



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

In Košice, 13 September 2022

European Court in Strasbourg: Slovakia failed to effectively investigate the case of a Roma girl who was seriously injured after falling from a window during police custody

The European Court of Human Rights (ECtHR) ruled on a serious violation of the rights of an underage Roma girl who suffered serious injuries in 2017 after falling from a window during her detention at the police station. According to the ECtHR, the responsible state authorities insufficiently investigated the whole incident.

The incident occurred in January 2017, when the applicant, together with her brother, was detained by a police patrol on suspicion of committing a crime and was taken to the police station. The complainant claimed that during her transport to the police station she was slapped by the policemen in the car and was called "*dirty gypsy girl*". Subsequently, the complainant did not remember the events at the police station. However, her brother sent a statement to the court, from which it appeared that he saw how his sister cried a lot when she arrived at the police station and she saw how the policeman slapped him too. The complainant's brother claimed that he heard the complainant screaming at the police station to let her go, that she had done nothing, and also that the police officers threatened her and cursed her that she is "disgusting gypsy woman" and why she was stealing.

According to the statement of the police at the police station, while writing the report, the complainant asked to visit the toilet, from the window of which she was supposed to jump. According to the police, the policeman who accompanied the complainant to the toilet had his back turned to her. He claimed that he did not observe the complainant's actions and could not have prevented the incident. He further stated that after turning around, he saw an open window and the complainant lying on the ground in front of the police station. As a result of the fall from the second floor from a height of approximately 7 meters, the complainant suffered serious injuries - skull and lung injuries, rib fractures and other fractures - which required intensive treatment. She was in a coma for some time and subsequently in an artificial sleep. At the time of the incident, the complainant was a minor.

In this matter, a criminal prosecution for the crime of obstruction of duty by a public official was initiated practically immediately by the police inspection, which was subsequently terminated and he was found guilty of a disciplinary offense. The complainant was not a participant in this criminal proceeding. She was heard in it only as a witness and did not even have information about its outcome.

In May 2017, on the order of the prosecutor, another criminal proceeding was initiated regarding the complainant's statement about the ill-treatment she had to face in the car while being transported to the police station. However, the criminal prosecution was stopped on the grounds that the complainant's claims could not be proven. The complainant later objected to the deficiencies in the investigation at the Constitutional Court of the Slovak Republic, which did not find a violation of her rights.

After exhausting domestic legal remedies, the complainant turned to the ECtHR in 2019 and in her complaint objected to ill-treatment and verbal abuse of police officers towards her. She further objected that the state authorities did not provide a plausible explanation of the incident at the police district department, did not take adequate measures to protect her health and life, and did not ensure an effective investigation of the entire incident. She claimed that the illegal action against her had a discriminatory nature and was motivated by her belonging to the Roma ethnic group.

By the judgment of 8 September 2022, the ECtHR partially upheld the complaint. As for the events leading to the complainant's fall from the window, the ECtHR found that her injuries were so serious that they fall within the scope of Article 2 of the Convention for the Protection of Human Rights and Fundamental Freedoms (right to life). The ECtHR decided that the given events violated the right to life of the complainant, including the ineffective investigation of these events, and thus to the violation of Article 2 of the Convention in both substantive and procedural aspects. ECtHR awarded the complainant financial compensation in the fully requested amount of 30,000 Euros.

In connection with the investigation of these events, the ECtHR noted that the domestic authorities considered the incident at the police station as a separate matter, independent of the allegation of ill-treatment of the complainant. Even if the allegations of ill-treatment were not substantiated - according to the ECtHR they were relevant to the assessment of the incident at the police station as a circumstance that preceded the events and could have been its cause. Furthermore, the ECtHR reproached the national authorities that the investigation and its conclusions were in fact based solely on the statements and records submitted by the police officers involved and did not adequately deal with the contradictions that arose in the investigation. Also, the sanction imposed on the relevant police officer for a disciplinary offense (a one-time reduction of the monthly salary by 5%) appeared to the ECtHR to be negligible.

The ECtHR rejected the complaint in the part related to the alleged ineffective investigation of ill-treatment by police officers towards the applicant and its discriminatory nature (Articles 3 and 14 of the Convention).

Free legal assistance to the affected Roma girl in criminal proceedings and subsequent proceedings before the Constitutional Court and the ECtHR was provided by the non-governmental organization Counseling for Civil and Human Rights.

The injured Roma girl said about the verdict: "I'm glad that I won the court case and I believe that something like this will never happen to anyone in Slovakia."

The legal representative of the injured girl, Vanda Durbáková, stated about the verdict: "This is another of a series of judgments of the Strasbourg court against Slovakia from recent years regarding serious violations of the human rights of Roma by the police. The European Court confirmed the shortcomings in the investigation of the given incident by the Office of the Inspection Service. Shortcomings in its investigation have been repeated for a long time and are clearly of a systemic nature. It is necessary for the Slovak government to finally adopt effective measures that will bring about change, so that the injured Roma men and women do not have to seek justice before the European Court in Strasbourg. I would also like to highlight the efforts and determination of the complainant and her relatives who, despite experiencing traumatic events, decided to stand up for their rights."

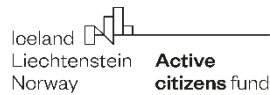
Contacts: Vanda Durbáková, attorney working with the Poradňa and legal representative of the injured girl. Phone: +421 908 695 531; e-mail: poradna@poradna-prava.sk .

The Center for Civil and Human Rights (Poradna) is a non-governmental grassroots organization based in Slovakia focused on the protection of human rights with particular emphasis on the rights of minorities and protection from discrimination. Poradna 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 and protection from police brutality. Poradna employs strategic litigation to combat discrimination and human rights abuses against minorities. Poradna offers free legal advice to victims of discrimination and in selected cases free legal representation to victims of discrimination before Slovak courts and the European Court of Human Rights in Strasbourg. It also conducts monitoring in the field, advocacy, and educational activities on the protection from discrimination for lay and expert audiences. Visit us at: www.poradna-prava.sk

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