



**NGO alternative report to Committee on the Rights of the Child concerning
shortcomings in the implementation of the Convention in Slovakia**

Poradňa pre občianske a ľudské práva (Center for Civil and Human Rights)

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Background

The Center for Civil and Human Rights (Poradňa) – Slovak independent NGO focusing on the protection of rights of Roma minority and protection from discrimination - presents this alternative report to the Committee on the Rights of the Child (Committee) for its consideration in the context of its examination of Slovakia's sixth periodic report on compliance with the Convention on the Rights of the Child (Convention) at the upcoming 98th session.

This report results particularly from ongoing human rights field monitoring, strategic litigation and advocacy efforts of our NGO. It has a comprehensive character and relates to different clusters of human rights covered by the Convention. In particular, it outlines a range of issues of concern regarding equal enjoyment of human rights of Roma ethnic minority including Roma children in Slovakia.

Very most if the presented issues have been raised in the previous Committee's concluding observations on the combined third to fifth periodic reports of Slovakia as well as in the list of issues addressed to the State Party in February 2024. We are concerned that Slovak government authorities have fallen short of addressing these issues effectively over recent years and that progress in implementing the Convention in this regard is insufficient.

Information about submitting NGO

The Center for Civil and Human Rights (Poradňa pre občianske a ľudské práva, "Poradňa") is an independent non-governmental grass-root NGO based in Košice, Slovakia. From 2002 we have addressed discrimination against Roma minority including Roma children in Slovakia in various areas of public life. We have also been active in the protection of reproductive rights of Roma women and girls and protection from police ill-treatment. We pursue our mission by human rights monitoring, strategic litigation as well as domestic and international advocacy activities. We closely link our work with extensive cooperation with many local Roma activists, community engagement with Roma women, and support to Roma communities in pursuing their rights. For more information please visit us at <https://www.poradna-prava.sk/en/>

General principles (arts. 2–3, 6 and 12) - Non-Discrimination

a.) Discrimination of Roma minority including Roma children in public life

Our ongoing field monitoring in marginalised Roma communities shows that Roma minority including Roma children still faces manifold and complex inequalities practically in every aspect of life. The lack of tangible progress in this area over recent years in Slovakia captures the comparative research report that our NGO published in cooperation with the partners in November 2022. While also including references to other recent relevant research sources - this research report primarily relies on first-hand information from our human rights field monitoring conducted in marginalised Roma communities. It essentially concludes that: i./ residential segregation, inadequate housing, and lack of access to safe drinking water, electricity, sanitation still prevails in many Roma communities. ii./ Many Roma children face widespread discrimination in access to education by being disproportionately and wrongly placed in special education and segregated primary schools and classes iii./ Marginalised Roma face various problems with public medical services, including discrimination. These inequalities are driven by persistent negative attitudes among the majority population towards Roma minority.¹ Our additional research report published in cooperation with the partners in March 2024 provides further insight into the current exposures of discrimination faced by Roma from marginalised communities on the basis of our intensive human rights field monitoring. Its findings generally confirm that many forms of discrimination against Roma including Roma children remain common and ongoing in Slovakia.²

The results of both of these research reports clearly indicate that the Slovak Government's efforts to effectively address these issues in recent years have been insufficient and did not lead to significant tangible improvements that would be markedly visible in marginalised Roma communities and in everyday lives of marginalised Roma.

The ongoing widespread discrimination against marginalised Roma and lack of effective Government's action in this regard has been recently highlighted by the Commissioner for Human Rights of the Council of Europe, following his monitoring visit in Slovakia in July 2024. While extensively engaging with Roma communities to better understand their lived experiences – the Commissioner concluded that prejudice against Roma is deeply rooted in Slovak society and discrimination affects all areas of Roma people's lives. He pointed out that some Roma communities live in extreme poverty, making their lives a constant struggle for survival and stressed that overall scale of Roma minority rights challenges requires radical shift and intergenerational approach.³

The current Government policy strategies in this area recognise key shortcomings and challenges and set related relevant goals.⁴ However, we argue that any significant and tangible progress is hindered

¹ For details see Center for Civil and Human Rights, Minority Rights Group Europe, EPEKA Slovenia. Equality and justice on the sidelines: Comparative report on discrimination against Roma and their access to justice in Slovakia and Slovenia, November 2022, pp. 6 – 11. Available at <https://bit.ly/3Gku9oR>

² For details see Center for Civil and Human Rights, Minority Rights Group Europe, EPEKA Slovenia. Equality in accessing justice – Removing barriers for Roma in pursuing their rights in discrimination cases, March 2024, pp. 8 – 9. Available at <https://rb.gy/voyu53>

³ See press release of the Commissioner for Human Rights Slovak Republic: urgent need to address human rights of Roma and adopt an intergenerational approach. Available at <https://www.coe.int/en/web/commissioner/-/slovak-republic-urgent-need-to-address-human-rights-of-roma-and-adopt-an-intergenerational-approach>

⁴ Strategy for quality, inclusion and participation of Roma to 2030 adopted by the Slovak Government on 7 April 2022. Available at <https://rokovania.gov.sk/RVL/Resolution/19150/1> Action plans to the Strategy for quality, inclusion and participation of Roma to 2030 for years 2022-2024. Available at <https://rokovania.gov.sk/RVL/Resolution/20039/1>

by the overall lack of commitment of the responsible institutions to thoroughly implement the proposed policies and measures, including allocating sufficient public financial resources and ensuring long-term sustainability. Particularly unresolved remain deep, structural forms of discrimination, such as segregation in housing and education, which necessarily require complex approach and substantial investments in order to be effectively removed. As a result of this situation, many Roma children inevitably continue to experience deep poverty, segregation and overall social exclusion, without equal access to adequate housing, education and health care.

We encourage the Committee to give particular attention to the ongoing grave human situation of Roma children living in marginalised communities in Slovakia.

Proposed recommendation for the State Party:

- Take immediate action to eradicate deep-rooted structural forms of discrimination and social exclusion faced by Roma including Roma children in marginalised communities and ensure equal enjoyment of all their rights guaranteed by the Convention.

b.) Discrimination of marginalised members of Roma minority including children in access to digital technologies

We would like to bring to the attention of the Committee a specific problem of unequal access to digital technologies – specifically the Internet, computers and smartphones – that we widely monitor among Roma including Roma children living in marginalised communities. We are concerned that even though this specific exposure of discrimination is on the constant rise in our society - the Slovak Government does give it practically no attention.

Lack of skills in using digital technologies or limited access to them put marginalised Roma at an increasing disadvantage in various areas of life. We particularly note that the existing disadvantages in this area came to the foreground during the pandemic of Covid-19 in Slovakia, particularly in connection with unequal access of disadvantaged Roma children to distant education via the Internet. In November 2023 a domestic court decided in favour of Roma girl from a marginalized community in Jarovnice who sued the Slovak Ministry of Education - with legal support of our NGO within our strategic litigation programme - for failing to provide her with equal access to online distance learning during the Covid-19 pandemic. This judgment highlighted wider systemic disadvantages in access to digital technologies and the Internet faced by marginalized Roma communities as well as some other disadvantaged groups in Slovak society.⁵ Anyhow in October 2024, the Regional Court in Prešov being a Court of appeal, based on appeal submitted by the ministry of education, quashed this decision of the first-instance court and remitted the case back to the Prešov District Court for further proceedings. According to its founding the State has not committed indirect discrimination as the situation in question was caused by a pandemic and exceptional circumstances in which the protection of public

⁵ Judgment of the District Court Prešov of 6 November 2023. Ref. no.: 18C 96/2022-254. Available at <https://rb.gy/mqy6ra>
For details see press release of our NGO on this court judgment. Available in English at <https://rb.gy/ka163s>

health came to the fore. The case is now pending again before the first instance court which has to examine further evidence and respect the legal opinion of the upper appeal court.⁶

We are particularly concerned that digital inequalities faced by marginalised Roma children can increasingly reinforce their already existing discrimination in education.

We take note that in recent years the human rights impact of digital technologies has been increasingly the subject of analyses by the special procedures of the Human Rights Council.⁷ The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance made clear that emerging digital technologies exacerbate and compound existing inequities, many of which exist along racial, ethnic and national origin grounds.⁸ We do not document any Slovak Government's effort that would respond to these analyses and findings, translate them into comprehensible policy measures and subsequently implement them.

Proposed recommendation for the State Party:

- Recognise digital inequalities faced by marginalised Roma communities and other vulnerable groups in the Slovak society and effectively challenge them, while giving particular attention to digital inequalities faced by marginalised Roma children in access to education.

c.) Lack of effective access to justice in cases of racial discrimination

From the adoption of the domestic Anti-discrimination Act in 2004, our NGO has been actively engaged in representing Roma experiencing discrimination before courts including Roma children. On the basis on this extensive experience, we argue that the Slovak Government has been insufficient in addressing previous specific recommendation of the Committee, which highlighted the importance to ensure the implementation the Anti-discrimination Act as well as other laws prohibiting discrimination (CRC/C/SVK/CO/3, para. 16a).

Our monitoring and legal engagement in this area confirms that discriminated Roma rarely defend themselves by legal means. The research report that our NGO published in cooperation with partners in November 2022 shows that reasons for that are manifold, ranging from lack of information about legal remedies and possibilities of legal aid, fear of victimisation, lack of trust in justice system to overall social deprivation and poverty forcing them to focus on other daily issues.⁹ Ongoing shortcomings in the implementation of anti-discrimination legislation are also among the factors, discouraging them from taking legal action. Even after two decades there is still minimum positive stories of Roma, who effectively achieved adequate redress before court for discrimination, which would encourage other Roma to pursue their equality rights.

⁶ Decision of the Regional Court in Prešov of 22 October 2024. Ref. no.: 3Co/10/2024.

⁷ Non-exhaustive list of special procedures reports relevant to digital technologies. Available at https://www.ohchr.org/sites/default/files/documents/hrbodies/special-procedures/List_SP_Reports_NewTech.pdf

⁸ Racial discrimination and emerging digital technologies: a human rights analysis. Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance of 18 June 2020. A/HRC/44/57, p. 2.

⁹ See Center for Civil and Human Rights, Minority Rights Group Europe, EPEKA Slovenia. Equality and justice on the sidelines: Comparative report on discrimination against Roma and their access to justice in Slovakia and Slovenia, November 2022, p. 12-15. Available at <https://bit.ly/3Gku9oR>

The ongoing shortcomings in the implementation of Anti-discrimination widely concern decision making of Slovak courts, which remain inconsistent in discrimination disputes. Following from our direct legal engagement, we keep observing particularly:

- Shortcomings in the interpretation of the provisions of the Anti-Discrimination Act and in the overall legal assessment of the claimed discrimination,
- Widespread reluctance of courts to determine racial discrimination and if this is the case, the application of reversed burden of proof continues to fall short of a legal consistency;
- The courts tend to downplay the seriousness of racial discrimination, overlooking or not understanding its *prima facie* impact on human dignity. In some instances there remains a certain bias or preoccupation since they deal with cases of discrimination against Roma minority;
- Excessive length of the judicial proceedings.

These shortcomings can be widely illustrated by the judgment of the District Court Bratislava III that in July 2022 dismissed anti-discrimination *actio popularis* lawsuit filed by our NGO in case of segregation of Roma women in the maternity ward of hospital in a town Prešov.¹⁰ (for more details see thematic chapter f. below).

Proposed recommendation for the State Party:

- Significantly intensify its effort in removing barriers for people facing racial discrimination and make sure that the Anti-discrimination Act is fully implemented in practice.

Violence against children (arts. 19, 24 (3), 28 (2), 34, 35, 37(a), 39 and OPSC) - Torture and other cruel or degrading treatment or punishment

d.) Police ill-treatment against Roma minority including Roma children, lack of effective investigation and overall access to justice in this area

From 2009 our NGO has been continuously monitoring racially motivated police brutality in marginalised Roma communities and representing Roma including Roma minors who were ill-treated by the police before Slovak law enforcement authorities and before the European Court of Human Rights in Strasbourg. Relying on this extensive experience, we claim that the Slovak Government fell short of addressing the previous particular Committee's recommendations concerning this issue (CRC/C/SVK/CO/3, para. 23a and 23b). We note with concern that lack of adequate investigation into police brutality against Roma, including Roma children, and lack of independence of investigation mechanism – persist.

Essentially, the criminal investigations into almost all cases, in which we have represented the affected Roma in previous years, have been stopped at certain stage of the proceedings, not even reaching the court, and we found the investigations ineffective. Some of them ultimately led to the recent judgments of the European Court of Human Rights (ECtHR) in favour of our Roma clients, confirming

¹⁰ Judgment of the District Court Bratislava III of 29 July 2022. Ref. no.:14C/288/2013. Available in Slovak language: https://poradna-prava.sk/wp-content/uploads/2022/08/rozsudok-OS-BA-III_romske-izby_anonym.pdf

failures of the Slovak Government in this area.¹¹ Notably, in February 2024, we approached the Minister of Interior with an open call to strengthen the quality and independence of investigations of police brutality - in direct response to the referred series of judgments of the Strasbourg Court.¹² However, we have not received any written response, nor recorded any particular action indicating that the proposed measures were considered by the Government authorities. The need for effective investigations into cases of police brutality was reiterated in the context of the recent case of the death of a homeless man in Košice after police intervened against him.¹³

We would like to bring to particular attention of the Committee the recent submission to the Committee of Ministers of the Council of Europe from July 2024 that our NGO presented in cooperation with the European Roma Rights Centre. This submission discusses the execution of the three judgments of the ECtHR concerning police ill-treatment against Roma and its ineffective investigation in Slovakia.¹⁴ The submission provides comprehensible and up-to-date overview of the ongoing shortcomings in investigation of these cases and barriers in overall access to justice based on our direct legal engagement in this area. As well, it assesses efforts of the Slovak Government authorities in addressing the existing shortcomings. We, among other things, particularly pointed out that the responsible state bodies keep failing to avoid major shortcomings in the investigation procedures, even including cases that are still being supervised by the Committee of Ministers of the Council of Europe and cases which are under strong public and media scrutiny. These shortcomings continue to have deep, symptomatic character. The responsible investigation body - The Office of the Inspection Service - has not fundamentally changed its overall approach to investigations of police brutality and prosecution authorities that supervise criminal investigations also continue to largely ignore ongoing shortcomings in this area. Additionally, the Office of the Inspection Service, legislatively remains part of the Police Forces - thus the body that it shall actually investigate - and the Government authorities show no intention to strengthen its independence.

Furthermore, we find it necessary that the Slovak Government effectively address barriers in access to justice for individuals facing police ill-treatment - beyond investigation procedures. Indictments against police officers for alleged police ill-treatment against Roma have been very rare in Slovakia and investigations of such cases almost never reached Slovak courts. However, we argue that serious barriers to access to justice for Roma facing police ill-treatment exists also in courts and the Government should effectively respond to them. The serious shortcomings in this regard strongly demonstrates ongoing criminal proceedings associated with the case of physical abuse of six arrested Roma children by the police officers in 2009. The Committee specifically referred to this case in its previous concluding observations, while welcoming the fact that State party's Appeal Court overturned in April 2016 the District Court's decision acquitting the police officers prosecuting for this crime (CRC/C/SVK/CO/3, para. 22). However, the following legal development have not led to the

¹¹ Decision of the ECtHR in a case M.B. a Others against Slovakia (No. 2) of 7 May 2023, no. 63962/19. Decision of the ECtHR in a case P.H. against Slovakia of 8 September 2022, no. 37574/19. Decision of the ECtHR in a case M.B. a Others against Slovakia of 1 April 2021, no. 45322/17. Decision of the ECtHR in a case R.R. a R.D against Slovakia of 1 September 2020, no. 20649/18. Decision of the ECtHR in a case A.P. against Slovakia of 28 May 2020, no. 10465/17.

¹² Open call of the Center for Civil and Human Rights (Poradňa), European Roma Rights Centre (ERRC) and Amnesty International Slovakia to the Minister of Interior of the Slovak Republic to strengthen the quality and independence of investigations of ill-treatment by police officers following the judgments of the ECtHR against Slovakia of 13 February 2024. Available at <https://rb.gy/9jify8>

¹³ For more details see for example: <https://spectator.sme.sk/politics-and-society/c/slovakia-police-brutality-death>

¹⁴ Center for Civil and Human Rights (Poradna), European Roma Rights Centre. Rule 9.2. submission with regard to the execution of R.R. AND R.D. GROUP v. SLOVAK REPUBLIC. 10 July 2024. Available at <https://rb.gy/tb3hne>

conviction of the accused police officers. In December 2020 the Appeal Court in Košice dismissed the Prosecutor's appeal and confirmed the latest acquittal decision of the District Court of December 2019.¹⁵ An attorney working with our NGO has been providing the aggrieved Roma boys with free legal representation. We claimed that Slovak courts have been unable to decide fairly, without delay and within reasonable time and were unable to ensure effective access to justice. In February 2023, our assertion was ultimately recognized by the European Court of Human Rights, which ruled that the Slovak authorities failed to provide effective access to justice for the aggrieved Roma children.¹⁶ It confirmed that Slovak courts heard the case for an unreasonably long time. Moreover, they did not sufficiently examine the alleged humiliating treatment by the police, nor did they sufficiently deal with the racial motive alleged by the prosecution. In May 2023, the Constitutional Court of the Slovak Republic (taking into account the respective judgment of the Strasbourg court) upheld the constitutional complaint, submitted by Roma children's attorney, by finding a violation of the aggrieved children's constitutional right to protection against torture, cruel, inhuman or degrading treatment or punishment and discrimination.¹⁷ It highlighted a range of serious failures in decision making of Slovak general courts particularly in terms of their evaluation of evidence. It quashed the acquittals of the general courts of the accused police officers and remitted the case back to the Košice II District Court for further proceedings. After 14 years from filing indictment by the General Prosecution of the Slovak Republic for this case of police ill-treatment of Roma applicants being children at the time of the incident in 2009 - the Slovak general courts in August 2023 resumed the court proceeding against the accused police officers. However, the case was assigned to the same senate of the first instance court as before. The applicants' attorney working with our NGO objected to its bias, claiming its incapability of correcting the errors that the Constitutional Court highlighted. The first instance court rejected this objection and on 23 February 2024 again acquitted the accused police officers. The acting prosecutor appealed, and the court proceeding is currently pending before the Regional court in Košice being a Court of Appeal.¹⁸ We generally find the legal development in this widely reported case very concerning and can ultimately deter Roma and other individuals from seeking justice in cases of police ill-treatment.

Proposed recommendations for the State Party:

- Ensure that all reported cases of excessive use of force by law enforcement officials are effectively investigated, including the investigation of possible racial motive of such ill-treatment and strengthen independence of this investigation,
- Secure continuous education of all persons investigating cases of police ill-treatment as well as state prosecutors and judges on standards of effective investigation of torture, cruel and inhuman treatment laid down by the jurisprudence of the European Court of Human Rights of the UN Istanbul protocol.

¹⁵ For details see press release of our NGO to the dismissive judgment of the Appeal Court of December 2020. Available in English at <https://rb.gy/zlo7vh>

¹⁶ Decision of the ECtHR in a case M.B. a Others against Slovakia (No. 2) of 7 May 2023, no. 63962/19.

¹⁷ Ruling of the Constitutional Court of the Slovak Republic of 24 May 2023. Ref no.: II. ÚS 329/2021-108. For overall details in English see press release of to this ruling: <https://rb.gy/8yxcod>

¹⁸ For details in English see the press report of Poradňa of 23 February 2024 responding to the judgment of the first instance court. Available at <https://rb.gy/8vvt9v>

e.) Shortcomings in ensuring full access to justice including financial compensation for Roma women and girl survivors of forced sterilisations

The widespread practice of forced sterilization was reported in Slovakia in the past, suggesting that significant proportions of predominantly women of Roma minority in Slovakia had been subject to forced sterilization. The documented cases included also forced sterilisation of girls - minor Roma women.¹⁹ Since then this practice has been repeatedly condemned by international human rights bodies including the Committee itself (CRC/C/SVK/CO/3, para. 24). Apart from documenting this practice, our NGO has previously provided legal aid to some of the aggrieved Roma women before domestic courts and the European Court of Human Rights, which revealed serious barriers in access to justice in these cases in Slovakia.²⁰ Moreover, in close collaboration with a group of Roma women activists, for more than two decades, we have intensively advocated towards the Slovak Government to take responsibility for this grave practice and provide effective justice for all its survivors through introducing effective *ex gratia* compensation mechanism.

We appreciate that in recent years the Slovak state authorities including the Government made notable efforts to address this issue in line with its international human rights obligations. In this respect, we would like to bring to the attention of the Committee our recent submission to the Advisory Committee on the Framework Convention for the Protection of National Minorities, which provides comprehensible overview of the State Parties' progress achieved on this issue in recent years as well as remaining challenges that have yet to be addressed.²¹ Below we reiterate and summarise key development and events:

- We particularly welcomed that in November 2021 the Government formally apologized to the survivors of forced sterilizations and condemned this practice.²² In addition, the Ministry of Justice assessed possible solutions to financially compensate the affected women and developed initial material – legislative intent, which contained basic principles of the planned compensation law. In February 2023, the Ministry of Justice made this legislative material available for comments within government interdepartmental comments procedure - thus available for comments from other government resorts, domestic human rights bodies, NGOs or public.²³ Our NGO as well as key domestic human rights institutions - Slovak National Centre for Human Rights (equality body) and Office of the Public Defender of Rights (Ombudsman) submitted their comments, so that this legislation effectively brings justice to all survivors of forced sterilizations.
- In April 2023, the compensation law proposal was developed and submitted to the Slovak parliament by its member Mr. Peter Pollak and in May 2023 was subsequently adopted by the

¹⁹ See Center for Civil and Human Rights (Poradňa) & Center for Reproductive Rights, Body and Soul: Forced Sterilization and Other Assaults on Roma Reproductive Freedom in Slovakia (2003). Available at <https://rb.gy/gwdl3q>

²⁰ V.C. v. Slovakia, no. 18968/07. ECtHR (2011); N.B. v. Slovakia, no. 29518/10. ECtHR (2012); I.G. and Others v. Slovakia, no. 15966/04. ECtHR (2013).

²¹ Center for Civil and Human Rights (Poradňa). Submission to the Advisory Committee on the Framework Convention for the Protection of National Minorities concerning shortcomings in the implementation of the Convention in Slovakia- August 2024. Available at <https://rb.gy/itdcrp>

²² Resolution no. 674/2021 to the apology of the Government of the Slovak republic for sterilisations in conflict with law. Adopted on 22 November 2021. Available at <https://rokovania.gov.sk/RVL/Material/26642/1> See also our press release in English in this regard <https://bit.ly/3cduQ79>

²³ The legislative intent and the related documentation is published by the Ministry of Justice in the state legal and information portal Slov-lex: <https://www.slov-lex.sk/legislativne-procesy/-/SK/dokumenty/LP-2023-64>

Slovak parliament in a first reading.²⁴ The proposal was considerably inspired by the legislative intent of the Ministry of Justice and has not incorporated the major comments that our NGO and domestic human rights bodies already made within above mentioned interdepartmental comment procedure. We reiterated that the wording of the proposal adopted in the first reading had major deficiencies and would not effectively bring justice for the survivors once implemented in practice.²⁵ We specifically criticised the fact that the proposal placed disproportionate burden on the survivors to prove their forced sterilisation, which would indeed effectively prevent many of them from achieving the compensation. Nevertheless, the negotiations on the law proposal in the Slovak parliament were ultimately discontinued in June 2023 due to the adjournment of the parliamentary session and shortening of the previous electoral term, which consequently led to the early parliamentary elections in September 2023.

- We welcomed that in November 2023 the proposal of the compensation law was re-submitted to the newly formed Slovak Parliament by a group of MPs and even incorporated some of the minor comments that our NGO previously raised. But its key shortcomings were not removed and on 27 February 2024 the Slovak parliament rejected the re-submitted proposal in the first reading. Practically all MPs from the coalition – government parties abstained from voting, which clearly indicated that the current government parties were not interested to uphold such proposal.
- However, in July 2024 the Ministry of Justice publicly reported about its intention to set up a working group to develop the compensation law proposal.²⁶ While we consider it to be a positive signal – we find that the establishment of the working group would only further unnecessarily prolong the process of ensuring justice to the survivors. In this regard, we particularly note that a working group to deal with the given legislative effort has been already operating in recent years on the initiative of the Ministry of Justice and led to proposing its above mentioned legislative intent to interdepartmental comment procedure where was already available for wide public commenting. Moreover, in June 2023 the Ministry of Justice, from its own initiative, submitted to the interdepartmental comment procedure even the compensation law proposal developed by the MP Peter Pollak, which was also available for wide commenting. The compensation law proposal has also been repeatedly discussed by the Slovak parliament and its relevant parliamentary committees in the most recent years. The Ministry of Justice should not ignore these processes, but to effectively utilize them to speed up the submission of the Government’s law proposal to the Slovak Parliament.
- In September 2024, the Committee for Human Rights and National Minorities of the Slovak Parliament discussed the unresolved issue of forced sterilisations of Roma women in presence of the State Secretary of the Ministry of Justice, who reconfirmed the intention of the Ministry of Justice to develop a new compensation law proposal without drawing on the previous legislative efforts that have already been conducted.

²⁴ Proposal for issuing an Act on one-off financial compensation for persons sterilised in violation of the law and on supplementing Act No. 71/1992 Coll. of the National Council of the Slovak Republic on court fees and the fee for an extract from the criminal record, as amended from 13 April 2023. The proposal and details on voting are available at [Dokumenty : Parlamentné tlačë : Parlamentná tlač 1593 - Národná rada Slovenskej republiky \(nrsr.sk\)](#)

²⁵ See the comments of our NGO to the proposal of the compensation law submitted to the Slovak parliament addressing its deficiencies. Available at <https://rb.gy/86i119>

²⁶ The press release is available in Slovak language at the website of the Ministry of Justice. Available at <https://rb.gy/1elij3>

In view of the above development, we are convinced that the State Party should - without any further delay - draw on its previous legislative initiative, recognise serious shortcomings of the law proposals from previous time and take decisive action that will lead to the adoption of the effective compensation law proposal. In this respect, we find it key that survivors will not be required to propose any extensive evidence including relevant medical documentation. But the state will have fundamental responsibility to investigate the legality or illegality of performed sterilisation interventions in particular cases, while also bearing its responsibility in those cases where medical documentation could be already shredded due to the time gap.

Proposed recommendation for the State Party:

- Take immediate action that will ensure the survivors of forced sterilisation effective access to financial compensation by the introduction of effective ex gratia compensation mechanism.

Health (arts. 6, 24 and 33) - Health and health services

f.) Discrimination of Roma women and girls in reproductive and maternal health care

The Committee in its previous concluding observations noted with concern that many Roma children continue to be discriminated against in access to health care due to the segregation of their communities and Roma women and children reportedly continue to be segregated in hospital facilities such as paediatric departments or gynaecological and obstetrics departments in Eastern Slovakia, e.g., in the State-run hospital in Prešov (CRC/C/SVK/CO/3, para. 38d).

We increasingly drew public attention to these practices in Slovak society in 2017 in cooperation with the Center for Reproductive Rights by releasing our joint research report titled *Vakeras Zorales – Speaking Out: Roma Women’s Experiences in Reproductive Health Care in Slovakia*. The report was based on in-depth interviews with 38 Roma women from marginalized communities and documented a wide range of human rights violations that Roma women experience in reproductive health care in Slovakia. These included practices of segregation in maternity wards, racial harassment and humiliation, neglect, physical restraint and abuse during childbirth and failures related to informed consent and decision making with regard to medical treatment.²⁷ Our ongoing field monitoring in marginalised Roma communities regrettably shows that human right violations documented in this report - even after several years from its publication – continue to widely exist in many Slovak hospitals.²⁸ This practice equally affects also Roma girls, who may give birth in minor age. Notably, in 2020 the research report of then Slovak Ombudswoman highlighted the manifestations of segregation

²⁷ Center for Civil and Human Rights & Center for Reproductive Rights (2017). *Vakeras Zorales – Speaking Out: Roma Women’s Experience in Reproductive Health Care in Slovakia*. Available in English at: <https://rb.gv/b1c49y>

²⁸ This conclusion also results from our recent research report released with partners NGOs Minority Rights Group Europe and EPEKA Slovenia in November 2022: *Equality and justice on the sidelines: Comparative report on discrimination against Roma and their access to justice in Slovakia and Slovenia*. Available at <https://rb.gv/c175ca>

and ill-treatment of Roma women in maternity wards of Slovak hospitals and reconfirmed our monitoring findings in this area.²⁹

In addition, we also continue to document segregation and ill-treatment of Roma children specifically in paediatric departments of some hospitals.

The Committee previously specifically referred to the presence of the segregation of Roma children and women State-run hospital in a town Prešov. We note that our NGO from 2013 litigates strategic *actio popularis* lawsuit based on the domestic Anti-discrimination Act targeting segregation of Roma women in a maternity ward in this particular hospital. Notably, a discriminatory nature of the practice, we brought forward, also confirmed the Slovak equality body by its expert opinion. Court proceeding has been pending before the first instance court for more than eight years. In July 2022, the lawsuit was rejected, while the court completely disregarded the testimonies of Roma women on the practices in the sued hospitals. The first instance court ultimately have not found the claimed segregation to be discriminatory practice and the proceeding is now for almost two years pending before the Court of the Appeal.³⁰ The excessive length and factual development of this court proceeding demonstrates ongoing serious barriers in access to justice in cases of discrimination that we generally describe in subchapter c.) above.

It should be particularly noted that the very existence of segregated “Roma rooms” was not questioned by the sued hospital in the court proceeding and is obvious. In this respect, we find it particularly alarming that the Ministry of Health as another defendant in this court proceeding opposes the lawsuit for years, instead of recognizing Government's positive obligation to prevent racial discrimination and taking resolute action to change the existing practice. In February 2024 we approached the newly appointed Minister of Health with a letter, calling for the elimination of the segregation of Roma women at the sued state-run hospital and its effective prevention. We pointed out that such action would subsequently lead to the settlement of the ongoing lawsuit and its withdrawal by our NGO.³¹ However, the Ministry of Health in its written response completely ignored this proposal, without commenting on it.³² In our letter to the Minister of Health, we also called for the adoption of broader systemic measures to eliminate and prevent multiple discrimination against Roma women in the area of reproductive health care in Slovak hospitals. The State Secretary of the Ministry of Health replied, while pointing at the established project *Healthy Regions* primarily supporting work of the health mediators who help facilitating contacts of disadvantaged Roma with medical personnel. He also reported about the national five years project funded by the European Union, starting in the first part of 2024, that includes a particular goal to verify non-discriminatory access to childbearing women e.g. Roma, refugee or women with disabilities in reproductive health care facilities.³³ However, we are convinced that these measures are widely insufficient to eliminate deep-rooted institutional discrimination against Roma women and girls in the area of reproductive

²⁹ Public Defender of Rights (2020). Let's talk about childbirth: a human rights-based approach to the provision of health care during facility-based childbirth, pp. 47-50. Available at https://vop.gov.sk/wp-content/uploads/2021/06/Sprava_porody_ENG_FINAL.pdf

³⁰ Decision of the District Court Bratislava III of 29 July 2022. Ref. No. 14C/288/2013-590. See our press release in English on this court decision including the reference to the judgment itself: <https://bit.ly/3Ki5KkY>

³¹ Call of the Center for Civil and Human Rights (Poradňa) to the Ministers of Health of the Slovak Republic for effective measures to eliminate and prevent multiple discrimination Roma women in the field of reproductive health care. Available at <https://rb.gy/sn0y8w>

³² The response of the State Secretary of the Ministry of Health to our call is available at <https://rb.gy/1bxf8k>

³³ Details about this national project are available at <https://eurofondy.gov.sk/program-slovensko/monitorovaci-vybor/komisia-pri-monitorovacom-vybore-pre-ciel-4/>

and maternal health care. We find it necessary that the Slovak Government authorities promptly introduce effective system of controlling and sanctioning discriminatory practices in Slovak hospitals.

Proposed recommendation for the State Party:

- Establish effective programs, procedures, and mechanisms to assess, monitor, eliminate, prevent, and sanction the segregation, disrespectful treatment and abuses of Roma women and girls in maternity care settings and Roma children in paediatric settings and eradicate such practices.

Standard of living (arts. 18 (3), 26 and 27 (1)–(3))

g.) Discriminatory legislation in the area of social security disproportionately impacting Roma women and children

The Committee in its previous concluding observations expressed particular concern over discriminatory legal provisions which have made the payment of child benefit, parental care allowance and childbirth allowance conditional on compliance with preventive measures aimed at reducing child criminality, securing compulsory school attendance and supporting responsible parenthood have been largely ineffective. The Committee also stressed their negative impact on marginalised Roma families and their children (CRC/C/SVK/CO/3, para. 42a). We note that these provisions are still in force and the Slovak Government rejects to recognize their discrepancy with the domestic and international anti-discrimination legislation.³⁴

In general, the Slovak Government introduced these legal provisions in order to achieve a specific and allegedly legitimate aim. However, we argue that means in achieving this aim have disproportionately impacted on the socio-economic well-being and right to social security of marginalized Roma families and their children. The conditions for obtaining the above mentioned social benefits and the related accompanying sanctions resulting in their withdrawal, do not take into account the specific circumstances of marginalized Roma families, including discrimination of Roma children in education, lack of safe and effective school transportation and discrimination of Roma women and girls in health care including also their segregation, verbal abuse and harassment experienced. The given legislative provisions, in practice, deepen poverty and social exclusion of marginalized Roma families.

Our NGO has made ongoing advocacy and legal efforts to achieve that the State Party amend these legal provisions. From 2010 we have been conducting strategic litigation before domestic court, claiming discriminatory impact of one of them – that specifically conditions payment of childbirth allowance by the obligation of a women to stay in hospital after giving birth until an attending physician releases her.³⁵ In practice, this provision almost exclusively affects Roma women from marginalised communities, who increasingly leave hospitals after giving birth without physician's permission due to reasonable reasons. We widely document that these reasons include particularly the necessity to take care of other children at home as well as the racial harassment that Roma women widely experience. However, in lengthy proceedings domestic courts rejected our lawsuit including the Constitutional Court that in April 2024 found decisions of the general courts in compliance with

³⁴ For additional details see monitoring report of our NGO from 2015 assessing a range of these discriminatory legal provisions, pp. 10-19. Available at <https://bit.ly/3IA8cSo>

³⁵ Act No. 383/2013 Coll. of Laws on Birth Allowance and Multiple Children Birth Allowance and on Amending and Supplementing Certain Acts, as amended, Section 3 (4b).

the Slovak Constitution. It also concluded that the provision in question pursues a legitimate aim to avoid the negative phenomenon of leaving the health facility without the knowledge of health personnel, in order to protect the health of the mother and child after childbirth.³⁶ We found the decisions of the domestic courts contrary to the international anti-discrimination law including the Convention. While exhausting domestic legal remedies, we are planning to approach one of the UN Committee with an individual communication. We do not question the legitimate aim to protect the health of the child and the mother, but we argue that the State Party should address the very reasons, why Roma women arbitrary leave hospitals after giving birth, without depriving Roma families of childbirth allowance that specifically aims to cover their increased financial expenses for a newborn child.

As to our recent advocacy efforts in this matter, we note that in February 2022 we approached the Ministry of Labour of the Slovak republic with a written call for removing the given discriminatory provisions.³⁷ However, the Ministry of Labour rejected our reasoning and found the provisions in question lawful.³⁸

In view of the reported development, we urge the Committee to repeatedly raise this ongoing issues in its concluding observations and reiterate its recommendation in this respect.

Proposed recommendations for the State Party:

- Amend the discriminatory legislation making the rates of payment of child benefit, parental care allowance and child-birth allowance conditional on compliance with preventive measures.

Education, leisure and cultural activities (arts. 28–31)

h.) Discrimination of Roma children in primary education

In previous years our NGO continued with intensive monitoring of segregation and other forms of discrimination of Roma children in primary education with particular focus on the region of eastern Slovakia. We advocated for necessary desegregation measures and conducted strategic litigation in this area.

On the basis of our monitoring findings, we argue that segregation of Roma children still remains widespread in Slovakia and continue to manifest itself in various forms. Roma children remain overrepresented in special schools for children with “mild intellectual disabilities” or special classes established within mainstream primary schools. Many Roma children remain to be segregated in mainstream classes within schools or in ethnically homogenous Roma-only schools often established close to residentially segregated Roma communities or which have gradually arisen due to *white flight* of non-Roma children to distant schools outside local neighbourhoods and other social factors. We

³⁶ Resolution of the Constitutional Court of the Slovak Republic, file no. IV. ÚS 197/2024-19 of 22 April 2024. For overview of the Constitutional Court’s reasoning in English see the flash report developed by a lawyer of our NGO for the European Commission. Available at <https://www.equalitylaw.eu/downloads/6117-slovakia-indirect-discrimination>

³⁷ Call of the Center for Civil and Human Rights (Poradňa) from 21 February 2022 for the removal of selected legal provisions in the Slovak legal order that are contrary to anti-discrimination law, Available at <https://rb.gy/m1iapd>

³⁸ Written reply of the Ministry of Labour from 9 March 2022 to the written call of the Center for Civil and Human Rights (Poradňa) from 21 February 2022. Available at <https://bit.ly/3PtivWm>

also commonly find the quality of provided education in segregated mainstream schools lower than in the other primary schools.

Findings from our field monitoring are consistent with recent relevant quantitative research in this area. According to research report published by the Office of the Plenipotentiary of the Government of the Slovak Republic for Roma Communities in 2022 almost half (47 %) of children from the marginalised communities aged from 6 to 15 in mainstream education have only Roma classmates, while 32 % of these children attend a school with exclusively Roma pupils.³⁹ Survey of the European Union Agency for Fundamental Rights (FRA) from 2022 shows that Slovakia has the highest percentage of children who attend school where all or most children are Roma (65 %) among 10 countries with sizeable Roma population in Europe and that this proportion had even increased in comparison with its comparable survey data concerning Slovakia from 2016 (60 %).⁴⁰

The European Commission in April 2023 reported on advancing to the Court of Justice of the European Union infringement proceedings against Slovakia for failing to effectively address the issue of discrimination of Roma children in education and violating the EU Racial Directive.⁴¹ This development ultimately confirms that the Slovak Government has been unable to ensure Roma children equal access to education without segregation. Notably, the Slovakia has become the first country of the European Union that has ever been facing legal action before the Court of Justice for discrimination of minority children in education.

We would like to draw attention of the Committee to chapter d.) our recent submission to the Advisory Committee on the Framework Convention for the Protection of National Minorities from August 2024, in which we highlighted several major points addressing the lack of effective Government's action in this area as well as actions that arguably maintain and even exacerbate the existing discrimination of Roma children in education.⁴² Given their relevance in respect to the implementation of the Convention by the State Party, we summarize and elaborate on these points as follows:

- The Slovak Government policy documents generally acknowledge deeply embedded discrimination of Roma children in education, including widespread segregation and declares the Government's commitment to eliminate it.⁴³ However, we claim that the declared goals as well as the related measures for their achievement are not sufficiently ambitious and lack potential to bring visible improvements with regard to the current complexity and overall magnitude of this problem in Slovakia. As well, the effective desegregation policies and the necessary

³⁹ Office of the Plenipotentiary of the Government of the Slovak Republic for. Roma Communities (2022), *Príjmy a životné podmienky v marginalizovaných rómskych komunitách: Vybrané ukazovatele zo zisťovania EU SILC_MRK 2020 (Income and living conditions in marginalised Roma communities: Selected indicators from the survey)*, pp. 9: main findings in English. Available at:

https://www.romovia.vlada.gov.sk/site/assets/files/1561/analyticka_sprava_eu_silc_mrk_2020_elektronicka_final.pdf

⁴⁰ European Union Agency for Fundamental Rights (2022), *Roma in 10 European countries: Main results*, p. 40. Available at: <https://fra.europa.eu/en/publication/2022/roma-survey-findings>.

⁴¹ Press release of the European Commission on this action is available at

https://ec.europa.eu/commission/presscorner/detail/en/ip_23_2249

⁴² Center for Civil and d Human Rights (Poradna). Submission to the Advisory Committee on the Framework Convention for the Protection of National Minorities concerning shortcomings in the implementation of the Convention in Slovakia- August 2024, chapter d.). Available at <https://rb.gy/itdcrp>

⁴³ Strategy for equality, inclusion and participation of Roma to 2030. Adopted by the Government of the Slovak republic on 7 April 2030. Available at: <https://rokovania.gov.sk/RVL/Material/8177/1> Action plans to the Strategy for equality, inclusion and participation of Roma to 2030), adopted by the Government of the Slovak Republic on 6 April 2022. Available at: <https://rokovania.gov.sk/RVL/Resolution?NegotiationID=1202> The Recovery and resilience plan of Slovakia, Component 6.

transformation of the current educational system into inclusive, require considerable higher and sustainable investments from public sources. In May 2023 the State Party introduced the definition of school segregation into the Slovak school legislation in line with the Committee's recommendation (CRC/C/SVK/CO/3, para. 45a), but we claim that impact of this sole measure, when not accompanied with systemic policies and measures is practically none.⁴⁴ In addition, the Slovak equality body - Slovak National Centre for Human Rights - in response to the adopted definition of school segregation highlighted its fundamental shortcomings and gaps, which may significantly negatively affect and limit the legal resolution of cases of segregation in education in legal practice.⁴⁵ Given long extensive engagement of our NGO in strategic litigation of school segregation cases - we comply with the opinion of the equality body in this regard.

- The Slovak Government authorities specifically fall short of supporting development and implementation of comprehensible desegregation plans, that would directly target the existing school segregation of Roma children at local levels, while coordinating and sufficiently funding such initiatives. In July 2024 the Ministry of Education launched the call for national project specifically aiming at development and implementation of local desegregation initiatives. It is meant to verify the solutions in this area and provide basis for the creation of a systemic and sustainable desegregation process.⁴⁶ While we consider this project to be a positive initiative - it clearly reveals the lack of sufficient engagement of the Government authorities in tackling school segregation. The project is financed from EU funds, without impacting the state budget. It should address the situation only up to 15 localities and its overall financial structure and coverage arguably does not give a realistic chance to remove the existing school segregation. In fact, the project apparently focuses only on testing desegregation solutions, even without having clear goal to achieve school desegregation in selected localities. We claim that such project approach must be taken by the State Party on a massive scale, be sufficiently funded and have clear and ambitious goals leading to school desegregation and inclusion.
- We find it alarming that instead of significantly intensifying its desegregation efforts, the Government authorities supported solutions, which addressed double-school operations in some of the Roma-only primary schools close to the marginalised communities – by expanding their capacities or built-up of new school buildings in these communities. In cooperation with the Slovak equality body we communicated to Ministry of Education and the European Commission that this approach will maintain the existing segregation and is contrary to antidiscrimination law and the EU law.⁴⁷ Our subsequent monitoring indicated that the Ministry of Education reconsidered the support for the expansion of segregated Roma-only schools in selected localities, which is positive. But in some other localities the allocation of EU funds for such expansion was arguably not stopped.⁴⁸ We argue that such initiative goes opposite to the

⁴⁴ For comprehensible overview of the Government efforts in this area we particularly bring to the attention of the Committee the recent *Country report on Non-Discrimination 2024* published by the European Commission that was specifically developed by a lawyer working in our NGO. It contains critical analysis of the situation in this that fully translates opinion of our NGO in this area. Available at <https://www.equalitylaw.eu/country/slovakia>

⁴⁵ The statement of the Slovak National Centre for Human Rights on the gaps and shortcomings of the adopted wording of the definition of segregation in education. Available at: <https://www.snslp.sk/aktuality/stanovisko-k-medzeram-a-nedostatkom-prijateho-znenia-definicie-segregacie-vo-vychove-a-vzdelavani/>

⁴⁶ Press report of the Ministry of Education on this pilot project is available in Slovak at its website <https://rb.gy/joi5ij>

⁴⁷ Our joint letter to the European Commission of December 2023 in this matter is available at: <https://rb.gy/9n6zk8>

⁴⁸ For additional details see Lists of the applicants that fulfilled the requirements of the Call for the elimination of double-shift operation of primary schools and the approved recipients from this call. Available in Slovak on the website of the

landmark judgments of the Supreme Court of the Slovak republic that in recent two years – as a result of strategic litigation of our NGO - confirmed ongoing failures of the Government authorities to tackle school segregation. The Supreme Court particularly found the Slovak Ministry of Education accountable for segregation of Roma children in ethnically homogeneous schools in the vicinity of two disadvantaged Roma communities, while emphasizing that the Government authorities are responsible also for segregation that arose spontaneously and not with the purposeful intention of separating Roma children from majority children.⁴⁹

- In addition, in February 2023 the Regional Court in Prešov confirmed the illegal education of Roma children in special classes for intellectually disabled children at a primary school in Hermanovce and also found the State, represented by the Ministry of Education, responsible for their discrimination.⁵⁰ The Ministry of Education has not accepted this final court judgment and filed an extraordinary appeal to the Supreme Court of the Slovak republic, where the case is currently pending.
- It should be particularly emphasized that the sued state authorities did not fully acknowledge the above mentioned final judgements of domestic courts and did not translate them into prompt and effective desegregation measures. We consider the position of the Ministry of Education in these court proceedings alarming and factually contrary to declared Governments' commitments to address discrimination of Roma children, which is highly concerning.
- The Government authorities has recently shown tendencies to address the segregation of Roma children in ethnically homogenous schools not by removing segregated school settings, but by reestablishing them into an ethnic school, reportedly providing education in the native - Romani language. The initial pilot project of this kind was launched in June 2024 in a village Rakúsy.⁵¹ This initiative can be eventually interpreted as lawful and having foundation in the international human rights law. But we are deeply concerned that in the overall context of the long structural exclusion in education that Roma children experience in Slovakia – it will ultimately perpetuate existing inequalities. We claim that there is a great risk that such transformation of the current form of segregated primary school into some form of ethnic school will further entrench the social exclusion of Roma children and will not provide them with a quality education, equal educational opportunities and will not be in their best interest. Also Slovak equality body (“Slovenské národné stredisko pre ľudské práva”) recently in its opinion concluded that according to its legal opinion the intention to adopt temporary compensatory measures in connection with the implementation of this pilot project, if put into practice, would be a practice contrary to the imperative of discrimination in terms of the content of the legal obligation to respect the principle

Ministry of Education <https://rb.gy/6hhvjc> Lists of the applicants that fulfilled the requirements of the Call for project support for the elimination of double-shift operation of primary schools the approved recipients from this call. Available on the website of the Ministry of Education <https://rb.gy/c7rdoi>

⁴⁹ Judgement of the Supreme court of the Slovak republic of 15 December 2022. Ref. no: 5Cdo/102/2020, Judgement of the Supreme court of the Slovak republic of 12 July 2023. Ref. No: 5Cdo/220/2022. Both judgments are available at <https://poradna-prava.sk/en/strategic-litigation/>

⁵⁰ This judgment also resulted from strategic litigation of our NGO. Judgement of the Regional Court in Prešov of 28 February 2023. Ref. no: 20Co/21/2022-680. Available at <https://rb.gy/dk59km>

⁵¹ Press report of the Ministry of Education on this pilot project, including the memorandum providing additional details is available in Slovak at its website <https://rb.gy/7dawtr>

of equal treatment.⁵² With regard to the previous Committee's recommendation (CRC/C/SVK/CO/3, para. 44e), we are convinced that the State Party should support the effective application of Romani language in mainstream non-segregated schools.

- In addition, in October 2024 the Slovak Parliament adopted a law proposal indirectly amending the Slovak Education Act, which amends the definition of the schools with national minorities language for instruction.⁵³ We are concerned that the intention behind this change could potentially be to make the transformation of the mainstream segregated Roma-only schools into ethnic schools easier and *de facto* institutionalize such schools under the definition these schools.
- The Government authorities fall short of addressing segregation of Roma children in the context of its close relationship with residential segregation of marginalised communities and, ongoing lack of access to basic infrastructure such as drinking water. For successful school inclusion of marginalised Roma children such holistic approach addressing inequalities of marginalised Roma in a complex manner is absolutely necessary. While the current Strategy for Equality, Inclusion and Participation of Roma till 2030 recognises such approach, we argue that its implementation in practice remain insufficient.

Proposed recommendations for the State Party:

- Condition the distribution of national, regional and local funds for education on the development and realisation of complex desegregation projects, including effective transportation of disadvantaged Roma children to non-segregated schools, targeting the phenomenon of white flight, balancing the ethnic composition in primary schools and other necessary measures reflecting structural and multifaceted character of the segregation in particular localities. Address segregation of Roma children in education, accounting for its close relationship with housing segregation and discrimination of Roma in other areas,
- Provide primary schools with complex support to effectively include all Roma children into mainstream educational system so that their individual educational needs and learning potential can be fulfilled.

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⁵² Expert opinion of the Slovak National Centre for Human Rights (Slovenské národné stredisko pre ľudské práva) from November 2024 available at : <https://www.snslp.sk/wp-content/uploads/OS-zamer-docasneho-vyrovnacieho-opatrenia-v-obci-Rakusy.pdf>

⁵³ Article 2 letter ae) of the Law No. 290/2024 Coll. on amending Act No. 597/2003 Coll. on the financing of primary schools, secondary schools and school establishments, as amended, and amending and supplementing certain acts, .