



PORADŇA PRE OBČIANSKE A ĽUDSKÉ PRÁVA

CENTER FOR CIVIL AND HUMAN RIGHTS

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PRESS RELEASE

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Supreme Court of the Slovak Republic: the Roma children attending the container primary school in the village of Muránska Dlhá Lúka are segregated in their education. The state bears responsibility.

Roma children attending the container primary school in the village of Muránska Dlhá Lúka are segregated in their education. The Supreme Court of the Slovak Republic **has ruled** on the appeal of the non-governmental organization Center for Civil and Human rights (Poradňa), which has been leading strategic court proceedings in this case since 2015. The Supreme Court agreed with its opinion that the education of Roma children in an ethnically homogeneous school close to the local disadvantaged Roma community constitutes discrimination against them on the basis of their ethnicity. It confirmed the responsibility of the defendant State, represented by the Ministry of Education, which, in its view, had failed to take sufficient preventive measures to protect against discrimination and to eliminate it.

Poradňa has filed a public lawsuit (actio popularis) in this case under the Anti-Discrimination Act in 2015. In the lawsuit, it argued that the state, represented by the Ministry of Education, was violating domestic and international laws protecting against discrimination by failing to take sufficient preventive measures to protect against discrimination and to take measures to eliminate discrimination against Roma children at the Muránska Dlhá Lúka primary School on the basis of their ethnicity.

The disadvantaged Roma community in Muránska Dlhá Lúka has long lived outside the main built-up area of the village and is residentially segregated. Prior to the 2015/2016 school year, all children from this community (approx. 80 children) up to the 4th grade attended a Roma-only school, which operated in the building of a family house in the centre of the village. For the higher grades (5th-9th) Roma children continued their education at other primary schools in the surrounding villages. Non-Roma children from the village did not attend the local school because their parents enrolled them in other primary schools in the area from the 1th grade onwards.

By its public lawsuit, Poradňa responded to the above-mentioned circumstances of the education of Roma children in the village and other negative developments in this regard that occurred in 2014-2015. In order to address the insufficient capacity of the local primary school building, the Ministry of Education decided in 2014 to finance the construction of a new modular (container) primary school building from the state budget. This was built on a land outside the main build-up area of the village - in the immediate vicinity of a residentially segregated Roma community. In Poradňa we considered this solution as non-systematic, deepening the existing segregation of Roma children from the village. In the proceedings we argued that education in an ethnically segregated school cannot ensure equal access to education for Roma children. We i.a. pointed out the possibility of making effective use of the free school capacities in the surrounding schools in the region and of ensuring the inclusion of Roma children from the village in those schools. This would enable them to be educated together with majority children from the first grade and prevent discrimination against them.

The Bratislava III District Court dismissed the Poradňa's lawsuit in its February 2020 [judgment](#) and the Bratislava Regional Court of Appeal upheld the district court's judgment in its entirety in its October 2021 [judgment](#). It held that the purpose of building a modular school in a locality inhabited only by Roma ethnic group was not to separate, i.a. to segregate, Roma children from majority children and to prevent their contact with each other, since the school in question is attended by Roma children due to the fact that it is a catchment school for them, intended for both Roma and non-Roma children, the affiliation of which is determined by the school's district. The school districts are designed in such a way that Roma and non-Roma pupils alike, according to their place of residence, have the closest possible access to the catchment school, while they can freely choose the school themselves according to the Slovak School Act. Against the judgment of the Court of Appeal, the Poradňa appealed to the Supreme Court of the Slovak Republic, which, by the [judgment](#) of 12 July 2023, reversed the judgment of the District Court Bratislava III in conjunction with the judgment of the Regional Court in Bratislava - in significant part.

The Supreme Court found that the education of Roma children in a school attended exclusively by Roma children built near the disadvantaged Roma community in Muránská Dlhá Lúka had led to their segregation. This conclusion is not affected by the absence of a motive to purposefully discriminate against Roma children, nor by the existence of a legitimate aim to ensure access to education for children closest to their place of residence. According to the Supreme Court, the construction of a modular school close to the local Roma community constitutes a disproportionate and inappropriate means of disadvantaging Roma children by *de facto* segregating them. The fact that the original premises of the school situated in the family home were inadequate was not relevant, nor was the fact that a parent has a legal right to choose a school outside the designated school district for their child.

As in its recent landmark judgment of December 2022 in the widely publicised case of segregation at the primary school in Stará Ľubovňa - Podsadek, the Supreme Court once again stated that „the state, in cooperation with the municipality, must take effective measures (whether by legislative initiative, the creation of incentive conditions or the creation of school districts) to prevent segregation, not just stand by and refer to the strict, often misinterpreted dictum of the law. The determining factor in any approach is the best interests of the child. Indeed, it is in the interest of society as a whole that also children who come from socially disadvantaged backgrounds grow up to be full members of that society, and desegregation efforts in school education will contribute significantly to that goal.”

In the proceedings, the Poradňa requested that the court to order the defendant State, through the Ministry of Education, to develop a so-called desegregation plan within three months of the judgment becoming final, i.e., to propose effective measures, based on an analysis of the situation, to eliminate the discrimination in question and prevent it from occurring in the future. Consequently, the defendants should be required to implement that plan within three years. In this regard, the Supreme Court remanded the case back to the district court for further proceedings, which, after ascertaining the actual facts of the case, is required to rule on the matter, taking into account the enforceability of the judgment.

The judgment of the Supreme Court of the Slovak Republic is final in the part finding segregation at the school in Muránská Dlhá Lúka. The lower courts are bound by its legal opinion.

"The Supreme Court has reaffirmed in this judgment that the education of Roma children in a purely Roma-only school is illegal and constitutes segregation. This is true even in cases where there has been no purposeful separation of children, but segregation has arisen spontaneously, for example as a result of parents' choice of school. The Court also emphasized the State's legal obligation to take effective measures to eliminate segregation. For years, the Ministry of Education has incomprehensibly denied the state's responsibility for this problem in court proceedings. I hope that we live in a country where the state authorities respect the final judgments of the courts and that the Ministry will finally act," **said Vanda Durbáková, the attorney representing the Poradňa in this lawsuit.**

"The fact is that parents from Muránská Dlhej Lúka belonging to the majority have been enrolling their children for years in other schools farther away from the village. It is therefore necessary to ensure that disadvantaged Roma children from the village have effective access to these schools and that these

schools are able to effectively meet the educational needs of every child without distinction. The state must ensure that Roma children can be educated together with other children from an early age. And not only here, but in many other places in Slovakia where segregated Roma schools are a reality," said Štefan Ivanco, programme coordinator of the Poradňa.

"One of the tasks the government has committed to in its adopted recovery plan is to eliminate the double-shift operation that exists at some schools. In light of the Supreme Court ruling, it is important to emphasize that the state must simply no longer address the lack of capacity in segregated Roma-only schools by building new annexes that only perpetuate segregation. On the contrary, it must come up with comprehensive solutions that will lead to desegregation. Segregated education denies disadvantaged Roma children equal educational opportunities and has a literally devastating impact on the mutual relationships of the Roma minority and the majority in Slovakia," added Ivanco.

We would like to thank all the donors who have long supported our strategic litigation of discrimination cases and, as part of that, our work on this case, enabling us to achieve this court decision.

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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

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