

# WRITTEN SUBMISSION

BY THE EUROPEAN ROMA RIGHTS CENTRE AND THE FORUM FOR HUMAN RIGHTS  
CONCERNING SLOVAKIA

Written Comments of the European Roma Rights Centre and the Forum for Human Rights Concerning Slovakia For the Consideration of the United Nations Committee on the Elimination of Racial Discrimination to the 94th Session (20 November - 8 December 2017).



## INTRODUCTION

The European Roma Rights Centre (hereinafter also referred to as the “ERRC”)<sup>1</sup> and the Forum for Human Rights (hereinafter referred to as the “FORUM”)<sup>2</sup> hereby jointly submit this report to the United Nations Committee on the Elimination of Racial Discrimination (hereinafter also referred to as “Committee”) for the consideration to the 94<sup>th</sup> Session (20 November - 8 December 2017). The report focuses on the issues faced by Romani communities in Slovakia, namely:

- police ill-treatment and harassment,
- access to adequate housing, including access to drinking water,
- discrimination in education.

In its 2013 Concluding observations (CERD/C/ SVK/CO/9-10)<sup>3</sup>, the Committee addressed all the above-mentioned issues. Though several years have passed since, the submitting NGOs believe that the Slovak government has taken no significant steps to address the issues, therefore, the situation remains largely unchanged and the problems persist.

## POLICE ILL-TREATMENT AND HARASSMENT

For years, the ERRC has been monitoring incidents of violence against Roma perpetrated by both State and non-State actors. The ERRC has secured legal representation for Romani victims of police harassment. In 2017, the ERRC has also filed an *actio popularis* claim against the Ministry of Interior, challenging harassment of Roma by police.

### *Updates on major cases*

In the autumn of 2012, four Romani neighbourhoods located in the Kežmarok District were raided by the police, **Stráne pod Tatrami, Huncovce, Podhorany, and Rakúsy**. Allegedly, no arrest warrants or search warrants were presented. Despite this, the police entered houses

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

<sup>2</sup> The FORUM works to ensure that human rights are respected, protected and fulfilled in accordance with relevant international human rights standards, using litigation and advocacy to promote human rights before national and international human rights bodies. It provides support to domestic NGOs and conducts and supervises domestic and international litigation and advocacy activities. Visit us at: <http://forumhr.eu/>

<sup>3</sup> Committee on the Elimination of Racial Discrimination, Concluding observations on the ninth to the tenth periodic reports of Slovakia, adopted by the Committee at its eighty-second session (11 February–1 March 2013)

situated in Romani neighbourhoods and searched them. Some people were physically and verbally abused, including children. The investigation was terminated in October 2015 as the Control and Inspection Service Section of the Ministry of Interior of the Slovak Republic (hereinafter referred to as the “*Police Inspectorate*”) stated that the actions of the police did not amount to a criminal offence. The subsequent constitutional complaint was dismissed in 2016.

On 19 June 2013, more than 60 police officers entered a Romani neighbourhood located in **Moldava nad Bodvou** and conducted a violent police action resulting in injuries and damage to property to over 30 individuals (including children) who did not resist or obstruct the police. The Police Inspectorate did not find the police action to be unlawful. Upon the involvement of the prosecution, criminal proceedings were eventually initiated. However, in November 2015 and March 2016, the Police Inspectorate discontinued the proceedings. The controversial decisions contain a lot of stereotypes related to Roma. Amongst others, the decision refers to the notion of “*Roma mentality (mentalita romica)*” when assessing the testimonies of the victims while relating this notion with personal attributes such as lack of self-discipline, aggression, asociality or inability to comply with social norms.<sup>4</sup> In August 2017, the Slovak Constitutional Court dismissed one of the constitutional complaints in the matter.

Recently, the victims of the raid were turned into perpetrators by investigating authorities.<sup>5</sup> In 2017, an investigation against some of the victims was initiated by the prosecutor on the basis of input from the Police Inspectorate who investigated the raid. So far, police have brought charges against six of the victims of the raid for alleged false accusations. We consider this to be a particularly worrying development not only in terms of the blatant discriminatory injustice manifest in this case, but that the decision to prosecute the victims for false accusation, i.e. turning victims into perpetrators, may also serve as a deterrent to other Romani victims of police brutality and stop them from coming forward to report the abuses they have suffered.

In the morning of 2 April 2015, a large number of policemen entered the village of **Vrbnica** in Eastern Slovakia, allegedly to find people evading arrest warrants. A house-to-house search reportedly resulted in injuries to at least 19 Roma individuals who – according to the media and the mayor – did not resist or obstruct the police.<sup>6</sup> Amongst the injured were reported to be young children and women.<sup>7</sup> So far, the only person against whom charges were brought, is the officer who was in charge of the action.<sup>8</sup>

In May 2017, the ERRC drew the attention of the public towards the incident which took place in a Romani neighbourhood in **Zborov**, on 16 April 2017. After the police began indiscriminately beating Roma, including children and elderly people, three people required medical assistance: a 5-year-old boy, a man in his 40’s with a heart condition, and an elderly lady with disabilities. It was reported that an ambulance was temporarily blocked from entering the neighbourhood by

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<sup>4</sup> týždeň, The case of Moldava: Raid and “*mentalita romica*”, available at: <https://www.tyzden.sk/reportaze/40301/razia-a-mentalita-romica/>

<sup>5</sup> Dennik N, From victims to perpetrators, the witnesses of police raid in Moldava charged with false accusation, available at: <https://dennikn.sk/872764/z-obeti-robia-pachatelov-svedkov-policajnej-razie-v-moldave-obvinili-z-krivej-vypovede/>

<sup>6</sup> GypsyTV, ‘*Roma injured after the police action*’, available at: <https://www.youtube.com/watch?v=goEDlyRyIrg#t=37>

<sup>7</sup> Romea, ‘*Romani mayor and Romani residents say police brutalized them, police deny it*’ available at: <http://www.romea.cz/en/news/world/slovakia-mayor-and-romani-residents-say-police-brutalized-them-police-deny-it>

<sup>8</sup> Sme, Inspectorate brought charges against the commander of the action against Roma in Vrbnica, available at: <https://domov.sme.sk/c/20414101/inspekcia-obvinila-velitela-zasahu-proti-romom-vo-vrbnici.html>

the police after it was called to treat injured members of the community. Witnesses who filmed the violence were visited by police officers later that evening and told to delete any footage they had of the events.<sup>9</sup> The investigation by the Police Inspectorate has not been completed yet.

### *Code-Action 100*

The police actions mentioned above (with the exception of Zborov) were reportedly carried out as part of a coordinated series of police interventions under the so-called Code-Action 100 (Pátracia akcia 100) which is a search-focused activity of the police. All of the cases mentioned had similar patterns – police entered homes of Roma living in the respective neighbourhoods and used excessive force against them claiming that they were searching for persons and objects.

According to the former Slovak Ombudsperson's report from her investigation, on the day of the police action in Vrbnica, all the police actions under the Code-Action 100 in Michalovce District (where Vrbnica is situated), were carried out solely in Romani neighbourhoods, namely: Kapušianske Kľačany, Iňačovce, Ruská a Vrbnica.

The data gathered by the Ombudsperson also shows that, in 2013-14 and in the first quarter of 2015, the highest number of the search-focused police actions (259) were carried out in the Prešov region which is the region with the highest rate of un-integrated Roma population in Slovakia. In comparison, in Bratislava region, there was not any Code-Action 100 carried out at all.<sup>10</sup>

### *List of "problematic areas"*

In December 2016, on the SMER-SD party conference, the Prime Minister Robert Fico said: *"We have to start making order in the Romani settlements! ... Personally, I will stand behind police forces, I'll fight with Mrs Dubovcová<sup>11</sup> and international organizations, but we have to make order in Romani settlements ... There is a new generation that does not want to work."* At the same conference, the Minister of the Interior, Robert Kaliňák added that his department and the police will implement a special program to improve security in municipalities with socially excluded communities and Romani settlements that are considered problematic.<sup>12</sup>

In January 2017, the Ministry of Interior published on its websites its priorities for 2017 which include *"Strengthening police in problematic areas"*. According to the website, *"The Ministry of Interior will further focus on places and areas where troublesome socially excluded groups live*

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<sup>9</sup> ERRC, Police Attack Roma Community in Slovakia: Children and Elderly Injured, available at: <http://www.errc.org/article/police-attack-roma-community-in-slovakia-children-and-elderly-injured/4579>

<sup>10</sup> Ombudsperson, Press conference on the action in Vrbnica, available at: <http://www.vop.gov.sk/tlacova-konferencia-k-zasahu-vo-vrbnici>

<sup>11</sup> The former Ombudsperson

<sup>12</sup> Aktuality.sk, Roma are terrified how they are condemned by the Prime Minister, available at: <https://www.aktuality.sk/clanok/399906/romovia-su-zhrozeni-ako-ich-odsudzuje-premier/>

*and where there are frequent law violations such as thefts from houses and cottages.”<sup>13</sup>*

In January 2017, the Ministry of Interior published a list of problematic municipalities with an alleged problematic security situation, where the police presence should be strengthened. The Ministry did not comment on the methodology used for drawing up the list. Most of the "problematic areas" are located in Košice, Prešov and Banská Bystrica regions, which are known to have the highest number of Romani neighbourhoods.<sup>14</sup> Later another list was drawn up but was not published. The mayors of several municipalities that appear on the list do not share the view that they would be problematic. On the contrary, they claim that there has been a recent decline in criminal activities even without the increased activity of the police.

### ***Ineffective investigation of allegations of police ill-treatment and harassment***

The alleged acts of police brutality and unlawful actions of the police are investigated by the Police Inspectorate which falls under the Ministry of Interior.<sup>15</sup> The submitting NGOs note that there are serious concerns in relation to the independence and impartiality of the supervising body as both the police forces and the Inspectorate fall within the same branch of government and under the same Ministry.

The flaws in the investigations of the above-mentioned police raids show that doubts over independence of the Inspectorate are reasonable. Proper investigation in some of the cases started with significant delay, people alleging to be victims of the actions were not heard during the first stages of investigation and the testimonies of the injured Roma were not given the same weight as those of police officers. Moreover, Minister of Interior, Robert Kaliňák said on comparing the testimonies of Roma vis-à-vis the police officers that *“if you place them on the same level, you are insulting me”*.<sup>16</sup>

According to the publicly available information (Report on criminal activities of police officers), in 2016, only about 5% of criminal cases registered by the Inspectorate were proposed for indictment, while in only around 5.8% of the cases charged were brought. For comparison, in 2015, 5.4% of the criminal cases were proposed for indictment and the charges brought in 6.6% of cases.<sup>17</sup> Moreover, the Inspectorate does not publish records of the number and nature of cases of possible racial motivation or of the outcome of the criminal proceedings.

### **Recommendations**

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<sup>13</sup> Ministry of Interior, Priorities for 2017, available at: <https://minv.sk/?tlacove-spravy&sprava=priority-ministerstva-vnutra-v-roku-2017>

<sup>14</sup> SME, Kaliňák showed municipalities in which he wants to fight criminal activities, available at: <https://domov.sme.sk/c/20429071/kalinak-ukazal-obce-v-ktorych-chce-bojovat-s-romskou-kriminalitou.html>

<sup>15</sup> Ministry of Interior, *Competences of Inspectorate*, available at: <http://www.minv.sk/?posobnost-inspekcej-sluzby-na-useku-inspekcej-sluzby>

<sup>16</sup> SME, Kaliňák: Do not place police officers and Roma on the same level, it insults me, available at: <https://tv.sme.sk/v/28963/kalinak-policialtov-a-romov-z-moldavy-nedavajte-na-jednu-uroven-uraza-ma-to.html>

<sup>17</sup> Statistics available at: <https://www.minv.sk/?ministerstvo-vnutra>

The submitting NGOs encourage the Committee to recommend the following to the Slovak Government:

- a. Stop targeting socially excluded Romani communities with higher policing.
- b. Collect and retrospectively publish data on municipalities where police have intervened on the basis of the Code-Action 100 (Pátracia akcia 100).
- c. Introduce measures in relation to police actions involving large numbers of policemen to prevent violent incidents and to facilitate effective investigations of allegations of police ill-treatment.
- d. Establish a fully independent autonomous institution, outside of the structures of the Ministry of Interior that will be responsible for the investigation of complaints of alleged ill-treatment treatment by police officers as well as all complaints with a possible racial motive;
- e. Secure continuous education of all persons investigating cases of police ill-treatment as well as state prosecutors and judges with particular emphasis on standards of effective investigation of ill-treatment laid down by the jurisprudence of the ECtHR and the UN Istanbul protocol;
- f. Secure continuous education of experts in the field of psychology and medicine who are engaged in the investigation of police ill-treatment with particular emphasis on familiarity with the UN Istanbul protocol and;
- g. Gather and disseminate data on victims of criminal offences disaggregated by ethnicity to identify the extent of racially motivated police violence against Roma and the outcomes of these investigations.
- h. Take measures to eradicate all forms of harassment by police during investigations to prevent further victimization of victims.

## **ACCESS TO ADEQUATE HOUSING**

### *Residential segregation and substandard living conditions*

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

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<sup>18</sup> Atlas of Roma Communities 2013, UNDP, available at: <https://minv.sk/?tlacove-spravy&sprava=priority-ministerstva-vnutra-v-roku-2017>

or hard to access. About 14,7% of people living in Romani settlements live in non-standard forms of housing (e.g. shacks, wooden houses).<sup>19</sup> Many Romani families live under the threat of forced eviction due to insufficient legal protection from forced evictions and ineffective system of legalization procedure which could lead to home ownership. Many Romani dwellings are located either on state owned or private land as a result of the transition from communism and decentralization during that period.

An example of maintaining residential segregation by using a support of public funds is Strelnik settlement located in Letanovce village, a Roma community of almost 1000 people. After living in a segregated settlement in decades, they were provided with 96 social housing units by the municipality of Letanovce in October 2013. The designated accommodation only ghettoized the locality however, as it was located on the margins of the municipality and lacked a proper access to public services such education, or health care, and also other daily life amenities such as grocery stores or pharmacies. The location of the housing estate is 500 meters away from the closest village of Hrabusice and 2,5 kilometers from Letanovce where the Romani residents have their permanent residence<sup>20</sup>.

The Roma in Červenica who have also been provided social housing have to live with the reality of its substandard quality. Here, only 47 apartments were provided to the Roma community of nearly 300 people. The apartments were constructed in a substandard manner, again with support of public funds. In the year 2017, sewerage, water pipelines, or a stable electricity supply are still not present in these homes, a year after the Roma moved in to the social housing accommodation. Accessing water for the community means a kilometer walk with containers to the hard to reach forest, or taking water from a river that is also located a kilometre away<sup>21</sup>.

On 19th October 2016, a fire broke out and forced 116 Roma from their apartments on Bratislavská street in Žilina. As a solution to the crisis, the municipality of Žilina provided 10 container houses for over 100 people, including elderly people and children<sup>22</sup>. Based on the ERRC's field mission in March 2017, each container has a living space of only 17 square meters and is inhabited by multigenerational families.

### *Forced eviction update - –Nižné Kapustníky (Košice)*

The ERRC is involved as a third party in the court proceedings related to eviction of Roma in Nižné Kapustníky (Košice). On 30 October 2012, the municipality evicted 156 people, including 63 minors based on the Act on Waste. The municipality did not possess any eviction order and claimed that the area was not a settlement but a waste dump.<sup>23</sup> In July 2013, the Slovak

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<sup>19</sup> Ibid., p. 43

<sup>20</sup> Pravda, *Letanovce: showcase how not to do it*. <https://spravy.pravda.sk/domace/clanok/251447-letanovce-ukazka-ako-to-nerobit/>

<sup>21</sup> SME, *Roma in Cervanica have no water and experience power shortcuts in their new apartments*, available at: <https://presov.korzar.sme.sk/c/20459440/romovia-v-cervenici-nemaju-v-novych-bytoch-vodu-vypadava-im-elektrina.html>

<sup>22</sup> Pravda, *After a month of living in a gym, they are moving to containers*, available at: <https://spravy.pravda.sk/regiony/clanok/411325-po-mesiaci-zivota-v-telocvicni-sa-stahuju-do-unimobuniek/>

<sup>23</sup> SME, *Košice zlikvidovali nelegálnu osadu pri teplárni*, available at: <http://kosice.korzar.sme.sk/c/6587108/kosice-zlikvidovali-nelegalnu-osadu-pri-teplarni.html>.

Ombudsperson published a report stating that the municipality of Košice's actions are in violation of the Slovak's Constitution article 21 - right to inviolability of the dwelling, and article 8 of the European Convention on Human Rights - right to respect for private and family life.<sup>24</sup> Currently, five years after the eviction, the case is pending only at the District Court level.

### *Access to drinking water and related health risks*

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

For example, in Nižný Tvarožec, Eastern Slovakia, there is a medium-sized Roma settlement on the outskirts of the town which is separated by some 500 metres from the town by a farm. The Roma here are left without access to drinking water by the authorities so they are forced to drink water from an unprotected well contaminated by agricultural pesticides and biological material. The ERRC has submitted water from the well to a certified water lab in Košice in May 2014 and the test results revealed that the quality of the water was poor and significantly contaminated by nitrogen. The mayor did not consider the settlement a part of her municipality (she declared to the ERRC and UNDP researchers that there was 100% water pipe coverage in her town)<sup>25</sup>

Roma, especially those living in the eastern part of Slovakia, suffer from higher hepatitis rates than the rest of Slovakia. According to research carried out on a sample of 441 Roma and published in the Central European Journal of Public Health, , more than half of them had been infected by hepatitis B through their life time. The study estimates that Roma are being disproportionately affected by hepatitis B as 12.5 percent of the Roma population in Eastern Slovakia suffers from it, compared with 1.7 percent level among the majority population.<sup>26</sup> Hepatitis A has been also affecting Romani communities due to lack of access to safe drinking water. For instance, in Sobrance a major Hepatitis A outbreak was recorded in 2016 leading to a declaration of emergency by the local municipality. The outbreak started at a local Roma community that was living without access to drinking water, having been previously cut off from it and as pointed out by the regional health authority the location was polluted by waste as the municipality failed to provide a waste collection schedule for the locality<sup>27</sup>.

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<sup>24</sup> Webnoviny, *Kosice did not have the right to evict Roma* Ombudswomen says, available at: <http://www.webnoviny.sk/kosice-nemali-pravo-vystahovat-romov-tvrdi-ombudsmanka/>

<sup>25</sup> Thirsting for Justice 2017, ERRC, available at: <http://www.errc.org/cms/upload/file/thirsting-for-justice-march-2017.pdf>

<sup>26</sup> Central European Journal of Public Health, *High Hepatitis B and Low Hepatitis C Prevalence in Roma Population in Eastern Slovakia*, available at: [http://apps.szu.cz/svi/cejph/show\\_en.php?kat=archiv/2014-sup-09](http://apps.szu.cz/svi/cejph/show_en.php?kat=archiv/2014-sup-09)

<sup>27</sup> Regional Office of Public Health Of Slovakia in Michalovce, *Viral hepatitis type A in Sobrance, year 2016 - interim report*, available at: <http://www.ruvzmi.sk/index.php/epidemiologia/117-informacie-odd-epidemiologie/431-virusova-hepatitida-typu-a-v-meste-sobrance-rok-2016-predbezna-sprava>

## Recommendations

The submitting NGOs encourage the Committee to recommend the following to the Slovak Government:

- a) to resolve urgent issues of land ownership arising from the transition to a market economy and decentralised governance;
- b) to stop forced evictions of Roma; and to ensure that evictions are means of last resort which are carried out in accordance with both national and international obligations, including provision of alternative accommodation
- c) to adopt or amend appropriate national legislation to ensure sufficient procedural safeguards according to the international law obligations when it comes to evictions;
- d) to ensure that social or alternative housing meets acceptable standards for human habitation;
- e) ensure that Roma in segregated localities have access to safe, clean drinking water;
- f) adopt law explicitly recognizing the human right to water and sanitation and ensure that all people in Slovakia enjoy the access to safe drinking water and sanitation;
- g) adopt policies and allocate budgets for connecting Roma settlements to public drinking water and sewage systems;
- h) make sure that quality of all alternative water resources, which serve as a drinking water supply, is periodically checked and the quality of water is guaranteed.

## DISCRIMINATION IN EDUCATION

In Slovakia, thousands of Romani children still face systemic discrimination and segregation in education. First, Romani children are segregated in Roma only schools or classes. Second, they are disproportionately channelled into special schools designed for children with mild intellectual disabilities or special needs. Finally, Romani children are overrepresented in special classes existing within the mainstream elementary school settings.<sup>28</sup> An OECD 2015 report reviewing school resources in Slovakia highlighted "significant concerns for equity in Slovak school system."<sup>29</sup> The OECD concluded that the impact of children's socio-economic background on school performance in the country is among the highest, and stresses that integration of Romani children in mainstream education is limited.<sup>30</sup> Most recently, this worrying situation has been confirmed by the UN CRC Committee which noted that "Roma children

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<sup>28</sup> Roma Education Fund, "Country Assessment 2011 on Slovakia", 2011, available at: [http://www.romaeducationfund.hu/sites/default/files/publications/ref\\_ca\\_2011\\_sk\\_english\\_screen.pdf](http://www.romaeducationfund.hu/sites/default/files/publications/ref_ca_2011_sk_english_screen.pdf).

<sup>29</sup> OECD Reviews of School Resources: Slovak Republic 2015, at 58, available at:

<http://www.oecd.org/publications/oecd-reviews-of-school-resources-slovak-republic-2015-9789264247567-en.htm>

<sup>30</sup> Ibid., at 15.

continue to be the victims of de facto segregation in the State party's school system, with over 50 per cent being taught in Roma-only classes or attending classes in separate school pavilions, often providing inferior education".<sup>31</sup>

In reaction to the ongoing infringement proceedings of the European Commission against Slovakia for violating the EU Race Equality Directive, in June 2015 the Slovak Parliament adopted an amendment to the Schools Act.<sup>32</sup> These legislative changes have been highly insufficient, as they alone cannot secure equal access of Romani children to education if not accompanied by any concrete and sustainable de-segregation policies and measures. This was confirmed by the UN CRC Committee which found that despite "the 2015 legislative amendments, the number of Roma children placed in schools for children with mild disabilities continues to be disproportionately high, the process of psychological assessment during school attendance continues to fail to take into account the different socioeconomic backgrounds of Roma children, the State party's legislation does not stipulate that a regular re-evaluation of the initial diagnosis of the disability should be undertaken and the system is financially incentivized to retain the highest possible number of Romani children in special schools and classes".<sup>33</sup>

In 2017, the ERRC and Amnesty International produced a report reviewing recent legislative changes intended to tackle the erroneous placement of Romani children in special schools and classes for children with "mild mental disabilities" and examines broader structural factors driving segregation and discrimination across the education system. The research found that the legislative changes adopted in 2015 had minimal impact and discrimination of Romani children in education still persists. As the report further stated, Romani children are continuously confronted with other obstacles to realizing their right to education, such as racism, prejudice, stigmatization and lack of expectations from educational staff, observed in all locations studied for this report. Segregation often begins even before primary school.<sup>34</sup>

The submitting NGOs understand that the right to education should be viewed from the perspective of the inclusive education paradigm. We are not arguing that the state should simply prevent placement of Romani children into special schools for children with intellectual

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<sup>31</sup> CRC/C/SVK/CO/3-5, para. 44.

<sup>32</sup> In particular, five legal provisions were amended. The first two provisions only reaffirmed the existing prohibition of discrimination of Romani children in education and did not have potential to secure equal access of Romani children to quality education in everyday school practice. The third provision deals with the so-called "specialised classes", which can be established as a compensation measure for those pupils who are deemed incapable of mastering the regular curriculum. The amended provision provides that children can be placed in such a class for up to one year, on the proposal of the class teacher and an educational counsellor and with the consent of the parent (or legal guardian). The amended provision essentially continues to allow for segregated catch-up classes for socially disadvantaged children. The fourth provision offered financial incentives to schools that educate children from socially disadvantaged backgrounds in mainstream classes. However, the amount of the subsidy is very low (106 EUR per pupil in the year 2015). The fifth provision particularly broadened especially the responsibilities of the State School Inspectorate, especially in the area of monitoring the compliance of educational counselling centres and the overall diagnostics process with the Act on State Administration in the School System and on School Self-Governance. For more details see the submission of the ERRC and Center for Civil and Human Rights, Concerning Slovakia to the UN CRC Committee, April 2016, p. 7-8. The submission is available at:

[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCRC%2fNGO%2fSVK%2f23781&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCRC%2fNGO%2fSVK%2f23781&Lang=en)

<sup>33</sup> CRC/C/SVK/CO/3-5, para. 44.

<sup>34</sup> Amnesty International, European Roma Rights Centre: A lesson in discrimination – Segregation of Romani children in education in Slovakia, 2017, available at: <http://www.errc.org/article/a-lesson-in-discrimination-segregation-of-romani-children-in-primary-education/4557>

disabilities but rather that the state must adopt complex change of the persisting segregated education system to ensure that education is accessible to *all*.

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

## **Recommendations**

The submitting NGOs encourage the Committee to recommend the following to the Slovak Government:

- a. Adopt a comprehensive legally binding plan for the transition from segregated schools into inclusive education at all levels, including by setting timelines, identifying responsible authorities, and allocating adequate resources;
- b. Introduce an enforceable right to inclusive and quality education in the Education Act, including by defining inclusive education in accordance with the Incheon Declaration on education 2030: towards inclusive and equitable quality education and lifelong learning for all of the United Nations Educational, Scientific and Cultural Organization, and Sustainable Development Goal No. 4;
- c. Ensure that all Romani children who so require have access to personal assistance or other individualised support measures and allocate resources for this purpose;
- d. Ensure available, accessible and inclusive preschool education for all Romani children.
- e. Develop a data-collection system – that follows established best practices in the area and meets the standards of European Union legislation concerning the protection of personal data - with a view to provide long-term and accurate statistics on school enrolment (including type of school), attendance, transfers, drop-outs, class repetition, attainment and achievement, disaggregated by ethnicity and other appropriate characteristics including age, citizenship, gender, disability, national origin and socioeconomic status and that this is used to identify and address discrimination and segregation;