



SLOVAK NATIONAL
CENTRE FOR
HUMAN RIGHTS

Ursula von der Leyen
President of the European Commission
Secretariat-General of the European Commission

Helena Dalli
Commissioner
Directorate-General for Justice and Consumers

Paolo Gentiloni
Commissioner
The Directorate-General for Economic and Financial Affairs

Košice, Bratislava, 11 December 2023

Dear President von der Leyen,
Dear Commissioner Dalli,
Dear Commissioner Gentiloni,

We are writing you on behalf of the Slovak grassroots non-governmental organisation the Center for Civil and Human Rights promoting equality and human rights for marginalised Roma minority in Slovakia and the Slovak National Centre for Human Rights, Slovakia's national human rights institution and equality body, which main tasks are to promote equality and tackle discrimination. We pay particular attention to the occurrence of segregation of Roma children in the Slovak education and through our activities we strive to eliminate it.

We would like to bring to your attention the current policy measures of the Slovak government authorities aiming at the elimination of double-shift operation in primary schools near excluded Roma communities. The need to address this problem has been recognised and declared in the Slovak Government Strategy for Equality, Inclusion and Participation of Roma 2030 as well as in the Recovery and Resilience Plan of the Slovak Republic. The Slovak Government specifically intends to address this problem by expanding capacities of the affected schools through new buildings, extensions, annexes and renovations to existing buildings.¹ The respective costs shall be specifically covered from the EU funds allocated for the implementation of the Recovery and Resilience Plan of the Slovak republic.

¹ In August 2022, the Ministry of Education of the Slovak Republic announced a call for municipalities to fund the elimination of the given problem and the call continues to be open. The call states that by the end of 2026, double shift operation in at least 35 primary schools should be eliminated. In relation to this call, in May 2023 the Ministry of Education announced another call, which particularly aimed to provide municipalities with funds for developing projects in order to effectively apply for the funds in the first call from August 2022.

We do not question the importance to eliminate double shift operation in the affected primary schools. However, this problem in reality concerns primary schools in the vicinity of excluded Roma communities that widely educate disadvantaged Roma children in a segregated manner. We observe with great concern that the Slovak government authorities currently support solutions that will lead to expanding capacities of overcrowded primary schools attended solely by marginalised Roma children. We are convinced that these solutions have no potential to contribute to the elimination of segregation of Roma children in education. On the contrary, they will perpetuate and ultimately deepen their segregation. We consider that the solutions chosen by the Slovak government authorities are clearly contrary to the best interest of Roma children. They do not contribute to pursuing their equal educational chances and their inclusion in the Slovak society.

Importantly, the Slovak Government's approach to addressing the given problem clearly ignores the recent final decisions of the Supreme Court of the Slovak Republic, ruling that education of Roma children in an ethnically homogeneous school in the vicinity of a disadvantaged Roma community amounts to their discrimination on the basis of ethnicity.² In view of these landmark judgments, the policy measures chosen by the Slovak Government necessarily have to lead to elimination of the segregation of Roma children in such schools and not to their further expansion.

Ultimately, we are convinced that the Slovak Government's approach to addressing the given problem violates the European Union law.³ We consider the reported development in this regard particularly alarming with regard to the fact that the European Commission already made a decision to file the lawsuit with the Court of Justice of the EU against the Slovak republic for ineffective solutions to segregation of Roma children in special schools and classes as well as in mainstream segregated schools and classes.

Based on the most recent available information, to 6 December 2023, two applications as for providing municipalities with funds for projecting the expansion of the local primary schools educating Roma children in segregated manner, have been approved by the Ministry of Education of the Slovak republic. The recipients are villages Lenartov and Sady nad Torysou. To illustrate the overall problem and describe alternative solution that the Slovak Government should choose - the elementary school in Sady and Torysou in the school year 2021/2022 taught 43 children from marginalised environment (1.-4. grade), overall in two mainstream classes and three special classes for children with intellectual disabilities. The village is placed only 7 kilometres from the city of Košice with a range of large primary schools where children could be easily accommodated and desegregated. We documented that non-Roma children from this locality widely attend other schools from the 1st grade. Notably, the high percentage of Roma children educated in special classes at the given school is alarming and clearly indicate discriminatory practice that the government authorities shall simultaneously address.

The particular attention deserves the town of Stará Ľubovňa, since it was held accountable by the Supreme Court of the Slovak republic in December 2022 for not taking sufficient preventive measures to eliminate the segregation against Roma children at the primary school in the Podsadek district of the town.⁴ The town also joined the call for support of developing project to address the two-shift operation. The project solution presented by the town to eliminate the two-shift operation at the given school is to construct a new building in the immediate vicinity of the original school building and

² Decision of the Supreme Court of Slovak Republic from 15 December 2022, no. 5Cdo/102/2020. Decision of the Supreme Court of the Slovak Republic from 12 July 2023, no. 5Cdo/220/2022.

³ Charter of Fundamental Rights of the European Union, Article 21. Directive 2000/43/EC. establishing equal treatment irrespective of racial or ethnic origin, Articles 2.2a, 2.2b, 2.3, 3.1(g)

⁴ Decision of the Supreme Court of Slovak Republic from 15 December 2022, no. 5Cdo/102/2020.

its modular annex. Based on our assessment, this will obviously result in the perpetuation of the currently existing segregation. In view of the Supreme Court of the Slovak republic judgment, it is necessary that the Ministry of Education does not support the application of the town for funding the presented project solution, but in cooperation with the town develop and implement complex desegregation measures.

We therefore call on you and the European Commission to take immediate action towards the Slovak Government to prevent the spending of the EU funds from the Recovery and Resilience Plan of the Slovak republic for measures, which perpetuate school segregation of Roma children in education and do not have potential for desegregation and inclusion.

We are convinced that in order to effectively resolve the problem of two-shift operation in primary schools in line with the jurisprudence of the Supreme court of the Slovak republic and the European Union law - the Slovak Government must not support the expansion of segregated Roma-only schools near or inside excluded Roma communities, but have to develop and implement complex solutions leading to overall desegregation of such schools. The Slovak government authorities must provide the respective municipalities with comprehensive support in designing, financing and implementing effective desegregation plans. Such complex approach should also consider addressing residential segregation of excluded Roma communities, which influences segregation in education.

We urge you and the European Commission to address with the Slovak Government the necessity to utilize the EU funds in the area of education exclusively in a way that consistently contributes to the desegregation of Roma children and the promotion of diversity of children in primary schools.

Sincerely,

Štefan Ivanco, Program Coordinator of the Center for Civil and Human Rights, Slovakia



Silvia Porubánová, Director of the Slovak National Centre for Human Rights

