



PORADŇA PRE OBČIANSKE A ĽUDSKÉ PRÁVA

CENTER FOR CIVIL AND HUMAN RIGHTS

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PRESS RELEASE

In Košice, Slovakia, 29.06.2016

Discrimination must be sanctioned: The Slovak court ordered a bar owner to pay compensation for discrimination.

Yesterday, the Regional Court in Košice, Slovakia, has decided a case of Roma customers who faced discrimination based on their ethnic origin in a local bar in a small town Spišské Vlachy in Eastern Slovakia. The court ordered a bar owner to pay the discriminated Roma a financial compensation in amount of 300 Eur each and pay legal costs.

The case concerns an incident from December 2009, when two Roma customers - a couple - were not served in one of the bars in a small town Spišské Vlachy in Eastern Slovakia, which they visited together with their Non Roma colleagues. The owner of the bar refused to serve the whole group reasoning that he does not serve Roma. *„The Owner told us, that he will not serve us in his bar, because if he did so, tomorrow more Roma could come,”* remembers Roma Pecha, one of the discriminated Roma in a case.

He and his wife contacted Slovak human rights NGO Center for Civil and Human Rights (Poradna pre občianske a ľudské práva) and with its support sued a bar owner based on domestic anti-discrimination legislation.

The bar owner defended himself by claiming his bar was a private club and nobody from the group was its member. He also argued that Roma and his colleagues behaved inappropriately. Anyhow, the court referred to his testimony, made in front of the police right after the incident, when he confessed that he refused to serve Roma due to the fact he was afraid of other Roma customers who could come to his bar.

In 2012, the District Court in Spišská Nová Ves as a first instance court, decided that the bar owner discriminated against the Roma and ordered him to send aggrieved Roma a written apology and publish it also on a bar entrance as well as in regional press. The court did not award any financial compensation though. As a result, they decided to appeal arguing the court downplayed interference into their human dignity by not imposing any financial sanctions. The Regional Court, as a court of appeal, overturned that decision and returned the case back to the first-instance court.

Subsequently, the first instance court, in its decision from 25 April 2014, awarded the aggrieved Roma compensation for non-pecuniary damages in amount of 300 Eur each and ordered the defendant to pay also legal costs. The bar owner as well as discriminated Roma again appealed this decision. Among others, discriminated Roma argued that amount of non-pecuniary damages is not adequate, effective and dissuasive as it is required by EU legislation and the other international human rights standards.

Yesterday (28.06.2016) during a hearing, the Regional Court, finally decided the case and reaffirmed the decision of the first instance court. The bar owner is now obliged to pay the discriminated Roma compensation for non-pecuniary damages in amount of 300 Eur each and refund them legal costs in amount of appx. 1800 Eur. The judge briefly reasoned this decision stating that the court found this compensation to be adequate for such a violation. The decision is final and cannot be appealed.

Mr. Pecha, one of the discriminated Roma said about the decision: *„I am happy the court finally ordered the bar owner to compensate us for discrimination we faced. I found the whole incident very humiliating. Till nowadays I am afraid to encounter such a treatment again when I go out with my family. We claimed also financial compensation in order to dissuade those who discriminate and eliminate such incidents to happen in our country. I know this is still not exceptional and Roma in Slovakia still face such a treatment. That is why I would like to encourage other Roma to combat discrimination so that they achieve justice. We can hardly eliminate these illegal practices without that. I do not know if this decision changes bar owner's racist attitude towards Roma, but I think this is a step forward. I believe that in the future Slovak courts will provide really adequate financial compensation in similar cases of discrimination.“*

Stanislava Liptáková, an attorney working with the Center and the legal representative of Roma in this case, said about the decision: *“We can consider this court decision to be progressive and we believe that it can improve access to justice in cases of discrimination in access to services in the future. At the same time, the case proves that Slovak courts still downplay cases of racial discrimination and do not consider discrimination itself to undermine a human dignity. I am convinced that the financial compensation awarded in this case is not adequate and effective. In Slovakia, Roma still face discrimination in access to public services, they are not served in bars or restaurants. The courts must strongly intervene in such cases and impose adequate sanctions - including financial ones, on those who discriminate.“*

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The Center for Civil and Human Rights (Poradňa) 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. Poradňa 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. Poradňa employs strategic litigation to combat discrimination and human rights abuses against minorities. Poradňa offers free legal advice to victims of discrimination and in selected cases free legal representation to victims of discrimination before courts. It also conducts monitoring in the field, advocacy, and educational activities on the topic of protection from discrimination for lay and expert audiences.

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