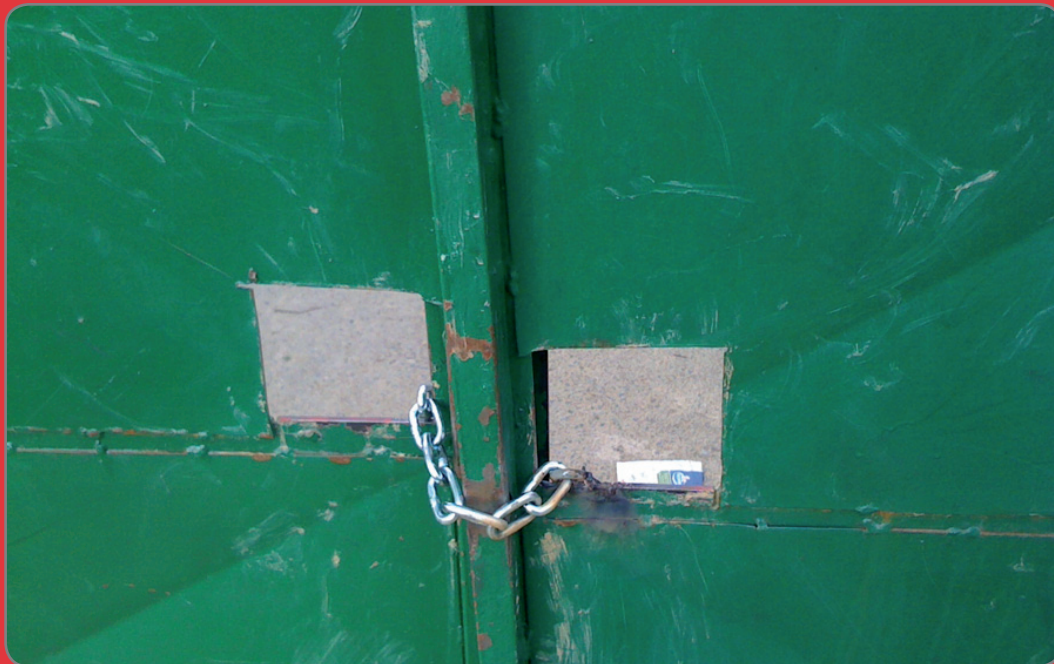


# SLOVAKIA

A REPORT BY THE EUROPEAN ROMA RIGHTS CENTRE



## Country Profile

2011-2012

CHALLENGING DISCRIMINATION PROMOTING EQUALITY



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# 1 About the Country Profile

The country profile on Slovakia focuses strongly on segregation in education, housing, police violence against Roma and racially motivated attacks, Romani children in institutional care and coercive sterilisation of Romani Women.

The information is correct as of April 2013.

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## 2 Introduction and Background Data

Slovakia has one of the largest Romani communities in Europe in terms of percentage of the total population. The 2011 census indicated that 105,738 Roma live in Slovakia, making up 2% of the population,<sup>1</sup> an increase from the 2001 census, which found only 89,920 persons (1.7% of the population).<sup>2</sup> However, the actual number of Roma living in Slovakia is likely to be much higher.

The Office of the Plenipotentiary of the Slovak Republic Government for Roma Communities (OPGRC) estimated a Roma population of between 320,000 and 380,000, based on a large-scale socio-graphic mapping of Romani communities carried out in 2003–2004.<sup>3</sup> According to more recent surveys, between 320,000 and 480,000 Roma (6–8% of the total population) live in Slovakia.<sup>4</sup> The highest concentration of Roma is in the Prešov, Košice and Banská Bystrica regions.

The majority of Roma live in integrated settings, but about 40% live in segregated communities (either separated at the outskirts of the towns and villages or entirely segregated from municipal infrastructure).<sup>5</sup> The Roma in Slovakia are not a homogenous ethnic group. They are descendants of at least two groups – the Ungrika Roma and the Vlachika Roma, which are both further divided into smaller sub-groups.<sup>6</sup> In general, the Ungrika Roma include all groups who have been settled for a number of generations (in particular the “Slovak Roma”), while the Vlachika Roma are descendants of Roma who arrived in Slovakia after their release from slavery in Romania in the second half of the 19<sup>th</sup> century, and who partly remained itinerant until the 1950s. In addition there are some small Sinti communities in Slovakia.<sup>7</sup>

- 1 Statistical Office of the Slovak Republic [Štatistický úrad Slovenskej republiky], Table 11: Population by Nationality, available at: <http://portal.statistics.sk/showdoc.do?docid=44184>, last accessed on March 22, 2013.
- 2 The census in Slovakia makes the distinction between a respondent’s citizenship (*štátne občianstvo*) and nationality (*národnosť*), which refers to the respondent’s self-declared ethnicity. Statistical Office of the Slovak Republic: *Byvajúce obyvatelstvo podľa národnosti – 2001* [Residents According to the Nationality–2001], 1991, available at: [http://portal.statistics.sk/files/Sekcie/sek\\_600/Demografia/SODB/Tabulky/tab11.pdf](http://portal.statistics.sk/files/Sekcie/sek_600/Demografia/SODB/Tabulky/tab11.pdf).
- 3 The Office of the Plenipotentiary for Roma Communities (OPGRC), *Atlas of Roma Communities: Sociographic Mapping of Roma Settlements in Slovakia*, 2004, general findings are available at: <http://www.romovia.vlada.gov.sk/3553/atlas-romskych-komunit-2004.php>; the printed report: M. Jurásková, E. Kriglerová and J. Rybová, *Atlas rómskych komunit na Slovensku*, Bratislava, 2004. The Atlas is being currently updated by the UNDP and the results will be available in April/May 2013.
- 4 Government of the Slovak Republic, *National Roma Integration Strategy up to 2020*, (Strategy) available at: [http://ec.europa.eu/justice/discrimination/files/roma\\_slovakia\\_strategy\\_en.pdf](http://ec.europa.eu/justice/discrimination/files/roma_slovakia_strategy_en.pdf), See also: UNDP, *Report on the Living Conditions of Roma Households in Slovakia in 2010*, Bratislava, 2012.
- 5 The OPGRC, Atlas, p. 13
- 6 Z. Uherek, K. A. Novák, The Ethnic Identity of the Roma, in: Vašečka, Jurásková, Nicholson (eds.), *Čačipen pal o Roma: A Global Report on Roma in Slovakia*, Bratislava, 2003, pp. 75-88.
- 7 Anna Jurová, From Leaving the Homeland to the First Assimilation Measures in: Vašečka, Jurásková, Nicholson (eds.), *Čačipen pal o Roma: A Global Report on Roma in Slovakia*, Bratislava, 2003, pp. 11-22; see also the website of Rombase (University of Graz): <http://ling.uni-graz.at/~rombase/cgi-bin/art.cgi?src=data/ethn/groupscz/cz-vlax.cs.xml> or <http://romani.uni-graz.at/rombase/cgi-bin/art.cgi?src=data/ethn/groupscz/cz-ungrika.en.xml>.

Most of the Roma in Slovakia are bilingual (or trilingual – Romanes, Slovak, and Hungarian), but Romanes remains the first language for more than half of the Roma population in Slovakia.<sup>8</sup> Given the group's internal diversity and the fact that the Romani language has been influenced by the languages of the majority population in close proximity, there are several dialects of Romanes spoken nowadays in Slovakia. The majority of Roma (85%) speak some dialect of Slovak Romanes – East-Slovak, Central-Slovak, or West-Slovak. The remaining Roma speak Vlachika or Ungrika Romanes.<sup>9</sup>

Relations between Roma and non-Roma remain strained, and politicians sometimes contribute to making the situation worse. Statements by the Prime Minister, Robert Fico, raised concerns about the actual commitment of the Government to eliminate discrimination and social exclusion of Roma in Slovakia. The Prime Minister stated *inter alia*: “The Roma problem in Slovakia cannot be effectively solved without enforcing some limitations on human rights measures to which Slovakia, as a member of the European Union, previously agreed to comply”.<sup>10</sup>

Since 2011, more than 400 mayors from Slovakia have joined the movement *Zobud'me sa!* (Let's wake up!). The movement targets the demolition of Romani settlements under environmental law by defining them as waste dumps.<sup>11</sup>

## 2.1 Socio-Economic Data

**Employment:** The difference in the field of employment between the Roma population and the non-Roma population in the Slovak Republic is marked. According to data published by the United Nations Development Programme (UNDP) and the Fundamental Rights Agency of the European Union (FRA) in 2011, that compared the socio-economic status of Roma with non-Roma living in close proximity to Roma, the rate of unemployment among Roma aged 15-64 in Slovakia was 70%. In comparison, the unemployment rate of the non-Roma of the same age was 33% at the time of the study.<sup>12</sup> The UNDP/FRA survey further found that about 38% of the Roma population aged 15-64 had no previous employment experience (while overall in Slovakia, the rate was 21%)<sup>13</sup> The 2010 UNDP household survey, which focuses on marginalised Roma communities, found an even higher share of Romani youth

8 United Nations Development Programme, *Report on the Living Conditions of Roma Households in Slovakia in 2010*, Bratislava, 2012, p. 6.

9 S. Cina, The Roma Language and its Standardization, in: Vašečka, Jurásková, Nicholson (eds.), *Čačipen pal o Roma: A Global Report on Roma in Slovakia*, Bratislava, 2003, pp. 91-98.

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

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

12 United Nations Development Programme & Fundamental Rights Agency, *Data on vulnerability of Roma*, available at: <http://europeandcis.undp.org/data/show/D69F01FE-F203-1EE9-B45121B12A557E1B>.

13 *Ibid.*



without any previous work experience (50%). The unemployment rate among Roma is also seven-times higher than among non-Roma who live in the same geographic areas.<sup>14</sup>

**Education:** One of the reasons for the high unemployment rate of the Roma in Slovakia is their low level of education. The Slovak government has failed to adopt and implement a sound legal framework and appropriate policies to address and combat the disproportionate numbers of Romani children in special and segregated education. The situation in education of Romani children is alarming: about 60% of the total number of pupils enrolled in special education designed for mentally disabled pupils are of Romani origin.<sup>15</sup> Roma account for 86% of pupils attending special classrooms within mainstream elementary schools.<sup>16</sup> In 2010 more than 20% of all Romani children in Slovakia were enrolled in special education settings, whereas according to national averages 4.1% of pupils in the respective school age were enrolled in special schools and 2.2% in special classes.<sup>17</sup> According to the 2010 UNDP household survey, almost one in five of the Roma did not finish primary education (18.4%), 59.7% finished primary school and only 17% continued into further secondary studies – 15.2% vocational trainings, 1.8% high schools with diploma and 0.3% tertiary education.<sup>18</sup> According to the UNDP, primary school education is the highest completed education for 15% of the Roma aged 15-64 in Slovakia compared to only 1% of the non-Roma population of the same age.<sup>19</sup> In relation to lower-secondary education, the rates are 62% compared to 15%.<sup>20</sup>

**Housing:** Approximately 40% of the Roma population live in a socially excluded environment.<sup>21</sup> They live in separated (adjacent to towns) or entirely segregated Roma-only communities lacking technical infrastructure. The spatial segregation and social exclusion is often accompanied by poor sanitary conditions and a lack of drinking water, which affects the health conditions of the Romani population. About 16% of all Roma families are living in non-standard forms of housing: 10% in shacks, 4.3% in wooden houses and 1.3% in other non-standard type of housing including container houses.<sup>22</sup> More than 40% of Roma perceive their houses as inadequate for living. There are at least four people per room in every fourth Roma household, and more than half (55%) of Roma have less than 10m<sup>2</sup> of personal space available. In segregated settlements more than 40% of Roma have less than 5m<sup>2</sup> of

14 UNDP, Report 2010, p. 15.

15 E. Friedman, E. Gallová Kriglerová, M. Kubánová, and M. Slosiarik, REF, *School as Ghetto: Systemic Overrepresentation of Roma in Special Education in Slovakia*, Budapest, 2009.

16 *Ibid.*

17 D. Škobla & Ch. Brueggemann *Roma integration and special schools in Slovakia*, available at: <http://europeandcis.undp.org/ourwork/poverty/show/8B0C72A5-F203-1EE9-B580107FF2629BF0>.

18 UNDP, Report 2010, pp. 92-93.

19 UNDP & FRA, Data on vulnerability.

20 *Ibid.*

21 The OPGRC, Atlas.

22 Government of the Slovak Republic, *National Roma Integration Strategy up to 2020*, (Strategy) available at: [http://ec.europa.eu/justice/discrimination/files/roma\\_slovakia\\_strategy\\_en.pdf](http://ec.europa.eu/justice/discrimination/files/roma_slovakia_strategy_en.pdf), p. 14. See also: UNDP, Report 2010, pp. 61-76.

personal space.<sup>23</sup> In both separated and segregated communities about 9% of the population have no electricity, 81% have no sewerage, 59% have no gas, 37% have no water access and 20% are not connected to a paved road.<sup>24</sup>

**Health:** Marginalisation and poverty also have a negative effect on health of Roma, despite the fact that 94% have access to medical insurance. A study financed by the Partners for Democratic Change Slovakia found that among Roma there is a low awareness of their own health conditions, many cases of undiagnosed diseases and a lack of trust in healthcare institutions.<sup>25</sup> Elderly Roma suffer significantly more chronic and long-term diseases, particularly those living in segregated communities.<sup>26</sup> As a result, people of Roma origin in Slovakia die on average 12 to 15 years younger than the majority population.<sup>27</sup> Half of Roma declared that they had to stop productive activities – salaried work and school attendance – because of health problems; 18% did not seek a doctor's appointment when feeling unwell because of financial reasons and 57% could not afford to buy prescribed medicine in pharmacies.<sup>28</sup>

More detailed socio-economic data gathered through a survey carried out by the United Nations Development Programme, the World Bank and the European Commission are attached to this country profile as Annex 2.

23 UNDP, Report 2010, pp. 62-64.

24 Government of the Slovak Republic, *Medium-term Concept of the development of the Roma national minority in the Slovak Republic: Solidarity-Integrity-Inclusion 2008-2013* [Strednodobá koncepcia rozvoja rómskej národnostnej menšiny v Slovenskej republike, Solidarita-Integrita-Inkluzia 2008-2013] p. 4. available at: <http://www.romainstitute.sk/data/files/100.pdf>.

25 Popper et al., Roma population and Health – the analysis of the situation in Slovakia [Rómska populácia a zdravie“ Analýza situácie na Slovensku], 2009, p. 32.

26 UNDP, Report 2010, pp. 77-86.

27 Husáková, & Ošková, Social Characteristics of Roma Population in the Slovak Republic, available at: [aosp.upce.cz/article/download/137/~](http://aosp.upce.cz/article/download/137/~).

28 UNDP, Report 2010, pp. 13-14.

## 3 Summary of (Crosscutting) Laws, Policies and Structures

In Slovakia, assimilation was an official state policy toward Roma prior to 1989.<sup>29</sup> After the fall of the Communist regime, Roma were acknowledged as one of Slovakia's national minorities.<sup>30</sup> Roma have *de jure* all rights and protections guaranteed by the Slovak Constitution; Articles 12, 33 and 34 particularly protect equality, non-discrimination and minority rights. The Romani language is officially recognised by the Slovak Republic as a regional or minority language under the European Charter of Regional or Minority Languages.<sup>31</sup>

### 3.1 Slovak Anti-Discrimination Legislation

In 2004, the National Council of the Slovak Republic (Slovak legislative body) passed the Anti-discrimination Act.<sup>32</sup> The prohibition of discrimination covers the following grounds: sex, religion or belief, race, affiliation with nationality or an ethnic group, disability, age, sexual orientation, marital status and family status, colour of skin, language, political or other opinion, national or social origin, property, gender or other status.<sup>33</sup>

An important amendment to the Anti-discrimination Act<sup>34</sup> was adopted in 2008. The amendment altered the structure of the act, making it more comprehensive and its interpretation clearer; it broadens the anti-discrimination protections covering discrimination based on national or social, among other, grounds. The scope of the act was expanded to include the areas of social protection and access to goods and services. However, the amendment also brought an unexplained restriction to the areas of application of the Anti-discrimination Act, leaving out housing and social advantages. This is allegedly because there is no definition of housing and social advantages in the existing legislation; but this is contrary to EU law and leaves a gaping hole in the protection against discrimination afforded to Roma in law.<sup>35</sup>

29 A. Jurova, "The Roma from 1945 until November 1989", in: aipen pal o Roma: A Global report on Roma in Slovakia, eds. M. Vaecka, M. Juraskova and T. Nicholson (Bratislava: Institut pre verejne otazky, 2002), pp. of 45–61.

30 Slovakia, Uznesenie vlady Slovak Republic  153/1991, Zasady politiky vlady Slovak Republic k Romom

31 Slovakia, Oznamenie MZV Slovak Republic . 588/2001 Z. . o uzavreti Europskej charty regionalnych alebo meninovych jazykov, 20 February 2001.

32 Slovakia, Zakon . 365/2004 Z. . o rovnakom zaobchadzani v niektorych oblastiach a o ochrane pred diskriminaciou a o zmene a doplneni niektorych zakonov (antidiskriminany zakon), 20 May 2004. The Act refers to direct discrimination, indirect discrimination, harassment, instruction to discriminate, incitement to discrimination, victimization and discrimination against a legal entity.

33 *Ibid.*, Article 2(1).

34 Slovakia, Zakon . 85/2008 Z. . ktorym sa meni a doplna zakon . 365/2004 Z. . o rovnakom zaobchadzani v niektorych oblastiach a o ochrane pred diskriminaciou a o zmene a doplneni niektorych zakonov (antidiskriminany zakon) v zneni neskorich predpisov a o zmene a doplneni zakona . 308/1993 Z. . o zriadeni Slovenskeho narodneho strediska pre ľudske prava v zneni neskorich predpisov, 14 February 2008.

35 For more information, see: Slovakia, in: European Anti-discrimination Law Review, No. 6/7, October 2008, 116, available at: [http://www.migpolgroup.com/public/docs/145.EuropeanAnti-discLawReview\\_6\\_7\\_en\\_11.08.pdf](http://www.migpolgroup.com/public/docs/145.EuropeanAnti-discLawReview_6_7_en_11.08.pdf).

The 2008 amendment also re-introduced the possibility of adopting and implementing positive measures. In 2005, the Slovak Constitutional Court had found that a provision of the Act from 2004 covering the implementation of positive measures for disadvantaged people of certain racial and ethnic origins was unconstitutional. A new version of the provision was included in the 2008 amendment which reflects “the decision of the Constitutional Court and introduces very specific examples of temporary positive measures intended for the elimination of disadvantages linked to racial and ethnic origin, national or ethnic minorities, sex, age and disability, e.g. creating equal opportunities in access to employment and education through special preparatory programmes, spreading information, and other measures.”<sup>36</sup>

## **3.2 Criticism and Inefficiency of the Slovak Equality Body**

The Anti-discrimination Act instructs the Slovak National Centre for Human Rights (Slovenské národné stredisko pre ľudské práva, SNCHR), established in 1993, to serve as the specialised equality body promoting equal treatment, the monitoring and evaluation of the recognition of human rights and the observance of the equal treatment principle.<sup>37</sup> The SNCHR is also meant to combat all forms of discrimination listed under Article 13 of Council Directive 2000/43/EC, which sets forth the principle of equal treatment between persons, irrespective of racial or ethnic origin, and Council Directive 2000/78/EC, which establishes a general framework for equal treatment in employment and occupation.

The SNHRC has been widely criticised by the UN Committee on Social, Economic and Cultural Rights and Thomas Hammarberg, the then Commissioner for Human Rights of the Council of Europe, for not operating properly and not undertaking its duties set forth by the law as the equality body and for lack of transparency, representativeness and expertise.<sup>38</sup>

In 2011, the Former Deputy Prime Minister for Human Rights, National Minorities and Gender Equality (DPHR) prepared a report on SNHRC pointing out several major flaws in its operation,<sup>39</sup> including the following:

- It lacked competency required to oversee observance of human rights and non-discrimination legislation;
- It was not sufficiently independent because of undue political influence (Some members of the Administrative Board are appointed by the President, the Chairman of the Parliament, the Minister of Labour, Social and Family Issues and by the Prime Minister<sup>40</sup>);

<sup>36</sup> *Ibid.*

<sup>37</sup> Slovakia/*Zákon č. 308/1993 Zb. o zložení Slovenského národného strediska pre ľudské práva*, 15 December 1993.

<sup>38</sup> See transcript of the 7<sup>th</sup> meeting of the Council for Human Rights and National Minorities of 17 October 2012, available at: [http://www.radavladyp.gov.sk/data/att/10161\\_subor.pdf](http://www.radavladyp.gov.sk/data/att/10161_subor.pdf); for Thomas Hammarberg see Council of Europe, Report by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, following his visit to Slovakia, from 26 to 27 September 2011, available at: <https://wcd.coe.int/ViewDoc.jsp?id=1885987>.

<sup>39</sup> Government Office, Department of Human Rights and Equal Treatment, *Analytical Report on Activities and Status of Slovak National Centre for Human Rights in the Context of Institutional protection of Human Rights in Slovakia*, 2011.

<sup>40</sup> Slovakia/*Zákon č. 308/1993 Zb.*, Article 3a (1).

- Its activities retained low visibility and limited impact in the area of human rights and anti-discrimination;
- It did not have sufficient personnel and expertise capacity to undertake its objectives which related to irregular use of public funds; and
- The management and supervisory boards had failed to address the above deficiencies.

The effective absence of a functional equality body in Slovakia significantly limits the implementation of the Anti-discrimination Act. Although there are other avenues to implement the existing law, they are limited and there is a marked lack of information on how to seek legal redress in cases of alleged discrimination. A study from the Centre for Civil and Human Rights (Poradňa pre občianske a ľudské práva) found that the lack of information about anti-discrimination law and the opportunities to seek legal redress poses serious barriers for people living in marginalised Romani communities in seeking legal remedies to discrimination. As much as 26% of interviewed individuals who had been discriminated against did not seek solutions due to the lack of information on where to access aid.<sup>41</sup> Another 25% did not trust the courts, police or other state institutions. Only 33.3% of the interviewed individuals who had experience of discrimination were aware of anti-discrimination legislation and 18% were aware of the availability of free legal aid.<sup>42</sup>

The ERRC has followed several clear cases of discrimination against Roma in Slovakia, in which the victims of discrimination sought advice and decided not to pursue legal actions for fear of reprisals and, in one case in 2010, withdrew a claim following pressure from state employees.

### 3.3 Political Participation and Roma Related Structures

In Slovakia, there is a lack of active political participation from Roma. In the past, several political parties have been established using the word Roma/Romani in their title, and declaring their intention to improve the social situation of Roma and their integration. However, they have been marginal and never made it into the National Council of the Slovak Republic. In the last elections, the only Roma party which ran was Strana Rómskej únie na Slovensku (Party of Romani Union in Slovakia) which received only 0,07% of the eligible votes.<sup>43</sup> In terms of participation in the Parliament, only few Roma have become MPs through election on the candidates' lists of majority parties. The Slovak constitution does not foresee any guaranteed participation of ethnic minorities in general, or of Roma in particular, in assemblies at all levels.

In 1999, the Slovak government established an advisory body called the Council for National Minorities and Ethnic Groups. In 2012, the Council was succeeded by the

41 The study surveyed 95 respondents in Roma settlements in eastern Slovakia. The sample was not representative of the overall Romani population as it focused on people living in MRCs. *Hľadanie bariér v prístupe k účinnnej právnej ochrane pred diskrimináciou* [Searching for Barriers in Accessing Effective Legal Protection from Discrimination] (Košice: Poradňa pre občianske a ľudské práva [Centre for Civil and Human Rights], 2012) at 31.

42 *Ibid.*

43 Wikipedia, Results of the national election in 2012: [http://sk.wikipedia.org/wiki/Vo%C4%BEby\\_do\\_N%C3%A1rodnej\\_rady\\_Slovenskej\\_republiky\\_v\\_roku\\_2012](http://sk.wikipedia.org/wiki/Vo%C4%BEby_do_N%C3%A1rodnej_rady_Slovenskej_republiky_v_roku_2012).

Governments' Council for Human Rights, National Minorities and Gender Equality.<sup>44</sup> The Council consists of several committees, one of them being the Committee for National Minorities and Ethnic Groups – a consultative body which aims to strengthen the status of national and ethnic minorities and supervises Slovakia's compliance with international treaties on protection of minorities.<sup>45</sup>

### 3.4 Office of the Plenipotentiary for Roma Communities (OPGRC)

The major State authority working on the integration of Roma is the Office of the Plenipotentiary for Roma Communities (OPGRC), which was established by the Government in 1999 as an advisory body.<sup>46</sup> The OPGRC previously used to report to the Deputy Prime Minister for Knowledge-Based Society, European Affairs, Human Rights and Minorities. However, the current government institutionally subordinated it to the Ministry of the Interior. This shifting further limited the OPGRC's power to coordinate and advise ministries or other public bodies that are involved in the development and implementation of Roma inclusion policies.

The OPGRC should propose, coordinate, monitor and supervise the activities aimed at solving the most urgent issues related to the Roma minority. In cooperation with the government, the OPGRC should implement systemic solutions to achieve equal status of citizens belonging to the Roma ethnicity, focusing on education, employment, housing, healthcare, non-discrimination and economic inclusion.<sup>47</sup>

In 2003, the OPGRC established five regional offices in areas with the highest concentration of marginalised Roma communities.<sup>48</sup> In 2007, a new department was established within the OPGRC to coordinate the implementation of EU structural funds for marginalised Roma communities in Slovakia.<sup>49</sup> In general, the OPGRC itself lacks real powers and is largely dependant on the government's good will.

In September 2012, a new OPGRC was appointed in Slovakia – Peter Pollák, of Roma ethnic origin. One month later, the OPGRC, in cooperation with the Ministry of Interior, launched the “Roma Reform Programme - The Right Way” (“Rómska Reforma - Správna

44 See: <http://www.radavladyp.gov.sk/>.

45 See: <http://www.narodnostnemensiny.gov.sk/vybor-pre-narodnostne-mensiny-a-etnicke-skupiny/>.

46 Slovakia, *Uznesenie vlády Slovak Republic č. 127/1999 k návrhu na vymenovanie splnomocnenca vlády Slovak Republic na riešenie problémov rómskej menšiny*, 10 February 1999.

47 See: [http://www.minv.sk/?vznik\\_uradu](http://www.minv.sk/?vznik_uradu).

48 Slovakia, *Uznesenie vlády Slovak Republic č. 1196/2003 k návrhu na nové inštitucionálne zabezpečenie riešenia záležitostí rómskych komunití a zmeny štatútu splnomocnenca vlády Slovak Republic pre rómske komunity*, 17 December 2003.

49 Slovakia, *Uznesenie vlády Slovak Republic č. 507/2007 k správe o stave pripravenosti Slovenskej republiky na čerpanie štrukturálnych fondov a Kozézneho fondu v programmeovom období 2007 až 2013 (stav k 15. máju 2007)*, 6 June 2007.

Cesta”). Although, the programme envisages 90 legislative measures within various sectors,<sup>50</sup> only a few measures have been announced publicly so far and none of them have been implemented yet. The authors envisaged to introduce measures gradually one-by-one. However, this scheme was delayed in the initial weeks and five months later only measures in two thematic areas, education and criminal liability for misdemeanours, were publically announced. None of them have been effectively dealt with by the Government or Parliament. Although the measures are called the “Roma Reform”, its authors refer to the targeted group as to “socially inadaptible citizens”.<sup>51</sup>

### 3.5 Governmental Policies on Roma Inclusion

The Slovak Government has developed several policy frameworks for tackling the situation of Roma in the last couple of years<sup>52</sup>. In response to the European Commission Framework for National Roma Integration Strategies,<sup>53</sup> the Government adopted the “Strategy of the Slovak Republic for the integration of Roma until 2020” in January 2012.<sup>54</sup> The Slovak Roma Integration strategy was developed in consultation with the World Bank, the UNDP and Slovak civil society.

However, the new Slovak Government, elected in April 2012 has decided not to implement the existing strategy; instead, it has prepared a reform programme “Roma Reform”. Only a few measures of this reform programme have been publicly announced to date, and none of them have been implemented yet.

In its assessment on the submitted Slovak strategy on Roma the European Commission underlined several shortcomings<sup>55</sup> that need to be seriously addressed by the Slovak Government. In

50 Office of the Plenipotentiary for Roma Communities & Ministry of Interior of the Slovak Republic, *The Roma Reform Programme – The Right Way*, available at: <http://www.minv.sk/?romskareforma1>.

51 *Ibid.*

52 Government of the Slovak Republic, *Medium-term Concept of the Development of the Roma National Minority in the Slovak Republic Solidarity-Integrity-Inclusion for 2008- 2013*, available at: <http://www.romainstitute.sk/data/files/100.pdf>; *National Action Plan of the Slovak Republic Regarding the Decade of Roma Inclusion 2005–2015*, available at: [http://www.romadecade.org/files/downloads/Decade%20Documents/Action%20Plan\\_Slovakia.pdf](http://www.romadecade.org/files/downloads/Decade%20Documents/Action%20Plan_Slovakia.pdf); *Revised Decade National Action Plan 2011–2015*, available at: [http://www.romadecade.org/files/downloads/Decade%20Documents/Revised\\_Slovak\\_Action\\_Plan\\_SK.pdf](http://www.romadecade.org/files/downloads/Decade%20Documents/Revised_Slovak_Action_Plan_SK.pdf).

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

54 The Government, *Strategy of the Slovak Republic for the integration of Roma until 2020*.

55 Commission staff working document accompanying the document National Roma Integration Strategies: a first step in the implementation of the EU Framework Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, SWD (2012) 133, 21 May 2012, report available at: [http://ec.europa.eu/justice/discrimination/files/roma\\_nat\\_integration\\_strat\\_en.pdf](http://ec.europa.eu/justice/discrimination/files/roma_nat_integration_strat_en.pdf).

the area of education there is a need for more focus on desegregation, the strategy needs to ensure that mainstream policies respond to the specific needs of Roma, and ensure that local policies prevent ‘non-Roma children flight’ from schools attended by many Roma pupils.<sup>56</sup> In the area of employment the strategy needs to include measures to address “non-discriminatory access to the labor market, policies to fight prejudice involving the majority population, schools, social partners, media etc. Similarly, in the area of housing the strategy needs to focus on integrated measures to provide non-discriminatory access to housing.<sup>57</sup> Overall a major problem relates to the fact that the funding for implementation of the strategy is not properly quantified or is insufficient.<sup>58</sup>

56 *Ibid.*, p. 56.

57 *Ibid.*, p. 58.

58 *Ibid.*



## 4 Key Issues by Theme

### 4.1 Housing and Evictions

#### 4.1.1 LEGAL AND POLICY FRAMEWORK

The right to adequate housing is a fundamental right and a prerequisite for the enjoyment of other economic, social and cultural rights.<sup>59</sup> With regard to housing, in addition to the low quality and health hazardous housing conditions, two issues are of utmost importance to Roma in Slovakia: protection against eviction and access to social housing.

The Slovak authorities have adopted several policies to improve the housing situation of Roma – the Revised Action Plan, the Strategy and the Roma Reform. Their implementation remains limited; this has been confirmed by the Slovak government in the latest periodic report to the Committee on Elimination of Racial Discrimination. *“The situation description found in the sixth, seventh and eighth periodic reports in the housing area have basically remained unchanged in view of the Roma communities in Slovakia. The housing issue is undoubtedly one of the issues where differences between the Roma population and majority population are greatest.”*<sup>60</sup>

The Revised Action Plan tries to address several issues related to housing. The main aim of the Revised Action Plan is a general one – to improve the housing condition and integration of marginalised Roma communities’ members acknowledging existing segregation and ghettoization of Roma communities.<sup>61</sup> Further goals include support of the construction of municipal rent flats in Roma communities and construction of infrastructure in settlements.<sup>62</sup> Although the Roma Reform should contain measures to be adopted by the government within the field of housing, none of them have been announced yet.

The Slovak Anti-poverty network recently emphasised that “housing and the protection of the right to housing is the weakest component of public policies”.<sup>63</sup> There is a shortage of affordable accommodation; despite a growing number of applicants for social housing, new flats commissioned by public authorities are rarely built (a decrease of 21% in constructing was documented in 2011), and the number of flats available for rent is low and does not correspond to the demand. The programs promoting social mix (more affluent social classes living with the poorer) are entirely missing.

59 ERRC, Legal briefing: The Right to Housing (Idaver Memedov and Andrea Colak), In: Roma Rights 2011: Funding Roma Rights: Challenges and Prospects.

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

61 Slovakia, Revised National Action Plan.

62 *Ibid.*

63 Slovak Anti-poverty Network, *Shadow Report on Poverty and Social Exclusion in Slovakia*, Bratislava, 2012. p.67.

With regard to evictions, the Committee on Economic Social and Cultural Rights General Comment 7 states that: “Evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights. Where those affected are unable to provide for themselves, the State party must take all appropriate measures, to the maximum of its available resources, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available.”

The existing domestic legal framework offering protection against forced evictions is low. Act no. 50/1976 Coll. Slovak Building Act allows the municipality to order the demolition of houses that were built without a building permit.<sup>64</sup> This is often the case with houses located in Roma settlements. Even though the law gives the owners of such houses the possibility to legalise them,<sup>65</sup> they face several administrative difficulties, as they need to obtain up to 30 permits, including permits from the municipality. The period which is given for the additional legalisation depends on the deliberation of the Building Office.<sup>66</sup> If the permits and documents are not submitted within the period given, the Building Office can order the demolition of a building.<sup>67</sup> The Building Office can also order the demolition of a building if the permits and documents show that maintaining the building would be against ‘public interests’.<sup>68</sup> The decision of the Building Office can be appealed before the Regional Building Office.

The proceedings before administrative bodies can be further challenged before courts only after exhaustion of all regular remedies.<sup>69</sup> The claim must be filed within two months of the day when the decision of the appeal administrative body was announced.<sup>70</sup> The claim may challenge the proceedings and/or the decision of the administrative body as unlawful.<sup>71</sup> Representation of the plaintiff by an attorney is obligatory.<sup>72</sup> If the plaintiff cannot afford legal representation, he/she may ask the court to provide him/her with an attorney on the basis of free legal aid.<sup>73</sup> However, the inability to afford an attorney has to be proved in advance.

In addition to various procedural obstacles, Roma do not usually possess sufficient financial means to afford the legalisation. Moreover, no moratorium prohibiting forced evictions in winter months without providing adequate alternative accommodation exists under Slovak law.

64 Act no. 50/1976 Coll. Slovak Building Act, Art. 88 (1,b).

65 *Ibid.*, Art. 88a and the following.

66 *Ibid.*, Art. 88a (1).

67 *Ibid.*, Art. 88a (2).

68 *Ibid.*

69 Act no. 99/1963 Code of Civil Procedure, Art. 247(2).

70 *Ibid.*, Art. 250b.

71 *Ibid.*, Art. 247 (1).

72 *Ibid.*, Art. 250a.

73 *Ibid.*, Art. 30.

## 4.1.2 BACKGROUND AND ERRC ACTIVITIES

The ERRC's work in the field of housing is focused on the issues of forced evictions, inadequate housing standards and building of walls segregating Romani neighbourhoods.

According to a government report on the implementation of the State Housing Strategy until 2015, just 2.7% of all flats are owned by municipalities and the state. This is in stark contrast to other EU states, where the share of flats owned by the state is 18% on average.<sup>74</sup> There are 8.5 social housing units available per 1.000 people in Slovakia.<sup>75</sup>

In Slovakia, many Romani families face the threat of forced eviction. This is due to changes in land-ownership and very weak legal protection against forced evictions. Many Roma built their houses on state-owned property. However, due to the processes of land privatisation and decentralisation in the last two decades from which Roma rarely benefitted, these lands are now owned by private persons or municipalities who may anytime initiate demolition proceedings.

In 2011, the ERRC comparative report “Standards Do Not Apply: Inadequate Housing in Romani Communities” looked at problems that Roma from specific countries face in relation to the right to adequate housing, including forced evictions, segregation and the building of anti-Roma walls.<sup>76</sup> Many Roma in Slovakia live in poor and segregated settlements which are characterised by substandard or extremely substandard housing, a prevalence of environmental hazards including toxic waste, rubbish tips, intermingling of waste and drinking water. They often lack infrastructure such as paved roads, electricity, heating, sewage systems, the provision of adequate drinking water, and are frequently excluded from other public services, such as buses, postal services, groceries or pharmacies.<sup>77</sup>

The ERRC works closely with the inhabitants of a Romani settlement on the outskirts of Plavecký Štvrtok, home to about 600 Roma. They have been under threat of eviction for several years, and local authorities cut their only water source. Despite several research missions and letters appealing to relevant domestic authorities and international bodies,<sup>78</sup> the local municipality still intends to evict the Romani residents in 2013 and delivered demolition orders. With the legal help of the ERRC, some of the inhabitants submitted appeals against the demolition orders on the basis of substantive and procedural deficiencies of the orders. To date, the appeal body has still not decided on the orders, despite the fact that the period for it to act has passed.

74 Government of the Slovak Republic, *Report on implementing of state housing strategy until 2015*, 2012, p. 4.

75 Slovak Anti-poverty Network, *Shadow Report*, p.69.

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

77 *Ibid.*, p. 7.

78 For example: European Roma Rights Centre, Amnesty International Slovensko, Centre on Housing Rights and Evictions, Letter of Concern, “Urgent Request to Resolve the Housing Situation of the Romani Settlement in Plavecký Štvrtok”, 8 December 2010.

A new, worrying trend related to the practice of forced evictions has emerged in Slovakia. This is in the context of the movement *Zobud'me sa!* (Let's wake up!), which was set up in 2011 and has collected the signatures of 402 mayors of Slovak towns and villages. It aspires to provide coordination of the demolition of Romani settlements in their municipalities defined as illegal waste dumps by the movement.<sup>79</sup> In the last two years a number of municipalities (including Žiar nad Hronom, Demeter and Nižné Kapustníky) carried out forced evictions and demolitions of settlements on the basis of the environmental law.

On 29 November 2011, a Romani settlement in the town of Žiar nad Hronom was demolished, with houses belonging to Roma defined as communal waste. Ten people, including a preschool-aged child were evicted. When asked about the coming winter, the Mayor, Ivan Cernaj, said: "It does not matter when it is being done; they had enough time to eliminate the dumps. We have held intensive talks with the landowner and agreed on this course of action. We have agreed to do this now as they would have gone on making excuses forever".<sup>80</sup> The national police assisted in carrying out demolition. The Mayor of Žiar nad Hronom is the head of the movement *Zobudme sa!* (Let's wake up!).

On 30 October 2012, a Romani settlement in the area of Nižné Kapustníky (Košice) was forcefully evicted and houses were demolished.<sup>81</sup> Reports indicate that the eviction and demolition were ordered by the Kosice municipality and that 156 people, including 63 minors, were evicted. Only four families were offered alternative accommodation and the majority of the evicted people allegedly became homeless. The municipality provided evictees with buses that should have taken them to the place of their supposed residence. A group of 17 people who were transported to the village of Rakúsy did not have a place to stay and hence, they occupied an abandoned house in the centre of the village. In reaction to this, the Mayor of Rakúsy sent them back to Košice claiming that they do not have permanent residence in the village and that the building they occupied was in bad condition endangering their lives. To date the case has not been resolved and it is under the scrutiny of the Ombudsman's office.<sup>82</sup> Prior to the evictions, Deputy-Mayor Lenártová in the media interview stated an intention to demolish all 14 Roma settlements located in Kosice. When asked about the process, Mrs Lenártová responded that "a special commission dealing with the illegally stored waste was set. I personally visited all such waste dump places in the city area. We together with the Commission are planning measures to liquidate the waste".<sup>83</sup> Following this, the Slovak media similarly reported that the

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

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

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

82 Adéla Gálová, "Starosta Rakús: v prípade košických Romů se měří dvojím metrem", romea.cz, 27 November 2012, available at: <http://www.romea.cz/cz/zpravodajstvi/zahranicni/starosta-rakus-v-pripadu-kosickyh-romu-se-meri-dvojim-metrem>.

83 SITA, "Video: Na Luníku IX zbúrali panelák, ďalšie budú chatrč", webnoviny.sk, 8 October 2012, available at: <http://www.webnoviny.sk/slovensko/video-na-luniku-ix-zburali-panelak/554297-clanok.html>.

eviction was based on the Act on Waste and that the homes in question were treated as communal waste.<sup>84</sup> The information provided by the media was confirmed by the municipality of Košice in their response to the ERRC's request for information.<sup>85</sup>

Furthermore, the eviction in Nižné Kapustníky took place in cold weather despite the requirement of the General Comment no. 7 that “[...] evictions [shall] not to take place in particularly bad weather or at night unless the affected persons consent otherwise [...]”<sup>86</sup>

Already in May 2011, the municipality of Košice demolished a Romani settlement in the Demeter neighbourhood. The eviction and demolition were assisted by the municipality police. About 80 people were evicted and relocated to a tent in the segregated Roma ghetto at Luník IX provided by the municipality as alternative accommodation.<sup>87</sup> The eviction and demolition in Demeter were, similarly to Nižné Kapustníky, based on environmental law.<sup>88</sup>

Another case of announcing evictions and demolition based on the environmental law took place in Krásna Hôrka in Southern Slovakia. Marián Kotleba, leader of the far-right political party of Ludová strana Naše Slovensko (People's Party Our Slovakia) entered Krásna Hôrka with his supporters. He approached the estate, which he recently purchased, and wanted to demolish houses inhabited by Roma built on the estate. He called the meeting “cleaning his land of a dump”.<sup>89</sup> He unsuccessfully asked for assistance from the police to clear the land.

In October 2012, about 200 Roma were evicted from 30 flats when a building owned by Košice municipality was demolished, because it was reportedly at risk of collapse, in the segregated Roma neighbourhood Lunik IX. Only eight families (with valid contracts) were offered alternative accommodation, the remaining families were offered emergency accommodation in tents, however most of them refused and sought shelters with their relatives.<sup>90</sup>

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

85 ERRC, “Slovak Republic Targets Roma Homes as ‘Waste’”, available at: <http://www.errc.org/article/slovak-republic-targets-roma-homes-as-waste/4081>.

86 *Ibid.*

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

88 Boris Macko, Daniela Balážová, Pravda, “Rómsku osadu dal Hagyar zručat’ pod rúškom tmy, 25 October 2012, available at: [http://spravy.pravda.sk/romsku-osadu-dal-hagyari-zrucat-pod-ruskom-tmy-fl4-sk\\_domace.asp?c=A121025\\_110213\\_sk\\_domace\\_p77#ixzz2FUQ40Bus](http://spravy.pravda.sk/romsku-osadu-dal-hagyari-zrucat-pod-ruskom-tmy-fl4-sk_domace.asp?c=A121025_110213_sk_domace_p77#ixzz2FUQ40Bus).

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

90 SITA, “Video: Na Luniku IX zbúrali panelák, ďalšie budú chatrče”, 8 October 2012, available at: <http://www.webnoviny.sk/slovensko/video-na-luniku-ix-zburali-panelak/554297-clanok.html>; or [topky.sk](http://topky.sk), “Na Luníku IX. prišlo o domov 300 Rómov: Búraníu bagrom sa prizerali aj malé deti!”, 8 October 2012, available at: <http://www.topky.sk/cl/10/1326978/Na-Luniku-IX--prislo-o-domov-300-Romov--Buraniu-bagrom-sa-prizerali-aj-male-deti->

Aside from the forced eviction of Roma, another aspect of discrimination in housing (residential segregation and denial access to adequate housing) are walls and barriers erected to segregate Roma from the rest of the society. The ERRC has evidence that at least 11 such walls and barriers to segregate Roma have been built in the last ten years (most of them in the last two years). Most of the walls were either directly commissioned by the municipality or the municipality financially contributed to the residents desire to built the walls.<sup>91</sup>

## **4.2 Police Mistreatment and Violence Against Roma**

### **4.2.1 LEGAL AND POLICY FRAMEWORK**

Act no. 300/2005 Coll. the Penal Code contains a description of several deeds which have a basis in racial hatred, and constitute several criminal offences. It also prescribes penalties for committing them. Criminal offences where a racial and ethnic motive is especially important are: abusive duress;<sup>92</sup> genocide;<sup>93</sup> defamation of a nation, race or belief;<sup>94</sup> incitement to national, racial and ethnic hatred;<sup>95</sup> incitement, defamation and threatening of person due to their race, nation, nationality, colour of skin, ethnic group or gender<sup>96</sup> and persecution of citizens.<sup>97</sup>

However, the Slovak Penal Code also lists ethnic and racial hatred as ‘special motives’ of perpetrating criminal offences.<sup>98</sup> This means that if a criminal offence is committed and a special motive of the perpetrator is proven, the punishment is more severe because the special motive makes it more dangerous for society.<sup>99</sup> For example, the general punishment for the criminal offence of manslaughter is between 15 and 20 years of imprisonment.<sup>100</sup> However, if a special motive is proved, the punishment rises to between 20 and 25 years of imprisonment.<sup>101</sup>

### **4.2.2 BACKGROUND AND ERRC ACTIVITIES**

#### *Police mistreatment against Roma*

In recent years, special investigation bodies have been established in Slovakia to investigate alleged acts of police violence. Any alleged acts of police brutality and unlawful actions by

91 ERRC, Map of Incidents in Slovakia and the Czech Republic, available upon request.

92 Act no. 300/2005 Coll., Art. 190.

93 *Ibid.*, Art. 418.

94 *Ibid.*, Art. 423.

95 *Ibid.*, Art. 424.

96 *Ibid.*, Art. 424a.

97 *Ibid.*, Art. 432.

98 *Ibid.*, Art. 140.

99 JUDr. Slavomír Šamín, “Trestný zákon (úplné znenie s komentárom)” Poradca, Bratislava, 2012, p. 91.

100 Act no. 300/2005 Coll., Art. 145 (1).

101 *Ibid.*, Art. 145 (2).

police are investigated by the Control and Inspection Service Section of the Ministry of Interior of the Slovak Republic.<sup>102</sup> However, serious concerns arise in relation to the impartiality of the supervising body, as both the police forces and the Inspection fall within the same branch of government and under the same Ministry. The authorities do not collect statistical data, neither on the number and nature of reported criminal acts with racial motive committed by police officers, information on the ethnicity of victims, nor on the punishment imposed on those who were found guilty.

Between January 2008 and February 2011, the ERRC carried out research on anti-Roma violence and impunity.<sup>103</sup> The ERRC documented several cases in which law enforcement officials were either directly involved in attacks against Roma or ill-treated them during the investigation in the period monitored. In the years 2011-2012, the unlawful use of police power and police violence continued in Slovakia while at the same time, investigation of reported misuse of police power from the past years was taking place.

One of the cases monitored by the ERRC was the case of police ill-treatment of a group of Romani boys from the city of Kosice. On 21 March 2009, after being arrested by police on suspicion of robbing and causing injuries to an elderly woman in a shopping centre, six Romani males (three of them minors) were brought to the police station in Kosice where they were physically abused, ordered to hit and kiss each other, and finally ordered to strip naked. Despite clear evidence of anti-Romani remarks made by a police officer and captured on video, the criminal trial is still pending before the Kosice District Court. Media reports indicate a change has been made in the senate deciding on the case, and this will cause delay in proceedings. None of the 10 accused persons attended the last hearing.<sup>104</sup> The Kosice District Court and the Ministry of Justice have failed to respond to repeated requests from the ERRC for updates.<sup>105</sup>

Recently, a number of police raids were carried out in Kežmarok District, in Northern Slovakia. In the autumn of 2012, four Romani settlements located in Kežmarok District were raided by the police: Stráne pod Tatrami, Huncovce, Podhorany and Rakúsy. Allegedly, no arrest warrants or search warrants were shown. In spite of that, the police entered houses situated in settlements and searched them. According to information obtained by the ERRC, some residents were physically and verbally abused, including elderly and disabled people. Despite the possible violations of rights of those living in the settlements, the spokesperson of the Prešov's Regional Directorate of Police Forces, Daniel Džobánik, informed the media

102 See: <http://www.minv.sk/?posobnost-inspeknej-sluzby-na-useku-inspeknej-sluzby>.

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

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

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



that the police actions were in conformity with the law.<sup>106</sup> The ERRC is currently working with a Slovak lawyer to pursue this case of police brutality.

Police violence against the Roma was also subject to examination by international bodies. On 14 December 2010, the European Court of Human Rights (ECtHR) issued a judgment in the case of *Mižigárová v. Slovakia*.<sup>107</sup> The case concerned the death of Mr. Šarišský, a young Roma man who died by shooting in police custody. The ECtHR found a violation of Article 2 of the European Convention of Human Rights due to the insufficient and ineffective investigation of Šarišský's death stating that: "no meaningful investigation was conducted at the domestic level capable of establishing the true facts surrounding".<sup>108</sup>

#### *Incidents of violence against Roma*

Slovakia reported a significant increase in racially motivated attacks in 2011 compared to previous years. Overall in 2011, the number of racially motivated acts (243 criminal acts reported) increased by 127.82% in comparison to 2010 (79 criminal acts reported). The data, however, does not include information on the ethnicity of the victims, and only relates to identified and prosecuted perpetrators.<sup>109</sup>

The ERRC has expressed concern about the growing number of racially-motivated verbal and physical violent attacks against Romani individuals. Since 2008, the ERRC has been compiling a list of attacks against Roma, based on research by ERRC and media reports.<sup>110</sup> The attacks included firebombing, shooting, stabbing, beating and other acts of violence. In many cases, there have been no successful prosecutions of offenders.<sup>111</sup>

In the "Imperfect Justice" report published in 2011, the ERRC underlined the unwillingness of Slovak authorities to conduct proper investigations and bring perpetrators to justice when victims are Roma.<sup>112</sup> Taking into account that more than half of the investigations in 2011 have not been concluded, the effectiveness of investigations of crimes with a potential racial motive by Slovak authorities can be called into question.<sup>113</sup> In the eight monitored cases of

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

107 European Court of Human Rights, *Mižigárová v Slovakia*, 14 December 2010, Application no74832-01, available at: <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx#%22dmdocnumber%22:%2222878641%22,%22itemid%22:%222001-102279%22>}.

108 *Ibid.*, para. 104.

109 Slovakia, *Reports submitted by States parties under article 9 of the Convention (CERD)*, p. 15.

110 ERRC, Attacks list, July 2012, available at: <http://www.errc.org/article/attacks-against-roma-in-hungary-the-czech-republic-and-the-slovak-republic/3042>.

111 *Ibid.*

112 ERRC, *Imperfect Justice*, 2011, available at: <http://www.errc.org/article/imperfect-justice-anti-roma-violence-and-impunity/3827>.

113 Slovakia, *Reports submitted by States parties under article 9 of the Convention (CERD)*, p. 15.



violence against Roma committed between January 2008 and February 2011, racial motive was ruled out in three cases; in one case it was still under investigation; in two cases racial motivation was included in the indictment; in one case racial motivation was confirmed in the judgment; and in one case no information was available.<sup>114</sup>

The inability or unwillingness of the Slovak authorities to properly investigate racially motivated crimes has been already emphasised by the ECtHR in the *Koky v Slovakia* case. The ERRC represented in this case 10 Roma who had been subjected to a racially-motivated attack in 2002. The Court held that the authorities had not done all that could have been reasonably expected of them to investigate the attack, to identify those responsible and to draw the necessary consequences.<sup>115</sup>

In 2012, the most violent case against Roma took place in the southern Slovak town of Hurbanovo. On 16 June 2012, a local off-duty municipal police officer shot three people dead and wounded two others, all from the same family. The perpetrator later gave testimony before the court during which he said: “That morning I woke up and felt that I must go there and restore order”.<sup>116</sup> This echoes a previous case of mass murder in Bratislava/Devínska Nová Ves in 2010, where an ex-soldier executed eight people and injured 17 – he first shot his Romani neighbours and consequently opened fire on the street – where a racial motivation was also not confirmed.<sup>117</sup> In the case from Hurbanovo, the court ordered an expert examination of the mental state of the perpetrator which recently concluded that he had not been fully deranged when shooting.<sup>118</sup> The perpetrator has recently been sentenced to nine years of imprisonment. Both him and the Prosecutor waived their right to appeal.<sup>119</sup>

In March 2012, three young men attacked a group of Roma, including two women, who were collecting leftovers in rubbish containers in Kosice. The perpetrators first verbally attacked the Roma, calling them “Gypsy bitches”, threatening to kill them and then attacked them physically.<sup>120</sup>

Another incident took place in Gelnica in January 2012. A Molotov cocktail was thrown at a home inhabited by Roma. The property sustained some damage but, fortunately, no one was injured.<sup>121</sup>

114 ERRC, *Imperfect Justice*.

115 European Court of Human Rights, *Koky and others v Slovakia*, 12 June 2012, Application no. 13624/03.

116 See: [topky.sk](http://www.topky.sk/cl/100370/1314949/Pozname-motiv-masakru-v-Hurbanove--Policajt-prezradil--preco-strietal-), “Poznáme motív masakru v Hurbanove: Policajt prezradil, prečo strieľal!”, 25 June 2012, available at: <http://www.topky.sk/cl/100370/1314949/Pozname-motiv-masakru-v-Hurbanove--Policajt-prezradil--preco-strietal->.

117 [France24.com](http://www.france24.com/en/20100830-gunman-goes-deadly-rampage-capital-media-reports-say-slovakia-bratislava), “Eight dead after Bratislava shooting spree” 31 August 2010, available at: <http://www.france24.com/en/20100830-gunman-goes-deadly-rampage-capital-media-reports-say-slovakia-bratislava>.

118 TASR, “Strelec z Hurbanova bol pričítaný. Pôjde pre súd” *Hospodarske noviny*, 11 December 2012, available at: <http://hnonline.sk/slovensko/c1-58948690-strelec-z-hurbanova-bol-pricetny-pojde-pre-sud>.

119 ČTK: “Městský policista za zastrelení 3 Romů dostal 9 let”, 27.03.2013, available at: <http://www.romea.cz/cz/zpravodajstvi/zahranicni/mestsky-policista-za-zastreleni-3-romu-dostal-9-let>.

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

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

*Anti-Roma marches and protests*

Another phenomenon of concern is the rising number of anti-Roma marches and protests that have taken place in Slovakia. The ERRC has identified eleven anti-Roma marches in the last two years.<sup>122</sup> They create an atmosphere of fear and racial hatred. One of the worst examples involved the mayor of Zlaté Moravce, who said during his New Year's speech: "...we do order in the city and we will force to leave those, who do not work and are parasites on us whites... I promise you, you will have to work and for work you will be paid...no one will be parasites on us and the others... thank you to all citizens... and declare fight against discrimination of whites in the city and whites in this country..."<sup>123</sup>

In September 2012, almost 3,000 people took part in the march in the town of Partizánske with the slogan: "Stop asocials in your town". The event was organised by the mayor of Partizánske together with the mayors of Žiar nad Hronom and Handlová while those of Romani origin were labelled as "asocials".<sup>124</sup> Two anti-Roma marches were held in Bratislava in October and November 2012, respectively. They were organised as "marches for decent life" and several extremists who participated burnt the European Union flag.<sup>125</sup>

## 4.3 Segregation in Education

### 4.3.1 LEGAL AND POLICY FRAMEWORK

The main law governing the system of education in Slovakia is Act no. 245/2008 Coll. on upbringing and education (Education Act). It sets forth the main principles of the educational system, the conditions for providing education, the legal status of various types of schools, the competence, rights and duties of education authorities; etc. It defines a child from a socially disadvantaged background as "*a child or a pupil living in an environment which is insufficient in terms of social, family, economic and cultural conditions which causes under-development of mental, emotional characteristics and will of a child or a pupil, it does not support his socialisation and it does not make adequate incentives for the development of his personality*";<sup>126</sup>

The Education Act specifies the conditions for qualifying a pupil from a socially disadvantaged background as a pupil with special educational needs.<sup>127</sup> The law allows the establishment of

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

123 See: **Topky.sk**, "Zvrat v kauze rómskeho útoku: Primátor mal pred ním vyzvať k ochrane bielej rasy!", 10 January 2012, available at: <http://www.youtube.com/watch?v=KUk3JFgRPr8>.

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

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

126 Act no. 245/2008 Coll. on upbringing and education (Education Act), Art. 2(p).

127 *Ibid.*, Art. 108 (1).

classrooms<sup>128</sup> and schools for pupils with special educational needs which use curricula adjusted to their ‘needs’.<sup>129</sup> It also prescribes the procedure for enrolling and transferring pupils with special educational needs.<sup>130</sup>

The Revised National Action Plan of the Decade of Roma Inclusion for years 2011 – 2015 (Revised Action Plan) considers the improvement of education of Roma as one of its top priorities.<sup>131</sup> The main goals include improving motivation, attendance and school results in elementary education, to improve the care for pedagogic and expert employees, education in mother tongue, to deal with the issue of education and upbringing at special schools, etc.<sup>132</sup>

The “Roma Reform Programme” of the new government publicly announced some measures in the field of education. The Government, together with the OPGRC, proposed 14 ‘solutions’, including compulsory pre-school education for children from ‘risky families’ (‘risky families’ are identified on the basis of various criteria – e.g. education and material situation of parents, their criminal record), all-day education system for children from ‘risky families’, securing education for children from ‘risky families’ even during summer holidays, prolonging the length of compulsory education for up to 12 years and stopping the enrolment of pupils with light mental disabilities into special elementary schools; etc.<sup>133</sup>

The measures proposed for the field of education within the “Roma Reform Programme” were scrutinised by the Committee on Elimination of Racial Discrimination. On 1 March 2013, the Committee issued its Concluding Observations on the periodic report submitted to it by Slovakia.<sup>134</sup> The Committee expressed its concern that “Roma Reform Programme” “*re-introducing mandatory pre-school education for children from families affected by social exclusion might lead to discrimination and segregation*” and recommended the government to ensure “*that mandatory pre-school education is conducted in a manner that would remove the disparity between children of marginalized groups and the majority population, with the aim of preventing future segregation in education.*”<sup>135</sup>

### 4.3.2 BACKGROUND AND ERRC ACTIVITIES

The segregation of Romani children in education persists in the Slovak Republic. Comprehensive research shows that Romani children are overrepresented in special education in

128 *Ibid.*, Art. 29(9).

129 *Ibid.*, Art. 61.

130 *Ibid.*, Art. 61(1), Art. 31(3).

131 Slovakia, Revised National Action Plan of the Decade of Roma inclusion 2005 – 2015 for years 2011 – 2015, available at: [http://www.romadecade.org/decade\\_action\\_plans](http://www.romadecade.org/decade_action_plans).

132 *Ibid.*

133 OPGRC & the Ministry of the Interior, Rom Reform Programme.

134 Committee on the Elimination of Racial Discrimination, *Concluding observations of the Committee on the Elimination of Racial Discrimination on the Slovak Republic (CERD/C/SVK/CO/9-10)*, 01 March 2013, available at: [http://www2.ohchr.org/english/bodies/cerd/docs/co/CERD-C-SVK-CO-9-10\\_en.pdf](http://www2.ohchr.org/english/bodies/cerd/docs/co/CERD-C-SVK-CO-9-10_en.pdf).

135 *Ibid.*, para. 11.

Slovakia. Recent numbers point to Romani children constituting 60% of all pupils in special education.<sup>136</sup> In special classes in standard mainstream schools, Roma account for up to 86% of the pupils.<sup>137</sup> Despite the launch of a new Education Act in Slovakia in September 2008, no concrete changes in the education of the Romani children have been reported.<sup>138</sup>

The existing tools intended to promote integration or inclusion of Romani children into mainstream education provide very limited potential to advance these objectives. The NGO Centre for the Research of Ethnicity and Culture (Centrum pre výskum etnicity a kultúry; CVEK) undertook a qualitative study of preparatory or zero classes and teaching assistants, multicultural education, individual integration, use of Romani language and the inclusive model of financing education at primary schools.<sup>139</sup>

While evaluating the tools from the perspective of inclusive education, the study found that some measures such as preparatory classes in their current form in fact do not help inclusion. Generally, tools such as teaching assistants, the use of Romani language or multicultural education are not fully used to promote inclusion.<sup>140</sup>

Meanwhile, the segregation of Romani children in education was also condemned by Slovak courts. On 5 December 2011, the District Court in Prešov issued a judgment in which it ordered the desegregation of Romani pupils in the Mainstream Elementary School in Šarišské Michalany.<sup>141</sup> The school segregated Romani pupils not only within classes but also by putting the Roma-only classrooms in a different part of the building. According to the District Court, the measures adopted by the school, i.e. separate classes with special standards for “children from socially disadvantaged environment”, are discriminatory. The Court held that specific forms of educational means may be used for pupils from “socially disadvantaged environments”. However, they must not violate human rights guaranteed by national and international law. Recently, the decision of the District Court was upheld by the Regional Court in Prešov.<sup>142</sup> According to its judgment, the school discriminated against Roma pupils on the basis of ethnicity by creating Roma-only classes. The case is groundbreaking as this was the first time that the Courts in Slovakia had ruled on segregation of Romani children in education.

In 2011, ERRC work on segregation of Romani children in education focussed on a case in Plavecký Štvrtok, a town close to the capital Bratislava where the ERRC has conducted research

136 E. Friedman, E. Gallová Kriglerová, M. Kubánová, and M. Slosiarik, REF, *School as Ghetto*.

137 *Ibid.*, p. 24.

138 Act no. 245/2008 Coll. on upbringing and education (Education Act).

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

140 *Ibid.*

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

142 *Poradňa pre občianske a ľudské práva*, “Krajský súd potvrdil segregáciu rómskych detí na základnej škole v Šarišských Michalanoch”, press release, 02 November 2012, available at: <http://poradna-prava.sk/?p=579>.

and field visits to support potential litigation. The mainstream school reportedly runs segregated special classes in which children are taught curricula designed for children with light mental disabilities. The majority of children earmarked for these classes are Romani children from the town's Roma settlement. According to ERRC research, there are persistent human rights issues at the school, including physical segregation, restrictive infrastructure and poor treatment by teachers and other pupils. The special classes and corridors are allegedly locked during the whole education process and the windows are tinted in the classrooms, allegedly to prevent pupils from exiting the designated section of the school, which also constitutes a security concern in case of fire or another emergency that requires immediate evacuation of the building. Tinted windows are restricted to Roma-only classrooms, purportedly to 'eliminate distractions'. The school also reportedly segregates Romani children in the school canteen. Romani children have also been subject to police harassment and general hostile and derogatory attitudes from teachers as well as bullying by non-Romani pupils.

The idea of placing Romani children (officially children from marginalised communities) into boarding schools was introduced for the first time in 2009 during Prime Minister Fico's first term; however no particular measures were taken. A similar proposal came up in Fico's second term. Although the policy introducing boarding schools was included in the Program Declaration of the Slovak Government for 2012-2016,<sup>143</sup> there have neither been any particular measures introduced nor resources allocated in the national budget for the boarding school policies. In February 2013, Prime Minister Fico came back to the idea of boarding schools for Romani children, when he stated that the best hope for them was to separate them from their families and place them in boarding schools. "Someone should show these children they can live in a different way," he said during a discussion with students.<sup>144</sup>

## 4.4 Coercive Sterilisation of Women and Romani Children in Institutional Care

### 4.4.1 BACKGROUND ON COERCIVE STERILISATION AND ERRC ACTIVITIES

In 1972, the regulation governing the conditions under which sterilisation can be performed in Slovakia was issued in order to implement the Law on Health (1966), which stated that "Sterilisation can be performed only with the consent or based on specific request of the person who shall undergo sterilisation under the conditions established by the Ministry of Health."<sup>145</sup>

Currently, the main Slovak law regulating the healthcare system is the Act no. 576/2004 Coll. on Healthcare. It explicitly requires informed consent to be made by the patient (or his/her legal representative) before healthcare is provided.<sup>146</sup> Information should be provided on the goals, nature,

143 Government of the Slovak Republic, *The Program Declaration for the period of 2012-2016*, available at: <http://www.vlada.gov.sk/znalostna-spolocnost-vzdelavanie-a-kultura/>.

144 Romea, *Slovak PM wants Romani children to attend boarding schools*, available at: <http://www.romea.cz/en/news/world/slovak-pm-wants-romani-children-to-attend-boarding-schools>.

145 Law on Health, Act no. 20/1966 Coll., Art. 27.

146 Act no. 576/2004 Coll. on Healthcare, Art. 4(4).

consequences and risks of providing healthcare prior to consent.<sup>147</sup> No pressure whatsoever is allowed in any case.<sup>148</sup> Sterilisation may take place only on the basis of written proposal and written informed consent made by an individual, his/her legal representative or based on the decision of a court upon a legal representative's request.<sup>149</sup> The information provided should contain: alternative methods of contraceptive and planned parenthood, possible changes of living circumstances which led to the planned sterilisation, medical consequences and the possible failure of sterilisation.<sup>150</sup>

The practice of coercive sterilisation of Romani women in Slovakia was documented in the 2003 report "Body and Soul: Forced Sterilisation and Other Assaults on Roma Reproductive Freedom in Slovakia".<sup>151</sup> The report was based on the data from the interviews with 140 involuntarily sterilised Romani women, out of which 110 were sterilized after the collapse of Communism.<sup>152</sup> It states that Slovak health care providers were complicit in conducting the systemic and consistent practice of coercive sterilisation of Romani women without acquiring their informed consent.

The amendment of the law on health care from 2004 brought the process of informed consent in line with the international standards. However, no Slovak government acknowledged the involvement of state institutions in the practice of coercive sterilisation and no public apology has been issued to date. The Minister of Justice, after the second case decided at the ECtHR, acknowledged an individual doctor's failure; however, she simultaneously declared<sup>153</sup> that no organised and systematic practice of forced sterilisation in Slovakia was happening.

In 2004, the Counselling Centre for Citizenship, Civil and Human Rights and their affiliated lawyers brought three cases on forced sterilisation, representing twelve Romani women, to the ECtHR. In all three cases (the last in November 2012), the ECtHR ruled the violation of the Article 6 (Right to a fair trial) and Article 8 (Right to respect for private and family life) of the European Convention on Human Rights, and ordered a financial compensation to each applicant for the damages and the costs and expenses.<sup>154</sup>

147 *Ibid.*, Art. 6 (1,a).

148 *Ibid.*, Art. 6(2).

149 *Ibid.*, Art. 40 (2).

150 *Ibid.*, Art. 40(3).

151 Centre for Reproductive Rights, Counselling Centre for Citizenship, Civil and Political Rights, *Body and Soul: Forced Sterilisation and Other Assaults on Roma Reproductive Freedom in Slovakia*, 2003, available at: <http://reproductiverights.org/en/document/body-and-soul-forced-sterilisationsterilisation-and-other-assaults-on-roma-reproductive-freedom>.

152 *Ibid.*, p. 14.

153 SME, *Žitňanská: nepotvrдили sa organizované sterilizácie Rómov* [Žitňanská: organised forced sterilisationsterilisation of Romani women not confirmed] <http://www.sme.sk/c/6179218/zitnanska-nepotvrдили-sa-organizovane-sterilizacie-romok.html>.

154 ECtHR, *Case of K.H and Others v. Slovakia*, Application no. 32881/04, 6 November 2009, available at: <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-107364#i=001-107364>; *Case of V. C. v. Slovakia*, Application no. 18968/07, 8 November 2010, available at: <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-107364#i=001-107364>; *Case of I.G. and Others v. Slovakia*, Application no. 15966/04, 13 November 2012, available at: <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-114514#i=001-114514>.

In August 2011, the Slovak Parliament discussed a legislative plan (one step before the drafting of a law) on free sterilisation for women and men living in socially excluded localities. The measure was proposed by a state secretary at the Ministry of Labour, Social Affairs and Family from a liberal party '*Sloboda a Solidarita*' (Freedom and Solidarity).<sup>155</sup> The Slovak parliament voted against this legislative plan. The same individual, as an opposition MP, repeatedly attempted to launch a parliamentary discussion on the same proposal in August 2012.<sup>156</sup> The Slovak Parliament eventually did not proceed with the proposal.

In June 2011, the ERRC addressed several specialised UN bodies in regard to the issue of forced sterilisation of Romani women in European countries, such as the Czech Republic, Hungary, and Slovakia.<sup>157</sup> Throughout 2012 the ERRC conducted several advocacy rounds with international bodies (UN Human Rights Council, Council of Europe, European Commission), Slovak authorities (Ombudsperson office, MPs and regional politicians), and civil society calling on authorities to ensure that acts of forced sterilisation are adequately investigated, that victims are fairly compensated and the authorities acknowledge the practice and issue a public apology.

#### 4.4.2 BACKGROUND ON THE SITUATION OF ROMANI CHILDREN IN INSTITUTIONAL CARE AND ERRC ACTIVITIES

The Constitution of the Slovak Republic guarantees special protection of children and minors, and the protection of parenthood and the family under Article 41. It establishes that childcare is the right of parents and that children are entitled to parental upbringing and care. The State is obliged to provide assistance to parents taking care of their children.<sup>158</sup>

The legislative framework on the rights of the child, the rights of parents and child protection is set out in a group of legal acts including Act No 36/2005 Coll. on the Family (Family Act)<sup>159</sup> and Act No 305/2005 Coll. on Social and Legal Protection of Children and Social Guardianship.<sup>160</sup> The Family Act defines the principles of family law, relations between parents, children and other relatives, alternative care, guardianship and adoption. The Act on

155 Tvnoviny.sk, *Will sterilisationsterilisation be for free in Slovakia?*, available at: <http://tvnoviny.sk/sekcia/spravu/domace/bude-sterilizacia-na-slovensku-zadarmo.html>.

156 Webnoviny.sk, *Lucia Nicholsonova proposes free sterilisationsterilisation*, available at: <http://www.webnoviny.sk/ekonomika/lucia-nicholsonova-navrhuje-bezplatne/535631-clanok.html>.

157 ERRC, Submission to the UN Special Rapporteur on Health, Torture and Violence Against Women (June 2011), available at: <http://www.errc.org/cms/upload/file/letter-to-un-special-rapporteurs-on-health-torture-and-violence-against-women-3-june-2011.pdf>.

158 Slovakia, *Constitution of the Slovak Republic*, available at: [http://www.vop.gov.sk/en/legal\\_basis/constitution.html](http://www.vop.gov.sk/en/legal_basis/constitution.html).

159 Slovakia, *Act No 36/2005 Coll. on the Family*, available at: <http://www.zakon.sk/Main/lwDefault.aspx?Template=~/Main/lwTArticles.ascx&phContent=~/ZzSR/lwShowPDF.ascx&RuleId=29995&Version=-1>.

160 Slovakia, *Act No 305/2005 Coll. on Social and Legal Protection of Children and Social Guardianship*, available at: [www.zakon.sk/Main/lwDefault.aspx?Template=~/Main/lwTArticles.ascx&phContent=~/ZzSR/lwShowPDF.ascx&RuleId=30284&Version=-1](http://www.zakon.sk/Main/lwDefault.aspx?Template=~/Main/lwTArticles.ascx&phContent=~/ZzSR/lwShowPDF.ascx&RuleId=30284&Version=-1).



Social and Legal Protection of Children and Social Guardianship regulates child protection and social guardianship to prevent crisis situations in the family, to protect the rights and the interests of the children, to ensure the full mental, physical and social development of children and to eliminate anti-social behaviours.

The rules of proceedings before the court are governed by Act no. 99/1963 Coll. Code of civil Procedure.

In 2011, the ERRC published research on children of Romani origin in institutional State care in Slovakia, Bulgaria, Czech Republic, Hungary and Italy. The research in Slovakia was done in partnership with the Milan Šimečka Foundation (Nadácia Milana Šimečku). The research found that Romani children are overrepresented in State childcare institutions compared to non-Roma.<sup>161</sup> In the Slovak Republic, the survey data indicated that Romani children account for around 82% of all children in the State care institutions, the highest percentage among the countries examined. For many institutionalised Romani children reintegration into a family setting is unlikely and their ethnicity negatively affects their chances of adoption, meaning that many Romani children are doomed to spend their entire childhood without direct parental and family relations.

Two main factor groups impacting the overrepresentation of Romani children in the system of institutional care were identified. Firstly, factors related to the social situation of the family: poverty and material deprivation, frequent school truancy, limited state support to single parents (especially single mothers). Secondly, factors related to the operation of the state child protection system: discrimination from the side of social care workers, stereotypes and a ‘culture of blame’ and inadequate or absenting legal and policy prevention measures.

Another issue related to placement of Romani children in State care institutions is the failure of the Slovak Republic to address deficiencies in the system of adoption. For children, entering State care often means effectively getting trapped in an institutional setting as the system of foster care and adoption is often complicated and lengthy. For Romani children the chance of adoption is significantly limited due to widespread anti-Roma sentiments and prejudices, both inside and outside of the child protection system. In all countries where the research was carried out, adoption authorities reported that many prospective adoptive parents are not willing to adopt Romani children. The State should develop measures, i.e. awareness raising campaigns targeting potential foster parents, which would address existing anti-Roma attitudes and stereotypes.

Romani children in Slovakia are more likely to be adopted internationally. However, it should be noted that Slovak authorities failed to react properly to cases of forced institutionalisation and adoption that occurred recently. As recent media reports reveal, several children from Slovak Roma families residing in the United Kingdom, were forcefully institutionalised and consequently adopted on the ground of alleged parental mistreatment.<sup>162</sup> Slovak authorities

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

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



responsible for protection of children, above all the Centre for International Protection of Children (Centrum pre medzinárodnopravnú ochranu detí), neglected their obligation to act in international adoption proceedings (even when repeatedly requested by UK authorities). For example they were invited by English courts to take part in adoption proceedings, but refused, failing to take due steps to defend the interests of children.<sup>163</sup>

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



## Annex 1

## Human Rights Treaty Ratification and Reservation Table

International Human rights Law	Adherence date	Commentary (including relevant reservations, derogations and declarations)
ICERD 1965	28.05.93	Czechoslovakia had signed and ratified the Convention on 7 October 1966 and 29 December 1966, respectively, with reservations. By a notification received on 26 April 1991, the Government of Czechoslovakia notified the Secretary-General of its decision to withdraw the reservation to article 22 made upon signature and confirmed upon ratification.
ICCPR 1966	28.05.93	Czechoslovakia had signed and ratified the Convention on 7 October 1968 and 23 December 1975, respectively, with reservations and declarations. Subsequently, on 12 March 1991, the Government of Czechoslovakia had declared the following:  [The Czech and Slovak Federal Republic] recognizes the competence of the Human Rights Committee established on the basis of article 28 of the Covenant to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the Covenant.
ICCPR - OP1 1966	28.05.93	Czechoslovakia acceded to the Optional Protocol on 12 March 1991.
ICCPR - OP2 1989	22.06.99	
ICESCR 1966	28.05.93	Czechoslovakia had signed and ratified the Covenant on 7 October 1968 and 23 December 1975, respectively, with declarations.
CEDAW 1979	28.05.93	Czechoslovakia had signed and ratified the Convention on 17 July 1980 and 16 February 1982, respectively, with a reservation. Subsequently, on 26 April 1991, the Government of Czechoslovakia notified the Secretary-General of its decision to withdraw the reservation made upon signature and confirmed upon ratification.
OP-CEDAW 1999	17.11.00	
CAT 1984	28.05.93	Czechoslovakia had signed and ratified the Convention on 8 September 1986 and 7 July 1988, respectively, with the following reservations:  “The Czechoslovak Socialist Republic does not consider itself bound, in accordance with Article 30, paragraph 2, by the provisions of Article 30, paragraph 1, of the Convention.”  “The Czechoslovak Socialist Republic does not recognize the competence of the Committee against Torture as defined by article 20 of the Convention.”  Subsequently, on 26 April 1991, the Government of Czechoslovakia notified the Secretary-General of its decision to withdraw the reservation with respect to article 30 (1).  On 17 March 1995 and 3 September 1996, respectively, the Governments of Slovakia and the Czech Republic notified the Secretary-General that they had decided to withdraw the reservation with respect to article 20 made by Czechoslovakia upon signature, and confirmed upon ratification.

## ANNEX 1: HUMAN RIGHTS TREATY RATIFICATION AND RESERVATION TABLE

OP-CAT 2002	---	
CRC 1990	28.05.93	Czechoslovakia had signed and ratified the Convention on 30 September 1990 and 7 January 1991, respectively, with the following declaration in respect of article 7 (1):  “In cases of irrevocable adoptions, which are based on the principle of anonymity of such adoptions, and of artificial fertilization, where the physician charged with the operation is required to ensure that the husband and wife on one hand and the donor on the other hand remain unknown to each other, the non-communication of a natural parent’s name or natural parents’ names to the child is not in contradiction with this provision.”
CRC Optional Protocol Armed Conflict 2000	07.07.06	Declaration upon ratification: “.....the Slovak Republic declares that according to its legislation, the minimum age at which voluntary recruitment into its national armed forces is permitted, is regulated by Act No. 570/2005 on the Conscription Obligation and on Amendment of certain Acts section 6, which stipulates that a person can voluntary accept the conscription obligation as of 1st January of the calendar year in which he/she reaches the age of 19 years; and Act No. 346/2005 on the State Service of the Professional Soldiers of the Armed Forces of the Slovak Republic and on Amendment of certain Acts section 13, which stipulates reaching the age of 18 years as the requirement for admission to the state service of the professional soldier.  The fact, that the recruitment can be performed exclusively on the basis of a law in accordance with the Constitution of the Slovak Republic, is the sufficient safeguard to ensure that such recruitment is not forced or coerced.”
CRC Optional Protocol Sale of Children 2000	25.06.04	
ICRMW 1990	---	
Disability Rights Convention	---	Signature only on 26.09.2007.
Convention on Enforced Disappearances [not yet in force]	---	Signature only on 26.09.2007.

## Annex 2

Statistics – Employment, Education, Health, Housing<sup>164</sup>

EDUCATION	Male		Female		Total	
	Roma	Non-Roma	Roma	Non-Roma	Roma	Non-Roma
Literacy rate (16+)	97%	100%	97%	100%	97%	100%
Literacy rate (16-24)	98%	100%	98%	100%	98%	100%
Pre-school enrolment rate (3-6)	26%	59%	25%	53%	25%	56%
Gross enrolment rate in compulsory education (7-15)	83%	84%	82%	90%	82%	87%
Gross enrolment rate (Upper-Secondary Education 16-19)	30%	75%	42%	74%	35%	74%
Average years of education (25-64)	9,05	11,96	8,78	11,90	8,92	11,93
Average Years of Education (16-24)	9,15	11,24	9,10	11,47	9,12	11,36

EMPLOYMENT	Male		Female		Total	
	Roma	Non-Roma	Roma	Non-Roma	Roma	Non-Roma
Unemployment rate (15-64)	64%	27%	78%	40%	70%	33%
Unemployment rate (15-24)	70%	55%	79%	52%	74%	54%
No employment experience rate (15-64)	29%	24%	47%	19%	38%	21%
No employment experience rate (15-24)	68%	52%	83%	57%	75%	54%

HEALTH	Male		Female		Total	
	Roma	Non-Roma	Roma	Non-Roma	Roma	Non-Roma
Access to medical insurance*	94%	97%	94%	96%	94%	97%
No access to essential drugs	48%	19%	48%	18%	48%	19%
Access to health services	92%	95%	91%	95%	92%	95%

164 United Nations Development Programme, World Bank, European Commission: Data on Vulnerability of Roma, 2011, available at: <http://europeandcis.undp.org/data/show/D69F01FE-F203-1EE9-B45121B12A557E1B>.

## ANNEX 2: STATISTICS-EMPLOYMENT, EDUCATION, HEALTH, HOUSING

<b>HOUSING</b>	<b>Roma</b>	<b>Non-Roma</b>
Rooms per HH member	0,63	1,40
Square meters per household member	13,69	28,01
Share of the population not having access to secure housing	32%	3%
Share of the population not having access to improved water source	38%	17%
Share of the population not having access to improved sanitation	44%	12%
Access to electricity	87%	98%
Preference of living in mixed areas	72%	

<b>POVERTY</b>	<b>Roma</b>	<b>Non-Roma</b>
Absolute poverty rate PPP\$ 4.30 income based	8%	7%
Absolute poverty rate PPP\$ 4.30 expenditures based	10%	5%
Absolute poverty rate PPP\$ 2.15 income based	2%	2%
Absolute poverty rate PPP\$ 2.15 expenditures based	1%	2%
Relative poverty rate (60% equalized median income)	87%	45%

<b>MIGRATION</b>	<b>Roma</b>	<b>Non-Roma</b>
Migration intention*	22%	14%
Migration targets*		
Top 3 target countries Roma		
1. UK/England	41%	
2. Czech Republi	17%	
3. Germany	11%	
Top 3 target countries non-Roma		
1. UK/England		19%
2. Germany		12%
3. Austria		12%

CHALLENGING DISCRIMINATION PROMOTING EQUALITY

