



PORADŇA PRE OBČIANSKE A ĽUDSKÉ PRÁVA

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PRESS RELEASE

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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.

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

Mrs. Pompová in 2010 applied for the position as field social worker in the city Spišská Nová Ves. Despite of the fact that she had the 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, Mrs. Pompová initiated a court proceeding, to claim recovery from discrimination she was subject to. The District court of 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 Mrs. Pompová filed a complaint at the Slovak Constitutional Court. She alleged the violation of her right guaranteed by the Slovak Constitution and numerous international human rights treaties to fair trial 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 the law, were the duty of the defendant.

The Slovak Constitutional Court in its judgment from 01.12.2015 affirmed the violation of the right to fair trial of the Plaintiff and asserted the erroneous interpretation of the anti-discrimination legislation by the general courts. Concurrently, the Constitutional Court annulled the judgment of the Regional Court and remanded the case to the court for further proceeding. Following the judgment of the Constitutional Court, Mrs. Pompová declared: *„The judgment of the Constitutional Court is a satisfaction, because after years of seeking justice I can witness the Constitutional Court enjoining the lower courts repeatedly to adjudicate my case. I believe that they will duly adjudicate. At the same time I hope, that the judgment of the Constitutional Court will benefit to others, whose human and civil rights are violated.“*

The free legal advice to the aggrieved person in the court proceeding was provided by the non-governmental organization, *Center for the Civil and Human Rights*, based in Košice, Slovakia. Vanda Durbáková, the collaborating attorney with the *Center for the Civil and Human Rights* and legal representative of the plaintiff, declared regarding the judgment of the Constitutional Court: „*The judgment of the Constitutional Court is in line with the domestic and international human rights legislation. I consider the decision highly valuable among others because it closely describes the manner courts have to evaluate facts, arguments and evidence presented by each party in anti-discrimination court proceedings. This judgment can in the future considerably improve the chances of many discriminated individuals seeking justice in discrimination cases in our country.*”

Consequently, the case is again before the Regional Court of Košice, which will deal with it anew.

The decision of the Constitutional Court is accessible in electronic form:

<http://www.poradna-prava.sk/sk/dokumenty/nalez-ustavneho-sudu-sr-z-1-12-2015-v-pripade-diskriminacie-v-pristupe-k-zamestnaniu/>

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Information about the NGO:

The Center for Civil and Human Rights (*Poradňa pre občianske a ľudské práva*) is a non-governmental organisation 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 the 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. Visit us at www.poradna-prava.sk.