



PORADŇA PRE OBČIANSKE A ĽUDSKÉ PRÁVA

CENTER FOR CIVIL AND HUMAN RIGHTS

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PRESS RELEASE

In Košice, 9 May 2024

Municipal Court Bratislava IV did not impose an obligation to desegregate Roma children at primary school in the municipal district of Stará Ľubovňa - Podsadek

At the hearing on 7 May 2024, the Municipal Court Bratislava IV did not oblige the defendant State, represented by the Ministry of Education, and the town of Stará Ľubovňa to eliminate the segregation of Roma children at the primary school in the municipal district of Stará Ľubovňa - Podsadek. The segregation at the local school has already been confirmed by the Supreme Court of the Slovak Republic in December 2022. The municipal court ruled only on the part of the lawsuit that seeks to remedy the illegal situation at the school in question. Our NGO Center for Civil and Human Rights (Poradňa) has been conducting strategic legal proceedings in this matter since 2015.

Commenting on the decision, Vanda Durbáková, a legal representative of Poradňa in this legal case, said:

"The Bratislava IV Municipal Court did not grant part of our motion for the removal of the illegal condition in question, because it is unenforceable in its opinion. For the court, our request to the defendants to remove the illegal condition and prevent it in the future was not sufficient. However, the court did not give any further reasons at the hearing and we will have to wait for the written judgment. The fact is that the unlawful segregated education of Roma children at the school in Podsadek - which was decided by the Supreme Court - still persists. And, according to the Supreme Court, the defendant state and the town are responsible for this state of affairs. In its judgment, the Supreme Court literally stated that the state, in cooperation with the municipality, must take effective measures - whether by legislative initiative, the creation of incentive conditions, or the formation of school districts - to prevent segregation. We will appeal the municipal court's ruling once we have received and become familiar with it."

Štefan Ivanco, program coordinator of Poradňa added:

"We consider that it is not the role of an NGO to propose concrete measures in this matter. It is the responsibility of the State and local municipality to propose and implement concrete steps that will eliminate illegal segregation in education."

Our NGO Poradňa has filed a public lawsuit in the case under the Anti-Discrimination Act since 2015. In the lawsuit, it argued that the municipality and the responsible state authorities, including the Ministry of Education, were violating domestic and international law on protection against discrimination by failing to take sufficient measures to prevent discrimination and to take measures to eliminate the segregation of Romani children in the primary school in the Stará Ľubovňa – Podsadek municipal district. Instead of adopting measures to protect against discrimination, the defendants expanded the capacity of the school, which has long been attended only by socially disadvantaged children from the adjacent Roma community, by building a modular annex opened in the 2014/2015 school year. This measure was considered by Poradna to be unsystematic and, in its view, only perpetuates the segregation of Roma children at the school. In the proceedings, Poradna argued that education in an ethnically segregated school fails to provide Roma children with equal access to education and proposed their inclusion in schools together with other children in the town.

The Bratislava III District Court [dismissed](#) the Poradna's lawsuit in December 2016, and the Bratislava Regional Court of Appeal [upheld](#) its judgment in its entirety in April 2020. However, following our appeal, the Supreme Court of the Slovak Republic, in a landmark ruling in December 2022, [ruled](#) in line with our legal 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 ethnicity. Thus, the lower courts should have ruled only on the part of the claim that seeks to remedy the illegal situation at the school in question and to take measures to prevent segregation in the future.

Specifically, we requested that the court oblige the defendants to remedy the illegal situation and ensure that Roma children are educated without segregation within 6 months of the delivery of the judgment in question.

At its hearing on 7 May 2024, the Municipal Court of Bratislava IV did not grant the relevant part of our motion, stating that in its opinion it was unenforceable. It did not give any further reasons for its decision directly at the hearing.

The decision is not final. We will appeal against the judgment of the Municipal Court once we receive 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

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