



## PORADŇA PRE OBČIANSKE A ĽUDSKÉ PRÁVA

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In Košice, 10 May 2023

### **Court rules in case of discrimination against a Roma man who was refused service in a café in Lučenec**

**The Bratislava I District Court has handed down a verdict in a case of discrimination against a Roma man who was not served in a café in Lučenec because of his ethnic origin. The defendant must apologise and compensate him financially for the discrimination.**

The case concerns an incident on 14 August 2017, in which the Roma who brought the action - Mr Ladislav Rác - together with his daughter and a friend, also of Roma origin, were not served in a café in Lučenec. The staff of the café refused to serve them on the ground that it was a private club where services were provided only to its members on the basis of a club card. He charged them €300 per month for the card and claimed that everyone they are serving had such a card. As they did not have such club cards, the waiter asked them to leave the café, which they did. Mr Rác came home and told his girlfriend about his experience at the café. As she is not of Roma ethnicity, she decided to visit the café in about half an hour to see whether the staff would also make her service conditional on her presenting her club card. However, she was served without any problems and the staff did not ask for her club card. When she asked about the fact that she had noticed on the door that club cards were required for entry, she was told that they were forbidden to "Olasaks" (Olasian Roma). On her enquiry that her Roma partner and daughter had been in the café half an hour earlier and had not been served, she was informed that this was the practice. They both recorded the course of the incident on their mobile phones.

Mr. Rác, with the free legal support of our NGO, the Center for Civil and Human Rights, filed an anti-discrimination lawsuit with the court back in 2017. In it, he sought both an apology and financial compensation for the violation of his human dignity caused by the discrimination.

The defendant was passive throughout the court proceedings and did not comment on the claim at all. His rights and obligations were taken over by another party during the proceedings. The proceedings in the district court lasted almost 6 years. On the basis of the constitutional complaint filed, the Constitutional Court of the Slovak Republic had earlier ruled on the violation of Mr Rác's right to a hearing without undue delay.

At the hearing on 4 May 2023, the District Court Bratislava I upheld Mr Rác's anti-discrimination claim in full. At the hearing, it also played a video and audio recording which captured the course of the incident and made clear the refusal to serve Mr Rác and the staff's communication that this was an anti-Roma practice. The district court's judgment held that the actions of the defendant's predecessor in title discriminated against the applicant on the basis of his Roma ethnicity. The court ordered the defendant to apologise to the applicant and to pay him compensation for non-pecuniary damage in the amount of €1 500 and to pay the costs of the proceedings.

In the judgment delivered to the applicant's attorney on 9 May 2023 - the Court stressed, inter alia, that the racial discrimination to which the applicant had been subjected was a particularly serious type of discrimination and, in view of its dangerous consequences, required special vigilance and a vigorous response. Singling out people on the basis of a characteristic over which they have no control (such as, in the present case, Roma ethnicity) causes humiliation to a person. The Court considered that the applicant's dignity and social esteem had been diminished by such treatment.

Mr. Rácz, as applicant, commenting on the court's decision, said:

*"I am glad that the court ruled in my favour. It may have taken 6 years, but it was worth the wait. I believe that with my story and the fact that I decided to take legal action and did not remain silent, other people who have experienced or will experience a similar incident will not remain silent, but will decide to address the discrimination. Because that is the only way we can combat discrimination, which is a serious violation of human dignity."*

He also stated that if the defendant paid him compensation for non-pecuniary damage in the amount of EUR 1 500, he was making a public promise to donate the money in full to charity.

Commenting on the decision, Vanda Durbáková, a lawyer working with our NGO and the applicant's attorney, said:

*"I perceive it as very important that the court upheld the lawsuit in its entirety and that it also awarded my client compensation for non-pecuniary damages in the full amount requested. The discrimination against Roma in access to services that he encountered is still present to some extent in Slovakia today. I hope that this decision will also deter other service providers from discriminatory treatment. It sends an important message to them that discrimination does not pay and there will be sanctions for it."*

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**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 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 for lay and expert audiences. Visit us at [www.poradna-prava.sk](http://www.poradna-prava.sk)

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