



PORADŇA PRE OBČIANSKE A ĽUDSKÉ PRÁVA

CENTER FOR CIVIL AND HUMAN RIGHTS

KRIVÁ 23, 040 01 KOŠICE, SLOVENSKO

» mobil: +421 908 69 55 31, +421 949 338 396
» www.poradna-prava.sk » poradna@poradna-prava.sk
» IČO: 37 86 72 70 » IBAN: SK98 5200 0000 0000 0551 9629

PRESS RELEASE

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Court rejects anti-discrimination lawsuit filed by NGO in case of segregation of Roma women in the maternity ward of Prešov hospital

According to the court, the placement of Roma women in so-called Roma rooms in the maternity ward of the hospital in Prešov is not discriminatory. The District Court Bratislava III ruled so in a recently announced judgment of 29 July 2022. The court proceedings in the case were initiated by actio popularis lawsuit filed under the Anti-Discrimination Act by the non-governmental organization Center for Civil and Human Rights (Poradňa). It considers the judgment of the court of first instance to be unlawful and is therefore appealing against it.

Poradňa filed a lawsuit with the Bratislava III District Court in December 2013 as so-called actio popularis lawsuit under the Anti-Discrimination Act. In the court proceedings we pointed out that in both gynaecology and obstetrics wards of the University Hospital with Polyclinic J. A. Reiman Hospital in Prešov, the so-called "Old" and "New" maternity wards, there is a long-standing practice of placing Roma women in separate so-called Roma rooms. We objected that this practice constitutes their segregation on the basis of ethnicity. Segregation constitutes a serious form of discrimination and is contrary to both domestic anti-discrimination law and international anti-discrimination legislation.

We have been documenting Roma rooms in the maternity hospital in Prešov since 2002. Many Roma women who have given birth in the hospital have repeatedly and for a long time drawn attention to it. We sued to demand that the defendant hospital remove the illegal practice. The lawsuit was also directed against the Slovak Republic (represented by the Ministry of Justice of the Slovak Republic) and the Ministry of Justice itself, which is the founder of the hospital in Prešov. In the court proceedings, we pointed out that they had been ignoring the situation for a long time and that no preventive measures had been taken to eliminate and prevent the segregation of Roma women.

On 29 July 2022, the District Court Bratislava III pronounced a judgment dismissing the lawsuit. The judgment was delivered to the Poradňa legal representative on 8 August 2022. According to the court, Poradňa, as the plaintiff, did not prove that Roma women are placed in separate rooms because of their Roma origin. Although several Roma women confirmed this practice through their testimony during the trial - according to the court, they were only relaying the experience of other Roma women and not their own. In particular, as a result, the court did not find them relevant.

The Court further held that the placement of Roma women in a separate room in itself does not necessarily have to constitute unlawful segregation and may be justified by the patients' state of health, the occupancy of the maternity ward, epidemiological measures, as well as whether the women themselves preferred to stay in the room with other Roma women. In particular, it pointed out that, according to the defendant hospital, many Roma women wished to be placed in a room with other Roma women and that, in that case, the hospital only respected the women's wishes. The court also rejected as relevant the opinion of the Slovak National Centre for Human Rights (the national anti-discrimination body), which assessed the practice of placing Roma women in ethnically homogeneous rooms as discriminatory, in violation of the anti-discrimination law.

Commenting on the court's decision, one of the Roma activists working with Poradňa said:

"This court's judgment is not fair. The Roma rooms exist at the maternity ward in Prešov hospital to this day, nothing has changed for years. We are still separated from white women. We want this to change so that we are not humiliated and treated with respect in the hospital."

Vanda Durbáková, the attorney representing the Poradňa in this lawsuit, commented on the delivered judgment:

"This judgment is further confirmation that the Slovak courts are still challenged in deciding cases of racial discrimination. I know from experience that court decisions are often tainted by racial prejudice, which are not unique in our society. This judgment is no exception. In this case, too, the court gave more weight to the testimony of the medical staff than to the testimony of the Roma women themselves, which confirmed this practice."

It is certainly worth noting that the litigation took almost 9 years in the district court, which certainly cannot be considered reasonable. I hope that the Court of Appeal will reverse this decision and state that Roma rooms are illegal and as such must be a thing of the past in our hospitals," Durbáková adds.

Documented manifestations of segregation of Roma women in the maternity wards of some hospitals in Slovakia have been raised in recent years by several international human rights institutions. In 2019, the UN Committee on Economic, Social and Cultural Rights expressed deep concern in this regard and called on the Slovak Government to take measures to prevent such manifestations ([E/C.12/SVK/CO/3](#), para. 44). In April 2021, the Public Defender of Rights, Maria Patakyova, documented and drew attention to these manifestations (<https://bit.ly/3JHwL0u>, pp. 47-49)

The judgment is not final and Poradňa, as the plaintiff, will appeal against it.

Contact: Vanda Durbáková, attorney at law representing Poradňa in this litigation:
Tel.: 0908 695 531; e-mail: poradna@poradna-prava.sk.

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 of Roma women 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. Visit us at www.poradna-prava.sk.

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