

Bi - annual report 2014/2015

Center for civil and human rights



discrimination



police violence



sexual and reproductive
rights



human rights education
and activism

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Author of computer graphics on the front page is Alexandra Barth.

The English translation of the annual report has not been edited.

About us

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

We are Slovak non-governmental, non-profit organization founded in 2001. Our work aims at the protection of human rights with a special emphasis on the rights of minorities. We focus on issues of discrimination, police violence, protection of reproductive rights and specifically a topic of forced sterilizations of Roma women. We also support human rights activism and provide human rights education.

Within our work:

- we provide legal advice, free of charge;
- we provide legal representation free of charge in court proceedings and other legal procedures with regard to their broader social impact, so-called “strategic litigation”;
- we conduct monitoring and research;
- we carry out educational and publishing activities;
- we advocate for systemic changes on the political level;
- we provide information to international human rights organizations.

Our values

We promote:

- equality for all persons in their dignity and rights;
- inclusion and participation of each person in the society;
- effective implementation of the international treaties on human rights that Slovakia has ratified;
- effective application of legal instruments for human rights protection, effective investigation of each case of human rights violation and adequate remedies for people who faced human rights violations.

Our work is based on providing support to individual – the individual is behind our work and he/she always takes first place.

While working with cases of human rights violations, we respect the principles of impartiality, confidentiality, accuracy of documented information, gender-sensitivity and security of all the individuals.

Our work is impartial and independent.

Preface

When the State does not protect human rights of minorities

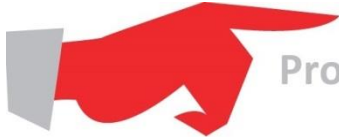
Last two years represented another intensive period for the Center for Civil and Human Rights focusing on the protection of rights of the minorities in Slovakia. We continued to offer legal advice and legal representation in court proceedings, free of charge, to discriminated people. We provided legal aid also to people, who were confronted with police violence. We focused our attention to support Roma, who are facing human rights violations based on their ethnic origin. Even if an effective access to justice in our society in cases of human rights violation still remains a long way to go, we got closer to that objective by a few significant court decisions in a last season. Recently, we were pleased by a remarkable decision of the Slovak Constitutional court, which overruled a case of a Roma woman seeking damages for discrimination in her access to employment. According to the Constitutional Court, lower courts wrongly ruled on her antidiscrimination claim and violated her right to a fair trial. We believe that this decision may significantly raise chances of many discriminated people to obtain justice in future cases of discrimination.

During this period, targets of our petitions were mainly Slovak state institutions, which carry huge responsibility for the persisting discrimination of the disadvantaged minorities in our society. For a long time, responsible state institutions have not adopted effective policies and measures to protect the rights of disadvantaged minorities, thus not respecting their international commitments. Their failure to take action in this field is law-breaking, and therefore we decided to bring them to court. Following our antidiscrimination complaint in 2013 against the Slovak Ministry of Health, opposing a segregation of Roma woman in Obstetrics and Gynecology department in a hospital, we filed several complaints against the Slovak Ministry of Education for failure to resolve a segregation of Roma children in elementary schools. The first time ever this type of complaints was filed in Slovakia. We hope that our courts will examine the cases closely and will rule in accordance with law. We are convinced that, in each democratic society, minorities require protection from a judicial power. They need a judicial system, which will encourage politics to actively protect the rights of minorities. We believe that Slovak courts may become one day genuine defenders of human rights and of democracy as such. Our society requires it imperatively.

During those years, we were supporting several Roma women who were forcibly sterilized, other discriminated persons and individuals who faced police violence, which were protecting their rights with the legal means provided. All these people act for equality and human dignity of each person, not only in their own interest. We believe their efforts are highly valuable, as they may encourage other people to face injustice around them, instead of renouncing. We will continue to fully support their efforts.

We would like to express our gratitude to each individual, as well as organizations for their collaboration past two years or any other support they provided. Our work continues. For years to come, we wish to contribute to build a society, which respects human rights of all without distinction, as well as without discrimination and oppression of minorities.

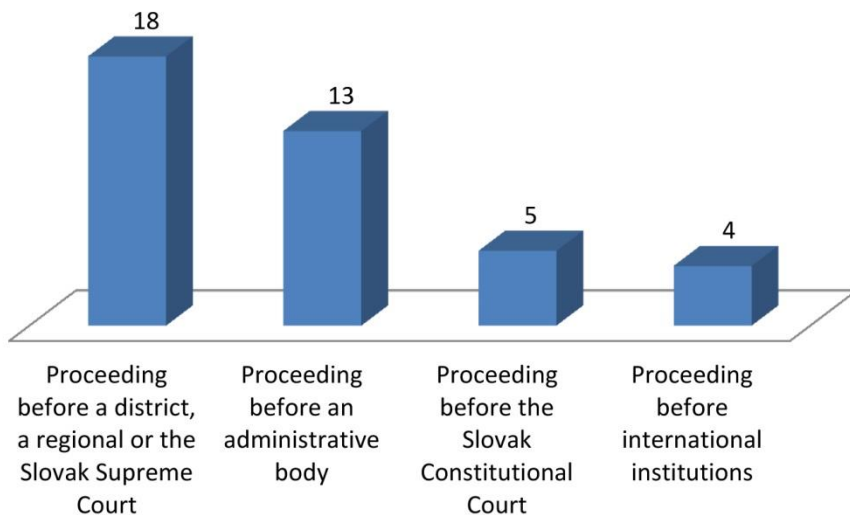
Štefan Ivanco, program coordinator



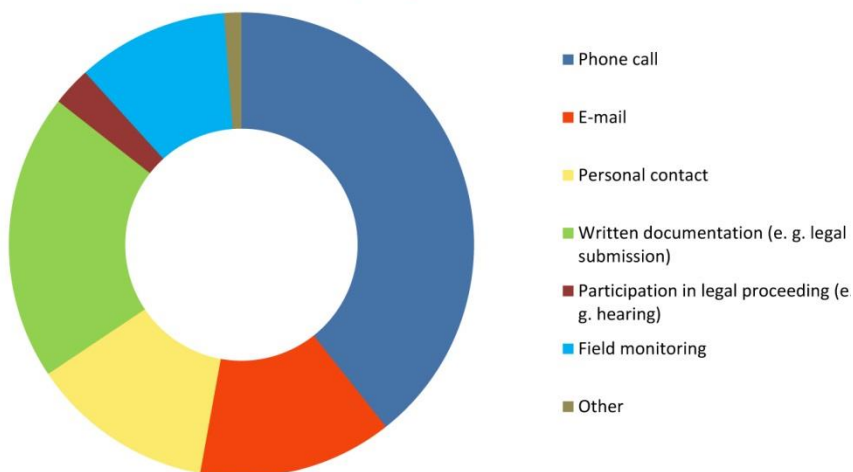
Protection against discrimination

- We monitored cases of discrimination against Roma minority in various areas of public life in Slovakia and provided legal advice for discriminated people, free of charge.
- We provided legal representation, free of charge, in strategic court proceedings to 27 discriminated people, including legal representation before Slovak Constitutional court and European Court of Human Rights in Strasbourg.
- We achieved positive court decisions of Slovak courts in favor of discriminated people, including decisions of the Slovak Constitutional court in favor of Roma women in access to employment.
- We monitored an implementation of domestic Antidiscrimination act in practice and we provided information to UN Treaty monitoring bodies and other international human rights institutions about persisting shortcomings in this area.
- In 2015 we participated in the session of the UN Committee on the Elimination of Discrimination against Women with Slovakia (CEDAW), where we had an opportunity to draw attention to shortcomings of the Slovak state authorities in protection of human rights of Roma women.
- Based on our actio popularis court claims we litigated four strategic court proceedings relating to segregation of Roma children in education, segregation of Roma women in maternities and discriminatory legal provisions.
- In 2015 we released a publication "*Actio popularis as an effective way of the protection from discrimination*". It aims to introduce a wide public an actio popularis claim - remarkable legal tool provided by Slovak anti-discrimination legislation, which can be used by NGOs to address discrimination of larger numbers of individuals. Poradna is so far the only domestic NGO, which has practical experience with using this legal tool in courts.
- We elaborated an analysis "*Monitoring of selected legal provisions in Slovak legislation and their discrepancy with antidiscrimination law*" where we pointed at a selected discriminatory legal provisions and recommended responsible state authorities to amend them.

- We advocated for taking measures on an elimination of segregation of Roma children in Slovak education and provided information for the European Commission in relation to its infringement proceedings against Slovakia in this area.



Numbers of activities within programme



The Constitutional Court of the Slovak Republic ruled concerning the violation of the rights of a Roma woman, who with vain efforts sought justice for discrimination

In December 2015, the Slovak Constitutional Court overruled a case of a Roma woman, who unsuccessfully sought for recovery for discrimination in her access to employment. Following the Constitutional Court's judgment, general courts violated her individual guaranteed right to fair trial. This decision could in the future considerably improve chances of many discriminated people seeking justice in discrimination cases.

Ms. Pompová in 2010 applied for a position as field social worker in the city Spišská Nová Ves. Despite of a fact that she had a required education and numerous years of experience as field social worker in Roma communities, the position was offered to an applicant with non-Roma origin with lower education level and fewer years of experience who did not speak the Romani language.

Consequently, Ms. Pompová initiated a court proceeding, to claim recovery from discrimination she was subject to. The District court in Spišská Nová Ves in 2012 dismissed her action as manifestly ill-founded. The decision was affirmed in 2013 by the Regional Court in Košice.

In 2013 Ms. Pompová filed a complaint to the Slovak Constitutional Court. She alleged a violation of her right to fair trial guaranteed by the Slovak Constitution and numerous international human rights treaties by both the District Court and the Regional Court. She claimed that the District Court as well as the Regional Court disregarded her objections and arguments and in addition erroneously interpreted domestic and international anti-discrimination legislation by requiring her to demonstrate facts which, pursuant to a law, were a duty of a defendant.

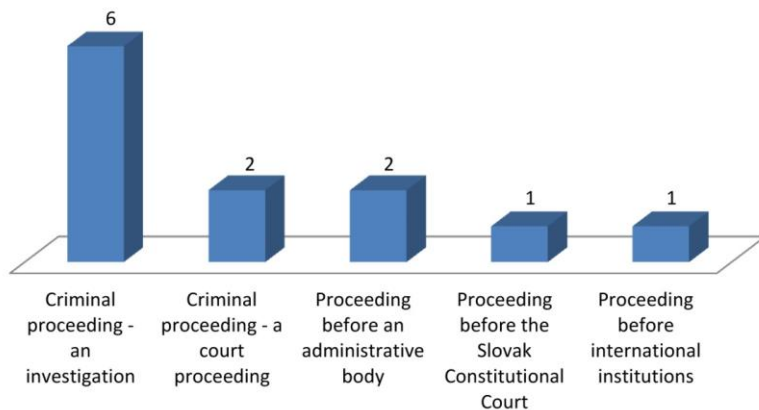
The Slovak Constitutional Court affirmed the violation of the right to fair trial of the Plaintiff and asserted an erroneous interpretation of an anti-discrimination legislation by the general courts. Concurrently, the Slovak Constitutional Court annulled the judgment of the Regional Court and referred the case to the court for further proceeding. Its judgment is highly valuable because it closely describes a manner courts have to evaluate facts, arguments and evidence presented by each party in antidiscrimination court proceedings. This judgment can in the future considerably improve the chances of many discriminated people seeking justice in discrimination cases in Slovakia.

We have been providing Ms. Pompová a legal representation, free of charge.

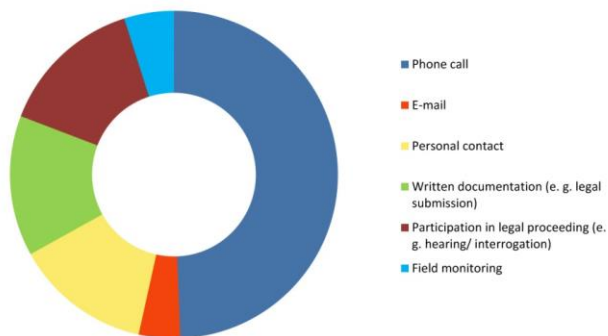


Protection against police violence

- We provided legal advice for individuals who faced police violence, free of charge.
- We provided legal representation, free of charge, in strategic criminal proceedings for 13 affected people, including cases widely reported in media - a police raid in Moldava nad Bodvou from 2013 and Vrbnica from 2015 and a case of ill-treatment of Roma boys from Lunik IX at a police station in Košice from 2009.
- We monitored cases of police violence in Roma communities and about their occurrence and shortcomings of responsible state authorities to effectively investigate them we informed the international human rights institutions including the UN Committee against Torture and OSCE.
- In 2015 we published a critical report "*Investigation of police violence in Slovakia - critical report for 2014*", in which based on our experience in a field we described systemic shortcomings in a function of the Slovak Inspection of the Ministry of Interior, in charge of an investigation in cases of police violence in Slovakia.
- Jointly with other NGOs and Slovak ombudsperson we advocated for establishment of fully independent institution for investigation of police crimes in Slovakia.



Numbers of activities within programme



People who faced police violence during a police raid in Moldava nad Bodvou have not achieved justice yet

In June 2013 Slovak police conducted a violent police action in settlement in Moldava nad Bodvou resulting in injuries and property damage to over 30 individuals who did not resist or obstruct the police. Subsequently 15 people were taken to a police station. Some of them claimed that they were severely ill-treated during their detention. Despite receiving information about possible ill-treatment, the Police Inspectorate of the Slovak Ministry of Interior did not start criminal proceedings and did not find the police action to be unlawful. It also refused a criminal complaint that we filed on behalf of one of the affected person few weeks after the incident. Upon an involvement of the Slovak General Prosecutor Office, criminal proceedings were eventually initiated, but only in January 2014.

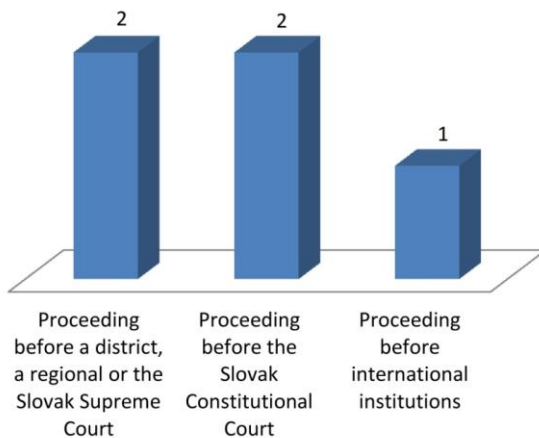
We have provided free-of-charge legal representation to two persons, who were, according to their personal testimonies, severely beaten by the police during the police action and later when detained at the police station

In November 2015 – more than two years from the incident – the Inspection of the Ministry of Interior terminated criminal proceedings in most regards, including in respect of police violence against several persons at the station. On behalf of affected persons we appealed to prosecutor's office overseeing the investigation of the Inspection. We continuously inform media about the progress in the cases. We will take all the necessary legal measures so that people, whom we are providing legal help, get justice.

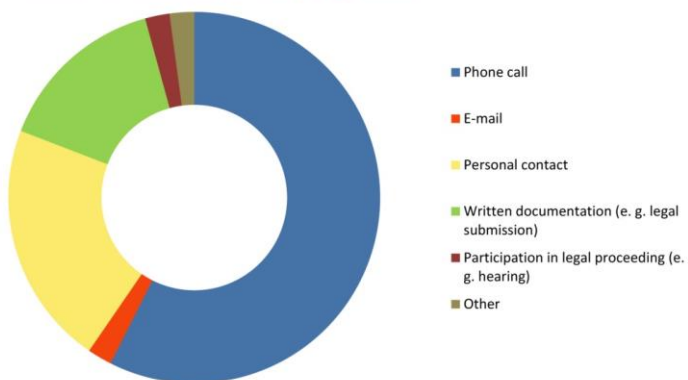


Protection of reproductive rights

- We provided legal representation, free of charge, to forcibly sterilized Roma women in two strategic court proceedings in Slovak courts.
- We achieved positive decisions in favor of Roma women in which Slovak courts decided on violation of their rights by performing sterilization without their informed consent.
- Based on our constitutional complaint on behalf of sterilized Romani woman who has been seeking justice in Slovak courts from 2005, the Slovak Constitutional Court decided on violation of her right to trial within a reasonable time and awarded her with financial compensation.
- We provided on regular basis information concerning a practice of forced sterilizations of Roma women to the International human rights institutions of the UN and the Council of Europe, including our personal participation in the session of the Committee on the Elimination of Discrimination against Women (CEDAW) in 2015.
- Towards the Slovak Government we advocated for establishing independent non-judicial commission that would investigate a full extent of a practice of forced sterilization in a communist and post-communist period in Slovakia and adopt *ex gratia* mechanism of financial and other reparations for affected Roma women.



Number of activities within programme



Forcibly sterilized Roma woman achieved justice at the domestic court in Slovakia

At the beginning of 2013 The District Court Košice II has decided that the Pasteur University Hospital in Košice, Slovakia, violated rights of a Roma woman whom they sterilized without securing her informed consent. A court first instructed the hospital to apologize and, in a second verdict dated 19 February 2016, awarded a woman the right to financial compensation in a full amount requested amount of almost EUR 17 000. The part of a verdict concerning financial compensation is not final, as the hospital has appealed.

The woman was sterilized in 1999 while giving birth by Caesarian section to her second child, who was born premature. A doctor did not inform the woman that he planned to sterilize her until she was already in labor in the maternity ward, undergoing strong contractions, and very concerned for a life of her not-yet-born child. Next day she was informed that she had been sterilized, but was not provided with any other information about a nature and consequences of sterilization's intervention. Later the woman found out that a written "request" to be sterilized with the same date as a birth of her second child signed by her, was in her medical records, apparently to give an impression that she herself had initiated the sterilization. Since, as it was not the case, in 2005 she sued the hospital. In her lawsuit, she asserted that the sterilization had been performed without her informed consent and without her having been provided with complete information about a nature of the sterilization intervention and its consequences, as well as without being given enough space and time in which to consider whether to undertake such a serious intervention into her reproductive capacity and rights. She requested the apology and compensation for non-pecuniary damages in an originally-requested amount of 500 000 Slovak crowns (appx. EUR 17 000).

The lower courts initially rejected the lawsuit, but the Slovak Constitutional Court decided in 2009 that those previous court decisions had violated her constitutional right to a fair trial and returned the case to the District Court for further proceeding. In 2011, the court decided that the Romani woman's rights had been violated and awarded her EUR 1 500 in compensation, which she then appealed. Two years later, the Regional Court overturned that decision and returned the case back to the first instance court, stating that the amount of the compensation was not proportionate to the seriousness of the violation of the woman's rights. In its ruling, the Regional Court pointed to a decision by the European Court of Human Rights in Strasbourg in case *V.C. versus Slovakia*, which considered proportionate compensation for an illegal performance of sterilization to be EUR 31 000.

The hospital defended itself by claiming the sterilization was performed because the woman's life had been at risk during the course of delivery. The District Court confirmed, in accordance with previous Strasbourg court's verdicts, that sterilization is never, under any circumstances a life-saving intervention and that a doctor cannot, therefore, perform it without a patient's informed consent. The illegal sterilization was performed upon the woman when she was 24 years old and negatively impacted her family life and psyche.

We have been providing the affected women a legal representation, free of charge.



Human rights education and activism

- We organized regular *meetings of Roma women activists* to develop their skills and support them in promoting respect of their human rights and rights of other Roma women and children in their communities.
- We organized two *seminars for Roma activists* from various regions of eastern Slovakia to increase their involvement in a protection of human rights of a Roma minority in their own localities.
- Together with the non-governmental organizations Fenestra and Helping Hand we organized two informal trainings for young people named "*School of human rights*". These trainings aimed to extend knowledge of young people about human rights, support their active citizenship and interest in public issues.
- Together with the non-governmental organizations Fenestra and Helping Hand, we organized regular *follow-up meetings* for participants of our human rights trainings "*School of Human rights*" with an aim to create additional space for their engagement in the protection of human rights.

What people said about our events

"Before I came here, I had prejudices against Roma and I discriminated them I completely changed my mind when I imagined myself in their living situation."

Ada, participant of the "School of human rights"

"I have seen first results yesterday evening, when I was on facebook and I did not put "likes" on photos I usually put "likes" before. I was thinking and now I understand, that it is necessary to think about what is behind such pictures."

Katka, participant of the "School of human rights"

"I know what to do when I encounter human rights violations. Participation on meetings of Roma activists encouraged me, now I can tell my opinion. Before I was afraid to ask anything."

Nasťa, Roma activists

"We found new friends and got to know other Roma women. When some other Roma women at our home have a problem, I can help them."

Veronika, Roma activists

"Before we did not have enough courage to express ourselves, tell our opinion and listen to the other women, now it has changed."

Ingrid, Roma activists

People

Board:

Barbora Bukovská - attorney, chair of the Board

Michal Čermák - lawyer

Ingrid Giňová - Roma activist

Ruben Pellar - Researcher and translator

Ján Polák - Roma activist

David Zábranský - Writer

Our Team (2014 – 2015):

Denisa Barry - chair

Štefan Dreveňák - field worker

Agáta Duchoňová - field worker (from 04/2015)

Igor Dužda - field worker (till 05/2015)

Vanda Durbáková - collaborating attorney

Štefan Ivanco - program coordinator

Stanislava Liptáková - collaborating attorney

Marcel Mika - field worker (from 11/2015)

Róbert Pompa - field worker

Natália Príhodová - external facilitator

Nicole Babincová - volunteer

Ester Linhardt - volunteer

Adriana Zimová - volunteer

Donors

For a financial support of our activities in 2014 – 2015 we would like to especially thank:

- Open Society Foundations, Budapest,
- Financial Mechanism EEA, Norwegian financial mechanism,
- Filia Women's Foundation (filia.die frauenstiftung), Hamburg,
- Oak Philanthropy, London,
- Anonymous individual donors.

We would like to thank to all those who financially and/or personally supported our work in 2014 – 2015.

How you can support us

If you share our values and would like to support our work - you can do it by following ways:

- providing one-time or regular financial contribution via www.darujme.sk,
- buying in e-shops via www.dobromat.sk or www.podporte.sk,
- providing financial contribution to our bank account: IBAN: SK 98 5200 0000 0000 0551 9629, SWIFT: OTPVSKBX,
- [2 % tax assignation](#),
- donating goods or providing services,
- volunteering - we specifically welcome volunteers for translation work from/to English, for graphics and administrative tasks,
- partnership.

For more information please visit our [website](#).

Financial report

Incomes

	2014	2015
Grants	57 432,48 €	115 618,49 €
Income from other organizations/gifts	0 €	270,00 €
Income - 2% tax assignment	418,18€	590,24€
Bank interests	46,33 €	404,31 €
In total	57 896,99 €	116 883,04 €

Costs

	2014	2015
Office overheads and equipment	1 083,02 €	914,14 €
Telephone, internet and postal services	1 213,53 €	1 531,26 €
Rent and insurance	3 199,95 €	3 243,60 €
Salaries	26 852,79 €	49 411,88 €
Taxes and fees	700,42 €	1 337,79 €
Legal services - strategic litigation	15 089,78 €	25 650,00 €
Accounting	2 143,00 €	2 732,00 €
Travel expenses	2 512,21 €	2 687,49 €
Educational activities (seminars, meetings, supervision)	5 219,41 €	5 843,20 €
Publications - printing, translation, author's fees	0,00 €	19 652,30 €
Interpreting and translations	0,00 €	1161,00 €
In total	58 014,11 €	114 165,11 €

