

# WRITTEN COMMENTS

of the European Roma Rights Centre and Center for Civil and Human Rights,  
Concerning Slovakia

For Consideration by the Committee on the Rights of the Child at the 72nd  
Pre-Sessional Working Group (5 - 9 October 2015)



CHALLENGING DISCRIMINATION PROMOTING EQUALITY

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## INTRODUCTION

The Center for Civil and Human Rights (Poradňa pre občianske a ľudské práva, hereinafter also referred to as „Poradňa“)<sup>1</sup> and the European Roma Rights Centre (hereinafter also referred to as “ERRC”)<sup>2</sup> hereby jointly submit this report to the United Nations Committee on the Rights of the Child (hereinafter also referred to as “Committee”) for the consideration to the 72nd Pre-Sessional Working Group (05 Oct 2015 - 09 Oct 2015). The report focuses on issues disproportionately impacting Romani children in Slovakia including:

- discriminatory legislation;
- discrimination of Romani children in education;
- sterilization of Romani girls without parental and informed consent;
- segregation of Romani patients, including children, in hospitals;
- adequate standard of living;
- police ill-treatment and harassment;
- Romani children in institutional care.

In its 2007 Concluding observations (CRC/C/SVK/CO/2)<sup>3</sup>, the Committee touched upon most of the above-mentioned issues. The submitting organisations are concerned that Slovakia has done little to address the Committee’s concerns and recommendations and that progress in complying with the Convention on the Rights of the Child is slow and insufficient.

Altogether more than 40 per cent of Roma in Slovakia live in segregated settings either outside of municipalities or on their peripheries. Many of those families live in substandard living conditions facing the threat of eviction. Residential segregation usually affects educational attainment and future employment possibilities. Discrimination against Romani children is twofold in education: they are overrepresented in special schools and classes for children with mild mental disabilities and also segregated in separate classrooms and schools within mainstream education. Romani children are also significantly overrepresented in State childcare institutions and disproportionately affected by the legislative framework regulating the social security system.

In recent years, the submitting organisations have recorded a growing number of verbal and physically violent attacks and incidents of harassment committed by police against Roma, including minors, which have not been investigated effectively. Submitting organisations have also advocated for effective investigation of the practice of sterilization of Romani women and girls without parental and informed consent in Slovakia and adequate compensation for affected women and girls, which the Slovak Government fails to conduct.

## DISCRIMINATORY LEGISLATION - ARTICLE 2 AND ARTICLE 26

The Slovak Government in the recent years adopted several pieces of legislation especially in the area of social security<sup>4</sup> which has disproportionately impacted Romani children, and thus constituted discrimination which is

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](http://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](http://www.errc.org).

3 Committee on the Rights of the Child, Forty-fifth session, Consideration of reports submitted by States parties under Article 44 of the Convention, *Concluding observations: Slovakia, 10 July 2007*.

4 See: Article 4 para 3 of the Law n. 571/2009 Coll. of Laws on Parental Care Allowance („*rodinný príspevok*“); Article 3 para 4 of the Law n. 383/2013 Coll. Of Laws on Child Birth Allowance („*príspevok pri narodení dieťaťa*“); Article 12a of the Law n. 600/2003 Coll. of Laws on Child Allowance („*príspevok na dieťa*“).

prohibited under the Convention on the Rights of the Child. The recent legislative provisions have conditioned the rates of payments of child benefit, parental care allowance and child birth allowance on compliance with other preventive measures, and if these are not met, these benefits are cut. Although they apply to all people and on paper appear neutral, in practice they have a disproportionately negative effect on Roma, in particular their children.

The Slovak Government has in the past introduced legislation in order to achieve a specific legitimate aim, such as to reduce child criminality, secure compulsory school attendance and support responsible parenthood; however the 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/or the related accompanying sanctions resulting in their withdrawal, do not take into account the broader social context and specific circumstances of marginalized Roma families, including discrimination of Romani children in education and health care including also their segregation, verbal abuse and harassment experienced and the lack of safe and effective school transportation. Moreover, the introduced social security legislative provisions have only had a limited effect on eliminating the problems outlined above. On the contrary, these legislative provisions work against the best interests of the child as they deepen poverty and social exclusion of marginalized Roma families.<sup>5</sup>

## RECOMMENDATIONS

Poradňa and the ERRC ask the Committee to make the following recommendations to the Slovak Government:

- Amend discriminatory legislation in order to fulfill its international human rights obligations, including its obligations under the UN Convention on the Rights of the Child.
- Systematically develop equality mainstreaming in the legislative process at the domestic level and in this regard also evaluate existing legislation.

## DISCRIMINATION OF ROMANI CHILDREN IN EDUCATION - ARTICLE 2, ARTICLE 28 AND ARTICLE 29

Romani children's right to education is being denied in Slovakia due to a range of State sponsored discriminatory practices. 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 – 15.2 per cent vocational trainings, 1.8 per cent high schools with a diploma and 0.3 per cent tertiary education.<sup>6</sup> According to the UNDP, for 15 per cent of Roma aged between 15-64 in Slovakia, primary school was the highest level of education completed compared to only 1 per cent of the non-Roma population of the same age.<sup>7</sup> In respect of lower-secondary education, the rates are 62% compared to 15%.<sup>8</sup>

The Slovak Republic discriminates against Romani children in education twofold, firstly by placing a majority of them in special schools and classes for children with mild mental disability; and secondly segregating them into separate classrooms and schools within mainstream education. 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.<sup>9</sup> Notably, in April 2015, the European Commission launched

5 For more information see: Monitoring of the selected provisions of the domestic legislation and the analyzes of their non-compliance with antidiscrimination law (*Monitoring vybraných predpisov v slovenskom právnom poriadku a analýza ich nesúladu s antidiskriminačným právom*), Center for Civil and Human Rights, 2015, available in Slovak at: <http://poradna-prava.sk/wp-content/uploads/2015/03/PDF-258-KB.pdf>.

6 United Nations Development Programme, *Report on the Living Conditions of Roma Households in Slovakia in 2010*, Bratislava, 2012, pp. 96-97.

7 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> states.

8 *Ibid.*

9 See: European Agency for Fundamental Rights, *Education: the situation of Roma in 11 EU Member States (2014)*, at 45, 48, available at: [http://fra.europa.eu/sites/default/files/fra-2014\\_roma-survey\\_education\\_tk0113748enc.pdf](http://fra.europa.eu/sites/default/files/fra-2014_roma-survey_education_tk0113748enc.pdf).

infringement proceedings against the Slovak Republic for violating the EU Race Equality Directive<sup>10</sup> for the State sponsored practice of discriminating against Romani children in special and mainstream education systems.<sup>11</sup> 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.<sup>12</sup>

## SEGREGATION OF ROMANI CHILDREN IN THE SPECIAL EDUCATION SYSTEM

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.<sup>13</sup> In 2010-11, children from socially disadvantaged environments – in reality meaning Romani children<sup>14</sup> – accounted for about “one third of all students” in special schools, according to the Slovak Government’s own estimates.<sup>15</sup> The process of psychological assessment during school attendance fails to take into account the different socio-economic backgrounds of Romani children (social marginalization, cultural and linguistic differences), equating their outcomes with a form of mental disability. In the Slovak Government’s own words, “this data is alarming in itself”.<sup>16</sup> Other sources indicate that the proportion of Roma in the special education system is even higher. The Slovak Public Defender of Rights recently found that in 2012-13, Roma represented over 88 per cent of all first year pupils it surveyed in special primary schools and classes.<sup>17</sup> The Roma Education Fund similarly 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.<sup>18</sup> Data does not exist for the whole country as the Slovak Government has refused to collect such information – even though no legal barrier to such a measure exists<sup>19</sup> and countries with similar patterns of segregation do so annually.

Domestic legislation<sup>20</sup> authorises special education for children diagnosed with mental disability in (1) special primary schools (which educate solely children with disabilities, separately from children without disabilities); (2) special classes inside mainstream primary schools (which educate solely children with disabilities, separately from other children); or (3) mainstream classes (where children follow special school curricula). 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

10 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>.

11 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>.

12 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.rtvsk.sk/articles/topical-issue/82335/interior-minister-kalinak-we-cant-close-our-eyes-before-roma-incest>.

13 Ch. Bruggemann, *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 & Škoblá 2012).

14 See, e.g., National Roma Integration Strategy of the Slovak Republic, at 25, available at: [http://ec.europa.eu/justice/discrimination/files/roma\\_slovakia\\_strategy\\_en.pdf](http://ec.europa.eu/justice/discrimination/files/roma_slovakia_strategy_en.pdf).

15 National Roma Integration Strategy of the Slovak Republic, at 27, available at: [http://ec.europa.eu/justice/discrimination/files/roma\\_slovakia\\_strategy\\_en.pdf](http://ec.europa.eu/justice/discrimination/files/roma_slovakia_strategy_en.pdf). In absolute terms, this likely translates to nearly 10,000 Roma placed in the special education system. The data collected by the Ministry of Education think tank show that in 2010/2011, the total number of pupils in state-run special primary schools and classrooms was 27,581; approximately a third of students (or over 9,200) are estimated to be from socially disadvantaged background. See ÚIPŠ, *Štatistická ročenka – súhrnné tabuľky* (2010/11), available at: <http://www.uips.sk/prehlady-skol/statisticka-rocenka---suhrrne-tabulky>.

16 National Roma Integration Strategy of the Slovak Republic, at 27, available at: [http://ec.europa.eu/justice/discrimination/files/roma\\_slovakia\\_strategy\\_en.pdf](http://ec.europa.eu/justice/discrimination/files/roma_slovakia_strategy_en.pdf).

17 See Správa verejnej ochrankyne práv o uplatňovaní práva na vzdelanie detí/žiacov príslušníkov rómskej národnostnej menšiny so špeciálnymi výchovno-vzdelávacími potrebami (July 2013), at 19, available at: <http://www.vop.gov.sk/files/Sprava%20VOP-Vzdelavanie%20Romov.pdf>.

18 See Roma Education Fund, *School as Ghetto: Systemic Overrepresentation of Roma in Special Education in Slovakia* (2009), at 8, available at: [http://www.romaeducationfund.hu/sites/default/files/publications/school\\_as\\_ghetto.pdf](http://www.romaeducationfund.hu/sites/default/files/publications/school_as_ghetto.pdf).

19 See, e.g., Joint Report on the application of Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (“Racial Equality Directive”) and of Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (“Employment Equality Directive”), prepared by the European Commission (January 2014), at 5-6, available at: [http://ec.europa.eu/justice/discrimination/files/com\\_2014\\_2\\_en.pdf](http://ec.europa.eu/justice/discrimination/files/com_2014_2_en.pdf).

20 Act no. 248/2008 Coll. on Upbringing and Education - the School Act.

hundred – is transferred back to the mainstream education system.<sup>21</sup> The current law does not stipulate that a regular reevaluation of the initial diagnosis of the disability should be undertaken.<sup>22</sup> What is more, the system is financially incentivised to retain the highest possible number of children in special schools and classes, special schools receive on average 93 per cent higher funding per capita for every student than regular schools do.<sup>23</sup>

Disproportionate placement of Romani children into special schools without a justification – as is the case in Slovakia – violates the Convention on the Rights of the Child as well as the European Convention on Human Rights. In fact, the European Court of Human Rights ruled against two countries for discriminating against Romani children in education based on their ethnicity on near-identical facts.<sup>24</sup>

## SEGREGATION IN THE MAINSTREAM EDUCATION SYSTEM

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.<sup>25</sup> 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.”<sup>26</sup> Our field monitoring has revealed that segregated Roma-only schools are created by white flights of non-Romani children and due to residential segregation of Romani neighborhoods.<sup>27</sup> The Public Defender of Rights also reported race-motivated redrawing of school districts.<sup>28</sup>

Segregated educational facilities are inherently unequal.<sup>29</sup> Furthermore, even when officially following the study programmes for mainstream primary schools, Poradňa’s field monitoring showed that the education offered in the segregated Roma-only schools is often inferior (e.g., Romani students follow less developed curricula with fewer science courses, in subpar physical facilities and teachers have lowered expectations and requirements of their Romani students or they only assign homework to non-Romani children).

Domestic courts have outlawed segregation of Romani children in mainstream education. In 2011, a District Court issued a landmark judgment concerning a primary 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 defendant school argued that to achieve equal and quality education for Romani children from socially disadvantaged backgrounds, their separation was necessary in order to tailor specific educational plans for them. The court disagreed, and ruled that the school violated the right of Romani children to equal access to education and discriminated against them due to their ethnicity. The appellate court affirmed the decision in October 2012.<sup>30</sup> The Government, however, has not provided any significant support for the school in order for it to desegregate.

21 See Roma Education Fund, *School as Ghetto: Systemic Overrepresentation of Roma in Special Education in Slovakia* (2009), at 33, available at: [http://www.romaeducationfund.hu/sites/default/files/publications/school\\_as\\_ghetto.pdf](http://www.romaeducationfund.hu/sites/default/files/publications/school_as_ghetto.pdf).

22 See Public Defender of Rights, *Správa verejnej ochrankyne práv o uplatňovaní práva na vzdelanie detí/žiakov príslušníkov rómskej národnostnej menšiny so špeciálnymi výchovno-vzdelávacími potrebami* (July 2013), at 20, available at: <http://www.vop.gov.sk/files/Sprava%20VOP-Vzdelavanie%20Romov.pdf>.

23 See CESTOVNÁ MAPA pre riešenie problému nadmerného zastúpenia rómskych detí v špeciálnom školstve – analýza realistických krokov (2013), at 39, available at: <http://www.governance.sk/assets/files/publikacie/cestovna-mapa.pdf>.

24 See generally *CASE OF D.H. AND OTHERS v. THE CZECH REPUBLIC* (Application no. 57325/00), available at: <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-83256>; *CASE OF HORVÁTH AND KISS v. HUNGARY* (Application no. 11146/11), available at: <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-116124>.

25 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](http://fra.europa.eu/sites/default/files/fra-2014_roma-survey_education_tk0113748enc.pdf).

26 National Roma Integration Strategy of the Slovak Republic, at 27, available at: [http://ec.europa.eu/justice/discrimination/files/roma\\_slovakia\\_strategy\\_en.pdf](http://ec.europa.eu/justice/discrimination/files/roma_slovakia_strategy_en.pdf).

27 See also HUTTOVÁ, J., GYÁRFAŠOVÁ, O., SEKULOVÁ, M. (2012) *Segregácia alebo inklúzia Rómov vo vzdelávaní: Voľba pre školy?* Bratislava : Nadácia otvorenej spoločnosti. at 89 – 92, available at: [http://www.noveskolstvo.sk/upload/pdf/OSF\\_2012.pdf](http://www.noveskolstvo.sk/upload/pdf/OSF_2012.pdf).

28 See Public Defender of Rights, *Správa verejnej ochrankyne práv o uplatňovaní práva na vzdelanie detí/žiakov príslušníkov rómskej národnostnej menšiny so špeciálnymi výchovno-vzdelávacími potrebami* (July 2013), at 24, available at: <http://www.vop.gov.sk/files/Sprava%20VOP-Vzdelavanie%20Romov.pdf>.

29 See, e.g., *Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954).

30 The strategic lawsuit was filed and litigated by the Center for Civil and Human Rights (Poradňa) as an “actio popularis” 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>.

To date, not only has the Government failed to address segregation of Roma in mainstream education, it has financially sponsored the establishment of new segregated schools. Although the Government allocated EUR 60,500 to support projects aimed at “positive environment and motivation in multicultural classes” in the wake of the 2011 judgment, as they described in the submission,<sup>31</sup> it invested much larger amounts in building new school facilities in segregated Roma neighborhoods and settlements. In 2013 alone, the Government spent EUR 900,000 on building “container schools” – low-cost annexes to schools made out of metal containers, which are to accommodate a surplus of Romani children exceeding school capacities.<sup>32</sup> Instead of developing desegregation policies by distributing Romani children in the schools of neighbouring towns, the government has been investing in reinforcing school segregation.

## 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 the implementation of a fully inclusive educational system, including for Romani children and children with disabilities;
- Revise education financing to disincentivise enrolment 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;

## THE PRACTICE OF STERILIZATION OF ROMANI GIRLS WITHOUT PARENTAL AND INFORMED CONSENT - ARTICLE 2, ARTICLE 24 AND ARTICLE 37

ERRC and Poradňa have since the early 2000s monitored the practice of sterilization of Romani women and girls without parental and informed consent in Slovakia.

Between 2002-2004, the ERRC conducted pivotal comparative research into a state-supported practice of involuntary sterilization of Romani women in the Czech Republic, Slovakia and Hungary.<sup>33</sup> The research pointed to cases of involuntary sterilization, providing an analysis of the role of public authorities in implementing eugenic policies specifically targeting Romani women and girls and women with disabilities. Undeniable human rights violations were uncovered from the cases gathered for this research including; (1) an absolute lack of consent in either oral or written form prior to the intervention; (2) consent was sought during delivery or shortly before delivery, during advanced stages of labour in circumstances where the mother was in great pain or intense stress; (3) consent was given in error with respect to the intervention, its effects, or upon the provision of manipulative information on sterilisation; and lastly (4) consent was given under duress or pressure from public authorities for women to undergo sterilisation under the threat of withholding social benefits or under the promise of financial awards.<sup>34</sup>

31 Konsolidovaná tretia, štvrtá a piata periodická správa Slovenskej republiky o implementácii Dohovoru o právach dieťaťa, para. 36 in connection with para. 135, available at: <http://www.employment.gov.sk/files/slovensky/ministerstvo/poradne-organy/ludske-prava-narodnostne-mensiny-rodovu-rovnost-sr/vybor-deti-mladz/konsolidovana-tretia-stvrta-a-piata-periodicka-sprava-slovenskej-republiky.pdf>.

32 See Newsletter Ministerstva školstva, vedy, výskumu a športu Slovenskej republiky (January 2014), at 1, available at: <https://www.minedu.sk/data/att/5741.pdf>; see also, e.g., Amnesty International, Slovakia's 'container schools' worsen segregation of Roma children from society, 13 March 2015, available at: <https://www.amnesty.org/en/articles/blogs/2015/03/slovakia-segregation-of-roma-schoolchildren-worsens>.

33 ERRC, *Ambulance Not on the Way: The Disgrace of Health Care for Roma in Europe*, Budapest, 2006, pp. 44-49.

34 *Ibid.*, p. 47.

In 2002-3, Poradňa also documented the practice of sterilisations performed on Romani women and girls under the age of 18 without parental consent and without any informed consent.<sup>35</sup> Slovak law stipulates that sterilisation can be performed only with the informed consent of the legal guardian (in most cases parent). In cases monitored by Poradňa medical personnel did not use any consent policy and affected girls were sterilised without knowing. Since 2003, Poradňa has been providing legal assistance to a limited number of Romani women and girls affected by this unlawful practice before domestic courts and further before the European Court of Human Rights (ECtHR).

In the cases of *I.G. and others v. Slovakia and N.B. v. Slovakia*<sup>36</sup>, litigated by Poradňa, the ECtHR dealt with the unlawful sterilisations performed on underage Romani girls. The applicants were under 18 when they were sterilised during their deliveries via caesarean section under anaesthesia. The ECtHR clearly declared that sterilization without parental and informed consent violated their right to be free from inhuman and degrading treatment, guaranteed by Article 3 of the European Convention. The ECtHR also concluded that the criminal investigation led by the Slovak authorities did not meet the standards of an effective investigation laid down by the European Convention (procedural aspect of Article 3). This practice constitutes also a violation of Article 24 and 37 of the Convention on the Rights of the Child.

Despite the European Court's judgments and despite recommendations from many international human rights bodies,<sup>37</sup> the Slovak Government has not acknowledged any responsibility for this systematic practice targeting Romani women and girls reducing it to individual failures of medical personnel or a consequence of inadequate healthcare legislation, which did not uphold the necessary informed consent standards. Without conducting extensive investigation of these cases throughout the Roma communities in Slovakia we can only assume how many Romani women and girls have been affected by this practice. It is necessary to emphasize, that a significant number of cases of Romani women and girls illegally sterilised were documented.<sup>38</sup> In this respect, 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 victims of involuntary sterilisations.<sup>39</sup>

## 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 sterilization 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.
- Establish clear procedural guidelines for following up on complaints of rights violations and strengthen administrative accountability mechanisms at hospitals.
- Collect disaggregated data based on ethnicity and gender in health care;
- Acknowledge that ethnic discrimination can prevent Romani children, including Romani girls from accessing equal education and health care;

35 For more information about this documented practice 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>.

36 Decisions of the European Court of Human Rights in a case *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.

37 Among others also the UN Committee on the Elimination of Racial Discrimination recommended the Slovak Government to ensure full reparation and compensation for all victims of these practices and thoroughly investigate all incidents of forced sterilization of Roma women and prosecute those responsible; CERD/C/SVK/CO/9-10, para. 13.

38 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>.

39 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>.

- Adopt comprehensive policies that address the situation of Romani women and girls in general and in terms of access to health care, education, and other services
- Allocate budgets specifically to improve the situation of Romani girls and women in access to health care and education.

## SEGREGATION OF ROMANI PATIENTS, INCLUDING CHILDREN, IN HOSPITALS - ARTICLE 2 AND ARTICLE 24

Although the Committee in its last concluding observations<sup>40</sup> urged the State party to take the necessary steps to end segregation in hospital facilities, we regret to inform the Committee that this practice still persists.

Poradňa still documents cases of segregation of Romani children in Pediatric Departments and Romani women and girls at Gynecological and Obstetrics Departments of some hospitals in Eastern Slovakia, like in the State-run hospital in Prešov. Romani patients are in some instances 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 this practice. The Ministry and hospitals often state that it separates its patients based on “their own request or for hygienic and health isolation reasons”. The medical personal on one hand denies segregation but admits separation on a ground of hygiene or on the request of patients. The Ministry also argues that it has received no petition concerning segregation in hospitals. In this regard it should be taken into account that, especially vulnerable groups like Roma living in segregated Roma settlements, 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:

- Introduce systemic measures to effectively monitor, sanction and stop segregation in Slovak hospitals in all its forms and conduct awareness raising programmes in Roma communities on basic rights and complaint mechanisms in cases of violations.

## ADEQUATE STANDARD OF LIVING - ARTICLE 27

Approximately 18.4 per cent of the Roma population in Slovakia live in segregated settings outside municipalities and 23.6 per cent live on the peripheries of municipalities.<sup>41</sup> Spatial segregation and social exclusion are often accompanied by substandard living conditions including poor sanitary conditions and a lack of drinking water, which affects the health of the Romani population. About 16 per cent of all Roma families are living in non-standard forms of housing, 10 per cent in shacks, 4.3 per cent in wooden houses and 1.3 per cent in other non-standard types of housing including container houses.<sup>42</sup>

40 CRC/C/SVK/CO/2, para. 50.

41 Alexander Mušíňka a kol.: Atlas rómskych komún na Slovensku 2013, UNDP, 2014, p. 16, available at: [http://www.minv.sk/?atlas\\_2013](http://www.minv.sk/?atlas_2013).

42 Government of the Slovak Republic, *National Roma Integration Strategy up to 2020*, (Strategy) available at: [http://ec.europa.eu/justice/discrimination/files/roma\\_slovakia\\_strategy\\_en.pdf](http://ec.europa.eu/justice/discrimination/files/roma_slovakia_strategy_en.pdf), p. 14. See also: UNDP, Report 2010, pp. 61-76.

With regard to housing, in addition to the low quality and hazardous effects of housing conditions on the health of its residents, the issue that is most detrimental to the well-being and standards of living of most Roma in Slovakia is that of forced evictions and its consequences. In Slovakia, many Romani families face the threat of forced eviction. This is due to changes in land-ownership and very limited legal protection against forced evictions. Many Roma built their houses on state-owned property. However, due to the processes of land privatisation and decentralisation in the last two decades, from which Roma rarely benefitted, these lands are now owned by private persons or municipalities who may at any time initiate demolition proceedings.

The existing domestic legal framework offering protection against forced evictions is not comprehensive. The Slovak Building Act<sup>43</sup> allows the municipality to order the demolition of houses that were built without a building permit.<sup>44</sup> That is often the case with houses located in Roma settlements. Even though the law gives the owners of such houses the possibility to legalise them,<sup>45</sup> they face multiple administrative difficulties, as they need to obtain numerous permits, including some from the municipality. It is the decision of the Building Office as to what amount of time is provided to legalise one's property, as there is not definite statutory timeframe for this.<sup>46</sup> If the permits and documents are not submitted within the period provided, the Building Office can order the demolition of a building.<sup>47</sup> The Building Office can also order the demolition of a building if the permits and documents show that maintaining the building would be against 'public interests'.<sup>48</sup> In addition to various procedural obstacles, Roma do not usually possess sufficient financial means to afford the legalisation process. Moreover, no moratorium prohibiting forced evictions in winter months without providing adequate alternative accommodation exists under Slovak law.

Currently, a new Building Act is being drafted in the Slovak Parliament. According to the current draft, the Act will allow Roma living in illegal settlements to legalise their homes until of 2022. However, as it was mentioned above the process of legalisation is complicated, costly and subject to the will of the Building Office. According to the Atlas of Romani communities (mapping 1070 municipalities with significant Romani communities) issued in 2013, 30.4 per cent of Romani people live in illegal settings. However only half of these homes fulfil the criteria for construction under the current Building Act and therefore can potentially be legalized.<sup>49</sup> Further problems arise as one third of the properties where Roma reside are located on land not owned by them.<sup>50</sup> Taking into account that only 4 settlements have been legalized in the last 2 years<sup>51</sup>, the precarious housing situation of many Roma families continues to impact of the well-being and development of their children. .

In the last few years a number of municipalities carried out forced evictions and demolitions of settlements on the basis of environmental law.<sup>52</sup> This is in the context of the movement "*Zobudme sa!*" (Let's wake up!), which was set up in 2011 and has collected the signatures of more than 400 mayors of Slovak towns and villages. It aspires to provide coordination of the demolition of Romani settlements in their municipalities defined as illegal waste dumps by the movement.<sup>53</sup>

On 29 November 2011, a Rom settlement in the town of Žiar nad Hronom was demolished, with houses belonging to Roma defined as communal waste. Ten people, including a preschool-aged child were evicted. When asked about the coming winter, the Mayor, Ivan Černaj, said: "It does not matter when it is being done; they had enough time to eliminate the dumps".<sup>54</sup>

43 Act no. 50/1976 Coll.

44 *Ibid.*, Art. 88 (1,b).

45 *Ibid.*, Art. 88a and the following.

46 *Ibid.*, Art. 88a (1).

47 *Ibid.*, Art. 88a (2).

48 *Ibid.*

49 Alexander Mušíňka a kol.: Atlas rómskych komunit na Slovensku 2013, UNDP, 2014, p.43, available at: [http://www.minv.sk/?atlas\\_2013](http://www.minv.sk/?atlas_2013).

50 *Ibid.*, p.79.

51 Aktuality.sk, "New Construction Law: A Roma Vajda (informal leader) fears a catastrophe", available at: <http://www.aktuality.sk/clanok/276848/novy-stavebny-zakon-romsky-vajda-sa-boji-katastrofy/>.

52 ERRC, "Slovak Republic Targets Roma Homes as 'Waste'", available at: <http://www.errc.org/article/slovak-republic-targets-roma-homes-as-waste/4081>.

53 See: <http://www.zobudmesa.sk/o-nas/>.

54 SITA, "Žiar nad Hronom razes illegal settlement with police assistance", Slovak Spectator, 30 November 2011, available at: [http://spectator.sme.sk/articles/view/44682/10/ziar\\_nad\\_hronom\\_razes\\_illegal\\_settlement\\_with\\_police\\_assistance.html](http://spectator.sme.sk/articles/view/44682/10/ziar_nad_hronom_razes_illegal_settlement_with_police_assistance.html).

On 30 October 2012, a Roma settlement in the area of Nižné Kapustníky (Košice) was forcibly evicted and the houses demolished.<sup>55</sup> Reports indicate that the eviction and demolition were ordered by the Kosice municipality and that 156 people, including 63 minors, were evicted. As a result of the eviction, only four families were offered alternative accommodation and the majority of the evicted people allegedly became homeless. In Krásnohorské Podhradie in Southern Slovakia, Marián Kotleba, leader of the far-right political party of People's Party Our Slovakia (*Ludová strana Naše Slovensko*) tried to demolish Romani houses on a piece of land he bought, organising an event to “clean his land of a dump”.<sup>56</sup>

## RECOMMENDATIONS

Poradňa and the ERRC ask the Committee to make the following recommendations to the Slovak government without further delay:

- Resolve urgent issues of land ownership arising from the transition to a market economy and decentralised governance;
- Ensure that no forced evictions of Roma are based on environmental law;
- Ensure that evictions are a means of last resort, by adopting robust legislation prohibiting evictions in line with national and international human rights law;
- Ensure that the rules on the legalisation of homes under the new Building Act will not lead to Romani people becoming homeless

## POLICE ILL-TREATMENT AND HARASSMENT - ARTICLE 2 AND ARTICLE 37

In recent years, Poradňa and the ERRC, have recorded a growing number of verbal and physically violent attacks and incidents of harassment against Roma including minors by both State actors (police) and non-State actors (private individuals). In most of the cases monitored, there have been no successful prosecutions of offenders. However, precise data is impossible to collect as many hate crimes go unreported, there is no hate crime data disaggregated on the basis of ethnicity and in certain cases, and racial motives are not taken into account.

Between January 2008 and February 2011 the ERRC carried out research on anti-Roma violence and impunity whose results were published in the *Imperfect Justice* report.<sup>57</sup> In this research the ERRC documented several cases in which law enforcement officials were either directly involved in attacks against Roma or mistreated Roma during the investigation.

Since 2009 Poradňa has documented a number of cases of police ill-treatment against the Roma minority living in Eastern Slovakia and provided free legal aid including legal representation in criminal proceedings for affected individuals including Romani children to ensure that these cases are effectively investigated and perpetrators are brought to justice. In most cases, Poradňa documented that a criminal complaint was dismissed even without the initiation of a criminal investigation into the matter.

Poradňa provides legal representation in a case of the police ill-treatment of a group of Romani boys from the city of Košice. On 21 March 2009, after being arrested by police on suspicion of robbing and causing injury to an elderly woman, six Romani minors were brought to the police station in Kosice where they were physically abused, ordered to hit and kiss each other, and finally ordered to strip naked. Six years after the incident took place, after severe delays in proceedings, obstructions caused by defendants, a change made in the senate deciding on the case, dismissal of a relevant video as evidence, the District Court Kosice II issued a first instance

55 Miroslav Sambor, “Košice zlikvidovali nelegálnu osadu pri teplárni”, Košický korzár, 30 October 2012, available at: <http://kosice.korzar.sme.sk/c/6587108/kosice-zlikvidovali-nelegalnu-osadu-pri-teplarni.html>.

56 European Roma Rights Centre, “Rights Groups Raise Concerns over Roma Eviction Threats in Slovakia”, 21 September 2012, available at: <http://www.errc.org/article/rights-groups-raise-concerns-over-roma- eviction-threats-in-slovakia/4057>.

57 ERRC, *Imperfect Justice*, 2011, available at: <http://www.errc.org/article/imperfect-justice-anti-romaviolence-and-impunity/3826>.

decision acquitting the policemen charged.<sup>58</sup> The state prosecutor appealed this decision and the case will be decided by the Appeals Court.

In the autumn of 2012, four Roma settlements located in Kežmarok District were raided by the police, Stráne pod Tatrami, Huncovce, Podhorany, and Rakúsy. Allegedly, no arrest warrants or search warrants were presented. Despite this, the police entered houses situated in settlements and searched them. Some people were physically and verbally abused, including children. The ERRC is currently working with a Slovak lawyer to pursue this case of police brutality. Initially, the Inspection of the Ministry of Interior terminated the criminal proceedings without hearing any of the victims of the raids who filed complaints. Although, the supervising prosecutor referred the matter back for further investigation, the case has not been closed yet. It has been almost three years since the raids happened and the case is still only at the pre-trial stage of investigation.

On 16 and 19 June 2013, two incidents took place in Moldava nad Bodvou, a town in Eastern Slovakia. The first incident took place on 16 June, 2013. The local Roma community held a small festival. The municipality police were consulted and visited the settlement during the afternoon, making no objections. At 11pm, the state police patrol arrived and requested for the music to be turned down, the community agreed to their requests. Later that night the police patrol arrived and harassed a Romani teenager. As a result, some children and a mentally disabled man threw stones at the police car. The police took the teenager (L.H.) and the Romani man (E.R.) into custody and initiated criminal proceedings against them. Charges were later dropped. However, Slovak criminal law requires criminal charges/accusations to be dropped immediately when the alleged perpetrator is found to be mentally disabled. The investigator knew about the condition of E.R. from an expert report, which also stated the man was not a danger to society, and he should have been released immediately. The investigator had the expert report for a month without acting. In total, E.R. was held in custody for two and a half months.<sup>59</sup>

On 19 June 2013, more than 60 police officers returned to the Roma neighbourhood and conducted a violent police action resulting in injuries and damage to property to over 30 individuals (including children) who did not resist or obstruct the police. The Inspectorate of the Ministry of Interior did not find the police action to be unlawful. Upon the involvement of the prosecution, criminal proceedings were eventually initiated. However, two years after the incident took place, the Inspectorate of the Ministry of Interior has not brought charges against any particular individual from within the police force, despite an extensive collection of evidence and interviews with more than 50 witnesses.

In the morning of 2 April 2015, a large number of policemen entered the village of Vrbnica in Eastern Slovakia, allegedly to find people evading arrest warrants. A police house-to-house search reportedly resulted in injuries to at least 19 Roma individuals who – according to the media and the mayor – did not resist or obstruct the police.<sup>60</sup> Among the injured were reported to be young children and women.<sup>61</sup> No police misconduct was acknowledged by the authorities in Vrbnica.

The police action in Vrbnica as well as the other raids mentioned above were reportedly carried out as a part of the coordinated series of police interventions in the Košice region under *Code-Action 100*. Media reported that, in April 2015, altogether, 139 policemen participated in the action, allegedly searching for people escaping justice.<sup>62</sup> According to the Košice Regional Police Chief Juraj Leško, “The action was deliberately carried out in this period because we know that people return home for holidays. Especially those who permanently reside abroad and a search may have been ordered to find them. During this region-wide action, totally 46 problematic sites were searched according to information that some people against whom arrest warrants have been issued might stay there. During the action altogether seven people were traced and five people were taken to police stations”.<sup>63</sup> The ERRC carried out a freedom of information request from the Presidium of Police Forces about

58 Poradňa, ‘Court acquitted police of torturing Romani boys from Lúnik IX’, available at: <http://poradna-prava.sk/wp-content/uploads/2015/02/PDF-70-KB1.pdf>.

59 ERRC, ‘Slovak investigation bodies disciplined after mentally-disabled Romani man forgotten in custody’, available at: <http://www.errc.org/article/slovak-investigati-on-bodies-disciplined-after-mentally-disabled-romani-man-forgotten-in-custody/4209>.

60 GypsyTV, ‘Roma injured after the police action’, available at: <https://www.youtube.com/watch?v=goEDlyRylrg#t=37>.

61 Romea, ‘Romani mayor and Romani residents say police brutalized them, police deny it’ available at: <http://www.romea.cz/en/news/world/slovakia-mayor-and-romani-residents-say-police-brutalized-them-police-deny-it>.

62 Aktuality.sk, ‘Policemen have allegedly beaten 19 people, they claim a searching for people’, available at: <http://www.aktuality.sk/clanok/273448/policajti-vraj-zbili-19-ludi-tvrdia-ze-patrili-po-osobach/>.

63 Pravda.sk, ‘Another questionable action, Roma claim being beaten by during the police search’, available at: <http://spravy.pravda.sk/regiony/clanok/350870-dalsi-sporny-zasah-romovia-tvrdia-ze-ich-policajti-pocas-patracej-akcie-bili/>.

localities in which the Code-Action 100 had been utilised. Interestingly, the ERRC was informed that the police do not record such information.

Submitting NGOs are convinced that more systemic changes are necessary to achieve significant progress towards the elimination of police harassment against Roma (including Romani children) in Slovakia.

The alleged acts of police brutality and unlawful actions of the police are investigated by the Control and Inspection Service Section of the Ministry of Interior of the Slovak Republic.<sup>64</sup> However, serious concerns arise in relation to the impartiality of the supervising body as both the police forces and the Inspection fall within the same branch of government and under the same Ministry. Moreover, none of the violent police actions mentioned above resulted in speedy and effective criminal proceedings or in any charges being brought against perpetrators. The issue of independence of the Inspectorate was brought up also by the Slovak Ombudsperson.<sup>65</sup>

The Inspection by its very nature - being established and functioning under the Ministry of Interior - lacks the necessary independence, a newly reformed institution for investigation of ill-treatment committed by the police forces is required. The jurisprudence of the ECtHR established that no institutional or hierarchical relationship should exist between the investigatory institution and police officers who are being investigated for ill-treatment. Given this, the mechanism of investigation into police abuses in Slovakia should be revisited and made independent of the Ministry of Interior. Strengthening the effectiveness of the investigation must go hand in hand with additional measures to prevent police ill-treatment. Since repeatedly documenting claims of Roma (including Roma minors) who experienced violence or threats during police interrogation, preventive safeguards have to be introduced in this regard as such cases are usually very difficult to prove.

## RECOMMENDATIONS

Poradňa and the ERRC encourage the Committee to recommend the following to the Slovak Government:

- Establish a fully independent autonomous institution, outside of the structures of the Ministry of Interior that will be responsible for investigation of complaints of alleged torture, cruel and inhuman treatment of the police officers as well as all complaints with a possible racial motive;
- Introduce a mechanism for the external evaluation of the effectiveness of investigations of police ill-treatment with an aim to identify systematic deficiencies in the investigation process of such cases in Slovakia;
- Secure continuous education of all persons investigating cases of police ill-treatment as well as state prosecutors and judges with particular emphasis on standards of effective investigation of torture, cruel and inhuman treatment laid down by the jurisprudence of the ECtHR and the UN Istanbul protocol;
- Secure continuous education of experts in the field of psychology and medicine who are engaged in the investigation of police ill-treatment with particular emphasis on knowing UN Istanbul protocol with regard to its working engagement;
- Introduce mandatory recordings of police interrogation also in cases of minors under 18 and;
- Gather and disseminate data disaggregated by ethnicity to identify the extent of racially motivated police violence against Roma and the outcomes of these investigations.

## ROMANI CHILDREN IN INSTITUTIONAL CARE – ARTICLE 2, ARTICLE 9, ARTICLE 20

In 2011 the ERRC published research on children of Roma origin in institutional State care in Slovakia, Bulgaria, Czech Republic, Hungary and Italy. The research in Slovakia was conducted in partnership with the Milan Šimečka Foundation (Nadácia Milana Šimečku).<sup>66</sup> The research found that Romani children are overrepresented in State

64 Ministry of Interior, *Competences of Inspectorate*, available at: <http://www.minv.sk/?posobnost-inspekcej-sluzby-na-useku-inspekcej-sluzby>.

65 MECSEM, 'Ombudsperson: Ministry of Interior nor Police Inspection can independly investigate the incident in Moldava na Bodrou', available at: <http://www.mecsem.sk/1498/ombudsmanka-mv-ani-inspekcia-nie-su-nezavisle-na-posudenie-moldavy>.

66 Milan Šimečka Foundation, available at: <http://www.nadaciamilanasesimecku.sk/>.

childcare institutions compared to non-Romani children.<sup>67</sup> In Slovakia, the survey data indicated that Romani children account for around 82 per cent of all children in State care institutions, the highest percentage among the countries examined. For many institutionalised Romani children, reintegration into a family setting is unlikely and their ethnicity negatively affects their chances of adoption, meaning that many Romani children spend their entire childhood without any parental or family relations.

The research identified two main factors leading to the overrepresentation of Romani children in the system of institutional care. Firstly, factors related to the social and economic situation of the family, namely, poverty and material deprivation, frequent school truancy and limited state support to single parents (especially single mothers). Secondly, factors related to the operation of the state child protection system namely social care workers removing Romani children from their families due to, anti-Roma prejudices and a ‘culture of blame’ and inadequate or a lack of legal and policy prevention measures. At the same time the lack of effective measures to prevent removals does not exist.

Another issue related to placement of Romani children in State childcare institutions is the failure of the Slovak authorities to address deficiencies in the adoption system. For children, entering State care this often means effectively getting trapped in an institutional setting as the systems of foster care and adoption are often complicated and lengthy. For Romani children the chance of adoption is significantly limited due to widespread anti-Roma sentiments and prejudices, both inside and outside the child protection system, the adoption authorities reported that many prospective adoptive parents are not willing to adopt Romani children due to their prejudices. At the same time there are no campaigns targeting potential foster parents, which would address and try to eliminate existing anti-Roma attitudes and stereotypes.

As a result, Romani children in Slovakia are more likely to be adopted internationally. However, at the same time, it should be noted that Slovak authorities failed to react properly to recent cases of alleged forced institutionalisation and adoption. As media reports indicated, several children from Slovak Roma families now residing in the United Kingdom were allegedly forcefully institutionalised on the grounds of alleged parental mistreatment in the UK and subsequently adopted.<sup>68</sup> Slovak authorities responsible for the protection of children, above all of these, the Centre for International Protection of Children (Centrum pre medzinárodnoprávnu ochranu detí), neglected their obligation to cooperate in the international adoption proceedings (even when repeatedly requested from the UK authorities). For example they were invited by the English courts to take part in adoption proceedings, but refused, failing to take steps to defend the best interests of the children involved. Their inaction was also condemned by the Slovak Defender of Rights (Ombudsperson).<sup>69</sup>

## RECOMMENDATIONS

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

- Set standards for the collection of comparable data about the number of Romani children in State care (including in institutions, foster care, other forms of alternative care and adoption), including data disaggregated by ethnicity, gender, disability and other relevant factors, with appropriate measures to protect the personal data of children and families;
- Develop or revise children’s rights and national child protection policies with anti-poverty strategies in mind to ensure that Romani families and children are included as target groups in need of special protection and also include reference this in the National Roma Integration Strategy;
- Earmark funding for local governments and NGOs to provide prevention services in Romani communities to prevent removals and to enable Romani children to stay with or return to their families;

67 European Roma Rights Centre, ‘Life Sentence: Romani Children in Institutional Care’, 2011, available at: <http://www.errc.org/cms/upload/file/life-sentence-20-june-2011.pdf>.

68 Veronika Prošová, ‘V Británii berú deti aj slovenským rodičom’, SME, 17 August 2012, available at: <http://www.sme.sk/c/6501407/v-britanii-beru-deti-aj-slovenskym-rodicom.html>.

69 Veronika Prošová, ‘Ombudsmanka: Je hanbou, ako Slovensko nebránilo svoje deti’, SME, 28 November 2012, available at: <http://www.sme.sk/c/6619668/ombudsmanka-je-hanbou-ako-slovensko-nebrnilo-svoje-deti.html>.

- Provide free legal support which is prioritised to families at risk of child removal, especially those experiencing discrimination and social exclusion;
- Ensure that child removal on the basis of poverty or material concerns is prohibited by developing measures and target funding to support these families;
- Provide anti-discrimination training and adequate funding, in particular for preventive programmes, for social and child protection workers, guardians, notaries, judges and other competent authorities in making objective recommendations and decisions regarding the removal of Romani children from their families and;
- Oblige and adequately finance social work and child protection authorities to implement programmes for the return of children in State care to their families whilst increasing the number of preventative social workers working with Roma communities.