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The Slovak Ministry of Education refuses to remove segregation of Roma children at the primary school in a village Muránska Dlhá Lúka. The court decided in its favour.

The Municipal Court of Bratislava IV dismissed part of the lawsuit by which we demanded that the defendant state, represented by the Ministry of Education, remedy the segregation of Roma children at the primary school in the village of Muránska Dlhá Lúka. This results from its judgment of 21 May 2024, which was delivered to us these days. The segregation at this school has already been finally confirmed by the Supreme Court of the Slovak Republic in July 2023. The Municipal Court has only ruled on the part of the lawsuit that seeks to remedy the illegal situation at the given school. Our NGO has been conducting strategic legal proceedings in this matter since 2015.

Commenting on the verdict, Vanda Durbáková, legal representative of the Center for Civil and Human Rights (Poradňa) as the claimant in the court proceedings, said:

"The Municipal Court of Bratislava IV dismissed the part of the lawsuit by which Poradňa as the plaintiff demanded that the defendant Ministry remedy the unlawful situation consisting in the segregation of Roma children at the primary school in Muránska Dlhá Lúka and prevent it from occurring in the future. Surprisingly, the municipal court found our claim to be insufficiently specific. The court essentially required the claimant to propose specific measures to be taken by the defendant Ministry to remedy the unlawful situation. I find the judgment to be inadequately reasoned in this respect and we will appeal against it."

Štefan Ivanco, Programme Coordinator of the Center for Civil and Human Rights (Poradňa), commented on the judgment:

"We believe it is the responsibility of the Ministry of Education to propose targeted and effective desegregation measures in this case and then implement them. The court cannot demand this of us as an NGO. It is paradoxical that the Ministry is currently planning to implement a national desegregation project to develop desegregation plans in selected localities where Roma children face school segregation. But in this court case, it is further rejecting its responsibility to propose solutions and desegregate altogether 50 Roma children attending the school in Muránska Dlhá Lúka. The Ministry should have taken responsibility and acted long ago - not defending itself before court for almost 10 years."

We filed an *actio popularis* lawsuit under the Slovak Anti-Discrimination Act in this case in 2015. In the lawsuit, we argued that the state, represented by the Ministry of Education, was violating domestic and international antidiscrimination laws by failing to take sufficient preventive measures to protect against discrimination and 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 municipality and is residentially segregated. Prior to the 2015/2016 school year, all children from this community up to 4th grade attended a Roma-only primary school, which operated in the premises of a family house in the centre of the village. From 5th grade, Roma children continued their education at other primary schools in the surrounding municipalities. Non-Roma children from the village did not attend the local school because their parents enrolled them in other primary schools in the surrounding municipalities from the 1st grade onwards.

By our lawsuit we have responded to the above-mentioned circumstances of the education of Roma children in the municipality and other negative developments in this regard that occurred in 2014-2015. In order to solve 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 plot of land outside the village main building area - in the immediate vicinity of the residentially segregated Roma community called *Rúbanka*. In our NGO we considered this solution to be unsystematic, deepening the existing segregation of Roma children from the village. In the court proceedings, we argued that education in an ethnically segregated school could not provide Roma children with equal access to education and proposed their inclusion in other schools attended by non-Roma children.

The Bratislava III District Court [dismissed](#) our claim in February 2020 and the Bratislava Regional Court of Appeal fully [upheld](#) the District Court's judgment in October 2021. However, following our appeal, the Supreme Court of the Slovak Republic substantially [reversed](#) the judgments of the lower courts in July 2023. In accordance with our legal opinion, it ruled that the education of Roma children in a school attended exclusively by Roma children, built close to the disadvantaged Roma community *Rúbanka* in Muránská Dlhá Lúka resulted in 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. The Bratislava IV Municipal Court should have ruled on only the part of the lawsuit which seeks to remedy the unlawful situation at the given school and to adopt measures to prevent segregation in the future.

Specifically, we requested that the court oblige the defendant to remove the segregation of Roma children at the Muránska Dlhá Lúka Primary School within 6 months of the delivery of the judgment and to prevent it in the future.

The Municipal Court of Bratislava IV by its [judgment](#) of 21 May 2024, did not grant the relevant part of our motion, stating that in its opinion it was unenforceable. It did not consider our proposal to be sufficiently precise, definite and comprehensible. It provided no further reasons for its conclusion.

The decision is not final. Our NGO, as the claimant, will appeal against it and the case will thus go back to the Regional Court in Bratislava.

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The Center for Civil and Human Rights (Poradňa) is a non-governmental organization dedicated to the protection of human rights and freedoms, with a focus on the protection of minority rights and protection against discrimination. It has long been combating discrimination against the Roma minority in various areas of life in Slovakia. It also focuses on the protection of reproductive rights and the issue of police violence. Poradňa uses strategic litigation to challenge discrimination and violation of the human rights of minorities. It provides free legal assistance in selected cases of human rights violations and free legal representation in proceedings before Slovak courts and the European Court of Human Rights in Strasbourg. It also carries out field monitoring, and advocacy activities in relation to state institutions and conducts educational activities in the field of protection against discrimination for the professional and lay public. Website: <https://poradna-prava.sk/en/>

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