Universal Periodic Review (UPR)
Slovakia

46TH SESSION OF THE UPR WORKING GROUP, UNITED NATIONS HUMAN RIGHTS COUNCIL (29 APRIL - 10 MAY 2024), 4TH CYCLE REVIEW, SLOVAKIA

STAKEHOLDERS' REPORT

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11TH OCTOBER 2023

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Introduction

Discrimination based on Work and Descent (DWD) affects more than 260 million people worldwide. Communities Discriminated on Work and Descent (CDWD) can be found on all continents. DWD is a unique type of discrimination that takes the form of social exclusion based on inherited status and ancestral occupation.[i] DWD in the context of the Roma community in Europe, and in Slovakia specifically, manifests itself in social exclusion, segregation, stigmatisation and challenges in accessing basic services. This submission focuses on the following thematic areas – education, housing and healthcare, and presents an overview of the human rights situation and recommendations for UPR IV of Slovakia. It is made by the Global Forum of Communities Discriminated on Work and Descent (GFOD), an international coalition advocating for the recognition and realisation of the human rights of CDWD.

Overview of Human Rights Situation and Recommendations

Right to Education

In 2021, the Slovak Government gave the green light to a plan called the "Strategy for Equality, Inclusion, and Participation of Roma by 2030."[ii] This plan is a promise from the government and spells out the top areas of public policy focus intended to make a real difference in the treatment of Roma people. Studies both in Slovakia and across Europe show that in addition to combatting discrimination, racism and antigypsyism, the most important areas for reaching this goal are - employment, education, health and housing.

1. In UPR 3, Slovakia received 18 recommendations on the Right to Education of children belonging to the Roma community. The recommendations called for continued efforts towards the inclusion of Roma school children and combating segregation in the education system. All recommendations were supported.

2. The Roma community faces discrimination through the existence of separate, segregated and special classes or schools. These educational settings often provide lower-quality

education that leave few Romani children able to continue their schooling beyond the age of 16[iii].

3. Roma children from marginalised communities are placed in "special" schools for children with intellectual disabilities at a disproportionate rate that is three times higher than the population as a whole.

4. Preschool education continues to be less accessible to Roma children from marginalised communities, with only 32 percent receiving it compared to 87 percent of the general population[iv].

5. The COVID-19 pandemic deepened the educational gap between children from disadvantaged socioeconomic backgrounds, particularly Roma children from marginalised communities. According to the NGO EduRoma, 70 percent of marginalised Roma children did not participate in distance learning[v].

6. In the eastern part of Slovakia, in 2016, three Roma children were illegally placed into special educational classes with children with intellectual disabilities at the local elementary school, solely based on their ethnicity. In November 2021, the Prešov District Court ruled in favour of the three children[vi].

7. In April 2022, the Ministry of Education released a Roma desegregation guidance manual for schools and school administrators. It has been remarked upon by experts that existing laws lack a definition of segregation[vii].

8. European Union regulations regarding racial equality, as outlined in Directive 2000/43/EC, forbid discrimination based on ethnic background in important aspects of life, including education[viii].

9. The European Commission referred Slovakia to the Court of Justice of the EU in 2015 for not sufficiently addressing discrimination against Roma children at school and sent a reasoned opinion in 2019. Slovakia has implemented various changes to its laws and introduced several strategies and action plans to improve the inclusion of Roma individuals in education. However, the Commission concluded that the actions that have

been undertaken were insufficient[ix].

10. The parliament's failure to adopt an amendment to the School Act which would take steps to address discrimination against Roma children has put Slovakia on a collision course with the European Court of Justice[x].

Recommendations:

- Take concrete measures to end any form of structural antigypsyism, including all forms of school segregation.
- Take measures to guarantee equal access to quality education for all children, regardless of their ethnicity or socio-economic background and better education inclusion for Roma children in the Slovak schooling system.
- Ensure strict enforcement of existing anti-discrimination laws and regulations, including those related to education, to prevent discrimination against Roma and other minority groups.
- Develop and implement an inclusive curriculum that promotes diversity and cultural sensitivity, reflecting the needs and backgrounds of all students, including Roma children.
- Provide training for teachers and school staff to equip them with the skills and knowledge needed to effectively teach diverse student populations and combat antigypsyism, stereotypes and biases.
- Revise the Slovak National Strategy 2020[xi] within two years to ensure the explicit acknowledgement of segregated schools for Roma students and outline specific measures aimed at addressing the issue.
- Ensure that the Roma Integration 2030 Strategy effectively acknowledges that antigypsyism is a root cause of the socio-economic disadvantages that Roma people face.

Right to Adequate Housing

1. In UPR 3, Slovakia received 5 recommendations on the Right to Adequate Housing of Roma communities. The recommendations called for equal access for Roma communities to housing in line with the 2020 National Strategy for the Integration of Roma. All recommendations were supported.

2. Roma who lived segregated from municipalities are relegated to the outskirts and live in sub-standard dwellings, including huts and brick houses[xii].

3. According to the Atlas of Roma Communities, only 58.8 percent of Roma households have access to piped water, 97.4 per cent have access to electricity and 24.7 percent have a savage facility at home[xiii].

4. According to the Government's Roma Integration Strategy from 2011, about 16 percent of all Roma families are living in non-standard forms of housing, 10 percent in shacks, 4.3 per cent in wooden houses and 1.3 percent in other non-standard types of housing, including container houses[xiv].

5. Only 34 percent of all households claimed ownership of their dwelling. 31 percent of the households of Roma people are owned by the municipality or church (3 percent). Land ownership is even less common in entirely segregated settlements, where only 22 percent of Roma homeowners possess land titles[xv].

6. Roma people built their houses on land that belonged to the government. They did this with the permission of the government. But now, after twenty years of changes in land ownership and political power, which were often not sympathetic to the Roma people, that land belongs to private individuals, businesses, or local governments. These new owners can decide to evict Roma and tear down their houses at any time[xvi]. There are no protections in place to stop this.

7. The housing situation in Slovakia is also a consequence of forced population movements. In the second half of the 20th Century, Roma was forcefully moved in several waves from Eastern Slovakia to the Czech Republic to provide labour[xvii]. This meant that Roma

had to surrender their homes.

8. In some Slovak municipalities, walls or fences have been constructed to physically separate or segregate the Roma community from the rest of the population[xviii].

9. According to the Slovak National Strategy 2020, investment measures have made an impact with regard to the provision of wells, drinking water dispensing facilities and transient housing facilities. Almost 22 thousand people from marginalised Roma communities have benefited from the improvement of housing conditions through investment projects. Although improvements have been made on ensuring the rights of Roma to water and sanitation, more efforts need to be made by the Government, in particular with a view to achieving the Sustainable Development Goals for its citizens, and in order to leave no one behind[xix].

10. Article 25 of the Universal Declaration of Human Rights states that "Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, and housing"[xx]. The European Convention on Human Rights (ECHR) includes specific rights that guarantee a right to housing, including Article 8, the right to family and private life and protection of the home; Article 6, the right to due process in the case of eviction; Article 3, the right to be protected against inhuman and degrading treatment; Article 2, the right to life; and Article 14, the right to protection against discrimination. The right to housing is also grounded in the property right[xxi].

11. Article 31 of the Revised European Social Charter of the Council of Europe (RESC), provides specific criteria and guidance for the progressive realisation of the right to housing and the reduction and prevention of homelessness[xxii].

12. Sustainable Development Goal (SDG) 11 contains targets aimed at making cities and human settlements inclusive, safe, resilient and sustainable[xxiii], including by ensuring access for all to adequate, safe and affordable housing and basic services.

<u>Recommendation:</u>

- Continue efforts to develop an adequate housing strategy for the country's Roma and incorporate the housing strategy for Roma into Slovakia's national housing strategy with a view to recognising and addressing the housing challenges that ghettoisation creates for

Roma communities.

- In so far as possible, ensure that permanent residence status is granted and in cases where this is not possible ensure that the lack of this status does not impede access to social benefits.

- Encourage national and local governments, and housing authorities in particular to allocate public and private local, national, and international resources to improve housing for Roma and any other groups who have suffered from inadequate housing due to discrimination and segregation based upon racial or other criteria.

- Work towards improving the socio-economic conditions of Roma with a view to increasing their access to property ownership.

- Immediately ban the construction of walls or fences that physically separate the Roma community from the rest of the population in Slovak municipalities.

Right to Health

1. In UPR 3, Slovakia received 5 recommendations on the Right to Health of Roma communities. The recommendations called for continued efforts to combat discrimination faced by Roma communities while accessing healthcare, in particular Roma women while accessing sexual reproductive, and maternal healthcare. 4 recommendations were supported and 1 recommendation was noted.

2. Forced sterilisation, which was a common practice on Roma women between 1966 and 2004, has been officially recognised by the Slovak Government. However, Romani Slovak women have not yet received any financial compensation for the non-consensual procedures carried out[xxiv].

3. Hospitals and doctors that carried out forced sterilisations have been prosecuted. The process for women to apply for financial compensation is overly complex, placing many sterilised women at a disadvantage due to bureaucratic inefficiencies.
4. During the pandemic Roma settlements were quarantined with military presence and placed under mandatory quarantine, enforced by police and the military, who argued that such measures were necessary for the protection of public health and safety[xxv].

5. Roma settlements were selectively targeted, with quarantines not applied to other groups or the general population. Such selective application, in the absence of evidence of less restrictive alternatives, is considered extremely discriminatory. Under international human rights law, quarantines should be implemented in a manner that is non-discriminatory, pressing public or social need, and pursues a legitimate aim.

6. Human rights organisations have reported that Roma women, especially from marginalised communities in the eastern part of Slovakia often face reproductive healthcare discrimination, segregation, verbal and physical violence and a general lack of information on reproductive health[xxvi].

Recommendations:

- Establish a straightforward and accessible process for Romani women who were forcibly sterilised between 1966 and 2004 to apply for financial compensation with a view towards ensuring that compensation is promptly disbursed to eligible women, recognising the harm caused by these actions.

- Promptly investigate cases of forced sterilisation with a view to holding hospitals and medical professionals accountable and implement measures to prevent such violations from occurring in the future and ensure transparency in medical practices and medical reporting.

- Simplify the application process for financial compensation to eliminate bureaucratic obstacles and provide legal and administrative support to help sterilised women navigate the compensation process.

- Implement measures to prevent discrimination during public health emergencies.

- Develop and implement policies and initiatives aimed at eliminating discrimination in reproductive healthcare against Romani women, particularly in marginalised communities in eastern Slovakia.

- Provide information and awareness programs about sexual and reproductive health to Romani women with a view to empowering them about their rights.

- Ensure that discriminatory and antigypsyism practices are addressed through the appropriate legal channels.

- Engage Romani communities in decision-making processes regarding policies and programs that directly affect them and promote initiatives that empower Romani women economically, socially and politically with the aim of improving their overall well-being and access to resources.

- Revise the 2020 Slovak National Report on health within two years to ensure that forced sterilisation and discrimination against Roma women when accessing sexual and reproductive healthcare services are acknowledged and concrete measures are provided on the path forward[xxvii].

Conclusion

Slovakia received a total of 206 recommendations during its third Universal Periodic Review (UPR) in 2019. 36 of these recommendations focused on the Roma community, out of which 35 recommendations were supported. While the Government has taken steps to enact legal and policy measures in areas such as the right to health, education, sanitation, discrimination, minority rights and women's rights, including through the recent Roma Integration 2030 Strategy, significant challenges persist at the local level. Conflicting development priorities on behalf of the Government that do not align with international commitments, challenges for the Roma community in accessing basic services, a lack of accountability for violations of human rights, inadequate budgetary allocations and above all continuing discriminatory attitudes and antigypsyism are some of the issues that remain pervasive and impact the full realisation of the rights of the Roma.

We submit this report with the anticipation that the government will consider these recommendations in accordance with its human rights obligations to the Human Rights Council. We urge the government to approach these recommendations following the principle of constructive engagement that is inherent to the Universal Periodic Review (UPR) process.

[i] For the full definition please see - Draft Principles and Guidelines for the Effective Elimination of Discrimination based on Work and Descent, Human Rights Council 11th Session, 18 May 2009, Final report of Mr. Yozo Yokota and Ms. Chin-Sung Chung, Special Rapporteurs on the topic of discrimination based on work and descent, available at: https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/RegularSession/Session11/A-HRC-11-CRP3.pdf

[ii]https://www.romovia.vlada.gov.sk/site/assets/files/1526/strategy_of_equality_inclusion_and_participation_of_roma_until_2030.pdf?csrt=16672731333536033708

[iii]https://www.amnesty.org/en/latest/press-release/2017/03/slovakia-unlawful-ethnic-segregation-in-schools-is-failing-romani-children/

[iv]https://osf.sk/wp-content/uploads/2017/07/RECI_Slovak-Republic-report_ENG-06-18-2017.pdf

[v]https://romovia.vlada.gov.sk/site/assets/files/1526/strategy_of_equality_inclusion_and_participation_of_roma_until_2030.pdf?csrt=2341564758300187357

[vi]https://poradna-prava.sk/wp-content/uploads/2023/05/Anonymizovany-rozudok-KS-PO-diskriminacia-romskych-deti-v-specialnom-vzdelavani.pdf

[vii]https://mensinovapolitika.eu/en/the-long-awaited-change-the-ministry-of-education-acknowledges-the-problem-of-segregation-of-roma-children-and-is-taking-steps-to-change-it/

[viii] https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32000L0043

[ix] https://ec.europa.eu/commission/presscorner/detail/en/ip_23_2249

[x]https://www.amnesty.eu/news/slovakia-failure-to-address-roma-discrimination-puts-slovakia-on-collision-course-with-european-court-of-justice/

[xi]https://www.mfsr.sk/files/en/finance/institute-financial-policy/strategic-documents/national-reform-program/npr_2020_final_en.pdf

[xii] Data found: Atlas of Roma Communities (2013)

[xiii] Data found: Atlas of Roma Communities (2013)

[xiv]https://www.employment.gov.sk/files/legislativa/dokumenty-zoznamy-pod/strategyoftheslovakrepublicforintegrationof-romaupto2020.pdf

[xv] Data found: Atlas of Roma Communities (2013)

[xvi] http://www.errc.org/news/separate-unequal-and-hazardous-the-essential-guide-to-roma-housing-in-slovakia

[xvii] http://www.errc.org/news/separate-unequal-and-hazardous-the-essential-guide-to-roma-housing-in-slovakia

[xviii]https://www.cas.sk/clanok/431159/romovia-definitivne-nastvali-obyvatelov-partizanskeho-radikalne-rozhodnutie-mesta/

[xix]https://www.mfsr.sk/files/en/finance/institute-financial-policy/strategic-documents/national-reform-program/npr_2020_final_en.pdf

[xx] https://www.un.org/en/about-us/universal-declaration-of-human-rights

[xxi] https://www.echr.coe.int/documents/d/echr/convention_ENG

[xxii] https://www.coe.int/en/web/european-social-charter

[xxiii] https://sdgs.un.org/goals/goal11

[xxiv]https://eeagrants.org/news/claiming-rights-your-body-how-roma-women-got-apology-slovak-government

[xxv] https://www.amnesty.org/en/documents/eur01/2156/2020/en/

[xxvi] https://reproductiverights.org/wp-content/uploads/2021/03/GLP-SlovakiaRomaReport-Final-Print.pdf

[xxvii]https://www.mfsr.sk/files/en/finance/institute-financial-policy/strategic-documents/national-reform-program/npr_2020_final_en.pdf

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