

Anti-Discrimination Law and Policy

Slovak parliament ratified on May 20, 2004, a comprehensive anti-discrimination law. The new law entered into effect on July 1, 2004. It is too soon to know whether the recently adopted law will in practice ensure that all individuals have access to justice in practice when suffering the serious harm of racial discrimination. In light of how recently the new law was adopted, this submission does not attempt to speculate as to whether the law will finally remedy the long-term void of effective legal protections available in Slovakia to victims of racial discrimination, or whether Slovak law now conforms with international standards on the scope and dimensions of anti-discrimination laws. This submission notes, however, the following issues of concern:

- On July 2, 2004, one day after the law entered into effect, a judge of the Bratislava IVth District court dismissed a discrimination complaint in a housing eviction case.³
- Immediately in the wake of the adoption of the law, Slovak Minister of Justice Daniel Lipsic threatened to file challenges to the Slovak Constitutional Court to challenge the legality of certain provisions of the adopted law, notably provisions which would allow positive action on behalf of weak groups. There are currently fears among some members of Slovak civil society that, should Minister Lipsic's legal challenges ultimately be successful, a number of government programmes aimed at assisting Roma might be put in jeopardy. More importantly in the near-term at least, by stating that he will undertake legal action, Minister Lipsic has

³ See Igboanusi, Columbus, "Shortly after entry into force of Anti-discrimination Law in Slovakia, a Judge in Bratislava IV district court threw a case of discrimination into a trash bin!", unpublished, on file at ERRC.

succeeded in polarizing Slovak society against a bogey of so-called "positive discrimination", by which many segments of Slovak society understand "unfair preferences for undeserving Gypsies".

- The Slovak government has not yet ratified a number of instruments comprising key components of the expanding anti-discrimination acquis in Europe, including Protocol 12 to the European Convention on Human Rights⁴ and the Revised European Social Charter.
- The existing Slovak institutional framework to counter racial discrimination has been criticised as ineffective in the recent past. For example, during July 2003 review by the UN Human Rights Committee of Slovakia's compliance with the International Covenant on Civil and Political Rights, extensive attention was focussed on whether the Ombudsman, an institution described in the Slovak government's current report to CERD, constituted an effective instrument for the protection of individual rights. The Human Rights Committee ultimately concluded, with respect to the effectiveness of the institution of the Ombudsman:

"While welcoming the creation of the institution of Ombudsman and the election of an Ombudsman, the Committee regrets that it has received insufficient information on the nature of the complaints submitted to and processed by the Ombudsman, so as to assess the scope and effectiveness of the activities of this new institution.

"The State party should ensure the effectiveness of the Ombudsman, as an independent monitoring mechanism for the implementation of Covenant rights, particularly in the area of discrimination. It requests the State party to provide the Committee with the annual reports of the Ombudsman when submitting the third periodic report."⁵

More broadly in the area of anti-discrimination policy as concerns Roma, in recent years, the Slovak government has, as a result of significant international pressure, adopted a number of programmes targeting Roma. Many of these are described in the current report by the Slovak government to the CERD. However, while a number of these programmes have likely had some positive effects in ameliorating some of the very extreme existential issues facing Roma in Slovakia, the government has rarely if ever stated that it regards anti-Romani sentiment as a primary cause of issues facing Roma in Slovakia. As a result, the government has been seen to drive a deep wedge between its anti-racism work on the one hand, and its programmes on behalf of Roma on the other.

When addressing issues related to Roma in Slovakia, the government most often resorts to language such as that found in its current report to CERD, for example that it is "conscious of the extent and complexity of the problems of the Roma national minority and its coexistence with the majority". The failure to describe issues facing Roma in Slovakia unequivocally as arising due to racism and racial discrimination against Roma in Slovakia assists in the perpetuation of the already widespread view in Slovakia that Roma are the cause of their own problems, as well as many of the problems of non-Romani Slovaks.

⁴ Once it enters into force, Protocol 12 will expand the levels of protection available against discrimination under the European Convention by providing a comprehensive ban on discrimination in the realisation of any right secured by law.

⁵ United Nations Human Rights Committee, *2003 Concluding Observations on Slovakia*, 22 August 2003, CCPR/CO/78/SVK, para. 7.

Violence

Police abuse of Roma is reported with worrying frequency in Slovakia, and police officers have on several of occasions in recent years killed Roma.⁶

In one case, on the evening of August 12, 1999, Mr L'ubomir Sarissky and a friend were arrested by police for the "suspicious behaviour" of riding mountain bicycles. They were accused of theft. At the police station, an off-duty police officer, Marian Fabian, volunteered to take over the questioning of Mr Sarissky, with whom he had apparently had previous encounters. During the interrogation, Mr Sarissky was shot in the abdomen. He later died from his wounds. The officer in question was subsequently given a one-year suspended sentence for negligence. The case is currently pending before the European Court of Human Rights.

In another case, Slovak media reported on July 7, 2001, that officials had killed 51-year-old Mr Karol Sendrei during the night of July 5-6 at a police station in the town of Revúca, approximately 50 kilometres west of the city of Kosice. According to press reports, following a fight in which Mr Sendrei was allegedly involved in a local bar in the village of Magnezitovce on the evening of July 4, Mr Ondrej Hudak, a police officer, went to the home of Mr Sendrei and, according to eyewitnesses, hauled him out of his home, and "in front of screaming kids and women gave him a brutal beating." In the late afternoon of July 5, Mr Sendrei reportedly went to the home of Mr Ondrej Hudak Sr, mayor of Magnezitovce and father of Officer Hudak. There, upon entry into the house, he was allegedly knocked to the floor and severely beaten by Ondrej Hudak Jr. The mayor himself reportedly joined in the beating. Mr Sendrei's wife and three of his sons subsequently went to the home of Mayor Hudak. The widow of the victim was quoted in the July 9 edition of the Slovak daily SME as stating that when she came to the house, "He was completely beaten. His teeth were knocked out and he lay motionless on the ground of the mayor's yard." Mr Sendrei's sons reportedly came to his aid and a brief but intense fight ensued between the three sons on the one hand and the mayor and his son on the other. Two police officers on patrol reportedly arrived by chance, and one of the three sons fled, while a second was caught while attempting to flee. Still in the late afternoon, the officers detained Mr Sendrei, his 32-year-old adopted son Mr Robert Gunar and 28-year-old son Mr Peter Sendrei, and took them to a police station in the town of Jelsava, and then to a hospital in Revuca.

At the police station in Revuca, all three men were reportedly handcuffed to a radiator. Mr Gunar was quoted in an article appearing July 9, 2001, in SME as stating: "They handcuffed us to a radiator in the hall. They did not interrogate us. They continuously beat, kicked and battered us with truncheons. They struck me in the head with a handgun and when I screamed out from pain for them to please shoot me, they said I was damaging their weapons and they beat me some more." Mr Gunar stated that officers beat all three men for a period of approximately twelve hours, throughout the night of July 5-6, 2001. Regarding the death of his father, Mr Gunar was further quoted in SME as stating: "My brother and I noticed that our father wasn't moving and so we called the police over. They noticed that we were right and called a doctor, but it wasn't possible to revive him. Our father died next to us on a radiator." According to reports by the Czech Press Agency of July 28, 2001, the autopsy report concluded that Mr Sendrei had died of

⁶ Numerous cases of police abuse documented by *ERRC* and partner organisations are detailed at: <http://www.errc.org/publications/indices/slovakia.shtml>.

shock caused by a torn liver, cranial and pericardial bleeding, a broken jaw, sternum and ribs, and other serious, unspecified, injuries. The daily *Novy Cas* reported that Peter Sendrei had been admitted to hospital with a concussion, while Mr Gunar had dark purple marks around his eyes and line bruises on his abdomen.

SME reported on July 10 that Mayor Hudak and Mr Ondrej Hudak had been charged with damage to health resulting in death and that 30-year-old Mr Miroslav S. and 24-year-old Mr Jan K. — both police officers — had been charged with abuse of authority and damage to health. In October 2001, charges were dropped against Mayor Hudak and his son, and a further three officers were indicted in connection with the incident, bringing the total number of persons indicted to seven, all of them police officers. Since then, there have been no rulings on the substance of the case. On July 22, 2004, the Slovak Supreme Court accepted an appeal by the regional prosecutor and ordered the Banska Bystrica Regional Court to rule in the case. To date, it has not done so. All of the officers indicted have been released from custody, and one has reportedly been reinstated to the Revuca police force. The family of the deceased victim has reportedly received threatening letters and on at least one occasion been physically assaulted by neighbours in Magnezitovce, a fact of which the Slovak General Prosecutor has been made aware by ERRC partner organisation League of Human Rights Activists.

Officers of the Revuca police department have reportedly physically abused other Roma since the fatal assault on Karol Sendrei. In May 2003, officers from the Revuca police department reportedly detained Mr Jaroslav Cipkes in connection with an alleged theft and allegedly physically abused him both in public as well as in police detention at the Revuca police station, by punching him repeatedly with their fists, and striking him with truncheons. He was released the same day from police custody, bleeding profusely from his head. Officers reportedly told Mr Cipkes's mother that he had sustained the wounds by striking his own head against a table. The non-governmental organisation League of Human Rights Activists filed a criminal complaint in connection with the incident in May 2003. In June 2004, Mr Cipkes was reportedly summoned for interrogation, during which time officers pressured him (successfully) to sign a statement withdrawing the criminal complaint. After being released he has stated that he intends to continue with the complaint. Although the criminal investigation is being supervised by the Banska Bystrica police directorate, the officers conducting the investigation are reportedly the same officers who allegedly originally assaulted Mr Cipkes.

In another case, on 24 May 2002, four Roma were attacked by four unknown assailants later determined to be police officers. The attack began when the four attackers attempted to force Mr Josef Ziga, a 34-year-old Romani man, to buy a jacket. When he refused, the four men proceeded to hit and kick him on his head and all over his body for a number of minutes. The attackers then moved to a neighbouring block and attacked Mr Stefan Ferko, a 47-year-old Romani man by pulling the man by his legs, arms and hair, pushing him up against a wall and hitting and kicking him repeatedly until he began to bleed. Mr Julius Gabco, a 28-year-old Romani man, was attacked while trying to remove his children from the street. He suffered a broken leg. The four attackers also attacked Ms Emilia Ferkova by slapping her so hard she fell on the stairs. The Slovak District Bureau of Investigation took over responsibility of the case and charged Corporal L.R. with three counts under the Slovak Criminal Code. Corporal L.R. was not suspended from duty and on 30 September 2002 investigation into the case was discontinued.⁷

⁷ For further information on the case, please see “News Roundup: Snapshots from around Europe,” *Roma Rights Quarterly*, 3-4/2002, available at: http://www.errc.org/rr_nr3-4_2002/snap48.shtml.

International monitoring bodies have repeatedly expressed their concern with respect to the persistence of police abuse in the Slovak Republic. For example, in its Concluding Observations on Slovakia, the Committee Against Torture expressed concern about “[a]llegations of instances of police participation in attacks on Roma and other members of the population.”⁸ Similarly, in its Third Report on Slovakia, the Council of Europe’s European Commission against Racism and Intolerance (ECRI) noted: “ECRI deplors that incidents of police mistreatment and violence against members of the Roma minority – including incidents leading to deaths in police custody – continue to occur.”⁹

The Slovak government's current report to the CERD notes a dramatic rise in the level of racially-motivated violent crime occurring in Slovakia. Increased attention to this issue on the part of the Slovak government, and the establishment of a number of official bodies charged with monitoring racially motivated violent crime, are welcome developments. Increased official awareness of the problem of racially motivated crime notwithstanding, the ERRC is not persuaded that the figures provided in the Slovak government's report to the CERD constitute a comprehensive count of all such incidents occurring, or that these measures have yet been sufficient to provide an adequate level of safety for persons threatened with racially motivated attack, in particular dark-skinned foreigners and Roma. Examples of recent cases involving racially motivated violence against Roma in Slovakia follow:

- According to the testimony to the League of Human Rights Activists (LHRA) of Ms Olga Sarkoziova in the western Slovak village of Zahorska Ves, at around 9:00 PM on September 29, 2003, approximately seven men wearing facemasks jumped over the fence surrounding the homes of her family and the Romani family Malik and attacked members of both families with baseball bats and other unidentified objects. The Sarkozi and Malik families comprise 16 people in total, including 7 children and one pregnant woman, all of whom were beaten during the assault. According to Mr Stefan Sarkozi, Ms Sarkoziova’s 59-year-old husband, a medically certified invalid pensioner, one of the assailants took out a handgun and shot the screen of their television, causing it to explode. Ms Sarkoziova, Mr Sarkozi, and their sons – Mr Roman Sarkozi, aged 28, and Mr Josef Sarkozi, 25 – were seriously injured during the attack. According to their medical reports, Olga suffered a concussion and injury to her left arm, Stefan sustained a broken arm, contusions to his head and abrasions to his forehead, Roman sustained a broken arm, and Josef suffered concussion. The Sarkozi’s underwent 6 weeks of medical treatment for their injuries.

Later in the same year, at about 8:30 PM on December 25, 2003, nine men wearing facemasks again forcibly entered the homes and violently attacked the families with baseball bats, iron bars and truncheons, according to the testimony of Mr Roman Malik. The perpetrators destroyed the belongings of the three families, then poured inflammable liquid substances throughout the houses and set them on fire. In the fire, Roman Malik Jr, a 2-year-old infant, sustained third degree burns to 25 percent of his body according to a medical certificate issued subsequently. The buildings and property inside belonging to the families were completely burned in the fire. All their personal documents, including birth certificates, identification cards and documents

⁸ United Nations Committee Against Torture, *Concluding Observations on Slovakia*, 11 May 2001, CAT A/56/44/2001, para. 104(c).

⁹ ECRI Third Report on Slovakia, para. 48.

proving eligibility for state-provided social welfare and health insurance, were destroyed in the blaze. The attackers then moved to the home of Mr Josef Zeman, a Romani man living nearby, and attacked his family, breaking windows and doors in the house. During the assault, Mr Zeman and his children were able to unmask one of the assailants. They therefore subsequently stated that they know the identity of their attacker, but being afraid of retaliation, they would be willing to testify only if the police provides them with protection. Mr Malik, Mr Stefan Sarkozi, Ms Sarkoziova, Mr Roman Sarkozi, and Mr Josef Zeman were severely beaten during the assault. According to the victims, the perpetrators shouted racial slurs such as, “You black dirty Gypsy, you will be slaughtered today” and “Gypsy black prostitutes” during both the September and December attacks. On October 3, 2003, the LHRA reportedly filed a complaint with the Malacky police regarding the September attack and, at the beginning of January 2004, the LHRA filed a complaint regarding the December attack. After having called the victims to give testimony, the investigating officer, Captain Jan Paucik, and the head on-duty police officer, reportedly refused to allow the Romani victims to enter the police station, alleging that they carried infectious diseases, as one of the children had Hepatitis. On January 21, 2003, the LHRA complained to Mr Jaroslav Spisak, vice-president of Slovak police, about the failure of Slovak police to properly investigate the attacks and requested that Mr Spisak ensure thorough investigation into the attacks. A preliminary investigation by police set to begin on January 23, 2004 reportedly did not take place, allegedly at the instruction of Mr Simković, the mayor of Zahorska Ves.

According to documentation provided by the LHRA, on July 3, 2004, security guards again assaulted Roma in the village of Zahorska Ves, striking them with baseball bats. Mr Stefan Sarkozi was, according to his testimony, knocked unconscious during the attack and his left wrist was broken. The LHRA has filed criminal complaints on behalf of the victims of the attacks of September 2003, December 2003 and July 2004. The ERRC has sent a letter of appeal to Slovak authorities in connection with the first two events. To date, however, no one has been brought to justice in connection with the attacks.

- On September 17, 2002, according to media reports and ERRC field research, seven young ethnic Slovaks carrying baseball bats and knives brutally attacked Ms S.P., a 24-year-old Romani woman, Mr L.D., a 32-year-old Romani man and Mr M.L., a 26-year-old Romani man in Poprad in eastern Slovakia. The three Roma were returning home from a shopping mall when they realised that they were being followed by eight to ten young men carrying baseball bats. The three ran, but Ms S.P. tripped and fell. When the attackers reached her, they reportedly began hitting her repeatedly with baseball bats all over her body and stabbing her. Ms S.P. was hospitalised in Poprad where she received treatment for skull fractures, brain haemorrhage, other head injuries, as well as two stab wounds to the abdomen. The two Romani men accompanying her reportedly suffered light injuries. On September 18, 2002, Mr Siroky, the Director of the Criminal Section of the Poprad Police, was quoted in the Slovak press as having stated that interrogations failed to confirm a racial motive in the case, and that the investigation in the case was ongoing, but that the seven suspects had not been remanded into custody.¹⁰

¹⁰ For further details of the case, please see: http://errc.org/rr_nr3-4_2002/snap49.shtml.

- On February 28, 2002, an argument reportedly arose when Mrs Irena Suchanovska, the owner of the bar “Pegas” in Ganovce-Filice, Eastern Slovakia, refused to serve an alcoholic drink to Mr Martin Koky, a Romani man. During the dispute, Mrs Suchanovska telephoned her son, Peter Suchanovsky, allegedly a member of an extremist “skinhead” group in the nearby city of Poprad. Later in the evening on the same day, a group of approximately 16 young men armed with baseball bats and iron bars surrounded the Romani settlement where Mr Martin Koky’s family lived. The attackers shouted racist epithets, such as, “Gypsies, come out, we’ll kill you today.” The attackers destroyed furniture in the homes and beat seven Romani residents with baseball bats. Upon departing, the attackers beat with baseball bats two young Romani men who were on their way home. One of the victims called the police during the attack, but officers did not arrive on the scene until an hour after the attackers had left. Police opened investigation into the case, but in April 2002, suspended the investigation. ERRC partner organisation the League of Human Rights Activist (LHRA) appealed the decision, and on May 3, 2002, the investigation was reopened. However, according to the LHRA, on June 26, 2002, the Police Bureau of Investigation again suspended the investigation in the case, as they were reportedly unable to identify the perpetrators. On September 18, 2002, the LHRA filed a complaint against this with the Slovak Constitutional Court. The Constitutional Court subsequently rejected the appeal. The ERRC and LHRA have filed a complaint in the case to the European Court of Human Rights, where the case is now pending.

In a number of cases, despite extremely compelling evidence of racial motivation, Slovak officials have been reluctant to qualify crimes as racially motivated, the existence of criminal code provisions available for this purpose notwithstanding. For example, on August 19, 2000, according to eyewitness testimony, as well as testimony by persons later accused in connection with the crime, four skinheads broke into a house known locally to be inhabited by Roma and began beating the inhabitants – who included Ms Balazova and four children – with baseball bats. Ms Balazova died two days later in the hospital, as a result of brain injuries incurred during the assault. During the attack, one of the perpetrators reportedly shouted, “keep quiet you black pigs, or I will kill you all.”

On March 30, 2001, a jury of the Military Court of the Banska Bystrica District found Mr Peter Bandur, who was a member of the Slovak military at the time of the killing, guilty of crimes including racially motivated bodily harm (Article 222 of the Slovak Criminal Code) and violation of the freedom of the home (Article 238 of the Slovak Criminal Code) and sentenced him to a total of seven years incarceration. However, the court ordered that Mr Bandur serve three-and-a-half of the seven years in a reformatory, while he would be on probation for the remaining three-and-one-half years. The other three defendants were tried by a first instance district court in Zilina on August 30, 2001, and were given lenient sentences ranging from two-and-a-half to five years of effective imprisonment: Twenty-two-year-old Mr Pavel Hrecka was sentenced to a five-year jail term for bodily harm. The court ordered that he serve an effective sentence of only two-and-a-half years, with the rest of the sentence served as probation. Twenty-six-year-old Mr Pavol Kozak was sentenced to a five-year jail term for violation of the freedom of the home. As Mr Kozak had a prior criminal record, the court ordered that he serve the full sentence. Twenty-two-year-old Mr Marian Skalican was sentenced to a three-year jail term, for violation of the freedom of the home, and was ordered to serve the full sentence.

The court did not recognise racial motivation in the actions of any of the men, though the Slovak Criminal Code makes explicit provision for racially-motivated bodily harm, and the prosecutor had specifically recommended applying a relevant Criminal Code article. In a written opinion in

the case, the presiding judge stated that, with respect to the actions of Mr Hrecka, although he had been proven to be a “sympathiser of the movement Skinheads,” and had confessed in court to animosity toward Roma, the court could not find that when he broke into Ms Balazova’s house and beat her to death he had acted out of racial hatred because, inter alia, “[...] the fact of being a sympathiser of the movement Skinheads, and the fact that he does not like Roma, cannot be regarded as an expression of racial animosity [...]” and “[i]t was not shown that prior to the event, the accused had sought out a situation in which he could purposefully harm the home, property or life of members of the Romani ethnic group.”

A district prosecutor in Zilina subsequently filed an appeal to the Regional Court of Zilina. On November 20, 2001, the appeals court ruled that the accused persons had committed the crime of racially motivated bodily harm: Mr Kozak was found guilty of crimes including racially motivated bodily harm under Slovak Criminal Code Article 222(1 and 2b); Mr Skalican was found guilty of crimes including racially motivated bodily harm under Slovak Criminal Code Article 221(1 and 2b); Mr Hrecka was found guilty of racially motivated bodily harm under Slovak Criminal Code Article 221(2). However, the appeals court failed to alter to any great degree the sentences handed down by the first instance court. The appeals court issued the following sentences: Mr Hrecka was ordered to serve four years; Mr Kozak was ordered to serve five years; and Mr Skalican was ordered to serve three years imprisonment respectively.

The ERRC has repeatedly urged that Slovak police and judicial authorities make public clear guidelines on determining racial animus in cases, due to the repeated instance of questionable practice in this area. However, to date, Slovak officials have not made public guidelines as to how crimes are investigated to determine racial animus, and some Slovak officials have made statements to the ERRC indicating that standards applied may be overly rigid. For example, one police official told an ERRC researcher in April 2003 that police apply provisions of the criminal code on racially motivated crime in cases of violent attack only if perpetrators are overheard shouting racial epithets or if there are "explicit signs" that the perpetrator is a racist skinhead.¹¹ Also, there have been cases in the past in which Slovak courts ruled that attacks by skinheads on Roma were not racially motivated, because Roma and ethnic Slovaks belong to the same "Indo-European race".

International treaty-monitoring bodies and non-governmental organisations have repeatedly expressed concern at the impunity perpetrators frequently enjoy in cases of violence against Roma in Slovakia. For example, the United Nations Committee on the Rights of the Child, stated in its 2000 Concluding Observations on the Slovak Republic that “the Committee is concerned at the persistence of acts of violence by groups, particularly skinheads, directed toward Roma and their children and other ethnic minorities, and at continuous allegations that the police and prosecutors have failed to investigate acts of racially motivated violence promptly and effectively, and have been reluctant to identify a racial motive behind such attacks.”¹² More recently, in its 2003 Concluding Observations on Slovakia, the United Nations Human Rights Committee stated that it was concerned "about reports that Roma are often victims of racist attacks, without receiving adequate protection from law enforcement officers."¹³ The Council of

¹¹ ERRC interview with Major Pavol Paracka, April 10, 2003, Poprad.

¹² United Nations Committee on the Rights of the Child, *Concluding Observations on Slovakia*, CRC/C/15/Add.140, 23 October 2000, para. 25.

¹³ United Nations Human Rights Committee, *2003 Concluding Observations on Slovakia*, 22 August 2003, CCPR/CO/78/SVK, para. 17.

Europe's European Commission against Racism and Intolerance (ECRI) noted that "racially motivated violence, including serious acts of police brutality" continues due to an "insufficient application of the law."¹⁴

Coercive Sterilisation of Romani Women

The year 2003 was noteworthy for extensive discussions, both domestically and internationally, of allegations that Romani women have in recent years been coercively sterilized by medical professionals in Slovakia, as well as allegations that Roma have been subjected to a range of other abuses in the Slovak health care system, including racial segregation and verbal abuse. Members of the European Parliament on at least two occasions addressed questions related to the issue of coercive sterilizations of Romani women to EU Commissioner for Enlargement Günther Verheugen, and Slovak officials opened investigations into the allegations.

The ERRC undertook extensive field research into the issue in late 2002. For most of the approximately 200 women whom the ERRC interviewed during the course of field research into the issue of coercive sterilisations of Romani women, some form of consent to sterilisation was registered. However, in a number of cases the authenticity of consent was extremely questionable. In some cases, the women did not actually consent to the sterilisation procedure at all: in some situations, doctors and/or nurses in state hospitals in Slovakia had women sign a consent form without explaining to them what they were signing and/or the consequences of their signature; in other situations, doctors and/or nurses allegedly obtained the women's signature after the sterilisation procedure had already been completed and the question of consent was moot. In other cases, doctors and/or nurses obtained the women's consent in circumstances in which the patients lacked the capacity to give their full and conformed consent under international standards.¹⁵ For example, in some cases documented by the ERRC, doctors and/or hospital staff pressured women to agree to sterilisations by incorrectly informing them that multiple pregnancies would be fatal to them. Doctors and/or hospital staff also often failed to provide comprehensive information to patients, presented illiterate women with documents about sterilisation without any explanation, and/or provided women with documents in a language they could not read. Doctors frequently neglected to explain either the procedure or the consequences of sterilisation, resulting in some women consenting to the operation under mistaken assumptions (e.g., that it was reversible; that it was temporary; that the procedure was related to the woman's current, not future, childbearing). The following summaries of cases documented by the ERRC during field missions to central and eastern Slovakia in the fall and winter of 2002, are illustrative:

- Ms P., a 27-year-old woman in Zehra, had her second child in 1998 by Caesarean operation. She is illiterate and did not sign any documents. After the operation, the

¹⁴ Council of Europe, European Commission against Racism and Intolerance (ECRI), *Third Report on Slovakia*, CRI 2004(4), 27 June 2003, executive summary.

¹⁵ See, for instance, Council of Europe Convention for the Protection of Human Rights and Dignity of the Human Being with Regard to the Application of Biology and Medicine, 4 April 1997, E.T.S. 164 (ratified by Slovakia on 15 January 1998), Article 5; Charter of Fundamental Rights of the European Union, 7 December 2000, 2000/C 364/01, Article 3.2; Regional Office for Europe, World Health Organisation (WHO), *A Declaration of the Promotion of Patients' Rights in Europe*, European Consultation on the Rights of Patients, 28-30 March 1994, WHO Doc. EUR/ICP/HLE 121 (1994), Articles 3.1-3.2.

doctors reportedly told her that she had been sterilised. Ms P. testified to the ERRC that the doctors had not asked for her consent at any point during her hospital stay.¹⁶

- Ms O., a 35-year-old Romani woman in Hodejov, had her fifth child on 12 September 2002 by Caesarean operation. According to her testimony, prior to the operation, she was given a Slovak-language form to sign. No one explained the contents of the form to her, even though Ms O. could not read Slovak. She signed the paper on the belief that it was related to the Caesarean operation. After the operation was concluded, the doctor reportedly informed her that she would not be able to have any more children. Ms O. did not want sterilisation and never requested it.¹⁷

In August 2003, the UN Human Rights Committee urged the Slovak government to investigate all alleged cases of coerced or forced sterilisation and to provide effective remedies to victims. The August 2003 Concluding Observations of the UN Human Rights Committee concerning Slovakia's compliance with the ICCPR state, inter alia:

"Despite the oral and written answers provided by the delegation, the Committee remains concerned at reports of forced or coerced sterilization of Roma women. In particular, the Committee regrets that in its written answers submitted after the oral consideration of the report, the State party does not clearly deny or admit breaches of the principle of full and informed consent but asserts that an investigation related to maternity wards and gynecology departments of 12 hospitals did not result in findings of infringements of "medical indication" of sterilization. The reference made, in the same submission, to "the fact that not all administrative acts were fulfilled in every case" appears to amount to an implicit admission of breaches of the requirement of informed consent (art. 7, 26).

"The State party should adopt all necessary measures to investigate all alleged cases of coerced or forced sterilization, publicize the findings, provide effective remedies to victims and prevent any instances of sterilization without full and informed consent."¹⁸

On October 17, 2003, the Council of Europe's Commissioner for Human Rights published a "Recommendation of the Commissioner for Human Rights Concerning Certain Aspects of Law and Practice Relating to Sterilization of Women in The Slovak Republic". In his Recommendations, the Commissioner concluded that: "[...] on the basis of the information contained in the reports referred to above, and that obtained during the visit, it can reasonably be assumed that sterilizations have taken place, particularly in eastern Slovakia, without informed consent." The Commissioner also found that:

The issue of sterilizations does not appear to concern exclusively one ethnic group of the Slovak population, nor does the question of their improper performance. It is likely that vulnerable individuals from various ethnic origins have, at some stage, been exposed to the risk of sterilization without proper consent. However, for a number of factors, which

¹⁶ Case summary based on *ERRC* interviews, September 30-October 5, 2002, Zehra.

¹⁷ Case summary based on *ERRC* interview, November 30-December 9, 2002, Hodejov.

¹⁸ United Nations Human Rights Committee, *2003 Concluding Observations on Slovakia*, 22 August 2003, CCPR/CO/78/SVK, para. 12.

are developed throughout this report, the Commissioner is convinced that the Roma population of eastern Slovakia has been at particular risk.

[...]

The Commissioner is concerned about what appears to be a widespread negative attitude towards the relatively high birth rate among the Roma as compared with other parts of the population. These concerns are often explained with worries of an increased proportion of the population living on social benefits. Such statements, particularly when pronounced by persons of authority, have the potential of further encouraging negative perceptions of the Roma among the non-Roma population. It cannot be excluded that these types of statements may have encouraged improper sterilization practices of Roma women.

On the basis of a lengthy report, the Commissioner recommended the following:

[...]

In the light of the specific circumstances set out in this report, the Commissioner recommends that the Government of the Slovak Republic accept clearly its objective responsibility for failing to ensure that no sterilisations were performed without free and informed consent, as required by international human rights instruments. The Government of the Slovak Republic ought, consequently, undertake to offer a speedy, fair, efficient and just redress.

To establish the modalities and criteria for the remedies to be offered to the victims, consideration should be given to the creation of an independent commission. The redress should include compensation and an apology.

It should be up to each woman to decide whether she wishes to introduce, continue or, to the contrary, give up the individual claim she may have before the courts, in the light of any alternative resolution mechanism proposed by the Government.

Subsequently, on October 29, 2003, the Slovak government issued a "Statement by the Government of the Slovak Republic to the Report on the Developments in Allegations of Forced Sterilisations of Roma Women in the Slovak Republic and on Steps and Measures Adopted". This states, *inter alia*: "[...] a thorough investigation of some sterilisations of women, indeed, confirmed procedural shortcomings." The statement was issued appended to the "Resolution Of The Government Of The Slovak Republic No.1018 of 29 October 2003 Concerning The Report on Developments in Allegations of Forced Sterilizations of Roma Women in the Slovak Republic and on Steps And Measures Adopted", which includes instructions to the Slovak Minister of the Interior, Minister of Health, Minister of Foreign Affairs, and the Plenipotentiary of the Government of the Slovak Republic for Roma Communities.

Effective as of April 1, 2004, the Slovak government has amended domestic law provisions on requirements in the area of sterilisations, incorporating international standards on informed consent into its rules in this area. Notably, the government has not, however, indicated that it is prepared to offer redress to victims of coercive sterilisations.

Indeed, there are a number of lawsuits on behalf of Romani women who allege that they have been coercively sterilised currently open before Slovak and international courts, brought by the European Roma Rights Center, as well as by other organisations. A number of these lawsuits

have had to address issues giving rise to serious concerns about the state of the rule of law in Slovakia. For example, courts have had to rule repeatedly on the refusal by hospitals to provide and/or allow access to medical files to authorised representatives of alleged victims of coercive sterilisations. In one case filed with ERRC assistance, the court applied an overly stringent evidentiary standard that effectively blocked the plaintiff's access to redress.¹⁹ In other instances, police have reportedly conducted interviews with alleged victims of coercive sterilisations while simultaneously threatening to prosecute their partners for statutory rape. The European Commission against Racism and Intolerance (ECRI) has also expressed concern over "[...] the way in which investigations have been carried out so far," and that "[...] attitudes displayed by some police officers in questioning alleged victims have been extremely unhelpful and unlikely to encourage other women to come forward."²⁰

The ERRC notes that the vague passages included in the Slovak government's report to the CERD appear to be an effort to address (or at least deflect criticism of) these issues. However, insofar as the Slovak government has provided six paragraphs related to the reproductive health of Romani women, but none addressing the issue of a lack of informed consent in the context of the undertaking of a medical procedure with in many cases irreversible consequences, it is not at all clear whether the Slovak government yet grasps the justice issues involved.

Medical Care, Social Security and Social Services

Despite Constitutional guarantees,²¹ Roma in Slovakia are in practise subject to discrimination in access to health care. Health care providers often discriminate against Roma on racist grounds, and even segregate Roma from the rest of the patient population in health care facilities. Additionally, the health of Roma in Slovakia is overall poorer than that of the rest of the population, in large part because many Roma live in conditions of poor environmental hygiene and in isolated settlements without readily available access to health care assistance.

When confronted with credible reports of discrimination against Roma in the field of health care, the Slovak Government responded to the Advisory Committee on the Framework for the Protection of National Minorities that no such problems existed in Slovakia, and justified its position by saying that the Ministry of Health Care has not registered any cases or received any formal complaints from Romani victims of discrimination.²² The following cases illustrate the failure of the Slovak government to live up to its obligations under Article 5 of the Convention.

- In January 2001, the non-governmental organisation Romani Legal Defence Agency reported that after a violent police raid carried out in the village of Hermanovce, a young

¹⁹ Case summary based on *ERRC* casework. See also *Slovak Spectator*, Vol 9, No. 12, 31 March – 6 April, 2003, available at: <http://www.slovakspectator.sk/clanok.asp?cl=12304>.

²⁰ ECRI Third Report on Slovakia, para. 97.

²¹ Article 40 of the Constitution of the Slovak Republic guarantees everyone "a right to the protection of his health" and access to free health care and medical supplies under conditions stipulated by law.

²² *Comments of the Government of Slovakia on the Opinion of the Advisory Committee on the Implementation of the Framework for the Protection of National Minorities*, 15 June 2002, GVT/COM/INF/OP/I(2001)001, para. 3.

- Roma man was refused treatment for his injuries, was refused psychological counselling, and was sent away without a medical certificate by local doctors.
- In state hospitals in Kosice, Spisska Nova Ves, Stara L'ubovna, Trebisov, Kezmarok, Rimavska Sobota, and Luncenec, Romani patients are often placed in Roma-only rooms, sometimes use separate shower and toilette facilities and are barred from common spaces with the rest of the patients.²³ A Romani woman in Spisska Nova Ves reported that doctors “did not attend to Romani women as they attended to the white women...Nobody asked us if we had any pain or if we needed something, as they did with the white women.”
 - Romani patients are often subject to verbal and physical abuse by health care providers. For example:
 - According to ERRC partner organisation the League of Human Rights Activists, after an outbreak of Hepatitis A in a Romani community in Dunavska Cesta in southern Slovakia in June 2004, occurring after officials cut off the water supply and electricity to the community, health workers in a clinic in the town of Lucenec reportedly put sticking plaster over the mouths of Romani children aged 4-7, and beat them with wet towels for being unruly in the waiting room; the nurses also reportedly used abusive racist language while beating the children;
 - A Romani woman in the village of Sutor reported to ERRC that the doctors in her hospital were rude to Romani women, calling them vulgar names and racial epithets, and that she had witnessed nurses beating other Romani women.²⁴
 - In Zemplinska Teplica, villagers testified to the ERRC that local medical professionals were reluctant to go into the village for Romani patients and would only enter the Romani settlement in very urgent cases.²⁵ A young man in a segregated settlement in Stará L'ubovna stated that “in the winter we have to carry our pregnant women who are about to give birth about a kilometre” to the clinic, since ambulances refuse to come to the settlement.

In some cases, refusal of emergency medical services by health care professionals has had very serious consequences. According to documentation from the District Court in Malacky, in the late morning of October 4, 2003, the infant child of Jozefina Huberova and Martin Zeman of the village of Plavecky Stvrtok died after emergency health services arrived more than one hour after being called, notwithstanding the fact that the distance between the health station and the Romani settlement in Plavecky Stvrtok is approximately seven kilometres of clear and open road. Ambulance services were reportedly only dispatched after police in the town of Stupavy had been called. A civil case for damages in the case is currently pending. Roma in the settlement of Plavecky Stvrtok report that emergency health services regularly decline to come to the Romani settlement or only arrive after long delays.

²³ ERRC field research, November and December 2002.

²⁴ Based on ERRC interview, November 30-December 9, 2002, Sutor.

²⁵ Based on ERRC interviews, December 3, 2002, Zemplinska Teplica.

In addition to discrimination in the access to healthcare, issues related to law and practice with respect to Roma call into question the Slovak government's compliance with the Article 5(e) provision of the Convention, banning discrimination in access to social services.

Some provisions of Slovak social support laws may be indirectly discriminatory. First of all, as noted above, many Roma have been particularly affected by recent changes to Slovak social welfare law, due inter alia to provisions cutting support for families with more than four children, as well as due to provisions linking parts of social benefit payments to evidence of legally registered housing. Judging by the comments of influential Slovak politicians as well as debates in the media prior to the adoption of the amendments, these provisions were apparently specifically adopted to reduce the number of Roma on social welfare. For example, according to Radio Free Europe/Radio Liberty of November 20, 2002, Mr Robert Fico, whose "Smer" party was the author of the reforms, was quoted as stating, "The Roma found out that it was profitable to have children due to family allowances. We cannot turn a blind eye to this. I would pay allowances only for up to three children. If we let it be as it is now, I can guarantee that in 10 years we will have 1 million Roma here." Further issues related to access to social housing are described below under "housing".

Recent reports concerning access to social welfare programmes have also found that Romani returnees who have unsuccessfully sought asylum in western European countries are specifically singled out and discriminated against by government officials and social workers. The International Organisation for Migration (IOM) has reported that social workers from Kezmarok systematically denied Romani families returning from Finland access to benefits.²⁶ Based on where the Romani families had sought asylum and the length of time spent there, social workers calculated the amount of benefits to which the Roma had been entitled to while on Finnish territory, sometimes telling returnees that it was useless to apply because they were not suffering from "material hardships". For instance, Mr Michal Lacko, a Romani man from Pavlovce nad Uhom who returned to the Slovak Republic after having his asylum request rejected, alleged that the local assistance office "calculated" that, after his trip to Finland, he must have had at least 100,000 Slovak crowns and therefore he was not considered under Slovak law to be facing "material hardship".²⁷

Education

The Slovak government's current report to the Committee includes ten discrete points related to the education of Roma in Slovakia. However, the information presented there does not, in our view, do justice to the extremity of the situation of Roma in the Slovak education system.

In the first place, official public data provides at least a basis for beginning to assess the number of Romani children in special or other substandard education. For example, the Slovak government's Department of Information and Prognosis on Schooling (*Ustav informacii a prognóz skoltstva*) publishes detailed data -- including data by ethnicity -- on schooling yearly. These statistics are based on the self-identification of the family of the pupil. Due to the stigma

²⁶ Zoon, Ina, *One the Margins: Roma and Public Services in Slovakia, A Call to Action to Improve Romani Access to Social Protection, Health Care, and Housing*, edited by Mark Norman Templeton, New York: Open Society Institute, 2001, p. 40.

²⁷ Zoon, p. 40.

associated with the Romani ethnicity, this data does not accurately reflect the real number of Romani children placed in segregated schooling arrangements on racist grounds because many Roma in Slovakia do not state their ethnic identity for official purposes. Nevertheless, even this data, flawed as it is, produces one assessment of the state of educational arrangements for Roma in Slovakia: according to 2001 official data, 38 percent of all Romani students attended special remedial schools or classes for the mentally disabled during the 2001/2002 school year. The respective percentage of children from the Slovak majority was 2.5 percent, and for children of the Hungarian minority it was 2.9 percent.²⁸

Due to the dearth of accurate data concerning the situation of Roma in the Slovak school system, the ERRC conducted intensive field research in a number of school districts in Slovakia in Autumn 2002, aimed at producing a more accurate description of the educational situation of Romani children in Slovak schools. This research revealed that during the 2002/2003 school year, in many Slovak schools for the mentally disabled, more than half of the students were Romani, and in some schools for the mentally disabled, *every single pupil was Romani*. ERRC field research in three Slovak districts established the following:

In the Spisska Nova Ves district, there were seven special primary schools for the mentally disabled during the 2002/2003 school year. The ERRC was able to procure data related to the ethnicity of pupils at six of these seven schools.²⁹ Out of a total of 985 pupils attending the seven special primary schools for the mentally disabled in Spisska Nova Ves district during the 2002/2003 school year, at least 813 -- or around 82.5 percent -- of all students were Romani during the 2002/2003 school year. From the six special schools in the Spisska Nova Ves district where ethnicity was known, 813 out of 822 pupils were Romani. That is, close to 99 percent of all pupils were Romani:

Ethnicity of Pupils at Special Primary Schools, Spisska Nova Ves District, 2002/2003 School Year

School	Total students	Romani students
Special primary school Letanovce	153	153
Special primary school Hrabusice	84	84
Special primary school Krompachy	154	152
Special primary school Markusovce	120	120
Special primary school Rudnany	199	198
Special boarding school Spisske Vlasy	112	106
Special primary school	163	not available

²⁸ Based on data included in Statistický úrad Slovenskej republiky at: <http://www.statistics.sk/webdata/slov/scitanie/tab/tab3a.htm>, as well as in Ustav informacii a prognóz skolstva, *Separat statistickej rocenky skolstva SR 2001*, Bratislava 2001.

²⁹ The director of the special primary school in Spisska Nova Ves declined to provide data on the ethnic background of pupils at the school to the ERRC.

Spisska Nova Ves		
------------------	--	--

In the Presov district, there were 5 special primary schools for the mentally disabled during 2002/2003. Out of 694 pupils attending special primary schools for the mentally disabled in Presov district, at least 494 or 71 percent of all students were Romani in the 2002/2003 school year. Again, data by ethnicity was not available from one of the schools (special boarding school Presov). If special boarding school Presov is discounted from the total, then out of a total of 591 pupils attending schools for the mentally disabled in the Presov school district, 494 – or around 84 percent -- were Romani during 2002/2003.

Ethnicity of Pupils at Special Primary Schools, Presov District, 2002/2003 School Year

Name of school	Total students	Romani students
Special primary school Presov	200	104
Special primary school Chminianske Jakubovany	290	290
Special primary school Rokycany	24	23
Special primary school Maly Slivnik	77	77
Special boarding school Presov	103	not available

In the Bardejov District, there were two special primary schools for the mentally disabled, and special classes for the mentally disabled were also provided in two other schools. Out of 253 pupils attending special primary schools or classes for the mentally disabled in the Bardejov district, 205 or around 81 percent of all students were Romani during 2002/2003.

Ethnicity of Pupils in Special Education, Presov District, 2002/2003 School Year

Name of school	Total students	Romani students
Special primary school in Bardejov	129	82
Special classes in Raslavice	31	31
Special classes in Malcov	26	26
Special primary school in Zborov	67	66

ERRC field research in the village of Telgart, Brezno County, in September 2003, revealed that 79 of the total 80 pupils attending the local special school for the mentally disabled were Romani.

Even where Romani pupils attend normal primary schools, there is widespread evidence of racial segregation. Here again, accurate data on the ethnic composition of all normal state-run primary schools is not available. During ERRC field research in Autumn 2002, the ERRC visited normal primary schools in the districts of Bardejov, Spisska Nova Ves and Presov. During field research the ERRC visited schools known locally to be “Gypsy schools” – *i.e.*, schools viewed by non-Romani locals as poor-quality schools because of the predominance of Romani children. The ERRC also visited schools located in close proximity to prominent, large Romani settlements. In no school district was it possible to produce even close to a comprehensive overview of the ethnic composition of normal, state-run, primary schooling. Nevertheless, the ethnic composition of a number of the normal primary schools visited by the ERRC in three school districts gives rise to

the concern that powerful segregating forces also currently infect the normal primary school system.

In the Bardejov District, the ERRC visited 10 normal primary schools and established that Romani children represented 100 percent of the student body in two schools and in a further five schools the percentage of Roma was higher than 50 percent.³⁰ Detailed data on the ethnic composition of individual schools follows:

Percentages of Romani Children at Schools Located in Close Proximity to Large Romani Settlements or Otherwise Regarded Locally as "Gypsy Schools", Bardejov District, 2002/2003 School Year

Bardejov district primary schools	Total	Roma	Percentage of Roma in total student body
Primary school Zborov	377	200	53%
Primary school Bardejov	847	144	17%
Primary school Raslavice	525	25	5%
Primary school Gaboltov	279	147	53%
Primary school Malcov	429	127	30%
Primary school Cígeka	33	33	100%
Primary school Lenartov	61	43	70%
Primary school Petrova	76	76	100%
Primary school Hrabske	50	31	62%
Primary school Nizny Tvarozec	45	26	58%

In Spisska Nova Ves, the ERRC visited 10 normal primary schools.³¹ In four of them Roma were more than 50 percent of the student body, and three of these schools were 100 percent, 99 percent and 93 percent Romani respectively. With the exception of two schools, percentages of Roma were alarmingly high in comparison with the percentages of Roma in the general population locally:

Percentages of Romani Children at Schools Located in Close Proximity to Large Romani Settlements or Otherwise Regarded Locally as "Gypsy Schools", Spisska Nova Ves District, 2002/2003 School Year

Spíšská Nová Ves district primary schools	Total	Roma	Percentage of Roma in total student body
Primary school Letanovce	285	92	32%
Primary school Markusovce	430	255	60%
Primary school Spissky Hrusov	234	37	16%
Primary school Rudnany	395	158	40%
Primary school Smizany	907	344	38%
Primary school Bystrany	530	494	93%
Primary school Spisske Vlasy	182	182	100%
Primary school Kropachy, SNP street	149	148	99%
Primary school Hrabusice	402	192	47%
Primary school Spisska Nova Ves, Lipova st.	574	80	13%

³⁰ There were a total of 63 state-run normal primary schools in the Bardejov school district in 2001/2002. Totals for 2002/2003 were not yet available as of the date of this submission.

³¹ There were a total of 33 state-run normal primary schools in the Spisska Nova Ves school district in 2001/2002.

In the Presov district, the ERRC visited 10 normal primary schools.³² In three of them, Roma constituted 100 percent of the student body. In one school, Roma were 64 percent of the student body. In the remaining 6 schools, Roma were between 18-41 percent of the student body:

Percentages of Romani Children at Schools Located in Close Proximity to Large Romani Settlements or Otherwise Regarded Locally as "Gypsy Schools", Presov District, 2002/2003 School Year

Presov district primary schools	Total	Roma	Percentage of Roma in total student body
Primary school Zehna	68	68	100%
Primary school Hermanovce	238	90	38%
Primary school Mirkovce	93	93	100%
Primary school Varhanovce	60	60	100%
Primary school Svinia	333	213	64%
Primary school Drienov	228	42	18%
Primary school Petrovany	250	58	23%
Primary school Kendice	225	93	41%
Primary school Lemesany	345	79	23%
Primary school Chminianska Nova Ves	445	95	21%

In practice, such schools are regarded by locals, by school officials and by Roma themselves as inferior to schools where non-Roma predominate. In addition, there are serious concerns that generations of Romani and non-Romani children in Slovakia are growing up in isolation from each other, perpetuating the high levels of ethnic animosity in Slovakia.

Policy measures as currently existing in Slovakia are inadequate to address this very alarming situation. The ERRC knows of no government programme -- and indeed no single Slovak school -- where comprehensive measures are being undertaken to move Romani children from segregated educational environments to mainstream education and to provide children, parents, teachers and administrators with the support needed to implement desegregation successfully. Indeed, the Slovak government's current report to the CERD includes passages indicating that the government continues to regard schools for the mentally disabled as relevant institutions for the education of Romani children:

"78. In reply to the Committee's recommendation 11, we wish to state the following. The Ministry of Education has adopted, with effect from 1 September 1999, the project entitled "Accelerating the success of Roman pupils". Ten pilot primary schools for mentally handicapped pupils have been integrated in the project, together with seven experimental classes in five primary schools with a large percentage of Roma pupils."

Additionally, it will be noted that the government itself has not managed to provide statistical data on the racial segregation of Romani children. It is unclear how, without monitoring of this issue, the Slovak government will be able to report on future progress made in the area of combating racial segregation in education.

³² There were a total of 75 state-run normal primary schools in the Presov school district in 2001/2002.

The Slovak report to the CERD also makes no mention of anti-Romani antipathy as a primary driver of the segregation of Roma in the Slovak education system. Indeed, experts point to the opposition of non-Romani parents to schooling with Roma as among the main reasons for current failure of efforts at integrating Roma in mainstream education. For example, one special education expert from the State Pedagogical Institute told the ERRC:

"There are three main problems with integration and the solution to only one of them without progress within the field of others cannot bring about change. The first one: inappropriate referral to special schools; the second one: inappropriate curricula of the standard schools and environment in basic schools; and the last one: hostile attitudes on the part of the majority."³³

Elsewhere, the Slovak government has acknowledged the segregation of Romani children and indeed indicated that segregation may soon become worse. The Slovak government's Joint Inclusion Memorandum, a document adopted under a European Union policy framework and signed with the European Commission on December 18, 2003, states:

"Under the draft bill on the financing of schools, the education budget will depend on the number of pupils. It may be assumed that special-needs schools will under these circumstances have an interest in keeping their Roma pupils, which would worsen their segregation into separate schools and classes. Therefore, integration of the Roma children into mainstream education has to remain high on the agenda if the problem of segregation of Roma children is to be solved."

This approach is a dramatic improvement over other recent government pronouncements, such as that of the Slovak government delegation before the United Nations Human Rights Committee in July 2003, where the Slovak delegation denied vehemently that it was possible to speak of racial segregation in Slovak schooling. However, the Slovak government's current report to the CERD makes no mention of the problem of racial segregation in schooling.

In its Concluding Observations concerning Slovakia's compliance with the International Covenant on Civil and Political Rights, the UN Human Rights Committee stated:

"The Committee notes the introduction of programmes such as pre-school grades at elementary schools, the inclusion of Romani language education, and positions of teacher's assistants for Roma pupils. However, the Committee is concerned about the grossly disproportionate number of Roma children assigned to special schools designed for mentally disabled children, which causes a discriminatory effect, in contravention of article 26 of the Covenant.

"The State party should take immediate and decisive steps to eradicate the segregation of Roma children in its educational system by ensuring that any differentiation within education is aimed at securing attendance in non-segregated schools and classes. Where needed, the State party should also provide special training to Roma children to secure, through positive measures, their access to education without segregation."³⁴

³³ ERRC interview with Mrs Margita Levcikova, November 19, 2002, Bratislava.

Housing

The ERRC is currently involved in an extensive housing rights project in Slovakia, carried out in co-operation with domestic partner NGOs (in particular the Milan Simecka Foundation (MSF)), as well as with the Geneva-based Centre on Housing Rights and Evictions (COHRE) and with the support of the Human Rights Project Fund of the United Kingdom's Foreign and Commonwealth Office.³⁵ The project includes extensive documentation on housing rights issues as they relate to Roma in Slovakia. On the basis of preliminary results of this research, as well as other research undertaken by the ERRC in relation to housing issues in Slovakia, the ERRC notes that, at minimum, the following issues need to be addressed by Slovak housing policies as they relate to Roma:

- Informal housing/substandard slum settlements

When housing issues pertaining to Roma are discussed, the housing situation of Roma living in slum settlements ("osady"), predominantly in eastern and central Slovakia, tends to dominate discussion -- if not actually preclude discussion of other housing issues related to Roma -- in part because housing conditions in major slum settlements such as Jarovnice, Svinia and Hermanovce -- to name only a few -- are so extreme. In the famous example, one such settlement -- Patoracka, outside Rudnany -- is located on the grounds of a former mercury mine. Most such slum settlements are characterised by substandard or extremely substandard housing, a prevalence of environmental hazards including toxic waste, rubbish tips, intermingling of waste and drinking water, etc. They generally are partially or completely lacking in formal infrastructure such as paved roads, electricity, heating, sewage removal and the provision of adequate drinking water, and are frequently excluded from other public services, such as bus or postal services. In recent years, the government has not been able to produce consistent data even to the issue of how many substandard slum settlements exist in Slovakia.

- Forced evictions

In 2001, the Slovak government amended the Slovak civil code to weaken the rights of tenants. In the wake of the amendments, a number of Roma in Slovakia have been forcibly evicted from housing, and many non-governmental organisations in Slovakia express fears that numbers of evictions may rise in the coming period, due to the very alarming continued destitution of Roma, combined with eroded legal standards protecting against forced eviction. Several recent forced eviction cases documented by or reported to the ERRC follow:

In September 2003, the ERRC, in partnership with a local lawyer, commenced litigation with the Kosice District Court related to the forced eviction of a number of Romani families in Kosice. The mostly Romani tenants of the two buildings at 17 and 18 Mlynarska Street in Kosice had resided in the buildings since 1986, under contract with various owners. The landlords placed pressure on the tenants to move out through such measures as threats, barring the entrance to the buildings and arbitrarily raising associated fees. In July 2003, private landlords forcibly evicted with dogs approximately forty Romani families and five non-Romani families, in the presence of the ERRC. Many of the evicted Roma moved in with family or acquaintances because alternative

³⁴ United Nations Human Rights Committee, *2003 Concluding Observations on Slovakia*, 22 August 2003, CCPR/CO/78/SVK, para. 18.

³⁵ For more information on the housing situation of Roma in Slovakia, see "Campaign for Roma Housing Rights in Slovakia," available at: <http://www.errc.org/db/00/AD/m000000AD.doc>.

accommodation provided by the landlord in the building known as "Kosmalt" was not fit for human habitation. Police who were called to the scene of the eviction stood by as the mostly Romani inhabitants were barred from their homes. In October 2003, the court ruled that the families be allowed back into their homes pending the outcome of the case. In November 2003, the court's decree became binding. However, meanwhile, the private landlords commenced renovation of the buildings and as of March 2004, the tenants had not been permitted to move back into the buildings.

In another recent case, reported to the ERRC by the non-governmental organisation League of Human Rights Activists (LHRA), officials in the village of Tornal'a, near the town of Rimavska Sobota in southern Slovakia, have, in recent months, been evicting Roma from housing in the village to mobile homes on the outskirts of the village. In some cases, local officials have apparently expelled local Roma to the neighbouring village of Barca, a fact which has caused the mayor of Barca to send a complaint to the mayor of Tornal'a about the matter.³⁶ The Romani evictees are reportedly in rent arrears, but according to the LHRA, non-Romani tenants in the same blocks of flats have also defaulted on rent payments, since unemployment in the area is high. However, non-Roma in the village have reportedly not been evicted from housing.

It is unclear what protections the Slovak government has made available to victims of forced evictions, what measures Slovak officials have undertaken to provide alternative accommodation to victims of forced eviction, or even whether it is monitoring evictions to ensure that they are not implemented in a discriminatory manner.

- Homelessness

ERRC field research has revealed that homelessness -- including so-called "hidden homelessness" in which, as a result of forced evictions, extended families live in overcrowded conditions -- is a problem in a number of Slovak municipalities, including Kosice, Presov and Trnava.

- Overcrowding/severe overcrowding

Overcrowding and severe overcrowding of housing is reported in a number of areas, including Bardejov, Kosice and Spisske Tomasovce.

- Discrimination in the allocation of state-provided housing/other discrimination

Discrimination in the allocation of social and other public housing has been frequently reported in Slovakia. In addition to extreme cases such as the selective allocation to non-Roma of housing outside Lunik IX in Kosice, the ERRC/MSF researchers documented a number of recent instances of alleged discrimination in the provision of public housing. For example, in the village of Bystre, in the district of Vranov nad Toplou, local Roma told ERRC/MSF researchers in September 2003 that local authorities were building new social housing units for the local community, but with the proviso that these flats are not intended for local Roma. In localities such as Presov, according to ERRC/MSF field research, some Romani families have been moved into housing for chronic rent-defaulters, despite having no rental or utilities debts. Also, Roma in some settlements have reportedly been required to perform labour services as part of public building projects; the ERRC knows of no instances in which non-Roma have been compelled to undertake community service work in exchange for public housing.

Finally, some regions or municipalities reportedly have adopted rules on access to social housing aimed at precluding Roma from having access to social housing. For example, the Presov region has reportedly recently adopted the condition that, in order for a family to have access to state

³⁶ A copy of the letter, dated May 7, 2004, is on file at the ERRC.

social housing, at least one member of the family must be employed. The rule in practice renders many thousands of Roma in the Presov region ineligible for social housing, due to extremely high rates of unemployment among Roma in the Presov region.

- Freedom of movement issues/decisions by authorities to refuse to allow Roma to move into certain areas, or vigilante actions by locals to prevent Roma from moving into certain areas (where these actions are not stopped by authorities)

Roma in Slovakia frequently report being blocked by vigilante local action, sometimes carried out with the active or passive complicity of local authorities, when trying to rent or purchase property outside segregated settlements. In the village of Abrahamovce, Presov district, for example, the ERRC/MSF researchers spoke with members of a local Romani family in September 2003 who were planning to build their own family house on land which they had inherited from their parents. During discussions with the local mayor, he told them unofficially that he would do everything within his power to prevent the construction of the house because he did not want the number of Roma in the village to increase. In another case, in Letanovce, a Romani family was prevented from moving into the village, purchasing property and building a house, because all plots in the village are owned by the non-Roma and they refuse outright to sell to Roma. During field research in the town of Letanovce in September 2003, when asked why there were not more Roma living in the village, one non-Romani villager stated: "Let the Gypsies stay in their settlement. We don't want them in the village. It is more than enough that they come into the village to the post office, municipal office and to shops. They create enough mess and smell anyway. Let them be as far as possible from us." Refusal to sell houses or land to Roma has also been reported in Spisske Tomasovce, Svinia, and a number of other localities.

- Obstruction of land use/denial of planning permission

In a number of municipalities -- particularly in rural settlements -- Roma report arbitrary denial or obstruction of planning permission. For example:

- In the village of Torysa, Sabinov district, local Roma reported to ERRC/MSF researchers in September 2003 that they had been trying to establish property rights to the land on which they have dwellings with a view to making claims for more land on which new social housing could be built. In such matters, the local council (comprised entirely of non-Roma) and the mayor had, as of September 2003, not yet acted, citing "the complex and difficult process of simplifying the land register" and insufficient funds as justification.
- In the village of Tuhrina, Presov district, as of September 2003, the local Romani community inhabited an area of land for which the ownership has not yet been clearly established. Despite several reminders to the local authorities by local Roma that the issue needed to be resolved, the local authorities had done nothing.
- Since 1998, one Romani man in the village of Telgart, Brezno district, has repeatedly been refused planning permission to build a house on land which he owns, despite repeated appeals to the local council, both alone and with the assistance of a national-level non-governmental organisation and several government offices.

- Social housing/allocation of social housing

In the course of documentation work under the ERRC/MSF housing rights project, an expert assessment was commissioned from a Slovak lawyer as to matters related *inter alia* to the provision of social housing to Roma in Slovakia. The expert assessment reads, in part:

"The following factors seriously complicate any social housing programs:

- i. Only this year, the Ministry of Building and Regional Development proposed an Act on the State Administration of Spatial Planning, the Building Order and Housing. This has not yet been adopted into law, however. Also, the proposed law as it currently stands does not mention any specific administrative duties related to the socially excluded or very poor groups. Without this, the development of social housing programs will still depend entirely on the will of individual municipal bodies and will not be explicitly their responsibility.
- ii. The issue of social housing has not been a priority in recent years. We can conclude this from the Slovak government's "Principles for Housing Construction Development" from the year 1999, and "Principles of the State Housing Policy up to 2005 with an Outlook to 2010", from the year 2000 (in English at <http://www.build.gov.sk/index.php?sekcia2=Docs/Koncep1a>). The former document does not include any text on social housing. While the latter includes some general texts in this area, listed provisions are very inadequate with respect to real needs. Not one of them mentions specifically the housing situation of Roma.
- iii. The housing situation of Roma is not seen as a part of general housing policy, but rather as a particular Romani problem and therefore there is a tendency to discuss remedial measures in this area within the narrow context of 'Roma policies' and preferably with the financial assistance of the European Union.

[...]

"In practice, decisions on the construction and allocation of social housing are fully within the discretion of local elected officials, which of course means the danger of corruption or racial discrimination. In large towns and cities in particular, it can often happen that Roma apply for social housing and they are not provided with it, or they are provided with such housing only if that particular municipality has some special programme on Roma housing.

"My empirical conclusion would be that Roma are given 'Roma social housing' and this generally radically blocks any integration."³⁷

Finally, during the course of ERRC/MSF research in Slovakia into the housing situation of Roma, there were repeated concerns expressed at the high rents charged for social housing -- rent often as high as that of other housing of considerably higher quality.

The overarching concern permeating housing concerns with respect to Roma in Slovakia is racial segregation. In the most egregious example, since 1995, the city of Kosice -- Slovakia's second city -- has been by policy progressively evicting Roma from the city centre and re-housing them in a housing estate called Lunik IX. At the same time, it has allocated housing in other housing estates to non-Romani residents of Lunik IX, such that they may move away. In November 2003, the last non-Romani individual living in Lunik IX moved out, leaving a pure, extremely substandard, mono-ethnic ghetto. Redressing and reversing the remarkable and on-going damage caused by this policy and swiftly desegregating Lunik IX should be a very high priority of the government in its social inclusion policies. In other areas, there is a pressing need to assess new housing projects to determine whether they are racially segregatory. A number of recent building

³⁷ Expert assessment by Mr Laco Oravec under ERRC/Milan Simecka Foundation/COHRE project on housing rights for Roma in Slovakia.

projects undertaken to provide housing to Roma in Slovakia are set several kilometres from town and village centres and appear to be efforts to move Roma away from urban settlements and settlement infrastructure, as well as away from key public services, including schooling.

In other instances, local councils of villages have consented to development projects for Roma only if they are in isolated or excluded areas. For example, in September 2003, the mayors of the villages of Letanovce, Hrabusice, Arnutovce, Spisske Tomasovce and Spisske Stvrtok agreed to a development project proposed by the government with European Union funding, only if it were located in the isolated community of Strelniky. Other localities to have planned and/or implemented racially segregated housing projects in recent years include Nitra and Presov.

In the village of Svinia, despite an international project of close to a decade long, involving, among others, the Canadian International Development Agency (CIDA) and the US-based NGO Habitat for Humanity, the village remains racially segregated as a result of obstruction by the local council and (very many) members of the non-Romani community. On April 1, 2003, the local council adopted Resolution 34/2003 "approving the termination of activities currently being carried out in the village by the organizations Habitat for Humanity and CIDA".

In another case, on March 20, 2002, the Councillors of the municipality of Dobsina adopted a resolution in which they approved a plan to construct low cost houses for the Roma inhabitants of the town. About 1,800 Roma live in Dobsina in appalling conditions. Most of their houses are thatched huts or houses made of cardboard, with no potable drinking water, toilets or drainage and sewage systems. On hearing about the Councillors' resolution, some of the inhabitants of Dobsina and surrounding villages set up a five-member petition committee, and designed a petition which read "I do not agree with the building of low cost houses for people of Gypsy origin on the territory of Dobsina, as it will lead to an influx of inadaptible citizens of Gypsy origin from the surrounding villages, even from other districts and regions". More than 2,700 inhabitants of Dobsina signed the petition. The Councillors considered the petition and voted, unanimously, against building houses for Roma, cancelling the earlier approved resolution. The ERRC is currently involved in litigation in the case.

While not all settlements are racially segregated, an alarming number are. Many Roma have in recent years been evicted with the intention and/or effect of moving them to segregated environments. Efforts by Roma to seek housing in non-segregated environments are very frequently met by obstructive efforts on the part of locals and even public officials, such as mayors and/or members of local council. In a number of areas, historic segregation has not even been challenged due to a widespread perception among Roma that it would be fruitless to even attempt to move out of segregated housing. Finally, it must unfortunately be noted that a number of governmentally and/or internationally-funded housing projects for Roma have in recent years been implemented in such a way as to exacerbate racial segregation, generally because of local opposition to integrated housing projects involving Roma.

The complex of issues burdening the provision of adequate housing for Roma and ensuring non-discrimination in the provision of housing throws very sharp light on the need for domestic political actors at the national level to secure the political will on the part of local and regional authorities once and for all to tackle the issue of housing for Roma in Slovakia. On June 23, 2004, the ERRC, Milan Simecka Foundation, and Centre on Housing Rights and Evictions sent a ten-page policy document to Mr Laszlo Gyurovszky, Minister of Construction and Regional Development and Mr Ludovit Kanik, Minister of Labour, Social Affairs and Family, outlining policy recommendations and suggestions for legal amendments, aimed at bringing Slovak

domestic law and policy into line with Slovakia's international legal and policy commitments. A copy of that document is available from the offices of the ERRC.

Issues Related to the Provision of/Possession of Residence Permits

A large number of Roma in Slovakia are unable to access a range of basic services crucial to the realisation of fundamental economic and social rights because they lack a residence permit in the place of their factual residence. Although Slovak legal provisions on the establishment of local residence are unclear, in the main, in order to secure legal permanent residence in a given municipality, an individual must produce a valid identity document, as well as papers confirming the individual's right to use the flat or other habitable rooms, or the written approval of the flat's owner or flat's primary tenant to reside in a given flat. Due to the fact that many Roma live in informal settlements wherein the latter condition cannot be met, as well as due to a range of other possible factual profiles, many Roma -- and particularly Romani women -- either do not have a residence permit at all, or have a residence permit in their town of birth. As a result, due in many cases simply to a fact as mundane as no longer living where one was born, large numbers of Roma have no access to basic public services, or only extremely limited access to such services.

A lack of local residence also precludes Roma from exercising fundamental political rights in a municipality, such as the right to vote and the right to stand in local elections. The failure to provide Roma with local residence permits therefore significantly hinders the ability of Roma to have any influence whatsoever on local policies.

Issues surrounding Roma who have emigrated from Slovakia in recent years and then been forcibly returned or have otherwise returned can give rise to circumstances in which individuals are under extreme threat of social exclusion for the following reasons: Slovak law presumes that all persons have a residence permit in some place, and at the year zero of 1989, most if not all did. However, Slovak law requires persons "going to live permanently abroad" to end their permanent residence in Slovakia. In a number of cases, Slovak officials have reportedly removed from local registries Roma who have gone abroad. There is no obligation on any municipality in Slovakia to provide such persons with residence permits. As such, the number of persons (and Roma in particular) without residence permits may be growing. The ERRC is not aware of any government policy to address this issue.

Finally, in some instances, local officials have attempted to strike Roma from the municipal register. For example, on June 28, 2001, the local council of the town of Letanovce adopted Resolution 21/28.6.2001, "terminating the permanent residence of the citizens living in the Gypsy settlement Letanovce from August 1, 2001." Despite the intervention of the Slovak Government's Plenipotentiary for Roma Communities, as well as review by a parliamentary committee, the local council refused to strike down the act. A court subsequently annulled the act by the Letanovce local council, but as of October 2003, approximately 60 Roma in the Letanovce settlement lacked permanent residence there, despite the fact that many of them were born there. Similarly, in the Vilcurna settlement in Spisska Nova Ves, out of a total number of approximately 1000 local Roma, only 727 persons have legal residence in the village.

Discrimination in Access to Public Accommodation

The ERRC has brought cases of discrimination in access to public accommodation to the attention of the CERD in the past, in particular in the case of Miroslav Lacko, a Romani man refused service in a restaurant in Kosice, a case brought before the CERD's individual complaints

procedure. In the recent period, a number of cases of discrimination in access to public accommodation have been reported to the ERRC by partner organisation League of Human Rights Activists (LHRA). In particular:

- Mr Vojtech Rigo, a schoolteacher in the town of Vranov nad Toplou, and two Romani girls, Ms G.L. and Ms P.N., were reportedly refused service in the Modra Perla restaurant in Vranov nad Toplou. When Mr Rigo asked whether he was being refused service because he was Romani, the waitress reportedly replied that she was simply implementing the rules of the restaurant, as specified by the owner. Mr Rigo reported the incident to the local police on the following day and both he and Ms G.L. and Ms P.N. testified to the treatment they had endured. According to LHRA, however, police submitted alternate testimonies to the court, not signed by the witnesses, and on the basis of these, the district court in Vranov nad Toplou rejected the complaint. The court also reportedly refused to hear Romani witnesses to testify that they had also, on other occasions been refused service at the Modra Perla restaurant. The case is currently on appeal at the regional court.³⁸
- LHRA organised a test of the GT Pizzeria in the village of Zahorska Ves on May 6, 2003, during which four Romani testers were reportedly refused service on the pretext that they had no "club card". Two non-Romani testers not in possession of "club cards" had been served several minutes previously. The two non-Romani testers, who overheard the waitress telling the Romani testers that they could not be served because they did not have "club cards", asked the waitress loudly, "Is this a club?" to which the waitress gestured to them to be quiet. After the Romani testers had left, the non-Romani testers again asked the waitress whether G.T. Pizzeria was a club, to which the waitress replied "No, but we don't serve Gypsies." A complaint filed at the Malacky District Court in connection with the incident is currently pending.³⁹
- LHRA organised a test of the Alfredo Espresso cafe on September 26, 2003, during which two Romani testers were served cakes on a paper plate (with the implication that they should not eat them in the cafe), after non-Romani testers had been served on standard cutlery. After the Romani testers inquired as to whether they could stay in the cafe, the waitress instructed them that they had to eat the cakes outside. After the Romani testers had left, the non-Romani testers asked the waitress why the Roma had not been allowed to eat in the cafe. The waitress replied, "We don't serve Roma." When asked why this was so, the waitress responded, "Those are the instructions of the manager. If we served one, others would come." A complaint filed in connection with the case is currently pending before the Malacky District Court.⁴⁰

Ethnic Statistical Data

A lack of reliable statistical data on the situation of Roma plagues nearly all sectoral fields. Even in areas where non-governmental organisations have managed to document serious racial disparity, the government has not made use of this data in its reporting to international bodies, as

³⁸ Case description on the basis of compliant filed by LHRA, on file at the ERRC.

³⁹ Case description on the basis of compliant filed by LHRA, on file at the ERRC.

⁴⁰ Case description on the basis of compliant filed by LHRA, on file at the ERRC.

is evident, for example from the discussion of Roma in education above. Commenting on this issue in 2003, the UN Human Rights Committee stated:

"The Committee has taken note of the position of the delegation as to the reasons for the lack of statistical data with regard to the situation of Roma as well as women. However, the Committee emphasizes the importance of data to assess the situation in the State party and to address possible inequalities and patterns of discrimination. Furthermore, the Committee is concerned at the large discrepancy between official census figures and data provided by NGOs as to the size of the Roma population in the State party. Such underreporting may have a significant impact on the position of Roma in public life, including the exercise of certain rights, for instance under the Minority Language Law (arts. 2, 3 and 26).

While appreciating the complex nature of gathering such data, the Committee urges the State party to take steps to gather, through methods compatible with principles of data protection, statistical data reflecting the current size of the Roma population, as well as the position of minorities and women in society, including in the workplace, both in the public and the private sector.⁴¹

There is no clear indication that adequate ethnic monitoring is taking place in Slovakia, above and beyond data-gathering in areas informed primarily by racist assumptions. For example, extensive data is available on Romani birth rates and other matters related to demography, apparently primarily due to widespread fears that Roma may one day outnumber ethnic Slovaks in Slovakia. Similarly, until recently, the Ministry of Justice website included charts on "Gypsy crime".

It is unclear how the Slovak government will be able to assess the efficacy of policies aimed at combating racial discrimination against Roma and aiming at the social inclusion of Roma if it does not soon remedy gaps in statistical data on matters such as the educational placement of Romani children and levels of forced evictions of Roma as compared to non-Roma, to name only two.

Human Rights Defenders

Individuals raising human rights concerns in Slovakia have on a number of occasions been threatened with criminal prosecution for their acts. For example, throughout 2003, Slovak officials maintained that they would prosecute the authors of *Body and Soul: Forced Sterilisation and Other Assaults on Roma Reproductive Freedom in Slovakia*, a report by the Center for Reproductive Rights and local partners on coercive sterilisations of Romani women in Slovakia. Slovak officials on a number of occasions stated that if the allegations in the report proved false, they would prosecute the authors for "spreading false rumours", while if the allegations proved true, they would prosecute the authors for failing to report a crime. The ERRC witnessed very high degrees of malice on the part of Slovak officials toward one of the authors of the report in particular, a Slovak woman lawyer held to be "particularly responsible" for the "damage to Slovakia's reputation abroad" purportedly caused by publication of the report. It was only under significant pressure by a number of international agencies that the Slovak government was

⁴¹ United Nations Human Rights Committee, *2003 Concluding Observations on Slovakia*, 22 August 2003, CCPR/CO/78/SVK, para. 19.

ultimately persuaded to abandon the threat. Commenting on the episode, the UN Human Rights Committee stated, in August 2003:

"The Committee is concerned about the threat by governmental authorities of criminal prosecution of the authors of the publication "Body and Soul" under article 199 of the Criminal Code, for "spreading false rumours". While having been assured by the delegation that the Office of the Prosecutor General has dismissed the charges against the authors, the Committee is nevertheless concerned at the impact of the case on the exercise of the right to freedom of opinion and expression, particularly by human rights defenders (art.19).

"The State party should ensure that provisions of the criminal code are not used in such a way as to deter individuals from exercising their right to freedom of expression, and in particular for human rights defenders to carry out independent research and publish the results."⁴²

The ERRC is aware of other occasions on which Romani and other human rights activists have been threatened with criminal prosecution for acts such as publishing information about human rights abuses. The current Slovak criminal code includes provisions easily abused for the purposes of harassing human rights activists such as "defaming the republic".

The Slovak government is currently proposing amendments to the Slovak criminal code. As of July 23, 2004, the draft bill of a new criminal code was before Slovak parliament. The current draft bill includes a proposal for a new Article 331, which if adopted into law would punish defamation of a public authority. The current proposed Article 331 reads as follows: "Whoever grossly offends or slanders an organ of public authority while performing its duties or because of performing its duties is punishable by up to one year in jail."⁴³ In light of repeated threats to human rights defenders as a result of similar existing criminal code provisions, the ERRC strongly recommends that this proposed provision be dropped prior to the adoption of the new Slovak criminal code.

Recommendations

In light of the above, the *ERRC* recommends that the Government of the Slovak Republic undertake the following measures:

- Without delay, ratify Protocol No. 12 to the European Convention on Human Rights, as well as all articles of the Revised European Social Charter.
- Ensure that defamation of individuals on grounds of race, ethnicity, colour or nationality remains a crime under Slovak law.
- Investigate promptly and impartially incidents of violence against Roma and prosecute the perpetrators of such crimes to the fullest extent of the law; make public guidelines to

⁴² United Nations Human Rights Committee, *2003 Concluding Observations on Slovakia*, 22 August 2003, CCPR/CO/78/SVK, para. 15.

⁴³ Unofficial translation by the ERRC.

law-enforcement and judicial authorities on identifying, investigating, and punishing racially-motivated crime.

- Adopt effective measures to prevent, identify and, where occurring, punish manifestations of racial bias in the judicial system.
- Publicly acknowledge and condemn the practise of coercive sterilisations; establish an independent body to comprehensively and impartially investigate claims of coercive sterilisations, and prosecute those responsible to the fullest extent of the law; create administrable, easy-to-understand procedures of redress for victims, including victims of past abuses.
- Ensure effective remedy for cases of discrimination against Roma in the fields of education, employment, housing, health care, social services and access to public accommodation.
- Abolish the practise of race-based segregation of Romani children in special schools and classes, including special remedial classes for mentally disabled and other forms of racial segregation in the school system. Implement a comprehensive school desegregation plan, such that all Romani children may fully realise their right to education; integrate all Romani students into mainstream classes, and, when necessary, design and implement adequately funded and staffed programmes aimed at easing the transition from segregated to integrated schooling. Design pre-school programmes for Romani children to learn the primary language of schooling and attain a level of preparation ensuring an equal start in the first class of primary school. Develop and implement catch-up or adult education programmes aimed at remedying the legacies of substandard education and non-schooling of Roma.
- Provide security of tenure for residents of Romani communities and settlements, and protect the inhabitants from forced and arbitrary evictions, as well as segregationist local practises.
- Develop programmes to ensure the provision of legal residence to all persons factually resident in a given area, and to ensure that local authorities do not arbitrarily refuse to register Roma as locally resident.
- In the context of the adoption of a new Slovak criminal code, remove from Slovak criminal law provisions such as "defamation of a public official" which might be used arbitrarily to harass human rights activists or otherwise "chill" public debate.
- Remedy the current dearth of statistical data on the situation of Roma in sectoral fields key for social inclusion, including statistical data comparing the situations of Roma with non-Roma in areas such as education, employment, housing, health care, access to social services and access to justice.
- Provide free legal aid to members of weak groups, including Roma and the indigent.
- At all levels, speak out against racial discrimination against Roma and others, and make clear that racism will not be tolerated.