



How pervasive is discrimination of Roma minority in Eastern Slovakia? – summary of monitoring findings

Implemented by: The Center for Civil and Human Rights

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Introduction

This report represents a summary of the findings of the monitoring on occurrence of discrimination practices against Roma minority in Eastern Slovakia. The monitoring was carried out during the period of 1 April 2007 - 30 September 2008 by the Center for Civil and Human Rights (hereinafter the Center). The monitoring consisted of fact-finding field visits to the Roma communities in the area of eastern Slovakia, monitoring of information from the media as well as information on instances of discrimination that the Center received via telephone and e-mail from Roma individuals. The monitoring has been conducted under the project 'Bridging the Divide' supported by CEE Trust, Poland.

The objective of the monitoring activity was to identify concrete discrimination cases towards Roma that could subsequently be targeted by using legal means of protection in order to eliminate discrimination treatment and seek redress for injured persons. The monitoring was not intended to gather information for statistical purposes; hence, this report does not intend to formulate any generalizations or conclusions on the statistical basis. However, over the months, the Center talked to a number of people who felt disadvantaged because of the color of their skin or ethnic origin. The Center encountered and actively dealt with many practices that clearly breached the international and domestic legislation banning racial discrimination. This report provides a concise picture of discrimination practices against Roma minority we identified and documented in the areas of public services, social welfare, employment, health care, education or housing¹ and defines practices that do not seem to be isolated or rare in the Slovak society.

The information presenting in this report are not exhaustive and are compiled from 62 fact-finding visits to the Roma communities we carried out in a given period; information coming from local Roma NGOs, from individuals who turned to the Center with possible discrimination case and from the regular monitoring of the media.

¹ These areas of possible discrimination followed the areas protected by the Slovak 'Anti-discrimination Act' that was adopted in 2004.

Monitoring Findings

There may seem to be undeniable fact that Roma in Slovakia face unequal treatment in many areas of the life. Looking at statistical data in the Eurobarometer public survey, conducted as an initiative of the European Commission at the beginning of 2008, the half of Slovak respondents think that ethnic discrimination is widespread in their country.² The statistics remains under the European average in spite of a high percentage of Roma population in Slovakia and a public discussion about discrimination of Roma that has been going on in the country over past years. At the same time, the survey shows that only 17% of respondents in Slovakia would feel really comfortable having a Roma individual as their neighbour.³

These findings clearly imply the situation in eastern Slovakia that tends to be even more alarming in the local areas where the marginalized Roma communities are located in a higher proportion to a mainstream society. In a number places, the problem of ethnical coexistence escalates to forms of territorial and/or social exclusion which is accepted and supported by the majority society or even local governments. The hostile attitude of the majority towards Roma population in these localities can be very eloquently observed for instance in local bus transportation where many non-Roma are used to stay at a front area of vehicles and refuse to occupy seats next to the Roma.

There is a negative attitude prevailing in the majority society towards Roma population and Roma are perceived as a social burden by a significant part of the Slovak population. The statement that Roma face discrimination is considered even controversial and with respect to the financial and social support streaming to programs and projects aimed at marginalized Roma communities, the certain part of majority share the opinion that not Roma population is discriminated against, but the majority population is strongly disadvantaged.

The Slovak media tend to present the Roma population predominately in a negative and simplified way of prevailing poverty or possible crimes occurred in marginalized Roma communities. The social climate of ethnic intolerance which is possible to indicate in many localities goes hand in hand with concrete cases of unlawful unequal treatment towards Roma ethnic minority.

a) Discrimination of Roma in the access to public accommodation

The cases of denying access to pubs, restaurants, swimming pools, hotels that represent a very symbolic way of exposing racial discrimination, still occur in many localities, predominantly in rural areas. We also recorded cases when pubs and restaurants in regional cities of Košice and Prešov deny serving the Roma customers. The Roma customers are rejected either directly (told: "we don't serve Gypsies") or more often, the owners use various false excuses to deny services (e.g. claiming that the entity is "a private club and a club card is needed in order to be served"; "all tables are booked" and etc). In some areas, the Roma are served but they have to consume their purchased drinks or food outside a pub (e.g. in Šarišská Poruba, Spišský Štiavnik) or they can get drinks only in separate plastic cups (e.g. Mengusovce).

² *Discrimination in the European Union: Perceptions, Experiences and Attitudes*, Fieldwork February – March 2008, p. 35. Web. 26 November 2008. http://ec.europa.eu/public_opinion/archives/ebs/ebs_296_en.pdf.

³ *Ibid.*, at p. 44.

We documented a number of disco clubs where the Roma are denied access (in Prešov, Lipany, Vranov). In some localities (including Prešov), we found out that separate “Romani discos” are organized as the Roma are not allowed to enter the regular ones. We also identified discrimination cases in access to lodging and discrimination in access to public cultural events - festivals (in Žehra and Medzev).

The monitoring uncovered that in some villages (e.g. Čakanovce, Kyjov), the Roma are not allowed to rent a public rooms from the local municipality to organize a cultural events or they are not allowed to use even public sport grounds (e.g, in Spišský Štiavnik). Other service where we recorded discrimination against Roma in several cases, were hairdressing salons.

Another specific area in which discrimination was indicated were services of mobile network operators that imposed harder criterions to Roma customers – the Roma were required to prove they were able to pay for mobile services in a long run while such condition was not imposed on non-Romani customers.

Case examples:

The Slovak branch of the NGO People in Need Foundation contacted us with a case of discrimination of Roma children who were refused to be accommodated in a hotel near the town of Levoča. The People in Need organized a summer camp for Roma children and when trying to book an accommodation for them, the owner of the hotel rejected it. He openly said that he could not have afforded “to make the hotel stinky”. What is even more alarming, we found out that this NGO had a whole list of hotels based on their own experience where Roma children were not allowed to be accommodated.

The mayor of the village Žehra informed us about discrimination of Roma in access to public rodeo festival organized by a local entrepreneur every year in summer at a ranch just in the area inside the village. We visited this event together with several Roma and proved that the Roma were not allowed to enter this public event. The Roma met there with a hostile atmosphere and were scolded behind the gates by non-Romani visitors of the event.

b) Discrimination of Roma in the access to social welfare

Within this field of discrimination treatment, the monitoring analyzed the existing or newly adopted state provisions which may have discriminative impact on Roma ethnic majority. We built on the definition of indirect discrimination which has been indicated particularly in provisions that regulate the distribution social welfare.

Case examples:

According to our analysis, Article 3 para. 4 of the Law on Maternity Benefits violates the provisions of the anti-discrimination legislation prohibiting indirect discrimination as it has a disproportionate impact on Romani women. The provision is targeting Romani women who are escaping from maternities after the delivery (for various reasons, e.g. due to the need to provide for their other children or due to racially hostile environment in hospitals) and although they later come back to collect her children and take care of them, they forfeit the right to maternity benefits.

Another draft of the law that poses a problem in the light of anti-discrimination provisions is a specific provision which might be adopted by the Slovak Parliament in the near future. The provision stipulates the additional special financial allowance for the first, second and the third child born in a family only. This provision will noticeably target Roma families that are often used to have more than three children. One of the intentions of the provision formulated in this way is probably to restrain the birth rate in Roma communities.

c) Discrimination of Roma in access to employment

The monitoring documented a number of cases where the Roma were disadvantaged when looking for a job because of their ethnic origin. We also gathered information about companies and employees where the Roma were supposedly disadvantaged and not accepted for employment in any case.

The monitoring received information about discrimination of Roma in access to employment almost from every region of Eastern Slovakia. In particular, many cases we identified in the region of Vranov.

According to our findings, discrimination is pervasive in positions of manual workers. We also found out that discrimination of Roma was very widespread in positions where a higher level of hygiene was required (e.g. food industry workers, bakeries) as Roma were often inherently perceived as „dirty or stinky” and found not to be suitable for those positions. Furthermore, we identified cases of discrimination of the Roma in large factories in the western part of Slovakia or in the Czech republic where jobs were usually arranged by the Slovak local work agencies. We even received information that many work positions published via the state employment office (the region Vranov) were not accessible to the Roma and these employers simply did not accept the Roma applicants to work. In many cases, the Roma were promised a job over the phone – when the employers were not aware of their ethnic origin; but later, when they meet the applicants face to face, the Roma applicants were denied the job or were told that the position has been already taken.

Case examples:

A community worker from a village Bystré informed us of a case of discrimination in access to employment occurring in this area. In this case a local employer refused to take all local Roma on construction of sewage water treatment plant built in the village. The community worker tried to arrange the work for Roma but the employer directly told him that he did not take up Roma workers.

The Roma woman was harassed at her work place due to her Roma ethnic origin; in particular she was assigned to the worse work place, her boss called her “dirty gypsy” and at last she was the only person with whom the employer did not prolong the employment contract.

d) Discrimination of Roma in the access to health care

The Center has been documenting practices of discrimination in access to health care for a long time. In the course of the monitoring, we documented new cases of treatment that violated the rights of the Roma in this area.

Discrimination practices against Roma in the provision of health can be divided into two main thematic groups:

- complaints about verbal abuses and rude behavior of some health care providers towards the Roma. For example, we received a complaint from a Roma man had to be wait in a line for a medical treatment till all non-Romani patients were treated;
- instances that specific public hospitals still segregate patients on the ground of their ethnic origin. In particular, this is the case of maternity wards where the Romani women are accommodated separately from white women and are prevented from using the same bathrooms or toilets as white women.

Case example:

Several Roma from different areas testified that they were entirely refused the health care by doctors (for example dentists in the area of Bardejov) or they were not provided with adequate health care standards.

There were documented practices of segregation in maternity wards in hospitals in the towns Presov and Krompachy. Romani women are separated in the "Gypsy Rooms" and they can not have their new born babies with them in the room like Non- Roma patients in the same hospital. Their partners and husbands are not allowed being present during the delivery and they are also prevented from visiting their women after delivery, they can see their new born babies only standing outside the hospital through the window.

e) Discrimination of Roma in access to education

The issues of discrimination of Roma children in access to equal education and segregation of Roma children in schools were raised and widely discussed in the media and society in November 2007 after the Amnesty International published the report on severe deficiencies existing in this area in Slovakia.⁴ The AI report documented that Romani children continued to be "largely segregated in inferior education, including through being disproportionately represented in "special" schools and classes."⁵

The information we gathered in this area have not been extensive but we documented a number of locations where segregation practices are existing (e.g. Medzev, Čemerné). We also recorded cases of separate cutleries and dishes being provided for the Roma and non-Roma children in school canteens in certain schools.

It is also necessary to draw attention to segregation practices and discrimination in access to kindergartens; these may create an important space for mutual interaction and cultural recognition of Roma and non-Roma children from a very early age and help children from marginalized Roma communities to slightly involve in regular educational process. We documented the non-Roma kindergarten where Roma children were not accepted. We also documented kindergartens for Roma children only; this can be attributed to the fact that parents of non-Roma children are not interested in enrolling their children in such kindergartens.

⁴ *Still separate, still unequal*. Amnesty International. London: Amnesty International Publications, 2007. Web. 27 November 2008. http://www.amnesty.sk/article_files/AI_SK_Slovakia_Report_English.pdf

⁵ *Ibid*, at p. 1.

Case example:

In villages Petrová and Zamutov, we documented that Roma children were discriminated against in local elementary schools as far as the selection of foreign languages to learn is concerned. Roma children were allowed to learn only Russian language and were placed in particular class; whereas non-Roma children could freely choose the foreign language and the very most of them learn English.

f) Discrimination of Roma in the access to housing

The infringement of rights to housing and the issues of forced evictions occurring in Slovakia is a very topical problem and has been specifically monitored and exposed in a more systematic way by Milan Šimečka Foundation in cooperation with the Centre on Housing Rights and Evictions. In 2006, they comprehensively reported causes of forced evictions in Slovakia⁶. The situation in this field bitterly demonstrates also the fact that Slovakia was nominated by the COHRE as one of three Housing Rights Violators for 2007, for persistently violating the right to adequate housing of Roma.⁷

Although the monitoring conducted within this project did not aim to conduct a comprehensive research into the housing discrimination practices, we documented a certain number of information related to discrimination in the access to housing. We can confirm a deep issue of existing territorial segregation of the Roma communities in many localities. We claim that there is a deeply rooted status quo existing as for territorial segregation quietly supported by the majority people in particular localities and which stimulate also a social segregation and discrimination in these localities. For instance, there was reported a case in the media where the non-Roma tenants of the apartment building in the town Medzilaborce did not allow a Roma family to move into the flat they duly bought from a local real estate agent's and we documented supposedly similar case in the town Krompachy. Another deficiency remains to be the reluctance of municipalities in certain villages to assign permanent residence status to Roma living in the village.

Case examples:

A Roma family in Krompachy bought an old house in the center of the town with intention to make a reconstruction and move into it. The municipality supposedly did not want Roma family to move from the segregated Roma town part to the town downtown, supposedly intended to obstruct the reconstruction of the house and not to assign the family a rebuilding permit.

In the village Banské Roma were refused to gain permanent residence status in the village from the local municipality in spite of the fact they meet all the respective legal conditions and are even living there for many years. The municipality claimed them that first they have to pay off a small debt for trash disposal which is not a justified condition.

⁶ *Forced Eviction in Slovakia – 2006*. Center on Housing Rights and Evictions, Milan Šimečka Foundation, Center on Housing Rights and Evictions, European Roma Rights Centre. 2006. Web. 26 November 2008. http://www.nadaciamilanasecku.sk/fileadmin/user_upload/dokumenty/Evictions_ENG_-_Web_version_22_Jan.pdf

⁷ *Violated Award Slovakia*. Center on Housing Rights and Evictions. 5 December 2007. Web. 26 September 2008. http://www.cohre.org/view_page.php?page_id=279

Conclusion

The recent monitoring on the occurrence of discrimination practices in various areas of life has enabled us to indicate new specific cases of unequal treatment towards the Roma population. We clearly see that there is indeed a great need to continue to fight against racial discrimination, not only for our NGO, for the NGO sector but also for the Slovak society as a whole. Every day of our field monitoring we have been surrounded by information about unequal treatment towards Roma in many localities. As it was already mentioned, the major society, including the political elites, tends to downplay the occurrence of discrimination towards Roma around us and it is a worrying trend.

Although the monitoring cannot provide statistical data on the pervasiveness of the racial discrimination in the country, we can say that we encountered many very concrete cases of unequal treatment based on the ethnic origin. The Center targeted these cases by legal means of protection, support those who were discriminated and strive for tangible improvements. At the same time, the Slovak NGOs dealing with racial discrimination issues cannot forget that in the next year Slovakia is scheduled to present a report on the implementation of the Convention on the Elimination of All Forms of Racial Discrimination before the Committee on Elimination of Racial Discrimination in Geneva. This may be a great opportunity to draw even more attention the issues of discrimination against Roma and, raise public discussion about more systematic changes, challenge the government to be more committed to dealing with these issues and hopefully open the better dialogue between politicians and the NGO activists on racial discrimination. The information from the monitoring will surely be helpful for the creation of the alternative report submitted to the UN Committee in coalition of the relevant Slovak NGOs. We should not miss a chance to do things better in the future.

In Košice, 26th September 2008