



PORADŇA PRE OBČIANSKE A ĽUDSKÉ PRÁVA

CENTER FOR CIVIL AND HUMAN RIGHTS

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The court rules a bar owner in Spišské Vlachy discriminated against Roma.

In Košice, Slovakia, 10.2.2012

District court in Spišská Nová Ves ruled in case of discrimination of Roma consumers based on their ethnic origin who were not served in one of bars in Spišské Vlachy - small town in Eastern Slovakia. The owner has to apologise for discrimination.

The case concerns an incident from December 2009, when two Roma customers – a couple – were not served in one of the bars in Spišské Vlachy they visited together with their Non Roma colleagues. The owner of the bar refused to serve whole group on the ground, that he does not serve Roma:

"The Owner told us, that he will not serve us in his bar, because if he will do so, tomorrow more Roma would come. After he told us, if I and my wife will leave, he will serve the rest of the group. I work at the local primary school and the owner's behaviour humiliated and upset me, says Mr Roman Pecha, one of the victim of the incident.

Harmed customers decided to make a complaint about the incident to the police who heard both sides. With cooperation of the non-governmental organisation Center of Civil and Human Rights they decided to initiate the civil court proceeding under the Slovak Antidiscrimination Law against the bar owner for discriminatory treatment in access to services. At court the bar owner defended his action by, that the bar is a private club and none of the team had a club card membership. During the hearing at the police station, he said the reason not serving them was the ethnic origin of two victims and the fear, that more Roma might visit his bar in the future.

The court ordered to the bar owner to give a written apology to the victims - harmed Roma consumers.. Additionally the court ruled the bar owner to announce a written apology on the bar entrance and to publish it in the regional press in a form of paid advertisement.

Despite the fact the court accepted the fact discrimination occurred in this case, according to Vanda Durbakova - legal representative of the Roma consumers, the court decision still has its limitations " *There is still a trend to downplay the cases of racial discrimination by Slovak Courts. The Courts do not consider the racial discrimination to humiliate a personal dignity. The fact that the court did not awarded discriminated Roma non – pecuniary damage is in violation with international legal standards.*"

The court decision is not final and can be appealed. It has been announced on 27st January 2012 and delivered on 1st February 2012.

END

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Notes for editors:

The Center for Civil and Human Rights (Poradňa) is a non-governmental organization focusing on the protection of human rights in the Slovak Republic, with special emphasis on the rights of minorities and protection from discrimination. Since its establishment in 2002, Poradňa has been combating the extensive problem of discrimination against the Roma minority in Slovakia in various areas, especially in access to public services, employment, education and health care. Moreover, it has been working on issues related to the protection of reproductive rights, specifically, it has been trying to eliminate the practice of forced and coercive sterilization on Roma women in Slovakia. Poradňa also provides free legal counselling in the area of discrimination and continuously litigates strategic cases of racial discrimination in Slovak courts, including Slovak Constitutional Court and European Court of Human Rights in Strasbourg.