



## **PORADŇA PRE OBČIANSKE A ĽUDSKÉ PRÁVA**

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**In Košice, Slovakia, 1 June 2023**

### **The case of ill-treatment of Roma boys at the police station in Košice returns to the district court - the Constitutional Court of the Slovak Republic ruled**

On 24 May 2023, the Constitutional Court of the Slovak Republic ruled that the rights of Roma boys who faced police violence at the police station in Košice in 2009 had been violated.

According to the information published in the media, in its ruling, the Constitutional Court upheld the constitutional complaint filed in 2021 by finding a violation of the complainants' right to protection against torture, cruel, inhuman or degrading treatment or punishment and discrimination under Article 16(2) and Article 12(2) of the Constitution of the Slovak Republic, as well as under Article 3 in conjunction with Article 14 of the Convention for the Protection of Human Rights and Fundamental Freedoms. It did not award the complainants any compensation for non-pecuniary damage. It also quashed the acquittals of the general courts of the accused police officers and remitted the case back to the Košice II District Court for further proceedings. He informed about his decision in this case yesterday in its press release.

The decision of the Constitutional Court has not yet been delivered to the complainants or their legal representative, so its content is not known to them.

Free legal representation in proceedings before national courts, including the Constitutional Court, has long been provided to the injured boys by our NGO, the Center for Civil and Human Rights (Poradňa).

The complainants had already addressed the Constitutional Court with a constitutional complaint in 2019, but the Constitutional Court rejected it as unfounded by decision of 23 May 2019. They therefore turned to the Constitutional Court again in March 2021. At the same time, in 2019, they lodged a complaint with the European Court of Human Rights alleging a violation of their rights by the procedure and decisions of the national courts before which the proceedings had been pending since 2010. The European Court of Human Rights (ECtHR) ruled on their complaint in a [judgment](#) of 7 February 2023, finding that the responsible state authorities had violated both their right to protection from police violence and their right to an effective investigation of that violence, including an investigation into its possible racial motive. Last but not least, the ECtHR found the proceedings before the Constitutional Court, to which the complainants had repeatedly appealed, to be ineffective.

Commenting on the Constitutional Court's decision, Vanda Durbáková, a lawyer representing the complainants and working with our NGO, said, based on information from press release published by the Constitutional Court:

*"I welcome the decision of the Constitutional Court. However, paradoxically, it comes after the decision of the European Court of Human Rights in favour of my clients in February this year. I find this alarming. The Constitutional Court simply has to effectively protect the human rights of victims in such cases, without them having to make lengthy appeals to Strasbourg court first. It is also questionable to what*

*extent the courts can effectively bring justice to the victims after 14 years in the reopened criminal proceedings in the District court in Košice. I can comment in more detail on the content of the Constitutional Court's decision only after it has been delivered."*

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**The Center for Civil and Human Rights (Poradna)** 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. 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](http://www.poradna-prava.sk)

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