



PORADŇA PRE OBČIANSKE A ĽUDSKÉ PRÁVA

CENTER FOR CIVIL AND HUMAN RIGHTS

KRIVÁ 23, 040 01 KOŠICE, SLOVENSKO

- » mobil: +421 908 69 55 31, +421 949 338 396
- » www.poradna-prava.sk » poradna@poradna-prava.sk
- » IČO: 37 86 72 70 » IBAN: SK98 5200 0000 0000 0551 9629

In Košice, 14 March 2019

The Slovak court decides that the state authorities have no obligation to take measures to eliminate segregation of Roma children at a primary school in a village Terňa.

District court in Prešov decides that the district office and the Ministry of Education have no obligation to take effective measures to eliminate segregated education of Roma children at a primary school in a village Terňa (eastern Slovakia). The school had to start educating some Roma children separately at the afternoon second shift and in separate classes due to disputed decisions on school catchment area taken by responsible state authorities. The court decision is not final and NGO *Poradňa* as a complainant will appeal against it.

The lawsuit against the Slovak Ministry of Education and the District school office in Prešov was filed by the non-governmental organization Center for Civil and Human Rights (*Poradňa*) in January 2016 as an *actio popularis* claim under domestic antidiscrimination legislation. *Poradňa* argued that some Roma children at the school in a village Terňa face segregation in education as a result of adopted decisions of the responsible state authorities ordering school catchment area for the given locality as well as their inactivity. The authorities did not take into account limited space capacities of the school that had to start educating some Roma children separately in the afternoon shift and in separate Roma-only classes.

Poradňa asked the court to oblige responsible state authorities to adopt effective measures that would eliminate and prevent segregation of Roma children at the school.

Within a court proceeding Slovak Public Defender of Rights provided the court its submission as a third party as she mapped the situation in this locality from her own initiative. Her submission supported reasoning of *Poradna* in the proceeding.

The court rejected objection of the sued state authorities and concluded that NGOs are eligible to file *actio popularis* lawsuits and general courts have an authority to deal with such discrimination cases.

The District court rejected the lawsuit though. It stated that the decision of the state authorities specifying school catchment area are not discriminatory (do not spur segregation) since they relate to all children, including non-Roma children. According to the court discrimination of Roma children could be found only in case they would be placed in separate classes due to their Roma ethnic origin, which was not proved. The court concluded that the state authorities were not eligible to interfere into the organization of educational process that was fully in competence of the school.

„The state authorities have an obligation to adopt measures on the elimination and prevention of all forms of discrimination. The District court in this case wrongly applied binding domestic and international antidiscrimination legislation and at the same time it ignored decisions of the European court in Strasbourg and domestic courts in this area. That is why we will appeal against the decision and we will also ask the Appeal court to refer the case to the Court of Justice of the EU for preliminary ruling on

interpretation of the EU law in this case,” said Vanda Durbáková, legal representative of Poradňa in this case.

“A lot of Roma children in Slovakia still face segregation in mainstream education. Segregation reduces their equal educational and life chances. The state authorities have a key responsibility for the existing situation and they for a long time do not take effective measures to bring about the real change. They do not provide primary schools sufficient support so that they are able to provide every child quality education in a diverse school environment. In this particular case the state authorities not only failed to provide the school sufficient support, but with their decisions they put the school in a situation when due to limited space capacities had to start educating some Roma children in the separate afternoon shift and in separate Roma-only classes. The fact, that the court did not recognize responsibility of the state institutions for this situation, is beyond any reason,” added Stefan Ivanco, program coordinator of Poradna.

Contact information: Center for Civil and Human Rights (Poradňa) Stefan Ivanco +421 908 695 531
poradna@poradna-prava.sk

The Center for Civil and Human Rights (Poradňa) is a non-governmental organization based in Slovakia focused on the protection of human rights with particular emphasis on the rights of minorities and protection from discrimination. Poradňa has for a long time worked on the issue of discrimination against Roma ethnic minority in various areas of public life. It has also been active in the protection of reproductive rights and protection from police brutality. Poradňa employs strategic litigation to combat discrimination and human rights abuses against minorities. Poradňa offers free legal advice to victims of discrimination and in selected cases free legal representation to victims of discrimination before courts. It also conducts monitoring in the field, advocacy, and educational activities on the topic of protection from discrimination for lay and expert audiences. Visit us at www.poradna-prava.sk

Support our work with [financial contribution](#).