



PORADŇA PRE OBČIANSKE A ĽUDSKÉ PRÁVA

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The European Court in Strasbourg: Slovakia has seriously failed to investigate police violence against a Roma boy

The European Court of Human Rights in Strasbourg (ECtHR) ruled today in the case of police violence against a Roma boy, which was due in 2015 in one of the Roma marginalised communities in Eastern Slovakia municipalities in the district of Spisska Nova Ves. According to the ECtHR, the responsible state authorities have not sufficiently investigated the case, in breach of their international human rights obligations. The ECHR awarded the victim a compensation of EUR 5000.

The incident occurred in 2015 when an injured 16 - year - old Roma boy was stopped by municipal police on his way to school. One of police officers gripped a fist for no reason and broke his nose. Subsequently, the police violence went on also during his transport by a car to a police station and also during his arrest at the local police station. He was beaten by the police officers with fists in the face, forced to admit to the offense he claimed he had not committed. He was subsequently released from the police station and had to seek doctor due to injuries.

The victim's mother filed a criminal complaint with the police for police officer's misconduct on the day of the incident, but the police investigator refused to initiate the criminal prosecution. He started it up to 3 months after the incident based on a complaint filed by the victim's attorney. The criminal proceedings was interrupted with result that no crime has been committed. The whole criminal proceedings was associated with several shortcomings. The supervisory prosecutor did not find any errors in the investigation. The injured Roma did not succeed even with a constitutional complaint at the Slovak Constitutional Court, which did not find any violation of his rights during the police investigation.

Having exhausted all available national remedies, in January 2017, the Roma boy lodged complaint with the ECtHR, alleging a violation of his rights guaranteed by the European Convention.

Today - on 28 January 2020 - the ECtHR issued its decision in this case. It ruled that the responsible state authorities had violated both his right to protection from police violence and his right to an effective investigation of the violence. In so doing, they violated his guaranteed right to protection against inhuman or degrading treatment or punishment under Article 3 of the Convention.

The ECtHR emphasized in the judgment that any use of force by police officers against persons not strictly necessary interferes the human dignity and as such constitutes a violation of the Convention. It stated that the Slovak Government had not shown that violent action by municipal police officers was necessary given the circumstances of the case. According to the ECtHR, the authorities failed to start investigating the case on their own motion and did not thoroughly investigate all its relevant facts, including whether the use of force was necessary and proportionate in this case.

The European Court of Justice awarded the applicant financial compensation of EUR 5000 and legal costs.

Free legal assistance to the Roma boy was provided by the Slovak grass root NGO Poradna pre občianske a ľudské práva (Center for Civil and Human Rights).

The injured boy said, "I am glad that the court has given me the truth." His mother added, "I would like to tell other Roma and all people who have encountered police violence not to let it go and to defend themselves boldly."

The victim's lawyer, Vanda Durbáková, commented: "The European Court confirmed that the Slovak authorities failed to protect the victim from police violence and to conduct effective investigation in this case. It should be noted that is not the first such case that has been decided against Slovakia and there are other similar cases pending before the European Court, including police raids in Moldava nad Bodvou or Vrbnica. Finally, the public authorities must take systematic measures to ensure that every case of the police violence is effectively investigated as well as take effective measures to prevent such cases from happening."

The decision of the European Court is available online [here](#).

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The Center for Civil and Human Rights (Poradna) is a non-governmental organization based in Slovakia focused on the protection of human rights with particular emphasis on the rights of minorities and protection from discrimination. Poradna has for a long time worked on the issue of discrimination against Roma ethnic minority in various areas of public life. It has also been active in the protection of reproductive rights and protection from police brutality. Poradna employs strategic litigation to combat discrimination and human rights abuses against minorities. Poradna offers free legal advice to victims of discrimination and in selected cases free legal representation to victims of discrimination before Slovak courts and the European Court of Human Rights in Strasbourg. It also conducts monitoring in the field, advocacy, and educational activities on the protection from discrimination for lay and expert audiences. **Visit us at:** www.poradna-prava.sk

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