



**PORADŇA PRE OBČIANSKE A ĽUDSKÉ PRÁVA**

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**PRESS RELEASE**

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## **The Slovak Constitutional Court compensates Roma for delays in court proceedings in their case of discrimination.**

**The Slovak Constitutional Court has compensated four Roma who have been unsuccessfully seeking redress for discrimination in a court proceeding for almost thirteen years. They filed a lawsuit claiming they faced discrimination on a ground of their ethnic origin in November 2005, when they were refused to be served by the staff of local bar in a village near Vranov nad Topľou in Eastern Slovakia. The Constitutional Court found several errors in the procedure of the general courts, which led to unnecessary delays in the proceedings and awarded each of the Roma complainants compensation of EUR 1000 and refund of legal costs.**

In March 2006, discriminated Roma brought an action for protection against discrimination before the District Court of Vranov nad Topľou. This was one of the first claims concerning discrimination on grounds of ethnic origin, which were brought before the Slovak courts after the adoption of the Anti-Discrimination Act in 2004. The discriminated Roma sought redress for discrimination in access to services they face in local bar in Čaklov – small village in Eastern Slovakia.

*“On that day we returned by car from a business trip and stopped there. The staff simply told us that they do not serve the Gypsies,”* recalls one of the injured Roma.

The District Court repeatedly partially upheld the complainants' claim, but the Regional Court as an appeal court repeatedly changed this decision by dismissing the claim. The decisions of the appeal court were repeatedly annulled by the Supreme Court of the Slovak Republic on the basis of the appeals filed by complainants.

In 2014, the Regional Court in Prešov dismissed the action of the discriminated Roma for the third time. The Roma therefore filed another appeal in March 2014. However, the District Court in Vranov nad Topľou has not acted in the case for more than 4 years and has not submitted the appeal to the Supreme Court of the Slovak Republic for a decision. The entire court proceedings have lasted almost thirteen years.

Therefore, in February 2019, the aggrieved Roma turned to the Slovak Constitutional Court with a constitutional complaint. They argued that the inaction of the general courts violated their right to hear the case within a reasonable time, without any delays. The Constitutional Court upheld their complaint and ruled that by the proceedings of the district and regional courts this right was violated. At the same time, the Constitutional Court awarded each of the complainants' financial compensation of EUR 1000 and the refund of the legal costs. The Constitutional Court found several errors in the procedure of the general

courts, which significantly prolonged the court proceedings. In particular, he pointed out the noticeable misconduct of the district court, which, after the Supreme Court returned the court file for supplementation in December 2014, did not act at all in the case for more than four years.

*“We are glad that after thirteen years the case has somehow moved forward. Well, we are still waiting for the courts to finally decide on our claim of discrimination on the part of the bar owner. We thank our lawyer for cooperation and patience,”* said the injured Roma to the Constitutional Court's decision

*“The ruling of the Constitutional Court has shown how difficult and time-consuming it is - even fifteen years after the adoption of the Anti-Discrimination Act - to achieve justice in our country in cases of discrimination, especially the racial one. Court proceedings often take an incredibly long time. However, I find it very important that the discriminated Roma continue to argue for justice after so many years. Cases like this make it possible to detect and point out shortcomings in the assessment of discrimination cases by the courts and to put some pressure on the gradual improvement of their decision-making practice,”* said Vanda Durbáková, the lawyer of the aggrieved Roma.

In a short time, this is the second decision of the Constitutional Court in a similar case. Only in March 2019 [the Court compensated Roma for delays in court proceedings](#), in case of discrimination in access to employment. Also his case has been ignored by the general courts for years.

Free legal representation in court proceedings was provided by the NGO Center for Civil and Human Rights

The ruling of the Constitutional Court is available in Slovak at: <https://www.poradna-prava.sk/en/documents/slovak-constitutional-court-decision-confirming-court-backlogs-in-a-court-proceedings-in-case-of-discrimination/>

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**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](http://www.poradna-prava.sk)

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