PARALLEL SUBMISSION

BY THE EUROPEAN ROMA RIGHTS CENTRE AND CENTER FOR CIVIL AND HUMAN RIGHTS CONCERNING SLOVAKIA

Under Article 18 of the Convention on the Elimination of All Forms of Discrimination Against Women

For Consideration by the Committee on the Elimination of All Forms of Discrimination Against Women at the 62nd Session on (26 October - 20 November 2015)

CHALLENGING DISCRIMINATION PROMOTING EQUALITY

errc
european roma rights centre

TABLE OF CONTENTS

INTRODUCTION

The Center for Civil and Human Rights (Poradňa pre občianske a ľudské práva, hereinafter also referred to as „Poradňa“)[1] and the European Roma Rights Centre (hereinafter also referred to as “ERRC”)[2] hereby jointly submit this report to the United Nations Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW) commenting on the Combined Fifth and Six Periodic Report of Slovakia, submitted under Article 18 of the United Nations Convention on the Elimination of All Forms of Discrimination against Women (Convention).

The present shadow report focuses on the issues disproportionately impacting Romani women: insufficient access of Romani women to justice in cases of their multiple discrimination, discrimination in education, health care and missing compensation and safeguard provisions for involuntary sterilisation of Romani women. The report describes the current situation regarding one of the most serious human rights abuses of women – the practice of coercive sterilisation of Romani women – and the legal, policy and other obstacles in reaching an effective remedy for the victims. The submission focuses only on issues directly related to the practice of coercive sterilisation; i.e. Articles 10 (equal access to education), 12 (equal access to health care services) and 16 (freedom from discrimination in all matters relating to marriage and family relations) of the Convention. This report aims to provide an update on the situation since 2008 when CEDAW last reviewed Slovakia.[3] It includes an update on the legislative changes, compensation mechanism proposals, updates on court cases, comments on the information provided by the Slovak government and recommendations for government action.

In its 2008 Concluding observations (CEDAW/C/SVK/CO/4), the Committee recommended Slovak government to developed specific measures to tackle discrimination against Romani women (discrimination of Romani women: paras 36 and 37, coercive sterilisation: paras 43 and 44). Submitting organizations are concerned that Slovakia has done little to address the Committee's concernsand recommendations for the situation of Romani women and that progress in complying with the Convention on the Elimination of All Forms of Discrimination against Women is slow and insufficient.

FAILURE TO SECURE EFFECTIVE ACCESS TO JUSTICE IN CASES OF DISCRIMINATION - ARTICLE 2

The Committee in its last concluding observations expressed its concern over insufficient enforcement of the domestic laws on the protection from discrimination and possibilities to bring cases of discrimination before the courts that are hampered by various factors.[4] To date, the Slovak Government has not taken effective steps to ensure effective access to justice in this area. Women continue to face various obstacles that prevent them from using legal remedies on the protection from discrimination.

Poradňa (as one of very few local NGOs) provides legal representation to women in cases of racial discrimination as well as multiple discrimination (on a ground of race and gender). Since 2004, Poradňa has provided legal representation in a very most cases of discrimination against Romani women that have been brought before Slovak courts based on the domestic Anti-discrimination Act[5]. These cases have targeted discrimination of Romani

1 The Center for Civil and Human Rights (*Poradňa pre občianske a ľudské práva* or Poradňa hereafter) 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. Visit us at: www.poradna-prava.sk.

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

3 UN CEDAW, Concluding Observation, Slovakia, 17th July 2008, available at: http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-SVK-CO-4.pdf.

4 CEDAW/C/SVK/CO/4, para 10.

5 Act No 365/2004 Coll. on Equal Treatment in Certain Areas and on Protection against Discrimination and on amendments and supplements to certain laws.

women in access to public accommodation, employment, social benefits as well as segregation of Roma children (including girls) in education. In 2012 Poradňa also collected court judgments concerning discrimination having been decided in previous years and comprehensively analyzed Slovak court`s decision-making work in cases of discrimination from the adoption of Anti-discrimination Act in 2004.[6] Based on the given analysis as well as our own legal experience from courts we can state:

- the implementation of the provisions of Anti-discrimination Act by courts in cases of gender and multiple discrimination remains inconsistent and often flawed. Courts remain not sufficiently informed about antidiscrimination legislation and its proper application in practice. Specifically, the application of reversed burden of proof continues to falls short of the legal consistency;
- the court proceedings concerning discrimination last excessively long periods (rarely less than several years);
- the courts remain extremely reluctant to award any financial compensation for victims of discrimination. They tend to downplay seriousness of discrimination overlooking or not understanding its *prima facie* impact on human`s dignity. In some instances certain bias or preoccupation of courts when dealing particularly with cases of discrimination of Roma women can be indicated. Moreover, low damages for racial discrimination do not have sufficient deteriorating effect on other discriminatory subjects and fall short of prevention and elimination of discrimination in our society.

It should be stressed that a number of cases of discrimination filed in Slovak courts remains constantly very low. To August 2012 Poradňa's research documented only four (4) cases in which Slovak courts dealt with discrimination specifically on the ground of gender under the Anti-discrimination Act.[7]By conducting nationwide survey Poradňa mapped the reasons of not resisting discrimination by the affected persons from their perspective.[8] The results of the survey showed that among most frequent reasons were particularly lack of trust in the institutions that could successfully resolve discrimination, lack of evidence to prove discrimination, the fact that people who felt discriminated against, did not consider important to solve their case by legal tools and lack of information as to where and who to turn to for legal aid. The results also indicated an overall scepticism and even resignation to any legal solution, as well as the conviction that discrimination in Slovakia is so normal and widespread that it makes no sense to oppose it and that in Slovakia it is not possible to achieve justice.

In order to reverse the current situation the Slovak courts have to produce more quality courts´ decisions in favour of discriminated persons including women with adequate compensation granted for them and with sufficient deterrent effect on the offenders. Positive court rulings will gradually motivate other persons to actively pursue their rights and resist discrimination by legal remedies and will strengthen their trust in legal institutions. In this regard a number of additional measures have to be taken to provide effective access to justice for women facing discrimination in line with the Convention.

RECOMMENDATIONS

Poradňa and the ERRC ask the Committee to recommend the Slovak Government to undertake the following:

- Enhance the speed and efficiency of court proceedings concerning discrimination;
- Ensure effective implementation of Anti-discrimination Act and access to justice for women facing discrimination including adequate reparation or satisfaction;
- Take measures to raise awareness of legal remedies against discrimination among women and ensure continuous education of judges on the implementation of anti-discrimination legislation;

6 The whole analysis is entitled "*Discrimination is Slovakia: Searching for barriers in access to legal means of protection from discrimination*", and it contains summary of all the relevant findings in English. It is available online at: http://poradna-prava.sk/wp-content/uploads/2012/11/Publik%C3%A1ciu-sim%C3%B4%C5%BEete-stiahnu%C5%A5-tu-105-MB.pdf.

7 *Ibid*. page 83.

8 *Ibid*. See summary of all the relevant findings in English.

THE PRACTICE OF STERILIZATION OF ROMANI WOMEN WITHOUT PARENTAL AND INFORMED CONSENT AND IMPLEMENTATION OF CURRENT HEALTH CARE LEGISLATION IN THIS REGARD–ARTICLES 1, 12 AND 16 (1 – E)

The Committee in a view of its last concluding observations recommended that the State party take all necessary measures to ensure that the complaints filed by Roma women on grounds of coerced sterilization are duly acknowledged and that victims of such practices are granted effective remedies.[9] The submitting organizations are of the opinion that State party failed to do so.

Both submitting NGOs in theearly 2000s monitored the practice of sterilisation of Romani women without informed consent in Slovakia.[10] Since then we have been continuously advocating for redress for all affected Romani women. Poradňa has been also providing legal aid to a limited number of sterilized Romani women and brought their cases also before the European Court of Human Rights (ECtHR).

In those cases the ECtHR delivered three judgements condemning Slovakia. The ECtHR clearly declared that sterilisation without informed consent violated their right to be free from inhuman and degrading treatment and right to private and family life as guaranteed by Articles 3 and 8 of the European Convention and awarded the individual complainants the financial compensations rating from 27 000 EUR to 31 000 EUR.[11] The ECtHR found insufficient the compensation provided in some cases by domestic courts in amount of approximately 1500 EUR. The sterilisations of Romani women without informed consent in hospitals were performed during delivery of their children bycaesarean section under anaesthesia.

On 20 February 2012, the advisory body to the Slovak Government, the Government's Council for Human Rights, National Minorities and Gender Equality adopted Resolution no. 37 on unlawful sterilizations.[12] The Council expressed regret for the individual case of Ms. V.C. and also for other possible cases of unlawful sterilizations, which might have occurred in the past due to insufficient legislation or concrete failures in practice.

We welcome a formal acknowledgement of the injustice of forced sterilizations by the authorities and paying the financial compensations to the individual complainants in line with the European court´s rulings. Nevertheless, we do not consider this to constitute an effective remedy. Without conducting extensive investigations into these cases throughout Romani communities in Slovakia we can only assume how many Romani women have been affected exactly by this practice. It is necessary to emphasise that a significant number of cases of Romani women and girls illegally sterilised were documented; however appropriate remedies were not provided and/or compensation was not awarded in all these cases.[13] Individual cases litigated at civil courts by human rights NGOs cast only a glimpse on these systematic practices. Therefore the State party should take all necessary steps to investigate the full extent of this practice in Slovakia and introduce a comprehensive compensation mechanism for all victims of involuntary sterilisations.[14]

The State party declares in its submissions to the Committee, that the relevant institutions did not receive any complaints regarding performance of the sterilization without informed consent. The existing regulations on obtaining informed consent have to be properly implemented to prevent sterilisations of Romani women without their full informed consent. Although the Ministry of Health in 2014 adopted legally binding regulations that contain sample forms of informed consent when performing sterilisations,[15] we do not consider this to be sufficient.

9 CEDAW/C/SVK/CO/4, para. 45.

10 For more information about this documented practice see: ERRC, *Ambulance Not on the Way. The Disgrace of Health Care for Roma in Europe*, 2006, p. 47.;Poradňa and the Center for Reproductive Rights: *Body and Soul: Forced Sterilization and Other Assaults on Roma Reproductive Freedom in Slovakia*, issued on 28 January 2003. Available online at: http://poradna-prava.sk/dok/bodyandsoul.pdf.

11 Decisions of the European Court of Human Rights in a case *V.C. v. Slovakia*, no. 18968/07, judgment of 8 November 2011, final as of 8 February 2012: *N.B. v. Slovakia*, no. 29518/10, judgment of 12 June 2012, final as of 12 September 2012; *I.G. and others v. Slovakia*, no. 15966/04, judgment of 13 November 2012, final as of 29 April 2013.

12 Available at: http://www.radavladylp.gov.sk/5-rokovanie-rady/.

13 See Body and Soul: Forced Sterilization and Other Assaults on Roma Reproductive Freedom in Slovakia, issued by Poradňa and the Center for Reproductive Rights on 28 January 2003. Available online at: http://poradna-prava.sk/dok/bodyandsoul.pdf.

14 ERRC, Submission to the CEDAW pre-sessional working group reviewing the Czech Republic, 8 June, 2015, available at: http://www.errc.org/cms/upload/file/czech-cedaw-submission-8-june-2015.pdf.

15 See regulation of Ministry of Heath n. 56/2014 Coll. Of Laws on providing details on the content of instruction before obtaining informed consent with the sterilization and templates of informed consent prior to sterilization in state languages and languages of national minorities (*VyhláškaMinisterstvazdravotníctva SR č. 56/20014 Z.z., ktorousaustanovujúpodrobnosti o poučení, ktorépredchádzainformovanémusúhlasupredvykonanímsterilizácieosoby a vzoryinformovanéhosúhlasupredvykonanímsterilizácieosoby v štátnomjazyku a v jazykochnárodnostnýchmenšín*).

The State party did not presented any effective monitoring of medical practitioners in the implementation of the legislation; therefore the failings in the level of protection provided by this legislation go undetected. [16] The monitoring mechanisms must go hand in hand by awareness raising in Roma communities. It is necessary to disseminate information on rights connected with providing informed consent and also to empower Roma women themselves to bring complains in cases their rights are violated. In the situation when most of Roma women are not aware of their rights and there are no effective procedures how to bring a complaint in cases of violation, it is not striking the State party declares no complaints has been submitted.

It should be also noted that since 2005 there are at least two cases of sterilization without informed consent pending before domestic courts. In one case the first instance court lastly decided there has been a violation and awarded the complainant the amount of 1500 EUR considering it to be appropriate compensation, ignoring the rulings of the European Court in almost identical cases. Currently the case is pending before Supreme Court as the hospital argues the status of limitation under domestic legislation expired as for the financial compensation. In second case the court also found a violation but did not award any compensation concluding that status of limitation has expired. The case is still pending. Thus for more than 10 years affected Romani women are waiting for final decision. In such situations the access to justice seems to be illusionary.

The calls for paternalistic interventions in the reproductive strategies of Romani women have prevailed until now. In August 2011, the Slovak Parliament discussed a legislative plan (one step before the law draft) on free-of-charge sterilisation for women and men living in socially excluded localities. The measure was proposed by a state-secretary at the Ministry of Labour, Social Affairs and Family from a liberal party *'Sloboda a Solidarita'* (Freedom and Solidarity).[17] The Slovak parliament eventually voted against this legislative plan. The same MP, meanwhile a part of the opposition in the Slovak Parliament, repeatedly attempted to launch a parliamentary discussion on the same proposal in August 2012.[18] The Slovak Parliament eventually did not elaborate on the proposal. In November 2014, the regional political party *'7 Statočných'* (The Magnificent Seven)[19] included a financial motivation for sterilisation of Romani women among their political objectives.[20] Although the party did not succeed in the local election, the party leaderVladimírGürtler, a lawyer by profession with a suspended lawyer licence, was hired as a spokesperson for the Governor of the BanskáBystrica region, one of the seven regions in Slovakia, who is himself a leader of a far right party *'ĽudovástranaNašeSlovensko'* (People's Party Our Slovakia).[21]

RECOMMENDATIONS

Poradňa and the ERRC ask the Committee to recommend the government of the Slovak Republic to undertake the following:

- Establish an independent commission to investigate the full extent of the practice of coerced and forced sterilisation in the communist and post-communist period in Slovakia, to propose institutional and administrative measures to prevent the recurrence of the practice and to recommend financial and other reparations for affected women and girls. This commission should include also independent and highly qualified members of civil society and members of the Roma community in this commission.
- Conduct a thorough effective criminal investigation into all relevant cases of sterilisation focusing on conditions under which consent was provided and criminally prosecute those responsible for these human rights violations.
- Introduce clear guidelines for medical staff and provide long term and systematic training of healthcare personnel on how to ensure informed consent for any medical intervention including sterilisations. The training

16 See also recent report: *Ženy – Matky – Telá: Ľudsképrávažienpripôrodnejstarostlivosti v zdravotníckychzariadeniachnaSlovensku* issued by NGO Citizen and Democracy in 2015, available online at: http://zenskekruhy.sk/temy/respekt-slobodna-volba/zeny-matky-tela/ documenting also the failure to implement effectively the institute of informed consent during child birth.

17 Tvnoviny.sk, *Will sterilization be for free in Slovakia?*, available at: http://tvnoviny.sk/sekcia/spravy/domace/bude-sterilizacia-na-slovensku-zadarmo.html.

18 Webnoviny.sk, '*Lucia Nicholsonova proposes free sterilization*', available at: http://www.webnoviny.sk/ekonomika/lucia-nicholsonova-navrhuje-bezplatne/535631-clanok.html.

19 The Magnificient Seven regional party, available at: http://www.7statocnych.sk/#&panel2-7.

20 SME daily, '*The police investigates an anti-Roma hate campaign*', 21 November 2014, available at: http://romovia.sme.sk/c/7451618/nenavistnu-kampan-proti-romom-v-kosiciach-stiha-policia.html.

21 HN noviny daily, '*Kotleba appointed a new spokesperson*', 2 January 2015, available at: http://hn.hnonline.sk/slovensko-119/kotleba-ma-noveho-hovorcu-muza-ktory-nukal-romom-letenky-zadarmo-639979.

should focus on the practical aspects of communication between the healthcare providers and patients when obtaining informed consent and also on overcoming the prejudice of healthcare providers against Roma and other marginalized groups. The State party should also monitor the implementation of the current legislation by healthcare providers and introduce effective sanctions if violations occur.

- Collect disaggregated data based on ethnicity and gender in health care;
- Adopt comprehensive policies that address the situation of Romani women and girls in terms of access to health care and other services;
- Allocate budgets specifically to improve the situation of Romani girls and women in access to health care.

SEGREGATION OF ROMANI WOMEN IN MATERNITIES - ARTICLE 2

The Committee in its last concluding observations[22] urged the State party to implement targeted measures to eliminate discrimination against Romani women also in the area of health care. The discriminatory practices (including segregation) towards Romani women are still reality in Slovak hospitals. The Romani women thus face in a situation related to the child birth multiple discrimination based on their ethnicity and gender.

Romani women are still segregated at Gynecological and Obsetrics Departments of some hospitals in Eastern Slovakia, like in the State–run hospital in Prešov. During the monitoring held by Poradňa in 2013, Romani women reported that in Prešov hospital they are rugularly placed in Roma only rooms, sometimes more of them are forcedto share one bed. They also testifyied they are facing verbal abuses from the staff. Most of the women Poradna interviewed during the monitoring visits in marginalised Roma communities in Prešov region, felt humiliated by this practice. Some Romani women said they prefer to share the room only with other Romani women, only because they are afraid from harassment and verbal abuses from Non Roma women and health care staff. In some hospitals Romani women are also prevented from using the same bathrooms and toilets as Non-Roma, as well as being prevented from entering the dining room and/ or having a separate table for dining.

The Slovak Ministry of Health and the medical personnel of concerned hospitals on several occasions admitted the practice of separating Roma women in maternities. For example, the Prešov Hospital acknowledged the segregation practice in a case of V.C. v Slovakia held before the European Court of Human Rights. During a proceeding Slovak Government submitted to the European Court a letter prepared by the Prešov hospital. In this letter the hospital explicitly admitted that it separates its patients based on "their own request or from hygienic and health isolation reasons". The Prešov hospital gave further explanations on this practice and argued that such a separation of patients had to be seen in a context. As an example, the Prešov hospital said that beating of children in Slovakia was normal but the same conduct would be considered "by Americans" as abuse. Hence hospital asserted that different "norms" should apply to different states and different "cultures". This statement of the Prešov hospital clearly documents that in Slovakia it is a standard that the medical personal on one hand denies segregation but admits separation on a ground of hygiene or by need to follow the wishes of other patients. The medical staff presented this arguments also during an oral hearing held in a case of V.C. v Slovakia before the European Court in Strasbourg on 22 March 2011.[23]

The Ministry also argues that it has received no individual petition from Romani woman concerning segregation in hospitals. In this regard it should be taken into account that, especially vulnerable groups like Roma living in marginalised Roma communities, do not often know how and where to complain regarding the misconduct of health care personnel and the practice of segregation. Romani patients are afraid to make complaints due to the discrimination they face in general in society but also in accessing healthcare.

RECOMMENDATIONS

Poradňa and the ERRC ask the Committee to recommend the government of the Slovak Republic to undertake the following:

22 CEDAW/C/SVK/CO/4 para 23.

23 3 The webcast of the oral hearing is available at: http://www.echr.coe.int/ECHR/EN/Header/Press/Multimedia/Webcasts+of+public+hearings/webcastEN_media?id=20110322- 1&lang=en&flow=high.

- Introduce systemic measures to effectively monitor and sanction segregation in Slovak hospitals in all its forms and conduct awareness raising programs in Roma communities on basic rights and complaint mechanisms in cases of violations
- Conduct on a regular basis anti-discrimination training of public health care providers as well as include anti-discrimination training subjects in the curricula of medical universities and colleges.

DISCRIMINATION OF ROMANI WOMEN IN EDUCATION – ARTICLES 1 AND 10

Romani children's right to education is being denied in Slovakia due to a range of State-sponsored discriminatory practices. Although, we do not dispose with data disaggregated on the basis of gender, general data are alarming. According to the 2010 UNDP household survey, almost one in five of Romani children did not finish compulsory primary education (18.4 per cent), 59.7 per cent finished primary school and only 17 per cent continued into further secondary studies.[24] According to the UNDP, for 15 per cent of Roma aged between 15-64 in Slovakia, primary school was the highest level of education completedcompared to only 1 per cent of the non-Roma population of the same age.[25]

The Slovak Republic discriminates against Romani children (notwithstanding their gender) in educationtwofold, firstly byplacinga majority of them inspecial schools and classes for children with mild mental disability; and secondly segregating them into separate classrooms and schools within mainstream education. The Roma Education Fund found that Romani children accounted for 60 per cent of pupils in special schools and 86 per cent of pupils in special classes (in regular mainstream schools) during the school year 2008-09.[26] In 2011 11 per cent of all Romani children in Slovakia were enrolled in special education settings and 63 per cent of them were attending Roma-only special schools.[27] It should be stressed that once in the special education system, only about 1.1 per cent of children – or one child out of a hundred – is transferred back to the mainstream education system.[28] Amongst eleven European countries with a sizeable Roma minority, the Slovak Republic has the highest level of segregation of Roma in mainstream education and the second highest in the special education system.[29]

Moreover, over half of Romani children in mainstream primary schools are educated on a segregated basis –more than in the ten other European countries with sizeable Roma minority.[30] The Slovak Government itself acknowledged that Slovak schools "creat[e] purely Romani classes at the primary schools" or"teach[ ] Romani students in separated school pavilions."[31] The education offered in the segregated Roma-only schoolsis often inferior (e.g., Romani students follow less developed curriculawith fewer science courses, in subpar physical facilities and teachers have lowered expectations and requirements of their Romani students or they only assign home work to non-Romani children). Domestic courts have meanwhile outlawed segregation of Romani children in mainstream

24 United Nations Development Programme, *Report on the Living Conditions of Roma Households in Slovakia in 2010*, Bratislava, 2012,pp. 92-93.

25 United Nations Development Programme& Fundamental Rights Agency, *Data on vulnerability of Roma*, available at: http://www.eurasia.undp.org/content/rbec/en/home/ourwork/sustainable-development/development-planning-and-inclusive-sustainable-growth/roma-in-central-and-southeast-europe/roma-data.html.

26 See Roma Education Fund (REF), *School as Ghetto: Systemic Overrepresentation of Roma in Special Education in Slovakia* (2009), p. 8, available at: http://www.romaeducationfund.hu/sites/default/files/publications/school_as_ghetto.pdf.

The Slovak Public Defender of Rights similarly found that in 2012-13, Roma represented over 88 per cent of all first year pupils it surveyed in special primary schools and classes; see: "*Správaverejnejochrankynepráv o uplatňovaníprávanavzdelaniedetí/žiakovpríslušníkovrómskejnárodnostnejmenšiny so špeciálnymivýchovno-vzdelávacímipotrebami*" (July 2013), p. 19, available at: http://www.vop.gov.sk/files/Sprava%20VOP-Vzdelavanie%20Romov.pdf.

27 Ch. Brueggemann, *Roma Education in Comparative Perspective. Findings from the UNDP World Bank EC Regional Roma Survey: Roma Inclusion Working Papers*, 2012, Bratislava UNDP, pp. 68, 71, available at: http://www.eurasia.undp.org/content/dam/rbec/docs/Roma-education-in-comparative-perspective.pdf. Findings from a household survey implemented by UNDP in Slovakia in 2010 found 16% Roma aged 7 to 15 attended special schools (Bruggemann&Skobla 2012).

28 See REF, *School as Ghetto: Systemic Overrepresentation of Roma in Special Education in Slovakia* (2009), p. 33, available at: http://www.romaeducationfund.hu/sites/default/files/publications/school_as_ghetto.pdf.

29 See: European Agency for Fundamental Rights, *Education: the situation of Roma in 11 EU Member States (2014)*, pp. 45, 48, available at: http://fra.europa.eu/sites/default/files/fra-2014_roma-survey_education_tk0113748enc.pdf.

30 See European Agency for Fundamental Rights, Education: the situation of Roma in 11 EU Member States (2014), at 45, available at: http://fra.europa.eu/sites/default/files/fra-2014_roma-survey_education_tk0113748enc.pdf.

31 National Roma Integration Strategy of the Slovak Republic, at 27, available at: http://ec.europa.eu/justice/discrimination/files/roma_slovakia_strategy_en.pdf.

education. In 2011, a District Court issued a landmark judgment concerning aprimary school in the town of Šarišské Michaľany, which had placed Romani children into separate classes on a separate floor of a school building and kept them segregated even during lunchtime. The appellate court affirmed the decision in October 2012.[32]

Notably, in April 2015, the European Commission launched infringement proceedings against the Slovak Republic for violating the EU Race Equality Directive[33] forthe State sponsored practice of discriminating against Romani children in special and mainstream education systems.[34] To date, the Slovak Government has not taken any effective steps to denounce, address, and prevent widespread discrimination against its young Roma citizens in education. On the contrary, the Slovak Government made an outrageous statement and attempted to justify the disproportionate number of Romani children in schools and classes designed for children with mental disabilities on the basis that there is a higher prevalence of genetically determined disorders amongst the Slovak Roma due to having the highest coefficient of inbreeding in Europe.[35]

RECOMMENDATIONS

In the field of education, we ask the Committee to recommend that the State party:

- Introduce a definition of racial/ethnic segregation in education as well as systemic measures to effectively monitor and strike down this illegal practice in all its forms;
- Mandate school desegregation, as part of theimplementation of a fully inclusive educational system, including for Romani children and children with disabilities;
- Revise education financing to disincentiviseenrolment into special education systems and incentivise inclusive education and pro-integration measures;
- Condition the disbursal of national, regional, and local funds for education on the development of anti-segregation plans and reporting of compliance therewith and;
- Address de facto segregation of Roma in education, accounting for its close relationship with housing segregation and discrimination of Roma in other areas;

32 The strategic lawsuit was filed and litigated by the Center for Civil and Human Rights (Poradňa) as an "actiopopularis" claim, based on the 2004 Anti-discrimination Act. The full decision of the District Court is available online in English: http://poradna-prava.sk/wp-content/uploads/2012/01/PDF-568-kB.pdf.

33 European Commission, *Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin*, available at: http://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:32000L0043.

34 See Open Society Foundations, Press Release, European Commission Targets Slovakia over Roma School Discrimination, 29 April 2015, available at: http://www.opensocietyfoundations.org/press-releases/european-commission-targets-slovakia-over-roma-school-discrimination.

35 See e.g. Katarína Richetrová, Interior Minister Kaliňák: we can't close our eyes before Roma incest, Radio Slovakia International, available at: http://en.rsi.rtvs.sk/articles/topical-issue/82335/interior-minister-kalinak-we-cant-close-our-eyes-before-roma-incest.