



# ANNUAL REPORT 2012/2013

*CENTER FOR CIVIL AND HUMAN RIGHTS*



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Citizen Assembly

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

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## *WHO WE ARE*

“Our vision is a society where minorities do not face discrimination, a society with respect for human rights of the vulnerable groups, a society where legal tools on protection of human rights are effectively implemented and human rights violations are sanctioned and compensated.”

We are a non-profit, non-governmental human rights organisation founded in 2001 and based in Košice, eastern Slovakia. Our activities are focused on protection of human rights in Slovakia with particular emphasis on the protection of the rights of minorities, and protection from discrimination. We have a long-term focus on the problem of discrimination against Roma ethnic minority in various areas of public life. Moreover, we have been working on issues related to the protection of reproductive rights – specifically we are trying to eradicate the practice of forced and coerced sterilisation of Roma women. We are also dealing with the issue of police violence and combating racial segregation in our society. Our activities include:

- conducting monitoring and research into human rights violations;
- providing free legal assistance to victims;
- conducting strategic litigation of human rights violations at courts;
- advocating for systemic changes on political level, including national laws and policies;
- organizing educational activities and publishing best practices in the respective areas.

## *WHAT DEFINES US*

- our work is based on providing help to the individual - the individual is behind our work and he/she always takes first place;
- we advocate equality for everybody to enjoy human rights and dignity, we promote equality between minority and majority;
- we promote equal opportunities for everybody;
- we promote inclusion and participation of every person in a society;
- while working with cases of human rights violations, we respect the principles of impartiality, confidentiality, accuracy of documented information, gender-sensitivity and security of all the individuals;
- we advocate for effective implementation of the international treaties on human rights that Slovakia has ratified;
- we promote effective implementation of legal means for the protection of human rights, effective investigation of cases of human rights violations and adequate compensation for victims of human rights violations;
- our work is impartial and independent.



# FOREWORD

## *NEXT TWO YEARS - AN ADDITIONAL DOSE OF EMOTIONS*

Our work to protect human rights is based on solid values, and an idea about a better society propels us forward. Therefore our work inherently includes emotions. We are delighted together with people who, with our help, achieved justice in cases of human rights violations. We are disappointed when people are unsuccessful in these cases, and are frankly outraged when courts decide unfairly. It irritates us when politicians do not take good measures to protect minority rights. It annoys us when we make some bad decisions and we are rejoiced when we decide correctly. During the past two years, we have experienced several strong moments that we would like to share.

During 2012, the European Court of Human Rights decided in favour of the other three Roma women who had been illegally sterilised in hospitals in eastern Slovakia. The European Court confirmed that performing sterilisation without informed consent is a serious interference into the human dignity. The court, in two of these cases of the injured Roma women, also pointed out that the criminal investigation led by domestic law enforcement agencies was ineffective. However, government officials and state institutions continue to perceive instances of illegal sterilisations of Roma women as rare mistakes that may have occurred due to inadequate legislation from previous years or from individual misconduct by health care staff. How many more cases of illegally sterilised Roma women must be brought to court before this problem is taken seriously? This illegal practice must be effectively investigated, and

forcibly sterilised Roma women compensated according to the international human rights treaties and as required by a number of international human rights institutions.

In October 2012, a final decision was announced in the case of segregating Roma children at a primary school in Šarišské Michaľany. The deciding judges of the Regional Court in Prešov confirmed that the education of Roma children in segregated classes constituted discrimination based on their ethnicity, and ordered the school to desegregate. This court decision disrupted a long-established practice of segregating Roma children from socially disadvantaged backgrounds, which has been tolerated in Slovakia for a long time. On the other hand, it brought up a concept of inclusive education, which is the way to provide good quality education for every child. This is how our educational system must develop in the future. Now the pressure falls to state institutions to ensure that primary schools educate inclusively.

At the end of 2012, Poradňa won the human rights prize of the French Republic that is awarded annually by an independent National Human Rights Commission for individual and collective achievements in the protection of human rights worldwide. We were thoroughly surprised by this because this award had never before been won by a non-governmental organisation from the post-communist countries of Central Europe. The feeling was undoubtedly pleasant, although in a sense, a little odd, because we had previously never experienced a similar token of appreciation of our work; we were not accustomed to the festive shaking of hands, speeches or similar official gestures. Our most memorable experience is from a later reception organised by the French ambassador where we came together with several illegally sterilised Roma women who struggled for justice for a long time. Ultimately this award belongs to them, as without their courage and determination, we could not do our work. For many Roma women involved, it was their first ever visit in Bratislava and they greatly enjoyed the trip. A few months later, our colleague Vanda won the "Woman of Courage" individual award from the US Embassy in Slovakia for her work providing legal assistance in cases of violations of the rights of the Roma minority in Slovakia.

The year 2013 was especially important for our continuing litigation, as well as for discussions about submitting possible new strategic pleadings in order to improve access to justice in cases of Roma minority human rights violations in Slovakia. Besides individual cases, we have worked intensively with the concept of "actio popularis" claims, which may be brought under the anti-discrimination law to challenge discrimination against larger group of populations by a human rights NGO, itself acting as plaintiff. Domestic courts' and other public authorities' decisions, unfortunately, still brought us an occasional disappointment. Some of our anti-discrimination cases, or some of our cases of police violence, are dragging on for



many years and we have to give a great tribute to all those who are still tirelessly fighting for their rights. They do this not only for their own satisfaction, but also to improve access to justice for other people who face such human rights violations in our society.

In recent years, we are increasingly realising that the values of justice, non-discrimination and dignity of every person are important to promote in all effective ways. The more individuals who will adopt them, the more our society will be a better place to live, not only for a minority, but for all of us. We decided to start our own tradition of informal experiential education on human rights. Together with our colleagues from non-governmental organisations such as Fenestra and Helping Hand, we organised a few days of human rights school for college and university students. We have plans in this respect, and in our heads we are already preparing future editions of this successful event. We gained lots of positive energy and we believe that we will succeed in encouraging young people's interests in the protection of minority human rights.

We spent less attention than we did in previous years on inclusive education and our initial contacts with some schools and institutions have weakened. However, we are still close to this topic and we do not intend to abandon it. In fact, the segregation of Roma children in the Slovak education system and the lack of inclusion in education are very related issues. Denisa, our colleague who focused on inclusive education, cannot perform her duties at the moment because she is on maternity leave, but we believe that our projects to support inclusion in Slovak schools will again gain strength. Our schools simply must begin to educate inclusively and we will never give up on this.

We would like to thank all, who were and remain with us over the past two years, who have collaborated or supported us in any way. We don't know what emotions we will experience in the next two years, but one thing we can promise is that we will firmly continue to stand on the side of those whose human rights were/are violated.

**Štefan Ivanco**

Center for Civil and Human Rights (Poradňa)

*February 2014*



# PROTECTION AGAINST DISCRIMINATION

**We have provided legal aid in cases of discrimination, with an emphasis on racial discrimination, which affects the Roma minority.** Overall, we provided legal representation in eleven cases of racial discrimination in access to services, employment and social security for 19 persons. We have provided legal aid in one case of gender discrimination. We have also provided legal advice to 163 persons. Apart from individual claims, on behalf of our NGO we also submitted three so-called “actio popularis” claims to the courts, in accordance with specific provisions of the domestic Anti-Discrimination Act, in selected cases of discrimination affecting a larger non-specified group of individuals.

**We have conducted field monitoring. We documented cases of discrimination against Roma** with an emphasis on segregation of Roma children in mainstream schools, as well as on groundless placing into special schools and classes designed for the mentally disabled. We have raised awareness of the possibilities of protection against discrimination among Roma and in this regard we have organised educational meetings.

**We have provided assistance to Roma parents who had suspected illegal groundless placement of their children in special schools and were interested in reviewing their documentation from Centres for pedagogic-psychological guidance – respectively Centres for special-pedagogic guidance.** We have pointed out violations of children and their parents’ rights by being refused the full access to

the documentation, including making photocopies of the documents, which includes the results of psychological tests. In this regard, we have also interacted with the responsible state institutions.

**We have achieved the first ever, final court's decision in Slovakia which condemned the segregation of Roma children in education.** Prešov Regional Court, in October 2012, finally decided that the primary school in Šarišské Michalany, by educating Roma children in separate segregated classes, violated the principle of equal treatment under the domestic Anti-Discrimination Act and was discriminating against Roma children because of their ethnicity. The decision drew the attention of the media and the wider public to the issue of segregation in the Slovak educational system.

**We have achieved another important court decision in the case of racial discrimination in access to services in favour of those who were discriminated against.** Mr. P. and his wife were refused service in one of the restaurants in Spišské Vlachy due to their Roma origin. The District Court in Spišská Nová Ves confirmed there has been racial discrimination. The court's decision ordered the restaurant owner to apologise in writing to injured persons and to post a public apology on the door of his restaurant as well as in the regional newspaper Spišský Korzár. The court has not yet decided about the level of financial compensation.

**After having exhausted all domestic legal remedies, we have prepared and filed an individual complaint to the UN Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW).** In our complaint we have argued that the state authorities failed to ensure effective protection against gender discrimination in a case of unlawful dismissal of a mother of two small children – thus violating international legal obligations, under the Convention on the Elimination of All Forms of Discrimination Against Women. **This is the first ever individual complaint submitted to CEDAW against Slovakia.**

**We have conducted a field survey to document instances of segregation of Roma women in selected hospital maternity wards in eastern Slovakia by placing them in separate Roma-only rooms.** We have submitted to the court an "actio popularis" claim under the domestic Anti-Discrimination Act, which alleges the illegality of this practice.

**We commented on a draft law on child birth allowance that we also presented to the representatives at the Slovak Ministry of Labour, Social and Family Affairs.** We pointed out the inconsistency between some of its proposed provisions and applicable anti-discrimination domestic and international legislation.

We have issued a publication entitled "**Discrimination in Slovakia – searching for barriers in access to effective legal protection against discrimination**", in which we have mapped the implementation of the domestic Anti-Discrimination Act by the Slovak courts since 2004. We also examined the discriminatory barriers faced in access to justice. We were pleased by the positive feedback from those who have read it, including some judges who found it useful when deciding discrimination cases.

We organised a two-day seminar for lawyers from Centres for Legal Aid. The seminar addressed the issue of legal aid in discrimination cases and was led by domestic and foreign experts in the field. We recorded very positive participant feedback.

We also provided legal aid to Mrs M. in her case, which revolved around a failure of the responsible state authority to provide services related to the storage of the dead body. According to the court's decision, there had been a serious interference with the personal rights of our client, thus the court awarded her with financial compensation of € 20,000. **The court's decision can be considered progressive, especially with regard to the amount of the financial compensation granted.**

## **“ACTIO POPULARIS” CLAIM AGAINST SEGREGATION IN EDUCATION**

*In June 2010, Poradňa submitted a so-called “actio popularis” claim to the District Court in Prešov under the provision of the domestic Anti-Discrimination Act. We argued that the primary school in Šarišské Michalany had a long term practice of providing education to Roma in Roma-only classes. Such classes were additionally placed on a separate floor in the school building. During the school year 2008/2009, other Roma children who previously attended classes together with children from the majority, were transferred to segregated Roma-only classes. Providing education to Roma children in segregated classes constitutes discrimination based on ethnicity. During the court proceedings, the school argued that separate classes are designed for Roma children from socially disadvantaged background. According to the school, such classes enable teachers to develop a personalised approach to Roma pupils, compensating for the deficit stemming from their social disadvantage. The school, however, wholly failed to prove the compensatory nature of these classes and it was obvious that Roma children have been educated in separate classes for a long time.*

*The District Court in Prešov fully agreed with our arguments and ruled that educating Roma children in separate segregated classes violated the principle of equal treatment under the domestic Anti-Discrimination Act, and such a conduct constitutes discrimination against Roma children on the ground of their ethnicity. In this respect, the court noted that the use of specific forms and methods to educate children from a socially disadvantaged environment cannot violate national and international legislation on human rights. The court stated that the school resigned from its role in the learning process, if it preferred unlawfully segregated education to developing inclusive education. The primary school appealed against this decision.*

*The Prešov Regional Court, as a court of appeal in October 2012, upheld the District Court’s decision ordering the school to remove Roma classes beginning with the next school year. The Senate of the Regional Court agreed with the legal opinion of the first instance court, and with a socially strong emphasis, also pointed out the broader context of Roma children’s unequal access to education in Slovakia. As a counterpart to the existing segregation, it gave prominence to inclusive education, which should be developing in our schools and which can provide equal access to quality education for all children. The Regional Court stated that the Roma children’s education in separate Roma-only classes is at the expense of their human dignity. The court’s decision is final.*

# PROTECTION OF REPRODUCTIVE RIGHTS

**We have provided legal aid to six Roma women in four proceedings in cases of unlawful sterilisations before the European Court of Human Rights.** Sterilisation procedures were performed in hospitals in eastern Slovakia without the women's informed consent or without giving any consent. We also continue to provide legal aid to two illegally sterilised Roma women in proceedings before national courts.

**We have achieved two other rulings from the European Court of Human Rights concerning the illegal sterilisation in the cases N.B. against Slovakia and I.G. and others against Slovakia.** In both cases, the European Court declared that performing sterilisation without informed consent violates the right to be free from inhuman and degrading treatment, and the right to respect private and family life as guaranteed by the European Convention. Apart from this, the European Court awarded applicants with compensation of € 25 000, € 27 000 and € 28 500. In the case of I.G. and others v. Slovakia, the European Court also found that the criminal investigation into the case led by the Slovak law enforcement agencies did not meet the standards of effective investigation guaranteed by the European Convention.

**We have continued to provide Roma women with not only legal, but also human support, and have organised regular support meetings for them.** The character of these meetings has been partly changed. They are designed not only for women's internal empowerment, but also to develop their women's activism and commitment to protecting human rights in their communities. Also, women other than forcibly sterilised Roma joined the meetings.

## THE DECISION OF THE EUROPEAN COURT OF HUMAN RIGHTS IN A CASE OF ILLEGAL STERILISATION I.G. AND OTHERS AGAINST SLOVAKIA

*In November 2012, the European Court of Human Rights in Strasbourg decided in another case concerning the forced sterilisation of Roma women: I.G. and others against Slovakia. The complaint was filed to the European Court in 2004 on behalf of three forcibly sterilised Roma. The Roma women were forcibly sterilised under different circumstances at Krompachy hospital from 1999 - 2002. At the time of surgery, two of the applicants were still minors. Applicants were not informed about the intervention and they found out they were sterilised only when they examined their medical records a few years later. Since 2003, the applicants sought an apology and compensation from the Slovak courts, including the Constitutional Court. A criminal investigation was initiated in those cases, but it was discontinued. A few years later, one of the applicants gained financial compensation from the Slovak courts, however, the European Court considered this amount to be inadequate.*

*In 2004, the applicants referred to the European Court, where they complained about the violation of their rights guaranteed by the Convention for the Protection of Human Rights and Fundamental Freedoms. The European Court granted the complaint, and it was its third decision concerning illegal sterilisations in Slovakia within only one year. The Court again unanimously declared that performing sterilisation without informed consent violates the right to be free from inhuman and degrading treatment and the right to respected private and family life. The European Court rejected the Slovak Government's argument that sterilisation was "medically necessary" because sterilisation is not a life-saving surgery and the women's informed consent was a pre-requisite for the intervention. In the Court's view, the approach of the medical personnel of the Krompachy Hospital was not compatible with the principles of respect for human dignity and human freedom embodied in the Convention as it did not permit the applicants to make a decision of their own free will, meaning after consideration of all the relevant issues. The European Court also found that the criminal investigation led by the Slovak law enforcement agencies did not meet the standards of effective investigation guaranteed by the European Convention (procedural violation of Article 3 of the Convention). Apart from declaring the violation of Articles 3 and 8 of the European Convention, the Court ordered the Slovak Government to pay the compensations to the two applicants in the amounts of € 27 000 and € 28 500, as well as the reimbursement of their legal costs. Since the third applicant died in the course of the proceeding, the European Court did not consider her complaint.*



# POLICE VIOLENCE AND RIGHTS OF AFFECTED PERSONS

**We have provided legal aid to Roma who faced police violence. We have focused primarily on cases that indicate a possible racial motivation from the police officers. We also actively monitored the occurrence of these cases in the field.** Although only a fraction of affected persons finally decides to defend themselves against police violence using legal means of protection, we have provided legal aid to thirteen injured people in six cases of police violence altogether. We have also provided legal advice to another 30 individuals.

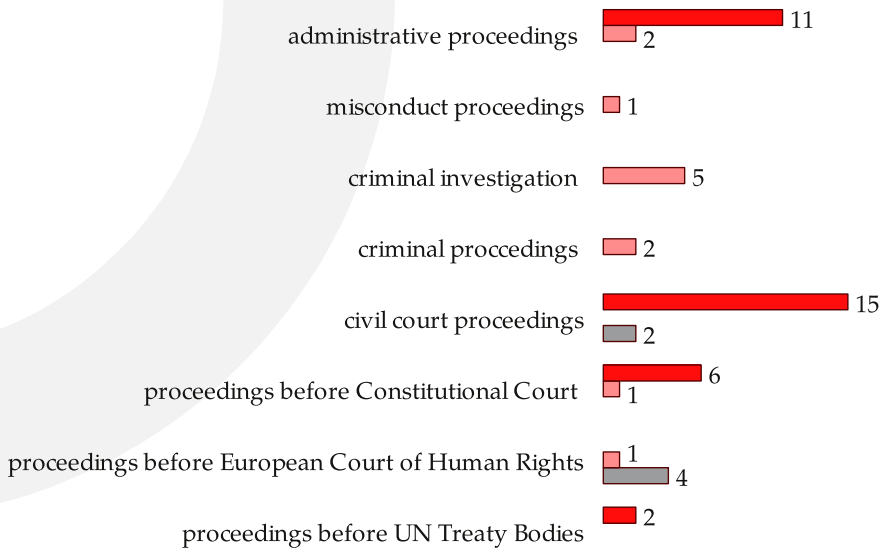
**In one case of police violence where we provided legal assistance, we exhausted all domestic remedies, and thus filed the case to the European Court of Human Rights in Strasbourg.** In this case, we argued that there was a violation of the right to be free from inhuman and degrading treatment of the injured person and point out a lack of effective investigation of the case by the state authorities.

**We have continuously provided legal aid since 2009 in a publicly watched case of police ill-treatment of Roma boys at the Košice police station.** Several police officers are charged with committing the racially motivated crimes. The case is still pending before the District Court Košice II.

**We have also provided legal aid to one injured person in the publicised case of a police raid in Moldava nad Bodvou.** In July 2013 we initiated criminal proceeding on his behalf. His criminal complaint was rejected even without interrogation of the injured person.

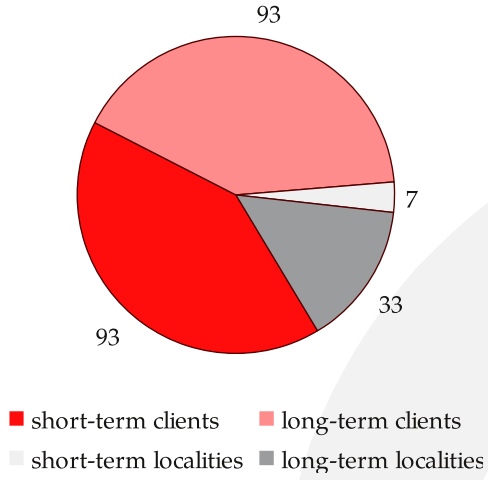
**We have published an analysis that highlights the shortcomings of investigation into cases of torture, cruel and inhuman treatment by the police in Slovakia.** We have also proposed a number of measures to be introduced in accordance with the applicable international legal obligations for the protection of human rights. This analysis is addressed to competent state institutions.

## OVERVIEW

*Number of proceedings*

■ Reproductive rights program   ■ Police violence  
 ■ Anti-discrimination program

**Number of clients**



# INTERNATIONAL ADVOCACY

**In partnership with the NGO People in Need Slovak Republic, we prepared an alternative report for the UN Committee on the Elimination of Racial Discrimination (CERD).** We have pointed out the persistent weaknesses in the protection of human rights of Roma minority, in particular the evidence of discrimination against Roma children's access to education, the issue of Roma women's reproductive rights violations and the police violence, which often stems from racial motivations. The information we have provided to the Committee is also reflected in its concluding observation addressed to the Slovak government.

**We have provided additional information to the UN Human Rights Committee (HRC) with regard to the implementation of its selected recommendations for the Slovak government.** We have pointed out that the authorities have not fulfilled their obligations under the International Covenant on Civil and Political Rights.

**We have prepared an alternative report for the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT).** We have pointed out the continuing incidents of police violence in Slovakia and the serious deficiencies in the quality of investigations by the competent state authorities. We have also provided information concerning the investigation of cases of police violence, including the wildly publicized case in Moldava nad Bodvou at the conference organised by the Organisation for Security and Cooperation in Europe (OSCE).



## COOPERATION

Within our activities to protect the rights of the Roma minority, we have cooperated with some **local and regional NGOs**, such as New Way Michalovce, some **community centres** based in different localities (e.g. Rankovce, Sveržov, Roškovce) and with many Roma activists.

In regard to the prevention of segregation in education, we have continued to work with **Amnesty International**. We have also worked with the **NGO eduRoma** specifically in the context of joint efforts to improve the work of the State School Inspection as to uncovering segregation of Roma children in Slovak schools.

As to the enforcement of the rights of all children to equal education, we have communicated with some NGOs which are part of an informal coalition **For Equality in Education** - particularly with the **Center for the Research of Ethnicity and Culture (CVEK)** and **People in Need Slovak Republic**.

We have communicated with the Hungarian **NGO Chance for Children Foundation (CFCF)** about our strategies concerning possible further strategic litigation into the cases of Roma children segregation in education. We have provided them with relevant information on the situation in Slovakia during the preparation of their handbook that concerns the fight against segregation of Roma children in education in our region. CFCF exchanged with us their valuable experience in this area.

We have worked with the **NGO Women's Circles (Ženské kruhy)**, **Citizen, Democracy and Accountability**, the **NGO Pro choice Slovakia (Možnosť voľby)** and the **Center for Reproductive Rights (New York)**. With these organizations, we

cooperated in the field of enforcing reproductive rights and health care related to childbirth. We have advocated for women's rights to access all forms of contraception, and to respect the woman's decision about the circumstances of childbirth and related health care. In this regard, we have commented on several pieces of legislation and have communicated with the responsible state institutions.

Within our efforts to raise awareness about human rights among young people, we have worked with NGOs **Fenestra** and **Helping Hand**. We have jointly organized the "**School of Human Rights – Human Rights in Practice**"- a four-day educational event for college and university students. We have also jointly prepared a strategy for the development of an informal experiential education for young people in the field of human rights. We intend to fulfil this plan in the next few years.

In the academic year 2013/2014 we established cooperation with the **Faculty of Law of the Pavol Jozef Šafárik University in Košice** and provided an internship opportunity for two students who got involved in our work.

**We have contributed a chapter in the publication "One step closer to inclusion"**, issued in 2013 by the NGO People in Need Slovak Republic and Center for the Research of Ethnicity and Culture. The publication addresses the issue of Roma inclusion in the Slovak educational system.

**We have provided consultations for the analysis "Implementation of the principle of equality through Anti-Discrimination Act: Problems, barriers and challenges"**, issued in 2013 by the NGO Citizen, Democracy and Accountability. It addresses selected issues about improving the implementation of the Anti-Discrimination Act in Slovakia and it offers proposals for further amendments.

**We have provided information to the national and international media** (The Vice, New York Times...) especially on the issue of Roma segregation in education. On occasions, we have published articles in electronic and print media concerning the protection of Roma minority rights.

**We would like to thank other organisations, institutions, individuals and all those who are not mentioned in this report and who have cooperated with us in 2012 – 2013.**



# PORADNA'S TEAM

## *BOARD (2012 – 2013)*

**Barbora Bukovská** – Lawyer  
**Ruben Pellar** - Translator and Roma rights activist  
**Ingrid Giňová** - Roma woman activist  
**David Zábranský** – Writer  
**Michal Čermák** – Lawyer  
**Ján Polák** - Roma activist

## *TREASURY COMMITTEE*

**Viera Čáповá**  
**Andrea Grúberová**  
**Lucia Kvočeková**

## *STAFF*

**Andrea Mitrová** - Executive director  
**Štefan Ivanco** – Programme coordinator  
**Vanda Durbáková** - Cooperating attorney  
**Stanislava Liptáková** – Lawyer

**Denisa Barry** – Field social worker

**Katarína Šiňanská** – Field social worker, 2012

**Mirka Danková** – Field social worker

**Igor Dužda** - Field social worker

**Michaela Nohajová** - Volunteer, 2012

**Filip Šoltýs** - Volunteer, trainee, 2013

**Nikola Babincová** - Volunteer, trainee, 2013

**Zdeněk Nový** - Webmaster, graphic designer

**Martin Ľudvík** – IT, graphic designer



# DONORS

For a financial support of our activities in 2012 – 2013 we would like to especially thank:

- Open Society Foundations, Budapest
- Open Society Foundation, Bratislava
- Financial Mechanism EEA, Norwegian financial mechanism
- European Commission within the programme of the European Union employment and social solidarity PROGRESS (2007 – 2013)
- US Embassy in Slovak Republic
- Filia Women's Foundation (filia.die frauenstiftung), Hamburg
- Slovak – Czech Women's Fund
- Oak Philanthropy, London
- Ruben Pellar
- Anonymous individual donors

We would like to thank to all those who financially and/or personally supported our work in 2012 – 2013.



# FINANCIAL REPORT OF PORADNA

## *Income and Expenses of Poradňa 2012 and 2013 in EUR*

<b>Revenues</b>	<b>year 2012</b>	<b>year 2013</b>
Grants	74,774.13	65,430.76
Income from other organisations	0.00	9,660.72
Awards	15,000.00	0.00
Income - 2% tax assignment	311.69	571.01
Bank interests	122.63	140.62
<b>Total</b>	<b>90,208.45</b>	<b>75,803.11</b>

<b>Costs</b>	<b>year 2012</b>	<b>year 2013</b>
Office overheads and equipment	4,182.86	1,629.49
Telephone, Fax, Internet	1,861.98	1,160.19
Rent and insurance	3,199.95	3,207.15
Salaries	35,131.18	21,472.03
Taxes and fees	282.88	189.15
Legal services	17,284.03	26,162.43
Accounting	2,871.50	1,965.00
Travel expenses	1,857.85	2,967.08
Educational activities (seminars, meetings, supervision)	3,612.36	6,701.92
Printing and translation	4,726.00	1,161.45
<b>Total</b>	<b>75,010.59</b>	<b>66,615.89</b>





