



Civil society monitoring report  
on implementation  
of the national Roma integration strategy  
in Slovakia

*Assessing the progress  
in four key policy areas  
of the strategy*

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Centre for the Research of Ethnicity and Culture  
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## LIST OF ABBREVIATIONS

2013 Atlas	Atlas of Roma Communities of 2013
ACEC	Association for Culture, Education and Communication
ALMP	Active Labour Market Policies
CCM	Community Centre of Minorities
CLA	Centre for Legal Aid
COLSAF	The Central Office for Labour, Social Affairs and Family
CVEK	Centre for the Research of Ethnicity and Culture
CVTI	Centre for the Scientific Information
EC	European Commission
ECHR	The European Court for Human Rights
ERDF	European Regional Development fund
ESF	European Social Fund
ESIF	European Social and Investment Funds
FRA	Fundamental Rights Agency of the European Union
GPRC	Government Plenipotentiary for Roma Communities
HR	Healthy Regions Agency
IFP	Institute for Financial Policy
IGO	Intergovernmental organisations
IROM	Integrated Regional Operational Programme
MESRS	Ministry of Education, Science, Research, and Sport
MLSAF	Ministry of Labour, Social Affairs and Family
MoE	Ministry of Environment
MoH	Ministry of Health
MoI	Ministry of Interior
MoF	Ministry of Finance
MoJ	Ministry of Justice
MPC	Methodical-Pedagogic Centre
MRC	Marginalised Roma Communities
MTaC	Ministry of Transportation and Construction
NCHR	The National Centre for Human Rights
NGO	Non-governmental organisation
NEET	Not in education, employment or training
NIT	The National Institute of Tuberculosis, Pulmonary Diseases and Chest Surgery
OGPRC	Office of the Government Plenipotentiary for Roma Communities
Ombudsperson	The Public Defender of Rights
OPHR	Operational Programme Human Resources
OSF	Open Society Foundations
PHA	Public Health Authority
PSHDG	Platform for Supporting Health of Disadvantaged Groups
RAVS	Roma Research and Advocacy Centre
RCLF	Research Centre for Labour and Family
REF	Roma Education Fund
RHM	Roma Health Mediator
RICPP	the Research Institute of Child's Psychology and Pathopsychology
ROMED	Roma Media – ROMED
RPHA-T	Regional Public Health Authority - Trebišov
SNCHR	Slovak National Centre for Human Rights
TB	Tuberculosis
UNDP	United Nations Development Programme



## EXECUTIVE SUMMARY

This report aims to deliver critical yet balanced and, importantly, evidence-based monitoring of state policies aimed to address the inequalities, discrimination and antigypsyism that Roma experience in employment, housing, health and education.

The report particularly welcomes the willingness of State authorities to adopt systemic legislative and policy measures with the potential to facilitate inclusion of disadvantaged Roma, including a new bankruptcy regulation, new regulations simplifying legalisation of parcels underneath Roma settlements, or the introduction of free universal lunch for children in their final preschool year in kindergarten and through elementary school. Equally among the positive developments, we include efforts to scale up and sustain positive practices such as the janitors in housing, civic guards, school assistants and healthcare mediators. However, institutionalisation of these mostly aiding professions into legislation and/or the State budget still remains an unanswered challenge.

The report identifies several key weaknesses in integration policies that merit more vigilant attention. First are the delays in using European Structural and Investment Funds (ESIF), particularly relevant for infrastructural programmes. Second, and related, is that while the state offers funding and sometimes good practices to municipalities to address the situation of their deprived communities, in practice, it somewhat lacks effective means of enforcement in cases of their neglect. Third, especially in housing and education, we observe that, at best, there are efforts to improve living standards and education through housing and schools for Roma. We argue that both residential segregation and various forms of segregation of Roma children experienced from early age until their secondary school studies remain the practices most ignored by state authorities. Furthermore, as illustrated through cases of poor school attendance among disadvantaged students and workfare programmes, state authorities should focus on addressing the complex social and structural causes of problems rather than blaming and sanctioning those with few opportunities to help themselves, thereby reinforcing their exclusion trap. Finally, the design of policies, monitoring and evaluation, and data collection all require the adoption of an intersectional perspective considering the particularly vulnerable situation of Roma women and children.

### Employment

With Slovakia's economic growth, the employment rate of Roma has palpably increased as well. Private companies more frequently reach out to marginalised communities to train and recruit their workforce. However, data also indicate that Roma are more likely to work in short-term, instable occupations or stay in the grey economy. The most vulnerable groups such as youth not in education, employment or training (NEET) and women continue to struggle. The choices of Roma women, particularly from the most disadvantaged communities, are significantly curtailed due to lower qualifications, gender and ethnic stereotypes as well as inaccessibility of child care services and tangible options to commute to work.

The chapter notes that large-scale national projects worth millions of euros from ESIF focused on requalification or subsidizing employment positions for job-seekers lack monitoring and evaluation measuring the impact on Roma, Roma youth and Roma women. Our monitoring on the ground indicates that offered courses and trainings from these funds offered to unemployed Roma (under the threat of being deregistered as unemployed), often remain formal and provide little assistance in finding jobs.

Still, the chapter acknowledges that the promising recently adopted regulations to support social enterprises and public procurement with social aspects may provide a path to the labour market for the most disadvantaged job-seekers. Additionally, the newly adopted bankruptcy regulation, discussed as an example of promising practice, provides disadvantaged Roma, among others who have found themselves in a debt trap, a tangible

opportunity for a new beginning, including finding a job without facing wage deductions. It is rather paradoxical that at the same time, Slovakia continues to dwell on the workfare programme, which targets primarily poor Roma and evidently hinders their opportunities to find employment and reinforces the local power inequalities and anti-Gypsyist stereotypes that justified this policy in the first place.

2018 also marked the final victory of the first successfully litigated case of ethnic discrimination in employment. For eight years, Viera Pompová, a Roma woman, fought for the recognition that the town of Spišská Nová Ves had discriminated against her because of her ethnicity in applying for a position of a social field worker despite being more highly qualified and able to speak Romanes, unlike the successful non-Roma applicants. In this section, we also argue that ethnic discrimination when applying for jobs and at work remains a prevalent and yet unaddressed practice.

## Housing and essential public services

While the available data indicate progress in accessibility to tap water, hygienic facilities and electricity since 2016, a significant gap between Roma and non-Roma in the quality of housing remains. The chapter thus notes that access to and quality of drinking water continues to be an issue in some localities; recent promising legal changes simplifying legalisations of lands in Roma settlements facilitated by a nationwide project should help. This, however, entirely depends on the willingness of municipal authorities to convey such processes as municipalities face no palpable sanctions for their failure to provide basic services or, indeed, refrain from illegal evictions. These concerns, among other issues, fire safety, waste management and spatial planning sensitive to the existence of poor communities and the drawing of available state or European funds.

The so-called flats of a lower standard housing scheme, which has been around since 2002 and represents the most significant housing scheme addressing the situation of Roma, indicates that even those municipalities willing to invest into housing targeting Roma rarely do so in an integrated manner. Indeed, even alternative housing programmes such as self-aid construction pursued by municipalities or NGOs are typically in “Roma-designated areas”. Slovakia’s use of funds from European Regional and Development Fund (ERDF) on housing, including social gradual housing, which could perhaps address residential segregation, has been significantly delayed. Finally, it is notable that in 2018, the Via Iuris NGO, defending Roma families that had been moved from the centre of the town of Sabinov to a newly developed segregated area for Roma called Telek, for the first time finally won a case involving residential segregation. The applicants sued not only the town for building such housing but also the Ministry of Transportation and Construction (MTaC) for failing to ensure that the state subsidy did not violate prohibition of discrimination.

The chapter argues that the ability of national or local policy makers to engage in an intersectional approach towards housing is limited and indeed lacking, even in the NRIS’s revised action plan. Little or no attention is given to the situation of single parents, particularly mothers, as it is somewhat “assumed” that they tend to stay with their larger families.

The chapter rather extensively discusses the still-unaddressed issue of environmental hazards and discrimination against Roma. This ranges from insufficient waste collection services, exposure to illegal waste dumps of former industrial sites in proximity to settlements and increased risks of flooding to air pollution, which particularly disadvantages poor Roma, with an increased risk posed to the most vulnerable members such as children.

As a rather unique example of the gradual regeneration of a deprived neighbourhood, the chapter discusses the efforts of Luník IX, Slovakia’s largest urban ghetto as a promising practice.

## Impact of health care policies on Roma

The health status of Roma from marginalised communities is significantly worse than that of the majority population, as confirmed by recent data indicating that the average life expectancy of Roma is on average 6 years shorter than that of the non-Roma population. The infant mortality rate is on average three times higher among Roma children in comparison to non-Roma.

The chapter argues that despite a rather comprehensive ambition of the revised action plan on health of the NRIS to reduce inequalities in health, the core and, indeed, the only activity in this area is the national project administered by the Ministry of Health's agency Healthy Regions, with 245 health mediators. This programme, which evolved from and thanks to the enormous advocacy efforts of NGOs into a nationwide programme, seeks to raise awareness about health as well as improve access to healthcare services. Recently, the agency has been piloting a programme of health mediators working in maternity wards. As discussed through an example of a promising practice, partnership between health mediators and health authorities and medical professionals is invaluable in curbing infectious diseases such as tuberculosis affecting poor communities.

Despite a high health level of insurance coverage (95 per cent), the chapter notes that outstanding debts towards health insurance companies or certain administrative procedures may create obstacles in seeking healthcare, leaving some patients to exclusively use emergency services that are constrained by the new fees imposed on those seeking treatment that is not considered to fall within the scope of emergency care. More fundamentally, however, the most significant barriers to healthcare are presented by distance, various hidden costs for travelling or contribution for drugs or health services and low healthcare awareness. Moreover, Slovakia generally faces significant challenges in ensuring a sufficient number of health professionals per capita, which has an adverse impact on the most vulnerable groups with limited social capital and resources. Indeed, recent data confirm that Roma use by 30 per cent fewer healthcare services.

Furthermore, the chapter argues that the programme recruiting health mediators from among marginalised Roma is the most effective measure to address lower vaccination rates among the Roma population, as also revealed during an outbreak of measles in several eastern Slovak districts in 2018.

Efforts to tackle discrimination in healthcare settings should be greatly reinforced, including the disturbing and unaddressed practices of segregation of Roma women in maternity wards and Roma children in hospitals, accompanied with lower-standard and frequently humiliating treatment. There are limited, if any, measures aiming to train healthcare personnel on reducing discrimination and anti-Gypsyism, and the accessibility to available complaint mechanisms remains questionable.

Furthermore, protection and respect of reproductive rights of Roma women should be more central to the State's policies. Specifically, state authorities should finally fully investigate and remedy all cases of past involuntary sterilisation of Roma women while ensuring that Roma women are neither discriminated against nor penalised by seemingly neutral rules on childbirth allowances and stays in hospitals. In addition, more attention should be paid to reproductive and sexual health awareness and access to safe and legal contraception and appropriate health awareness activities.

## Education

Roma children continue to experience inequalities in accessing quality integrated education from an early age. Among the most promising systemic measures is still only a plan to introduce a single compulsory year of preschool education, as the first in a series of steps to address low preschool participation of Roma children to be introduced in September 2020. The measure should create extra pressure on local administration to build preschool capacities, for which Slovakia has allocated significant funds from ERDF. So far,

approximately half of the allocated funding targeting municipalities with Roma communities (50 millions EUR) has been contracted.

The Ministry of Education, Science, Research and Sport (MESRS) has not yet evaluated the impact of the subsidy for poor children attending kindergarten from the age of three introduced as of 1 January 2018 for preschool enrolment among Roma children. Our mapping indicates that this subsidy of approximately 164 EUR a year per child payable to the kindergarten likely does not cover the costs of fees normally requested from parents in state facilities. Additionally, for families with one parent working for minimum or below-average wage, after losing the status of being in material need and thus the exemption from schooling fees, kindergarten practically becomes inaccessible. On the other hand, the introduction of universal free lunch for all children as of 1 January 2019 for all children in their last preschool year is likely to improve accessibility of kindergartens for poor families.

The chapter discusses an NGO initiative that supports parents' skills to educate and care of children aged zero to three, specifically targeting disadvantaged Roma communities, an example of a promising practice. The programme is worth scaling up to fill the complete lack of similar state services for this age group.

For kindergartens, similarly to elementary schools, the only assistance in terms of extra support staff and funding of extracurricular activities targeting disadvantaged schools comes from so-called national projects funded from ESF. Nevertheless, we find no progress in addressing the disproportionately high rate of grade repetition in districts with high shares of Roma children. Indeed, 2018 data show that only half of Roma children completing monitoring in grade 5 make it to grade 9. Furthermore, while discussing the high absenteeism in these districts in detail, we find that rather than addressing the causes of poor school attendance among disadvantaged Roma children, the state relies on the criminal prosecution of the parents. This strategy not only fails to address the causes of the problem but also traps families at societal margins by preventing parents from finding work and better housing for their children.

The issue of segregation of Roma children present in kindergartens, elementary schools as well as in secondary schools remains unresolved. Indeed, in November 2018, several key state representatives (the ombudsperson, the main state school inspector, the government plenipotentiary for Romani communities (GPRC) and the head of the state psychological institute) called on the government to adopt measures to tackle segregation at elementary schools because up until that time, there had been no palpable progress in their view.

In our chapter, we note a significant drop in children enrolled into grade one of variant A special schools in 2018/2019; however, without any support measures, it is highly likely that children with various educational needs will be streamed back to special schools in the higher grades. Moreover, overall the recent data produced by the state think tanks at the Ministry of Finances and MESRS indicate that in 2017/2018, Roma were disproportionately streamed into special schooling as they form 50.8 per cent of children of special classes in regular schools and 41.7 per cent of children in special schools. 18.5 per cent of Roma children were in 2017/2018 enrolled into special school track. While the MESRS somewhat fails to recognise the spreading spatial segregation, NGOs with the GPRC and the main state school inspector developed a proposal on how to address this phenomenon even in districts with high shares of Roma; however, so far, without any promise to be materialised through pilot testing as proposed. Likely the only systemic measure increasing the quality of education for poor children that can also help in desegregation is the introduction of universal free lunch, planned to start in September 2019.

The chapter refers to the disturbing and expanding trends of segregated Roma children due to the development of branches of secondary vocational schools next to settlements. Over the last three years, the number of such schools (state and private) has increased

from 87 to 117. As we argue, the incentives for school providers to open such facilities, which provide inferior education in a segregated setting, are mostly financial. Moreover, a common programme taught at these schools, “A Practical Lady”, not only provides no opportunity to gain qualified work but also reinforces the troubling sexist and anti-Gypsyist stereotypes about Roma women.

### Case Study

The case study presents the municipality of Raslavice that has been successful in drawing EU funds for Roma inclusion over several years. While relying on rather conventional tools of community work and field social work, the municipality is also interesting for its accomplishments in housing as well as in employment approach through a municipal firm. One of the challenges remains education, in particular to increase pre-school enrolment and to increase the quality of the primary schools, especially to ensure the transition to regular secondary schools. Similarly to other localities (even successful ones), addressing residential segregation remains an issue despite the improved quality of living standard of the Roma families.



## INTRODUCTION

This report aims to deliver critical yet balanced and, importantly, evidence-based monitoring of state policies aimed to address the inequalities, discrimination and antigypsyism that Roma experience in employment, housing, health and education.

The report particularly welcomes the willingness of state authorities to adopt systemic legislative and policy measures with the potential to facilitate inclusion of disadvantaged Roma. The report underlines several key examples: a new bankruptcy regulation designed with a view on low-income families that have found themselves in debt traps that prevent them from entering the labour market and accessing housing; new regulations simplifying legalisation of parcels underneath Roma settlements, with a potential to address particularly people living in the most deprived and neglected communities; and the introduction of free universal lunch for children in their final preschool year in kindergarten and through elementary school, which may, among other things, help in desegregation and reduction of inequalities among pupils. We are eager to see the implementation of a plan to introduce a compulsory one year of pre-schooling for all children, anticipated for 2020. Equally among the positive developments, we include efforts to scale up and sustain positive practices such as the janitors in housing, civic guards, school assistants and healthcare mediators. However, institutionalisation of these mostly aiding professions into legislation and/or the state budget still remains an unanswered challenge.

The report identifies several key weaknesses in integration policies that merit more vigilant attention. First are the delays in using ESIF funds, particularly relevant for infrastructural programmes. This is likely caused by complex factors, the willingness of municipalities to apply for these funds being among the key ones. Second, and related, is that while the state offers funding and sometimes good practices to municipalities to address the situation of their deprived communities, in practice, it somewhat lacks effective means of enforcement in cases of their neglect. Third, especially in housing and education, we observe that, at best, there are efforts to improve living standards and education through housing and schools for Roma. Indeed, over several decades, Slovakia built parallel communities and segregation in schools spread significantly. We argue that both residential segregation and various forms of segregation of Roma children experienced from early age until their secondary school studies remain the practices most ignored by state authorities. Furthermore, as illustrated through cases of poor school attendance among disadvantaged students and workfare programmes, state authorities should focus on addressing the complex social and structural causes of problems rather than blaming and sanctioning those with few opportunities to help themselves, thereby reinforcing their exclusion trap. Finally, the design of policies, monitoring and evaluation, and data collection all require the adoption of an intersectional perspective considering the particularly vulnerable situation of Roma women and children.

This report has been prepared by a consortium of seven Roma and pro-Roma NGOs drawing on the analysis of policy documents, legislation and other sources of state and municipal policies, academic literature, expert reports, and data produced by NGOs and intergovernmental organisations, especially the Fundamental Rights Agency of the EU (FRA), United Nations Development Programme (UNDP) and the World Bank. We have also prepared 19 semi-structured interviews with key stakeholders, including the GPRC, the Ombudsperson (the Public Defender of Rights), the head of the State Research Institute of Child Psychology and Pathopsychology, principals of kindergartens and elementary schools, a mayor, social field workers and Roma parents. We have also approached another 24 key state, municipal and professional institutions and individuals that preferred to respond in writing to our questions, including the MESRS, the Ministry of Health (MoH), the Ministry of Interior (MoI), The Ministry of Labour, Social Affairs and Family (MLSAF), The Ministry of Justice (MoJ), MTaC, the Ministry of Environment (MoE), the Central Office for Labour, Social Affairs and Family (COLSAF), the Slovak National Centre for Human Rights (SNCHR), the Main School Inspector, four Higher Regional Units

(Bratislava, Košice, Prešov and Banská Bystrica), a private health insurance company, a couple of professional associations of medical practitioners, medical doctors, and the Health Emergency Centre. Furthermore, five members of this consortium (People in Need, Roma Platform, RAVS, the Community Centre of Minorities and Romed) that are active at the grassroots level have prepared a total of 34 short memos describing their experience from practice on key areas or issues relevant for Roma inclusion such as early childhood education and care, segregation in education, early marriages and education, tutoring and mentoring programmes for Roma children and youth, employment policies, discrimination in employment, housing programmes, residential segregation and environmental hazards, housing policies and single parents. The memos thus in total mapped the situation in 20 localities in the western, central and eastern parts of Slovakia, covering both large, medium size and small towns and municipalities with Roma communities living both in integrated and segregated settings.



## EMPLOYMENT

With the economic growth, the employment rate of Roma has also palpably increased. However, some of the most vulnerable groups of Roma, most notably youth and women, still struggle to enter the labour market. Moreover, Roma are more likely to work in short-term, unstable occupations with an elevated risk to be among the first ones to be dismissed during economic slow-down and crisis.<sup>1</sup> According to the only available state data gathered by the state think-tank based at the Ministry of Finance, the Institute for Public Finances (IFP), 21% of Roma aged 15-64 years were regularly employed in 2017. The IFP's data indicates that the lowest share of employed Roma measured since 2004 was in 2012 and amounted to around 15%. The share of employed Roma in 2017 still significantly lagged behind the non-Roma population, reaching 51%. Thus, employment of Roma has been growing at a significantly slower pace than in the case of the non-Roma population. The registered unemployment rate among Roma in marginalised areas was at more than 40%, while in the case of non-Roma population in the same areas it was at 8%. The rate of registered unemployed Roma has decreased from around 54% in 2016. In the case of the non-Roma population, it was at 11.2%. However, the IFP explains that this is likely the result of stricter policies of registration of the employed as it did not materialise in employment rates.<sup>2</sup> Moreover, among the key issues remains the gender gap in the Roma population as in 2017 only 16% of Roma women had regular employment, in comparison to 49% of non-Roma women. Rather worrying is the inability state policies to promote integration of youth NEET, particularly for Roma and Roma women. The FRA points to a significant increase in Roma NEETs, rising from 44% in 2011 to 64% in 2016 aged 16-24 years. By contrast, in the case of the general population, the share has slightly dropped from 14% in 2011 to 12% in 2016. The increase among Roma women was more significant, rising from 37% in 2011 to 70% in 2016, in comparison to Roma men (52% to 61%).<sup>3</sup>

In terms of policy design, the impact of Active Labour Market Policies (ALMP), funded the ESF through national programmes worth millions of euros, on raising human capacities and employment of the Roma, in particular youth and women, remains questionable. The most prevalent employment policy remains in practice the workfare programme, which seems to perpetuate the rather enormous power inequalities faced by Roma at the local level rather than providing a path to integration.

### Improving access to labour market and effectiveness of employment services

The legislation on ALMP does not list Roma as a targeted group among so-called disadvantaged job seekers.<sup>4</sup> The legislation is blind to ethnic grounds of disadvantage, defining disadvantage on the basis of age, such as youth up to 26 years who, after completion of school or training, have been without a job for less than 2 years (NEET) and the unemployed older than 50 years old having long-term unemployment status (12

<sup>1</sup> Hidas, Zuzana Lafféřsová and Gabriel Michalica, *Inklúzia Rómov je celospoločenskou výzvou: Pohľad na výsledky Rómov na trhu práce a vo vzdelávaní cez administratívne dáta* (Bratislava: IFP, 2018) at 2, available at: <http://www.finance.gov.sk/Default.aspx?CatID=11824>, [Inclusion of Roma Remains an Overarching Social Challenge: An Outlook on Roma's Outcomes at the Labour Market and in Education through Administrative Data].

<sup>2</sup> *Ibid.*

<sup>3</sup> Data disaggregated for non-Roma women and non-Roma men were not available. Please see FRA, *A Persisting Concern: anti-Gypsyism as a barrier to Roma inclusion* (Luxembourg: Publication Office of the European Union, 2018) at 37-38.

<sup>4</sup> Para 8 of the Act 5/2004 on Employment Services, as amended.

months or more). The legislation also defines single parents and people with disabilities as disadvantaged job seekers.<sup>5</sup>

The effectiveness of ALMP has been rather extensively questioned by the state think tank IFP. The IFP, in their 2016 report, for example, criticised that 60% of ALMP targeted the short-term employed, while only 40% focused on the long-term unemployed.<sup>6</sup> The report also indicated that Slovakia's recent reform of labour services, which seeks to provide individualised, targeted and expert services to clients, had not been delivering the expected outcomes. The IFP calculated that the number of clients per special counsellor for employment at the labour offices still remained high, reaching 2,280 clients per counsellor. Their report also observed that while labour offices were rather effective in providing requalification courses and ensured participation in the workfare programmes,<sup>7</sup> they were ineffective in delivering results, i.e. placement of job-seekers in the labour market. However, as acknowledged by the IFP, some policies may not have the objective of actual employment, but sustaining the so-called working habits of the long-term unemployed.<sup>8</sup> The recent report of IFP calculated that job seekers without a disadvantage are receiving more support within the ALMP than job-seekers with a certain disadvantage. Moreover, recipients of material need benefit are significantly more likely to be offered merely a participation in the workfare programme that we discuss below.<sup>9</sup>

Based on our monitoring, we would like to point out that support and counselling services after placement in the labour market, especially for the long-term unemployed facing specific challenges, have been missing. Moreover, we rarely encounter reach-out activities by labour offices for Roma unemployed living in marginalised areas, and particularly rarely for women. People in Need, in their memo noted that *"the needs of Roma were not heard, they did not receive sufficient information, palpable job opportunities were not offered. Their registration with the labour offices was merely formal."*<sup>10</sup> The experience gathered by the Roma Platform confirms the findings of the IFP, noting that *"employees of the labour offices did not have time to duly work with their clients"*.<sup>11</sup> According to experience in western Slovakia, job-seekers were merely referred to the labour office's notice board or their website to gather information about available requalification courses, for example.<sup>12</sup> Several interviewed Roma had positive experiences at a labour office during their last visit, while others believed that they had been treated differently due to their

<sup>5</sup> *Ibid.* Please note that support to long term job seekers is geared only to Slovak citizens and asylum holders.

<sup>6</sup> Slavomír Hidas, Katarína Valková and Peter Harvan, "Veľa práce na úradoch práce: Efektivita a účinnosť služieb zamestnanosti", (Bratislava: Institute for Financial Policy, 2016) at 4, available at: <http://www.finance.gov.sk/Default.aspx?CatID=11228>, [Too Much Work at Labour Offices: Effectiveness and Impact of Employment Services].

<sup>7</sup> Please see in more detail on these programs in section 'Employment alternatives in areas with limited labour market demand', below.

<sup>8</sup> Hidas *et al* 2016, *supra* note 6 at 16-21.

<sup>9</sup> Tomáš Hellebrandt and Michaela Bednarik, *Revízia výdavkov na skupiny ohrozené chudobou alebo sociálnym vylúčením: Priebežná správa* (ÚHP and IVP: Bratislava, 2019) at 50, available at: <https://www.finance.gov.sk/sk/financie/hodnota-za-peniaze/revizia-vydavkov/ohrozene-skupiny/>, [Revision of Expenditures on Groups at Risk of Poverty or Social Exclusion] (Revision of Expenditures). This data is based on mapping prepared for Atlas of Roma communities in 2013 and cover all Roma population captured in this mapping, i.e. those living in segregated communities as well as in integrated settings. However, the authors note that while in the Atlas the share of Roma living in marginalized areas amounted to approximately half of overall Roma population living in Slovakia, in their study, the share of marginalized Roma was at 71%. This data was analysed in relation to data contained in state administrative databases in social area, education and health and consequently anonymized. *Ibid.* at 15.

<sup>10</sup> People in Need memo on employment I prepared for this report.

<sup>11</sup> Roma Platform, memo in employment I prepared for this report.

<sup>12</sup> RAVS memo on employment I prepared for this report.

ethnicity and social status.<sup>13</sup> In addition, Jarmila Vaňová of ROMED cautioned that there may be systematic barriers in accessing ALMP as clients may have problems with comprehension in Slovak and understanding of administrative procedures. Vaňová explained: *"a number of Roma had problems with understanding in the state language; they did not understand since things were often not explained to them clearly (...) registration requires the ability to fill out a certain form. The form is not simple even for a person with a higher education (...) so people were taking them home and social field workers were helping them to fill it out."*<sup>14</sup>

Furthermore, according to the experience of People in Need, disadvantaged Roma job seekers are often offered jobs too far for them to commute. Grassroots NGOS also reported that labour offices often offer courses regardless of the actual capacities, skills or interests of job-seekers, using as an example a 20-day course on Operator of Production in the automobile industry. Saliently, participation in such requalification courses is enforced by a threat that refusal to participate means a lack of cooperation with labour offices<sup>15</sup> that would lead to deregistration from the unemployment register.<sup>16</sup> To our requests specifically asking about programmes for support of employment of the Roma, the MLSAF referred to funding of social field workers and community centre workers as key instruments to support employment of Roma rather than, for example, Labour Offices.<sup>17</sup>

The inability of general ALMP policies to effectively address the particularly disadvantaged situation of Roma is also illustrated by the design of a subsidy for individuals and families of job seekers unemployed at least three months who would like to move for work at least 70 kilometres from their region. It amounts to maximum 4,000 euros or the maximum of 6,000 euros in the case of a married couple. Since the majority of marginalised Roma live in disadvantaged regions, this could be, in theory, a useful form of support to expand their employment opportunities. However, it is designed in a manner that makes it inaccessible for poor Roma. The subsidy is reimbursed on the basis of the actual expenses of such a rental agreement and rent payments, a proof of the changed permanent residency along with the permanent working contract.<sup>18</sup> The law does not envisage any supporting or counselling services that would facilitate the kind of transition that may be needed by disadvantaged families, for example. Most significantly, given the discrimination in the real estate market,<sup>19</sup> a Roma family would hardly be able to find a commercial rental. Very limited social or municipal housing is also inaccessible for newcomers. It is also unlikely that a disadvantaged Roma family would be able to accumulate sufficient funds to purchase a flat or get a commercial mortgage to buy a property in more developed and thus more expensive areas of Slovakia. Finally, the change of permanent residency that must be approved by the flat owner in case of a commercial rental would also be rather challenging, leaving Roma just the option to be registered with the municipal office as people without home, and thus likely not meeting the requirements for the subsidy.

<sup>13</sup> Experience gathered by Roma Platform, People in Need, Roma Media and RAVS presented in their memos I and II on employment, prepared for this report.

<sup>14</sup> Roma Media, memo on employment I prepared for this report.

<sup>15</sup> Para 36 sec 2 of the Act on employment services, *supra* note 4 as amended. In 2017, labour offices introduced stricter rules for required cooperation that IFP believed to led to reduction of registered unemployed among Roma. Hidas *et al*, *supra* note 1 at 2.

<sup>16</sup> People in Need memo on employment I prepared for this report.

<sup>17</sup> *Civil Society Monitoring Report on the Implementation of the National Roma integration Strategy in Slovakia* (Brussels: EC, 2018), at 21-24, available at: [http://cvek.sk/wp-content/uploads/2018/04/RCM\\_2017\\_Slovakia\\_EC\\_approved.pdf](http://cvek.sk/wp-content/uploads/2018/04/RCM_2017_Slovakia_EC_approved.pdf)

<sup>18</sup> Para 53c of the Act on Employment Services, *supra* note 4.

<sup>19</sup> Please see in more detail in section 'Fight against Residential Segregation, Discrimination and Other Forms of antigypsyism in Housing', below.

Targeted initiatives creating opportunities for Roma women experiencing multiple discrimination to find employment have been missing.<sup>20</sup> The updated Action plan implementing NRIS lacks such perspective.<sup>21</sup> The MLSAF, in an official statement, responded that Roma women could access ALMP as any other job-seekers.<sup>22</sup> Indeed, the deficiencies of an approach ignoring multiple disadvantage of Roma women is illustrated in an example from the settlement Roškovce in the municipality Dolný. People in Need, providing community services in this locality, reported that in May 2018 the local labour office offered Roma women living in this segregated community short-term cleaning positions for Slovak Railways in Košice. Such jobs, however, required travel for weekly shifts that women having around 10-12 children could hardly undertake. There are very limited opportunities for Roma women to place their child in a nursery (there is none) or a kindergarten (very limited places). The daily commute would last approximately 2 hours each way, making it impossible for the women to take such positions.<sup>23</sup> Indeed, along with the missing child care services,<sup>24</sup> as noted by one of the community centre's employees, *"transportation to work is among the key barriers in accessing employment for Roma from disadvantaged communities, particularly for the women"*.<sup>25</sup>

In terms of employment of NEETs, as noted in the introduction, the share of young Roma, particularly Roma women aged 16 to 25 years, is concerning and has significantly increased between 2011 and 2016.<sup>26</sup> The MLSAF notes in their report on the implementation of the NRIS in Slovakia in 2017 that there were no mentoring programmes supporting transition from school to employment. While the MLSAF has issued a call to support such services, none of the supported projects focused on mentoring, stipend support or a second chance programme.<sup>27</sup>

There is a major project funded from ESF called the National Project Education of Youth targeting three activities: requalification REPAS+, support of key employment skills (KOMPAS+) and direct financial assistance for those NEETs who either started their own business or were able to find work.<sup>28</sup> Slovakia has indeed allocated significant funds to the direct financial support of youth NEETs below 25 or 29 (depending on the length of their unemployment) as set out in the legislation on ALMP.<sup>29</sup> Similarly, Slovakia directly provides

<sup>20</sup> Please see also on multiple discrimination of Roma women, in *Civil Society Monitoring Report 2018*, *supra* note 17, at 27-28.

<sup>21</sup> Updated Action Plan on Education of the Strategy of the Slovak Republic on Roma integration until 2020, for 2019-2020, D.2.2 employment, adopted on 17 January 2019, government resolution No. 25/2019, available at: <https://rokovania.gov.sk/RVL/Negotiation/963>

<sup>22</sup> Official response on the MALF to our request for the preparation of this report of 18 October 2018.

<sup>23</sup> People in Need memo on employment I prepared for this report.

<sup>24</sup> Please see section 'Access to early childhood care and preschool education', below.

<sup>25</sup> People in Need memo on employment I prepared for this report.

<sup>26</sup> Please see data cited in the introduction of this chapter.

<sup>27</sup> The Ministry of Interior, Monitoring report of the Strategy of the Slovakia for Integration of Roma until 2020 for 2017 acknowledge by the government on 18 September 2018, appendix 1, activity 1.1. employment, available at: <http://www.rokovania.sk/Rokovanie.aspx/BodRokovaniaDetail?idMaterial=27773>. (Monitoring Report of NRIS)

<sup>28</sup> The overall allocation was almost 29 millions EUR, "Vzdelávanie uchádzačov o zamestnanie", [Education of Job-Seekers], OP Human Resources, information available at: [https://www.upsvr.gov.sk/buxus/docs/SESF/Opis\\_NP\\_Vzdelavanie\\_UoZ.pdf](https://www.upsvr.gov.sk/buxus/docs/SESF/Opis_NP_Vzdelavanie_UoZ.pdf)

<sup>29</sup> See e.g. "Reštart pre mladých UoZ .- 2" [Restart for Youth Job-Seekers] with allocation of almost 29 million euro, through priority axis 2, OP Human Resources, information about the project is available at: [https://www.upsvr.gov.sk/buxus/docs/KGR/narodne\\_projekty/Restart\\_pre\\_mladych\\_UoZ\\_2/Oznamenie\\_NP\\_Restart\\_RM2\\_Aktualizacia\\_2.pdf](https://www.upsvr.gov.sk/buxus/docs/KGR/narodne_projekty/Restart_pre_mladych_UoZ_2/Oznamenie_NP_Restart_RM2_Aktualizacia_2.pdf). This is already the second project of this kind, National Project Úspešne na trhu práce [Successfully at the Labour Market] targeting job seekers up to 25 or 29 years old (depending on the length of their unemployment) with a subsidy for a paid apprenticeships or creation of a new working positions or self-employment. Please see National Project "Úspešne na trhu práce", [Successfully at the Labour Market] Aktivita 1 "poskytovanie finančného príspevku na podporu vytvorenia pracovného miesta v prvom pravidelnom

financial support for long-term disadvantaged job-seekers through a subsidy set out in the legislation on the ALMP through nationwide projects.<sup>30</sup>

When implementing such a national project, the COLSAF does not evaluate its impact on marginalised Roma, however, noting that Roma youth and adults are among the disadvantaged job seekers.<sup>31</sup> So far, there have been no comprehensive evaluations measuring the impact of these large-scale programmes worth millions of euros on this particular group. Our partial data based on monitored localities indicate that ALMP funded by these projects rarely improve the Roma's chance to enter the labour market. People in Need, for example, has reported on implementation of the REPAS activity targeting NEETs in several of their localities since March 2018. Based on the experience gathered from their clients, funded workshops aimed to provide job-seekers with skills on how to apply for a job were largely only formal, providing them with no practical skills that they could use.<sup>32</sup>

Interestingly, one of the private agencies providing training for REPAS activity for labour offices in disadvantaged regions offers courses on 'reintegration programmes for marginalised communities' focusing on three areas: "*adaptation of job-seekers into the world of employment, at home-producing and household works, hygiene and upbringing of children*".<sup>33</sup> This agency incidentally organised a requalification course in masonry for the labour office in Bardejov, targeting 17 unemployed Roma men in the village of Varadka from December 2016 until March 2017.<sup>34</sup> The Roma Platform reported that during the requalification course, the participants renovated the local municipal office. They received no wages, but food vouchers. Interestingly, the Roma Platform noted that Roma women filled in for their husbands in the course so that the husbands could take up paid (though likely informal) work. The course certificates, according to their information, were issued to the Roma men.<sup>35</sup> The labour Office in Bardejov communicated in their official response that it was not aware of the remuneration or the content of work undertaken during requalification as it was outsourced to a private company. The Labour Office reported that 8 course participants found employment after the course completion, but did not record in which specific area.<sup>36</sup>

zamestnaní", [Activity 1 providing financial subsidy for the creation of a working place in the first regular employment] Priority Axis 2, OP Human resources, allocation almost 30 millions EUR (please note this project is design to provide subsidy to fund state policy as set up in para 51 of the Act 5/2004, *supra* note 4, information available at:

[https://www.upsvr.gov.sk/buxus/docs/KGR/narodne\\_projekty/Uspesne\\_na\\_trhu\\_prace/Oznamenie\\_UnTP\\_Aktivita\\_1\\_Aktualizacia\\_7.pdf](https://www.upsvr.gov.sk/buxus/docs/KGR/narodne_projekty/Uspesne_na_trhu_prace/Oznamenie_UnTP_Aktivita_1_Aktualizacia_7.pdf), activity 2, príspevok na podporu vytvorenia pracovného miesta prostredníctvom samozamestnania, [Subsidy for Creation of a Working Position via Self-Employment] also implementing active state policy set out in para 54 of the Act 5/2004 of the Law on Employment services, as amended, with allocation of almost 20 millions EUR, information available at [https://www.upsvr.gov.sk/buxus/docs/KGR/narodne\\_projekty/Uspesne\\_na\\_trhu\\_prace/Oznamenie\\_UnTP\\_Aktivita\\_2\\_Aktualizacia\\_3C.pdf](https://www.upsvr.gov.sk/buxus/docs/KGR/narodne_projekty/Uspesne_na_trhu_prace/Oznamenie_UnTP_Aktivita_2_Aktualizacia_3C.pdf)

<sup>30</sup> Para 50 and 50j of the Act on Employment Services, *supra* note 4, as amended. See e.g. „Reštart - príležitosť pre dlhodobo nezamestnaných vrátiť sa na trh práce“, [Restart- An Opportunity for Long-term Job Seekers to Return to the Labour Market], Operational Programme Human Resources, Priority Axis 3, allocation 15.6 million EUR, information available at:

[https://www.upsvr.gov.sk/buxus/docs/KGR/narodne\\_projekty/Restart\\_Prilezitost\\_pre\\_dlhodobo\\_nezam/Oznamenie\\_NP\\_Restart\\_PPDN\\_Opatrenie\\_1\\_Aktualizacia\\_2.pdf](https://www.upsvr.gov.sk/buxus/docs/KGR/narodne_projekty/Restart_Prilezitost_pre_dlhodobo_nezam/Oznamenie_NP_Restart_PPDN_Opatrenie_1_Aktualizacia_2.pdf),

<sup>31</sup> Official response to our written request prepared by the COLSAF on 24 October 2018 for this report.

<sup>32</sup> People in Need memo on employment I prepared for this report.

<sup>33</sup> The Agency is called TM Consulting, based in Nitra, information is available at: <http://www.tmconsulting.sk/repas-priprava-pre-trh-prace>

<sup>34</sup> Information received by the Labour Office in Bardejov on 23 October 2018 for this report.

<sup>35</sup> Roma Platform memo on employment I prepared for this report.

<sup>36</sup> Information received to our written request by the Labour Office in Bardejov on 23 October 2018 for this report.



A rather notable development is the new law on social economy adopted in May 2018, creating a new regulatory framework. The law includes among disadvantaged groups also individuals belonging to a national minority or an ethnic group in need of developing their own language or expert skills or acquire working experience to be able to secure permanent employment.<sup>37</sup> The law envisaged that social enterprises use at least 50% of their net profit to achieve measurable social impact. Social enterprises can be established by various entities, such as NGOs, private companies or even by a natural person, and should either promote integration in the labour market (integration enterprise)<sup>38</sup> or social housing (housing social enterprise).<sup>39</sup> Social enterprises promoting integration should employ at least 30% of disadvantaged or at least 40% of vulnerable individuals among its employees.<sup>40</sup> The social enterprises producing goods and services are subjected to a reduced rate of value added tax of 10% instead of the standard 20% and can also apply for grants and other forms of state support.<sup>41</sup> As of 30 October 2018, the MLSAF already registered two social enterprises, including one set up by the municipality Spišský Hrhov.<sup>42</sup> Spišský Hrhov is indeed one of the leading examples, with their municipal firm that previously operated similar to a social enterprise, employing disadvantaged Roma, aiming to eventually facilitate the transition of the unemployed into the open labour market.<sup>43</sup> Generally, despite some troubling past experience with the state's introduction of support of social enterprises that were associated with irregularities and questionable practices in around 2008-2010,<sup>44</sup> the experiences of municipalities such as Spišský Hrhov or Raslavice<sup>45</sup> indicate that this model may be effective particularly in targeting marginalised Roma in less developed regions of Slovakia.

## Fight against discrimination in employment and antigypsyism at workplace

The FRA EU-MIDIS II of 2016 survey indicates that discrimination while looking for work is the most frequently experienced discrimination in Slovakia by Roma in the last five years (53%), followed by discrimination regarding other services 44%, housing 30%, at work

<sup>37</sup> Para 5a(6) of the Act 112/2018 Coll. on social economy and on social enterprises, as amended.

<sup>38</sup> Para 12, *ibid.*

<sup>39</sup> Para 13, *ibid.*

<sup>40</sup> Along with ethnic and national minority members, disadvantaged job seekers include: those that are unemployed for at least 6 months, youth below 26 years, those that are unable to find employment for at least 6 months, persons older than 50 years, persons with lower than secondary education, single parents taking care of children below 16 years old and persons with disabilities. Vulnerable persons include clients of social services, persons in dire social circumstances, children with special educational needs, children or youth guarded by social service protection, young adults leaving foster homes and similarly. Para 5 and 6, *ibid.*

<sup>41</sup> Part two and three, *ibid.*

See e.g. Informácia o novele zákona č.595/2003 z.z. o dani z príjmov v znení neskorších predpisov a o legislatívnej úrpave v oblasti vedeia účtovníctva registrovaného sociálneho podniku, Finančná správa (2018), available at: [https://www.financnasprava.sk/\\_img/pfsedit/Dokumenty\\_PFS/Zverejnovanie\\_dok/Dane/Novinky\\_leg/Priame\\_dane\\_uct/2018/2018.05.24\\_Uctov\\_reg\\_soc\\_podnik.pdf](https://www.financnasprava.sk/_img/pfsedit/Dokumenty_PFS/Zverejnovanie_dok/Dane/Novinky_leg/Priame_dane_uct/2018/2018.05.24_Uctov_reg_soc_podnik.pdf)

<sup>42</sup> This information is available at the web site of MLSAF, accessed on 4 November 2018, available at: [https://www.employment.gov.sk/files/slovensky/praca-zamestnanost/soc-ekonomika/register-socialnych-podnikov\\_2018-09.pdf](https://www.employment.gov.sk/files/slovensky/praca-zamestnanost/soc-ekonomika/register-socialnych-podnikov_2018-09.pdf)

<sup>43</sup> Please see information about the municipal firm at their web site <http://www.spisskyhrhov.info/obec-spissky-hrhov/organizacie-v-obci/hrhovske-sluzby-s-r-o/>.

<sup>44</sup> Please see e.g. "Sociálne podniky firmy SMER s.r.o., Nadácia zastavme Korupciu, „kauzy“", accessed on 4 November 2018, available at: <https://zastavmekorupciu.sk/cases/socialne-podniky-firmy-smer-sro>, [Social Enterprises of SMER Ltd, Foundation Stop Corruption "Issues"].

<sup>45</sup> Please see the case study discussed in our report, below.

18% and education 16%.<sup>46</sup> Our monitoring prepared for this report indicates that generally economic growth has slightly contributed to the reduction of perceived discrimination when applying for jobs. However, we have still encountered ads specifically discouraging Roma from applying for the positions as rather common.<sup>47</sup> Also, we observe that Roma males, often in the construction business, continue to be hired informally without proper guarantees of labour rights with a pay lower than the minimum wage (e.g. for 15 EUR a day).<sup>48</sup> Moreover, the CCM based in Veľký Krtíš reported that Roma graduates from secondary schools are disadvantaged as job-seekers as they do not have their prior traineeship experience during their studies. According to the CCM, secondary schools typically do not ensure that each student has the opportunity for a traineeship. Having less social capital and facing ethnic prejudice greatly reduces the chances of Roma students in finding such an opportunity during their studies and consequently in the labour market.<sup>49</sup> Moreover, Roma women face an additional burden due to gender expectations and the belief that they should primarily take care of the family and children.<sup>50</sup> This is compounded by the lack of early childhood facilities and preschool facilities, making it impossible for Roma women with preschool-age children to become employed.<sup>51</sup> Furthermore, in locations with lack of access to water, it is typically Roma women who walk long distances to access water,<sup>52</sup> which is physically demanding and time consuming. These factors, among others, effectively prevents them from becoming regularly employed.

Moreover, the CCM believes that Roma women experience discrimination and antigypsyism in their jobs in the form of targeted verbal sexual harassment, rude comments or unequal working conditions, including lower remuneration.<sup>53</sup> Generally, the CCM has reported that foreign companies conducting business in this region are more likely to employ Roma and treat them fairly than Slovak companies.<sup>54</sup> By contrast, People in Need reported that in their localities, Roma workers perceived that they were treated equally and believed that this was due to the increased share of Roma among the workforce. *"Sometime employers were more carefully approaching Roma; however, after gaining trust, the relationship tends to improve".*<sup>55</sup>

At the same time, however, in the past year, there were two incidents of ethnically motivated violence targeting Roma workers. On June 25, 2018, a pair of men were shooting from an air gun at Roma workers cutting grass in a suburb in Banská Bystrica, injuring one of them. Shortly after the incident, a specialised anti-extremist police unit

<sup>46</sup> FRA, *Second European Union Minorities Survey - Roma Selected Findings* (Luxembourg: Publication office of the European Union, 2016) at 38, available at: <https://fra.europa.eu/en/publication/2016/eumidis-ii-roma-selected-findings>.

<sup>47</sup> Please see e.g. an ad offering low skilled jobs in the Czech Republic for Slovaks, alerting "We do not accept Roma!!!", available at: <https://www.avizo.sk/jobs/zamestnanie/inzerat-20013249-praca-v-cr-balenie-v-sklade-aj-s-ubytovanim-a-stravou>

<sup>48</sup> Roma platform memo on employment II prepared for this report.

<sup>49</sup> CCM memo on employment II prepared for this report.

<sup>50</sup> This is based on our observation, but generally confirmed for all 9 studied EU member states in case of young Roma women there were nor in education, nor in training, in FRA, *Transition from education to employment of young Roma in nine EU Member States* (Luxembourg: Publication Office of the European Union, 2018) at 19-20, available at: <https://fra.europa.eu/en/publication/2018/roma-education-to-employment>

<sup>51</sup> Please see on preschool education of Romani children in section 'Access to quality early childhood care and preschool education', below.

<sup>52</sup> Additional Information obtained from Roma Media on 10 November 2018.

<sup>53</sup> CCM memo on employment II prepared for this report.

<sup>54</sup> *Ibid.*

<sup>55</sup> People in Need memo on employment II prepared for this report.

detained the pair of shooters, who had also been waving a swastika flag during the incident. The director of the company performing the maintenance services, Ivan Šabo, in an interview for the daily Pravda, underlined that they had been employing 13 Roma men as permanent workers and were very pleased with their performance, noting that they commuted daily about an hour and a half for work.<sup>56</sup> Šabo also noted, however, that their employees had been confronting racists attacks on a daily basis. *"People were calling them blacks, hitting them with eggs, pouring soup on them...it was quite a miracle that our guy got hit merely in his hand"*.<sup>57</sup> On 16 September 2018, a pair of men verbally and physically attacked a group of six Roma, arguably with a racist motive, while their victims were performing digging works in Trnava. The attackers were threatening the Roma with a gun and a knife and were shortly detained by NAKA as well.<sup>58</sup> In both cases, the attackers had allegedly been associated with right-wing extremists.

During our monitoring, we have not encountered any significant public campaign or awareness-raising activity focused on the problem of discrimination against the Roma in the labour market (or any other areas) for the past five years or so. We are pleased to report that recently the current Prime Minister Peter Pellegrini publicly condemned discrimination against Roma in the labour market, calling on all employers *"to give a chance to everyone who wishes to work for them who have the expertise and other qualifications – and do not discriminate against someone only because of his skin colour"*.<sup>59</sup> However, the more dominant political narrative, notably shared by the former prime minister Robert Fico and the minister of labour Ján Richter, is based on anti-Roma statements, in particular, blaming Roma for the unemployment rate in Slovakia and accusing them of unwillingness to work.<sup>60</sup>

Enforcement of antidiscrimination legislation in employment needs to be strengthened. SNCHR reported that most of the filed antidiscrimination complaints in 2017 related to the labour market (specifically 58 out of 70). Five petitions concerned discrimination on the grounds of ethnicity, while the Centre evaluated that only one complaint was substantiated.<sup>61</sup> The National Labour Inspection Office prepares annual reports on discrimination and gender equality. However, the number of received complaints is not disaggregated on the basis of grounds of discrimination. In the official response, the Inspection Office notes that it has not registered a single ethnic discrimination case since 2015.<sup>62</sup> The National Inspection Office does not pursue comprehensive and/or regular analysis of discrimination against Roma in the labour market.<sup>63</sup> So far, state authorities have engaged in discrimination testing only once. Specifically, in 2014 the IFP sent out a

<sup>56</sup> Dominik Hutko and Tatiana Michalková, "Strelba na koscov aj s rasovým motívom", Pravda.sk, 26.June 2018, available at: <https://spravy.pravda.sk/domace/clanok/474813-strelba-na-koscov-aj-s-rasovym-motivom/?fbclid=IwAR3B-JLEthOWFSGGSnu3Fq1DhgDcm3wczkb8Tk2rLEPAcsC6gdXkvDs0qDk>, [Shooting of Workers Cutting Grass with a Racial Motive].

<sup>57</sup> *Ibid.*

<sup>58</sup> Peter Briška, "Dvaja Trnavčania napadli skupinku pracujúcich Rómov", 19. September 2018, SME.sk, available at: <https://myzahorie.sme.sk/c/20917417/dvaja-trnavcania-napadli-skupinku-pracujucich-romov.html>, [Two Trnavias Attacked a Group of Working Roma].

<sup>59</sup> TASR, "Premiér by bol nerád, keby sa pri zamestnávaní prejavoval rasizmus", 24 October 2018, SME.sk, available at: <https://gemer.korzar.sme.sk/c/20945480/premier-by-bol-nerad-keby-sa-pri-zamestnavani-prejavoval-rasizmus.html>, [The Prime Minister Unpleased about Racism in Employment].

<sup>60</sup> Please see discourse analysis e.g. in Jarmila Lajčáková *et al*, *Nezamestnanosť Rómov:Od mýtu k praxi a späť* (Bratislava: CVEK, 2017) at 8 and 46-57, available at: [http://cvek.sk/wp-content/uploads/2017/04/Nezamestnanost-Romov\\_studia.pdf](http://cvek.sk/wp-content/uploads/2017/04/Nezamestnanost-Romov_studia.pdf), [Unemployment of Roma: From a Myth to Practice and Back].

<sup>61</sup> Written statement of the Slovak National Centre for Human Rights of 20 August 2018 requested for this report.

<sup>62</sup> Written response of the National Inspection Office of 18 October 2018 requested for this report.

<sup>63</sup> This has not yet been much challenged by NGOs.



total of 124 resumes applying for 62 advertised positions based on the fictional identities of six job seekers: three with typically Slovak names and three with typically Roma names, with the other traits remaining identical (gender, age, education, prior working experience and interests). The authors of the experiment argued that Roma were significantly discriminated against in the labour market. While 40.3% of non-Roma applicants were invited to a job interview, in the case of the Roma it was only 17.7%.<sup>64</sup>

In 2018, Viera Pompová, a Roma woman applying for the position of social field worker at the Spišská Nová Ves municipality, finally won after eight years of litigation, marking a victory in the first successful discrimination case pursued by a Roma applicant in the area of employment. Pompová, represented by the Centre for Civil and Human Rights, argued that she was treated unequally to non-Roma applicants who had lower qualifications and less experience working with Roma and, unlike her, did not speak Roma. Pompová argued her case all the way to the Constitutional Court, which ruled on procedural aspects of discrimination cases, specifically the principle of shifted burden of proof that the lower court failed to apply. In its final ruling, the Regional Court in Košice confirmed ethnic discrimination.<sup>65</sup> The case gained significant attention also through being one of the nominations for the annual Roma Spirit awards in 2018, which was broadcasted on Slovak television on 9 December 2018, with short video shots with all the nominations regularly broadcasted prior to the event.<sup>66</sup>

Overall, we observe that economic growth has led to an increasing number of outreach activities of employers and private employment agencies recruiting workers from marginalised communities.<sup>67</sup> US Steel Kosice has a long-standing initiative focused on recruitment of low-skilled workers in Roma communities in Luník IX, Šaca and Veľká Ida. This manufacturer of steel has been implementing the programme, called Equality of Opportunities, in partnership with municipalities since approximately 2003-2004.<sup>68</sup> Pasell Slovakia Ltd, a producer for Whirlpool Slovakia, has been another notable initiative, actively reaching out to disadvantaged Roma job-seekers since approximately 2008. The company has been known for providing training and requalification courses tailored to address the specific barriers and needs of long-term unemployed Roma.<sup>69</sup>

Among the state initiatives using ESF funds, is the recruitment of unqualified Roma, often women, as health mediators.<sup>70</sup> This programme is implemented by an agency of the MoH called Healthy Regions (HR).<sup>71</sup> Finally, and most recently, the OGPRC, which implements a large-scale programme focused on preschool education, preferentially recruits Roma applicants as teaching assistants. According to the assessment of the OGRPC, these programmes, municipalities, schools or NGOS that use ESF funds and fund social field

<sup>64</sup> Gabriel Machlica, Branislav Žúdel, Slavomír Hidas, "Bez práce nie sú koláče", Komentár 16/2014 k Analýze Nezamestnanosť na Slovensku, IFP Policy Paper, 17 November 2014, at 5-6, available at: <http://www.finance.gov.sk/Default.aspx?CatID=9887>, [There are No Cakes without Work].

<sup>65</sup> Košice Regional Court Judgment, 9Co/259.2017 of 7 February 2018.

<sup>66</sup> Please see the final ceremony through the archives of the Slovak Television, available at: <http://www.rtvs.sk/televizia/archiv/12861/143267>

<sup>67</sup> However, there is no information or a study that would inform about the scale of these activities in terms of the number of employed Roma.

<sup>68</sup> See e.g. in more detail in Jarmila Lajčáková, *Prijímanie dočasných vyrovnávacích opatrení na základe etnicity, národnosti, pohlavia alebo rodu na Slovensku* (Bratislava: Ministerstvo spravodlivosti SR a CVEK, 2015), 44 ff, available at: [http://cvek.sk/wp-content/uploads/2015/11/Prirucka\\_DVO\\_web.pdf](http://cvek.sk/wp-content/uploads/2015/11/Prirucka_DVO_web.pdf), [Adopting Temporary Equalizing Measures on the Grounds of Ethnicity, Nationality, Sex or Gender in Slovakia].

<sup>69</sup> Information provided for the nomination for Roma spirit, 2018 (on file with the author).

<sup>70</sup> Discussed also in Lajčáková 2015, *supra* note 68 at 48-49.

<sup>71</sup> Please see more information in section 'Ensuring Equal Access to Public Healthcare Services', below.

workers, community workers or civic guards lead to the creation of approximately 1,700 new positions for Roma. Data on the share of Roma women is not available.<sup>72</sup>

Finally, the legal regulation of public procurement allows social aspects to be set out as conditions for potential contractors, such as creation of employment positions for disadvantaged job-seekers.<sup>73</sup> While this legal framework allowing the consideration of social aspects in procurement has been around since 2004, it has rarely been used. In around 2016, A non-profit organisation called EPIC and the OGPRC reinforced and clarified this method of public procurement.<sup>74</sup> EPIC has prepared guidelines and model documents for public procurements with social aspects, including a model of contractual conditions.<sup>75</sup> In 2016, the Central Office for Public Procurement also issued a methodological guide on the implementation of public social procurement.<sup>76</sup> Although this method in procurement was used for the first time in drawing EU funds in 2014, it was merely used as an option for subcontractors delivering infrastructure in education (kindergartens targeting marginalised Roma communities) with an allocation of 46.8 million EUR.<sup>77</sup> Municipalities applying for the funds for this call could commit contractors to employ at least two Roma job-seekers from the municipality. Contractors that failed to fulfil this obligation could be sanctioned by a monetary penalty. EPIC, in reviewing the pilot testing, found that out of 31 applicants, 17 municipalities opted for the procurement with social aspect. According to EPIC's review presented by Zuzana Polačková, who led the organisation at the time: *"mayors participating in the testing were pleased with this method as approximately 50 local Roma were employed. However, private contractors were not entirely happy about the approach. Yet, it turned out that they were able to implement the project with such conditions set out by the procurer (municipality)."*<sup>78</sup> The most relevant operational programme for Roma inclusion – Human Resources for 2014-2020, specifically requires that all infrastructural calls from the priority axis 6 (called Technical infrastructure in municipalities with the presence of marginalised Roma communities) require applicants to apply the method of public procurement with social aspects, meaning employment of long-term "unemployed (Roma)" for delivery of construction works<sup>79</sup> While this approach has been included in all the calls, the implementation has been challenging as contractors have had difficulties in finding unemployed Roma with relevant qualifications. According to the MoI, the relevant agency for administering OP 6 positive examples present projects in which Roma were hired and continue for work for the employee after the specific project.<sup>80</sup>

The new legislation on social economy further expanded the obligation to engage in social public procurement. As of 1 January 2020, all public and other (e.g. private, non-profit)

<sup>72</sup> Data is not disaggregated for Roma men and Roma women. Please see FB post of the GPRC available at: <https://www.facebook.com/abelrvasz/photos/a.982139225187715/1888449124556716/?type=3&theater>

<sup>73</sup> Para 2 (p)Act No 343/2015 on public procurement, as amended.

<sup>74</sup> Interview with Zuzana Polačková, former director of EPIC on 2 November 2018.

<sup>75</sup> Presentation provided by Zuzana Polačková.

<sup>76</sup> *Všeobecné metodické usmernenie ÚVO k sociálnym aspektom obstarávania* (Bratislava: ÚVO, 2016), available at: <https://www.davportal.sk/33/vseobecne-metodicke-usbmerenie-uvo-k-socialnym-aspektom-vo-verejnom-obstaravani-uniqueiduchxzASYZNbBPqF4vvdZgXJDzYx8vuxysPTwVrguwZk/>, [General Methodic Guidelines of the UVO (Office of Public Procurement) on Social Aspects of Procurement].

<sup>77</sup> Interview with Zuzana Polačková on 2 November 2018.

<sup>78</sup> *Ibid.*

<sup>79</sup> MLSAF, Directing Authority of the OP Human Resources, Operational programme Human Resources for programming period 2014-2020, version 2.0., available at: [https://ludskozdroje.gov.sk/data/web-documents/OPLZ\\_verzia\\_2\\_1.pdf](https://ludskozdroje.gov.sk/data/web-documents/OPLZ_verzia_2_1.pdf), at 103

<sup>80</sup> Information provided by Matej Mikuška, head of department programming, monitoring and evaluation, Inclusion of marginalized Roma communities, Ministry of Interior, response received by email on 23 November 2018.

procurers that engage yearly in at least 10 procurements<sup>81</sup> will have the obligation to engage the method of social procurement in at least 6% of such activities.<sup>82</sup> Polačková believes that this commitment will significantly reinforce the implementation of social public procurement and consequently support integration of disadvantaged job-seekers in the labour market. She also pointed out that the Central Procurement Office appears committed to supporting the spread of this method as there are two officials specifically assigned to this task.<sup>83</sup> Also, Plenipotentiary Ravasz is rather enthusiastic about the use of the method, which commits “*companies that engage in large projects mostly from European funds to employ local Roma.*”<sup>84</sup> Ravasz acknowledged that the existing experience indicates the need to work towards more effective implementation.<sup>85</sup>

### Employment alternatives in areas with limited primary labour market demand

Slovakia has long-standing experience with large-scale community works, called activation works or small community services. These public works represent a workfare regime conceived as a part of a social welfare system ideologically inspired by theories of the culture of poverty that were justified in the Slovak context through anti-Gypsyist prejudice and attitudes.<sup>86</sup> Since 2003, we have been observing tightening of conditions in providing social welfare. In 2003, the first introduction of the workfare programme meant that welfare recipients were obliged to work 64-80 hours a month for approximately 63 EUR, which amounted to approximately half of the welfare support prior to the social reform.<sup>87</sup> The state provided the other half of the support as unconditional. In 2013, the new welfare law extended the obligation to the work associated with this other half of the welfare support as well, to 32 hours a month.<sup>88</sup> The obligation also applies to pregnant women up to their seventh month of pregnancy, parents with children older than three years or in the case of single parents, older than six years (unless they are enrolled into preschool facilities). In practice, participation in workfare is thus most likely challenging for Roma women who are expected to take care of their children and have no opportunity to enrol children into preschool facilities.<sup>89</sup>

Available data confirms that the workfare regime primarily targets unemployed Roma. UNDP, in its representative survey published in 2012, found that while 46.6% of Roma participated in activation works, it was the case for only 5.1% of non-Roma.<sup>90</sup> These data also suggest that more than half of Roma men had this experience, while in the case of Roma women it was 41.5%. Taking into consideration that at that time, activation work provided for numerous households the only opportunity to increase their budget for an additional 63 EUR, men were more likely to have access to these works. These works were

<sup>81</sup> Aside from orders of low value, Para 10 sec. 7 of the on social economy and on social enterprises, *supra* note 37, as in force on January 1, 2020.

<sup>82</sup> *Ibid.*

<sup>83</sup> Zuzana Polačková, interview on 2 November 2018.

<sup>84</sup> Interview with GRPC, Ábel Rávasz, on 17 August 2018.

<sup>85</sup> *Ibid.*

<sup>86</sup> Lajčáková *et al.* 2017, *supra* note 60, c.3.

<sup>87</sup> Paras 10 and 12 of the Act 599/2003 Coll. On Aid in Material Need, as in force on 11 November 2003.

<sup>88</sup> Para 10 sec. 3 of the Act 417/2013 on Aid in Material Need, as amended. (Material Need Aid Act)

<sup>89</sup> Please see data on enrolment of Roma children in pre-school facilities, that is among the lowest in EU, in chapter on education

<sup>90</sup> Jarmila Filadelfiová, Daniel Gerbery, Ján Vittek and Daniel Škobla, *Správa o životných podmienkach rómskych domácností na Slovensku 2010* (Bratislava: UNDP, 2012) at 162, [Report on Living Conditions of Roma Households in Slovakia in 2010].

in fact not available for all who were interested in participating.<sup>91</sup> Most recently, the IFP indicated that 40% of Roma participated in activation works in 2017, while in the case of the majority population it was only at 6%.<sup>92</sup> Since 2013 not all welfare recipients have been obliged to participate in the workfare regime to get the basic benefit (not the additional 63 EUR for activation works); only those who were offered such “work” by municipalities.

Available studies indicate that activation works remain to a large extent the main policy response to address unemployment of the Roma. Its design and rationale has been inspired by Roma being construed as lazy, undeserving poor and societal free-riders, appealing to anti-Roma sentiments ignoring data that confirm that the main causes of Roma unemployment are low education and discrimination.<sup>93</sup> Policy reformers advocating for workfare equally ignore the solid available data pointing to not only the ineffectiveness of these programmes in addressing unemployment of the Roma but also data that activation works in fact reduce the chances of the unemployed to find jobs.<sup>94</sup> Most recently, CVEK reviewed the implementation of this policy in a qualitative study in 2015, arguing that the reform of “compulsory activation” was indeed believed to be a tool for the re-socializing of Roma. Those implementing the workfare did not believe it would help Roma to find employment; they believed it was simply just. One of the respondents from a labour office argued, for example, “...it was morally important that other citizens knew that these people were working off their social welfare. And they had certain working skills that we can clearly confirm.” A mayor also participating in the workfare programme clarified: “Even if they worked for 4 hours, let them work; they must be aware that they need to deserve even 60 EUR, as nothing is for free”.<sup>95</sup>

The study furthermore found that mayors used this scheme to manage interethnic relations to ensure that the majority “sees” Roma working; they were in clearly visible vests working on publicly visible areas. In addition, while all recipients of the welfare support had the obligation to work off the welfare, it was mostly Roma who were visible. Even if non-Roma participants were engaged, more often they would perform their tasks inside, in the local library or the municipal office. Interestingly, it was quite unimaginable for those organizing the maintenance works that these would be performed in areas where Roma lived.<sup>96</sup> Finally, towns and municipalities organised workfare programmes because they provided for them an inexpensive strategy on how to maintain public areas. Workfare participants, remunerated significantly below the minimum hourly wage without any labour rights, by contrast were aware that the municipalities were “earning” on their labour. But they had no other opportunity how to secure the income of their families.<sup>97</sup>

Nevertheless, the MLSAF continues to argue that these measures are effective in the socialisation of the long-term unemployed and supporting their working skills. The MLSAF

<sup>91</sup> *Ibid.* at 159.

<sup>92</sup> This data has not been disaggregated for Roma women and Roma men. Hidas *et al* 2018, *supra* note 1 at 2.

<sup>93</sup> Lajčáková *et al.* 2017, *supra* note 60, c.3.3.

<sup>94</sup> Peter Harvan, *Hodnotenie efektívnosti a účinnosti výdavkov na aktívne politiky na trhu práce* (Bratislava: Inštitút pre finančnú politiku Ministerstva Financíí, 2001) at 7, [Evaluation of Effectiveness and of Impact of Expenditures on Active Labour Market Policies]. Vladimír Bořík and Matúš Caban, *Pilotné hodnotenie dosahov vybraných opatrení aktívnej politiky trhu práce* (Ministerstvo práce, sociálnych vecí a rodiny SR a Úrad práce sociálnych vecí a rodiny SR, 2013) at 25, [Pilot Evaluation of Impact of Selected Measures of Active Labour Market Policies]; Lucia Mýtna Kureková, Andrej Salner and Michaela Farenzerová, *Implementation of Activation Works in Slovakia: Evaluation and Recommendations for Policy Change, Final Report* (Slovak Governance Institute, 2013) at 50-51, available at: [http://www.governance.sk/assets/files/publikacie/ACTIVATION\\_WORKS\\_REPORT\\_SGI.pdf](http://www.governance.sk/assets/files/publikacie/ACTIVATION_WORKS_REPORT_SGI.pdf).

<sup>95</sup> Lajčáková *et al.* 2017, *supra* note 60 at 77.

<sup>96</sup> *Ibid.* at 79.

<sup>97</sup> *Ibid.* at 79-80.

also argues that the policy is legitimate and leads to the reduction of the number of welfare support recipients.<sup>98</sup>

## Addressing barriers and disincentives of employment: a promising practice of a new bankruptcy regulation<sup>99</sup>

### Background of the change

One of the barriers that marginalised Roma face in integration relates to the large volumes of debts among marginalised Roma.<sup>100</sup> The MoJ, reflecting on the particular situation of low-income households, prepared comprehensive bankruptcy regulation reform for natural persons. The author of the reform, former minister of Justice Lucia Žitňanská, explained: *"The purpose of the changes in bankruptcy law was to give a second chance to those who, either because of their own fault or not, found themselves in a debt trap and were unable to help themselves. I consider helping people in this situation to be an important step towards improvement of access to justice"*.<sup>101</sup>

### Target group

The prime target group of this intervention were low income individuals that had been, due to very low income, either because of welfare or minimum wage, trapped in a debt cycle that prevented them to enter the labour market. According to the MoJ: *"There was a large group of debtors that in the past applied for common consumer loans (...) and they were unable to keep up with the payments, for example, because they lost their jobs, or were delayed with their payments and sanctioned for undelivered payments or high interests were "catching up". Such persons were typical cases for individual bankruptcy."*<sup>102</sup> The policy was designed with a view of the specific situation of Roma. GPRC Ravasz, who cooperated with the MoJ on the new regulation, underlined its importance, recalling: *"It was important for us to create such an institution that Roma from marginalised environments could access, to ensure that they applied and that they would not lose their dwellings or construction materials while in the process of bankruptcy"*.<sup>103</sup>

### Procedure

The new regulation, entering into force on 1 March 2017, replaced the former rules that proved to be inaccessible for low-income households, which required, for example, stable income and a three-year probation period. According to the new regulation, each natural person who is insolvent and facing distraintment can in good faith file for bankruptcy to clean their debt record. There are some exemptions of debts that cannot be cleared such as alimonies, loans guaranteed by a real estate property or a fine by a criminal court). The bankruptcy can either entail 1. liquidations of assets and rather quick clearing of debts or

<sup>98</sup> Official response on the MLSAF to our request for the preparation of this report of 18 October 2018

<sup>99</sup> This promising practice has been prepared by the CCM and edited by CVEK.

<sup>100</sup> See e.g. in Filadelfiová, *supra* note 90.

<sup>101</sup> "Osobný bankrot: Dlžník bude musieť byť sprevádzaný advokátom alebo CPP", najpravo.sk, 29 November 2016, available at <https://www.najpravo.sk/clanky/osobny-bankrot-dlznik-bude-musiet-byt-sprevadzany-advokatom-alebo-cpp.html?print=1>, [Personal Bankruptcy: A Debtor shall be Advised by a Barrister or CLA].

<sup>102</sup> Branislav Toma, "Slovákom zostanú dlhy voči bankám aj po bankrote", pravda.sk, 6 March 2017, available at <https://spravy.pravda.sk/domace/clanok/422085-slovakom-zostanu-dlhy-voci-bankam-aj-po-bankrote/>, [Slovak will Keep the Debts towards Banks even after Bankrupting].

<sup>103</sup> Interview with GRPC, Ábel Rávasz, on 17 August 2018.



2. a repayment plan that requires owning sufficient property and having an income. A person can file for a bankruptcy only once in ten years.<sup>104</sup>

### Implementation

The Centre for Legal Aid (CLA), set up by the MoJ, supports the implementation of the law. Indeed, the applicant for the bankruptcy shall be represented either by the CLA or an attorney referred by the CLA to avoid speculations and abuse of the situation of the poor.<sup>105</sup> The CLA offers to a debtor 500 EUR as a loan for the legal representation that shall be paid back in the upcoming three years, typically by a 14 EUR monthly instalment. The court should rule within 15 days from the date of the filed petition. The court also ceases all the other monetary related proceedings against the persons filing for the bankruptcy with the exemption of those outside the scope of bankruptcy. For example, the court also ceases deductions from the monthly wage, as this is often among the main concerns. Saliently, the court cannot use one's property intended for housing of the applicant as a collateral for debts, i.e. the applicant cannot lose her or his home.<sup>106</sup>

This new regulation has been supported by the National Project Reinforcing the Capacities of Centres for Legal Aid from the operational programme Effective Public Governance with an allocation of 8.3 million EUR. Among the project's goals is increasing the access to legal aid for socially and economically excluded communities through increased capacities of staff located in regional offices across the country. The project directly focuses on assistance with bankruptcy.<sup>107</sup>

### Outcomes

The new bankruptcy regulation has dramatically increased the number of individual bankruptcies. In 2016, prior to the new regulation, there were 841 individuals who bankrupted as natural persons. After the entry into force on 1 March 2017, it was 5426 individuals, meaning a 550% increase.<sup>108</sup> During the first seven months of 2018, according to the MoJ, 62,000 clients approached the CLA, and 9,218 applied for bankruptcy with the CLA, which forwarded 8,150 cases to the courts.<sup>109</sup>

### Suggestions for further improvements

There has not been any major campaign accompanying the process or specialised trainings of field social workers. The significant impact of the new regulation was likely achieved thanks to the design of the policy, which reflected a pressing need on the ground. CCM in Veľký Krtíš reports significant interest among their clients, disadvantaged Roma, to file for bankruptcy. The CCM believes that the regulation is positive for their clients overall, especially because it ceases the deduction of debt payments from their wages and eases integration into the labour market and improves chances to achieve higher standard of living for poor families. The CCM observes that implementation could be improved by

<sup>104</sup> Para 166f(4) of the Act act No. 7/2005 on Bankruptcy and Re-Structuralizing, as amended.

<sup>105</sup> See part 4, *ibid*.

<sup>106</sup> Information available at the web site of the CLA at:  
<http://www.centrumpravnejpomoci.sk/potrebujem-pravnu-pomoc/osobny-bankrot>

<sup>107</sup> Information about the project "Reinforcement and development of capacities in area of offering legal aid and prevention of escalation of legal problems" is available at: <http://www.centrumpravnejpomoci.sk/o-nas/euro-projekty/posilnenie-a-dobudovanie-kapacit-v-oblasti-poskytovania-pravnej-pomoci-a-prevencia-eskalacie-pravnych-problemov>

<sup>108</sup> "Osobných bankrotov na Slovensku rekordne pribúda", 10 April 2018, available at: <http://corporate.sk/osobnych-bankrotov-na-slovensku-rekordne-pribuda/>, [The Number of Personal Bankruptcies Increases at a Record Pace].

<sup>109</sup> SITA, "Zadĺžené Slovensko: osobných bankrotov stále pribúda", 17 August 2018, [etrend.sk](https://www.etrend.sk/ekonomika/zadlzene-slovensko-osobnych-bankrotov-stale-pribuda.html), available at: <https://www.etrend.sk/ekonomika/zadlzene-slovensko-osobnych-bankrotov-stale-pribuda.html>, [Indebted Slovakia: The Number of Personal Bankruptcies Constantly on the Rise].

increased capacities of the CLA in their city. The lawyer working for the Centre for Legal Aid in Velký Krtíš is available only once a month for 3.5 hours. In practice, in September 2018, applicants interested in the process were applying for appointments in June 2019. The lawyer representing the CLA does not have sufficient time capacities to fully explain all aspects of the bankruptcy process. Sometimes clients do not fully acknowledge, for example, the timing of the instalments of the loan for the legal aid, which starts 15 days from the publication of the bankruptcy by the relevant court. Failure to pay the instalment ceases the bankruptcy. The CCM tries to make the process run smoother and faster by helping clients to fill out the relevant forms and prepare all required documentation before approaching the CLA. Along with some community centres such as the CCM, some of the regional offices of the GPRC provide additional support to clients from marginalised communities.<sup>110</sup>

<sup>110</sup> Interview with the GPRC, Ábel Ravasz, on 17 August 2018 prepared for this report.

## HOUSING AND ESSENTIAL PUBLIC SERVICES

Slovakia continues to struggle to reduce enormous disparities in housing conditions between Roma and non-Roma populations and to address the vast residential segregation experienced by more than half of Roma living in Slovakia. Since approximately 2001, as discussed in the chapter, the most significant state policy addressing the situation of Roma, development of lower-standard flats led to improved housing (e.g. visible in improved access to tap water and hygienic facilities). However, this housing programme continues to residentially segregate Roma communities.<sup>111</sup> Furthermore, the existence of segregated settlements without proper infrastructures and access to basic services and the security of housing tenancy remains a challenge. As well, due to discrimination, even Roma families with sufficient income have limited opportunities to rent or buy a flat or a house through standard means and thus often fully rely on municipalities. The new updated Action Plan on Housing of NRIS for 2019-2020 continues to support the funding of flats of lower and regular standard, yet it also emphasises tasks focused on legalisation of parcels in Roma settlements, piloting of programmes of step housing with accompanying social field services mostly relying on ESIF. As well, the plan recognises the need to review legal regulations evictions and develop approaches addressing crises situations in housing.<sup>112</sup> So far, the use of ERDF funds for the housing has been delayed greatly.

### Access to basic amenities

While a significant gap between Roma and non-Roma populations in the quality of housing remains, the most recent data gathered by the FRA comparing the situation in 2011 and 2016 indicates some progress in certain areas. The share of Roma who do not have access to tap water in their dwellings has been reduced from 35% in 2011 to 27% in 2016. In the case of the non-Roma populations, in 2016, 13% did not have access to tap water and in 2011 it was 12%. Despite the existing gap and the fact that almost one-third of Roma still do not have tap water at home, the more significant improvement among Roma signals successful targeting.<sup>113</sup> As we elaborate below, this development was likely achieved through the state housing policy of funding lower-standard flats.

One of the pertinent issues that has been identified in the 2013 Atlas of Roma communities (2013 Atlas), which is currently under revision, is the actual accessibility of water. As we have identified in last year's report, qualitative studies note that public water pipelines may not be available for all inhabitants or are available only during several hours a day. Sometimes, despite having water infrastructure, an entire housing unit is cut off due to the outstanding debts of some of the families. Moreover, water resources used in marginalised settlements are often polluted by animals, industrial pollution or agricultural fertilisers. In fact, during the preparation of this year's report, we again identified the Janice municipality, in which the local source of water has been polluted by fertilisers. Roma inhabitants thus could use the source of drinking water only at the municipal office during business hours. Finally, similarly as in previous report, we remain concerned that

<sup>111</sup> Based on assessment of the authors of the Atlas of Roma Communities, approximately one third of lands in Roma settlements is legalized, most likely due to development of housing of low standards. *Atlas rómskych komunit na Slovensku 2013* (Bratislava: Regional Centre UNDP in Bratislava, 2013) at 53, available at [https://www.minv.sk/?atlas\\_2013](https://www.minv.sk/?atlas_2013), [Atlas of Roma Communities in Slovakia 2013] (2013 Atlas). Standard flats are regulated in para 2(4)f of the Act No. 443/2010 Coll. on Grants for Support of Housing and on Social housing, as amended.

<sup>112</sup> Updated Action Plan on Housing of the Strategy of the Slovak Republic on Roma integration until 2020, for 2019-2020, D.2.4 housing, adopted on 17 January 2019, government resolution No. 25/2019, tasks 1.4, 5.1, 6.1, available at: <https://rokovania.gov.sk/RVL/Negotiation/963>

<sup>113</sup> FRA 2018, *supra* note 3 at 42-45.



local municipalities face no palpable legal penalties for failing to ensure access to water to its Roma populations, including the most vulnerable sub-groups of children and women.<sup>114</sup>

The most widely used low-standard flat development policy signals improvements in accessibility of hygienic facilities and access to electricity, but without impact on the density of people living in the same dwellings. The FRA comparisons indicate a positive trend in reducing the share of Roma living in a household without a toilet, shower or bathroom inside the dwelling. Still, while the overall rate had been reduced by 10 percent from 2011, in 2016 almost one-third (29%) of Roma lived in a household without such basic necessities. In case of the non-Roma population, in 2011 it was at 0% and in 2016 at 1%. Also, the percentage of Roma living in a household supplied with electricity has increased from 91% to 94%. The FRA data signals no changes in terms of the average number of persons per room, which remains at 1.2. This is more than twice as high in comparison to the general population (0.5 person per room).<sup>115</sup>

While recognizing that we do not have more recent data, we still wish to note that the problem identified in the 2013 Atlas concerning the low sewage system coverage in the marginalised settlements remains an issue. During the data collection, only 41.6% of communities had access to public sewage. Only 82.5% of households in these communities, however, were actually able to use it. The lowest share of access to public sewage was in segregated communities (21.5%), while the highest was in the case of communities located within municipalities and towns (62.6%), again indicating the impact of the housing policy of low-standard flats.<sup>116</sup>

Furthermore, a study prepared by the state Institute for Labour and Family Research indicated that there is a tendency among municipalities to collectively punish people living in segregated areas by not providing proper waste collection services. The study documented a case of a city that, due to large numbers of outstanding debts among families, stopped providing standard waste collection. Moreover, the designated number of garbage bins along with the frequency of collection (once per week) was, according to the researchers, also woefully insufficient to cater to the 4,000 inhabitants of this urban ghetto.<sup>117</sup> As a result, the area appeared neglected. The authors of the study caution: *"If we actually think more closely about the garbage collection management in the settlement, we eventually find that keeping the locality clean is practically impossible since the local inhabitants do not have access to a sufficient number of garbage bins. This fact can be seen also as a discriminatory practice towards local Roma and an unreasonable punishment for the debts (...)"*<sup>118</sup> The authors believe that collective punishment may demotivate those willing to pay their bills for communal waste on time.<sup>119</sup>

Our monitoring for this report on insufficient waste collection services and problems with accumulation confirmed this finding. In Markušovce, which is home to approximately 1,500

<sup>114</sup> Memo prepared for this report on housing (II), Roma platform, in addition to our 2018 report, *Civil Society Monitoring Report 2018*, *supra* note 17 at 40.

<sup>115</sup> FRA, 2018, *supra* note 3 at 42-45

<sup>116</sup> 2013 Atlas, *supra* note 111 at 27 and 28.

<sup>117</sup> Daniel Škobla, Gábor Csomor and Jarmila Filadelfiová, *Zmeny v systéme pomoci v hmotnej núdzi a prieskum dopadov zmien v poskytovaní príspevku na bývanie v rámci pomoci v hmotnej núdzi* (Bratislava: Inštitút pre výskum práce, 2017), available at: [http://www.ceit.sk/IVPR/images/IVPR/vyskum/2016/Skobla/zmeny\\_v\\_systeme\\_pomoci\\_v\\_hmotnej\\_nudzi\\_skobla\\_csomor\\_filadelfiova\\_2016.pdf](http://www.ceit.sk/IVPR/images/IVPR/vyskum/2016/Skobla/zmeny_v_systeme_pomoci_v_hmotnej_nudzi_skobla_csomor_filadelfiova_2016.pdf), at 65-66, [Changes in Aid in Material Need and Survey on the Impact of Changes in Providing Housing Allowance within the Aid in Material Need].

<sup>118</sup> *Ibid* at 66.

<sup>119</sup> *Ibid*.

people,<sup>120</sup> *“only about 35 families paid for their own garbage bins and the municipality adopted no measures to instigate responsible waste management and reduce the debts.”* The locality caters to the remaining inhabitants with large waste bins that are insufficient and increase the risk of renewing the illegal waste dump located nearby.<sup>121</sup> More generally, we have identified in almost all our localities an increased risk of creation of illegal dumps located in the proximity of settlements as a result of insufficient waste collection services.<sup>122</sup> In one case, the local field social workers in a larger town (Žilina) noted that inhabitants of other parts of the city relatively regularly dump large items in proximity to the ghetto. The local city police have been reluctant to address this nuisance.<sup>123</sup>

From a children’s rights perspective, poor waste collection presents not only an increased health hazard for children. The current legislation regulating fees for waste collection creates a situation in which some of them may become debtors from birth. The law requires that all persons with their permanent or temporary residence in a certain municipality shall pay the fee for communal waste.<sup>124</sup> The town of Žilina<sup>125</sup> interpreted this obligation to only include adults and children, but also, in case of failure to fulfil this obligation, the town imposes the outstanding debt on the children.<sup>126</sup> Consequently, according to informal information obtained from one of the local councillors in Žilina, Ľubomír Bechný, the city was even trying to disstrain the debt from children prior to reaching the age of 18. However, even enforcing debt on youth after reaching 18 years old or when starting economic activity put them at significant disadvantage.<sup>127</sup> This may arguably create an even more vulnerable situation for Roma girls, who already experience disadvantage when entering the labour market, due to their ethnicity and gender-related expectations.<sup>128</sup>

The Ombudsperson challenged this legislation in 2018 with the Constitutional Court, arguing that imposing a fee directly on children violates, among other things, the principle of their best interest and disproportionately disadvantages children from poor households. On 12 September 2018, the Constitutional Court ruled that her challenge was manifestly ill-founded, noting that the relevant legislation allows for interpretation in a constitutionally compatible manner. Hence, municipalities should enforce the payment of fees from children from the parents or legal guardians and that these adults were also responsible for the outstanding debts.<sup>129</sup> We are yet to see whether this reasoning will actually be translated into the practice of the municipalities.

Municipalities play the key role in urban and municipal development, including ensuring infrastructure in marginalised areas following their plans of land development, which serve as a basis for legalisations of parcels required for municipal investments.

<sup>120</sup> Memo on housing prepared for this report by the Roma Platform.

<sup>121</sup> *Ibid.*

<sup>122</sup> Memo on housing prepared for this report by the Roma Platform, Romed and People in Need.

<sup>123</sup> CVEK monitoring in September 2018.

<sup>124</sup> Para 77 sec 2 a) of the Act No. 582/2004 Coll. On Local Taxes and Local Fee for Communal Waste and Small Construction Waste.

<sup>125</sup> Based on our informal information gathered through our grass root partners, this is rather frequent practice, also in other numerous localities.

<sup>126</sup> Constitutional Court, resolution, Pl. ÚS 11/2018-10 of 12 September 2018.

<sup>127</sup> This was actually situation that lead to the ruling of the Czech Constitutional Court, Finding Pl. ÚS 9/15 of 8. August 2017.

<sup>128</sup> Please see more details on disadvantages in employment based on gender in chapter on education, above.

<sup>129</sup> Constitutional Court, resolution, Pl. ÚS 11/2018-10 of 12 September 2018.

According to the data gathered in the 2013 Atlas, approximately two-thirds of parcels in Roma settlements are either legalised or rather easily legalised. Municipalities typically own these parcels on which they have built so-called flats of lower standard, discussed below.<sup>130</sup> The ownership of the remaining parcels (i.e. 1/3) is divided as follows: 20% owners living outside the settlement (mostly non-Roma), 5% unknown owners, 9% churches, the Slovak Parcel Fund, or another state or private entity.<sup>131</sup>

To legalise the remainder to develop basic infrastructure or build new housing, municipalities must categorise such zones as residential in their plans of development. To be precise, towns and municipalities with their population above 2.000 inhabitants are legally obliged to have such plans. Less populous municipalities should have such plans only if planning larger development. In stipulating principles and strategies of planning, the law does not pay any attention to the existence or situation of marginalised communities lacking proper infrastructure.<sup>132</sup> MTaC noted that preparation of such plans is fully vested in powers of the local administration. The state can intervene only in cases when it concerns protection of the environment, water or the like. *"These are areas dedicated for living and can be included in the development plan of a town or a city, unless there are no opposing opinions of such state authority. (...) The development plan should ensure equal conditions for housing. A separate approach towards poor settlements and urban ghettos would create conditions for segregation of their inhabitants."*<sup>133</sup>

However, MTaC, which provides funding for the preparation of such plans, assigns extra points for applicants that claim to have Roma communities in their locality.<sup>134</sup> The Higher Regional Unit's representatives participate in the public deliberations concerning municipal plans of regional development. According to our inquiry, the Kosice Higher Regional Unit, with one of the highest shares of Roma communities, noted that in their comments submitted to municipalities, the Unit supports an *"optimal concept-based solution of the development of development of towns/municipalities (including localities with marginalised inhabitants)"*.<sup>135</sup> It is the municipal assembly that approves these local plans. Based on our experience, improvement of the plan that anticipates development of housing or infrastructure in terms of catering also to marginalised Roma may encounter strong opposition by the more affluent inhabitants. As we have indicated in our 2018 report, in some instances, local plans of land development do not anticipate any viable solution for Roma housing. Rather notorious has been the situation in Plavecký Štvrtok, where the community lives next to high-pressure gas pipelines with no tangible opportunity to legally settle anywhere else in the village.<sup>136</sup>

One of the most critical preconditions in raising the quality of infrastructure is the legalisation of parcels underneath the existing settlements or of parcels for new development.<sup>137</sup> In 2017, the Office of the Government Plenipotentiary (OGPRC) and the

<sup>130</sup> Please see on this in section 'Access to Secure and Affordable Housing', below.

<sup>131</sup> 2013 Atlas, *supra* note 111 at 53.

<sup>132</sup> Paras 11 and 12 of the Act No. 50/1976 Coll. as, On Land Planning and on Construction, as amended.

<sup>133</sup> Written statement of the MTaC received on 24 August 2018.

<sup>134</sup> Amendment to the Directive of the Ministry of Transport, Construction and of Regional Development of the Directive 59/2014 Coll. on Evaluation Criteria and on Preparation of Grant Applications for Development Planning Documents.

<sup>135</sup> Written statement to our inquiry prepared by the Kosice Higher Regional Unit on August 30, 2018 requested for the preparation of this report.

<sup>136</sup> Act No 153/2017 Coll. Amending 330/1991 on legal adjustments of May 11, 2017.

<sup>137</sup> In case, the municipality is not required to have a land plan of development, legalization of lands requires an approval of the relevant municipal council. Para 8g (2) of Act No 330/1991 Coll. on Land

Ministry of Agriculture<sup>138</sup> significantly simplified the legal process of legalisation by introducing an institute of simple land adjustments in the context of settlements.<sup>139</sup> The simplification, in comparison to the prior status, lies in several aspects. First, the mayor needs only the approval of the majority of the owners to start the entire process of legalisation – not of all owners, a process that used to be cumbersome. As explained by Plenipotentiary Ravasz: *"This means that the process cannot be curtailed by one person (...) the Slovak land fund must cooperate and must also represent unknown owners (...) the mayor can thus really promptly proceed to have the approval of all owners"*. The municipality can offer these owners either an alternative parcel for exchange or cash. The plenipotentiary in partnership with the MoJ also prepared a new ministerial directive that sets out the price value of parcels in Roma settlements to prevent speculations and ensure fair value.<sup>140</sup> Ravasz underlined that these changes were much anticipated by numerous localities. *"Although the legalisations will not take place in a couple of months, at least we have created [a new simplified procedure] and also prepared [a national project to support it]"*. According to the law, the newly legalised land will be owned by the municipality and can be transferred only to the owners of the house that is built on the concerned parcel.<sup>141</sup> The law entered into force on 1 September 2017.

The implementation of this legislative change shall be supported through a national project implemented in the 150 communities with the least developed Roma communities. The project offers municipalities expert legal, counselling and other types of support during these processes.<sup>142</sup> The project's implementation has not started yet. One of the interviewed mayors, in a rather challenging locality in Chminianske Jakubovany, believed that the new legislation would help them *"because it was very complicated as [the parcels in the Roma settlement] were owned by numerous known and non-known owners and by the Slovak land office"*.<sup>143</sup> The inhabitants, residing in one of the 150 localities targeted by the new project, are rather eagerly anticipating the project's start.

Furthermore, as Plenipotentiary Ravasz admits, legalisation of parcels in some of the most complicated cases may be curtailed by provisions on nature reserves. One of the notorious cases illustrating this problem is the Kolačkov municipality, with a population of about 1,100 people in the north-east part of Slovakia. The Roma community living in this village is concentrated at the edges of a hill that has been slowly becoming unstable, causing the risk of a mudslide demolishing the entire settlement. In fact, local non-Roma signed a petition requesting the municipality to address the life-threatening situation in the settlement. The mayor recognised the risk, but argued that the municipality was unable to alleviate the situation in relation to the hill, because it is not municipal property. Moreover, the entire village is surrounded by a bird protection zone, prohibiting future development.<sup>144</sup> Roma Plenipotentiary Ravasz, trying to facilitate a solution, provided the municipality with geodetical and other expert services to locate another area to which at-

Corrections, Settling of Land Ownership, Parcel Offices, Parcel Fund and Parcel Communities, as amended. (Land Act)

<sup>138</sup> Interview with GRPC, Ábel Rávasz, on 17 August 2018.

<sup>139</sup> Para 8d of the Land Act.

<sup>140</sup> Directive of the MoJ 213/2017 amending the directive of the MoJ 492/2004 Coll. on Establishment of General Values of Property, as amended.

<sup>141</sup> Para 8d (12) of the Land Act.

<sup>142</sup> *National project Support of Legalization of Lands in Marginalized Roma communities* (ITMS 2014+:312051I641) available at: <https://www.minv.sk/?oznamenie-2>, please see also further information in our 2018 report

<sup>143</sup> Phone interview Jozef Lukáč, the mayor of Chminianske Jakubovany on 7 September 2018.

<sup>144</sup> Please see an item broadcasted by the Slovak Television, RTVS, on 19 October 2017, available at: <https://www.facebook.com/spravysrtvs/videos/vb.1428899270704224/1890624887864991/?type=2&theater>

risk families could move. As a temporary measure, the municipality built so-called container (plastic) houses in front of the village.<sup>145</sup>

### Access to secure and affordable housing

Accessibility of housing for low-income families more generally remains an ongoing issue.<sup>146</sup> The most recent state conception of housing policy until 2020 assesses that rental flats form only a fraction of all flats (6%, while only 3% is municipal).<sup>147</sup> Development of housing rests fully in the hands of local governments, while the central government has merely a regulatory role and provides funding through grant schemes. There are no incentives or regulations for private developers to provide social or affordable housing aside from inexpensive loans. The state directly supports housing through state grants for the development of new municipal and social housing<sup>148</sup> and through inexpensive loans for both the development of new or renovation of existing municipal or privately owned flats.<sup>149</sup> The state conception lists marginalised communities as one of the target groups of the social housing policies; however, noting with respect to all groups that the support provided “*by the state should be only of complementary nature and should aptly complement and, at the same time, instigate individual efforts in addressing one’s housing situation*”.<sup>150</sup> The conception underlines the desirable model of so-called gradual housing, which motivates tenants to move on the ladder towards higher quality housing.<sup>151</sup>

Slovakia’s flagship, and the most prevalent policy in addressing the housing needs of marginalised Roma since 2001, as re-established in 2005, consists of the construction of municipal rental flats of lower standard.<sup>152</sup> The legislation defines that a flat of a lower standard is smaller (45 m<sup>2</sup> to 55 m<sup>2</sup>) and of lower standard than the flat of a regular standard (56 m<sup>2</sup> to 60 m<sup>2</sup>).<sup>153</sup> According to a regulation of the Ministry of Health, minimum requirements for low-standard flats is minimum 12 m<sup>2</sup> per main inhabitant and 6 m<sup>2</sup> per each additional person living in a household with minimum 15 m<sup>2</sup> of living space for a flat, access to drinking water with a possibility to install a means of heating for water, a toilet, a shower or bath tub, a sewage system, and the technical option to install heating. A unit of lower standard using coal or wood for heating should also have a storage space.<sup>154</sup> Basically, lower-standard rental flats are just a space with no facilities but with a technical possibility of installing them later. A future tenant thus needs significant additional funds,

<sup>145</sup> Interview with GRPC, Ábel Rávasz, on 17 August 2018.

<sup>146</sup> Also recognized by the MTaC in their written statement for this report on 24 August 2018.

<sup>147</sup> Koncepcia štátnej bytovej politiky do roku 2020, government resolution No. 13/2015, at 9, available at <http://www.rokovania.sk/Rokovanie.aspx/BodRokovaniaDetail?idMaterial=24186>, [Conception of state housing policy until 2020].

<sup>148</sup> Act No. 443/2010 Coll. on Grants for Support of Housing and on Social housing, as amended. (Act on Housing Grants)

<sup>149</sup> The state indirectly support housing via state bonuses of special saving housing programs, especially for young families. Conception of State housing Policy until 2020, *supra* note 147 at 13.

<sup>150</sup> *Ibid.*

<sup>151</sup> *Ibid.* at 20 and 25.

<sup>152</sup> Program podpory výstavby obecných nájomných bytov odlišného štandardu určených pre bývanie občanov v hmotnej núdzi ako i technickej vybavenosti v rómskych osadách, government resolution No. 335/2001, [Program Supporting Construction of Municipal Rental Flats of Different Standards for Citizens in Material Need and Technical Infrastructure for Roma Settlements]; *Dlhodobá koncepcia bývania pre marginalizované skupiny obyvateľstva a model jej financovania*, government resolution No. 63/2005, at 1 -2, [Long Term Conception of Housing for Marginalized Groups and Model of its Financing].

<sup>153</sup> Art 2e) and d), para 8 section 1 and 2 of the Act on Housing Grants, *supra* note 148.

<sup>154</sup> Para 8 of Directive of the Ministry of Health No. 259/2018 Coll., as amended.



for example, to install heating, a shower, toilet or kitchen.<sup>155</sup> CVEK argued that the minimum standards of such housing are below the minimum standards of adequate housing set out by article 11 of the International Covenant on Economic, Social and Cultural Rights.<sup>156</sup>

The state subsidy for flats of lower standards is significantly higher (75% to 70%) than for the development of flats of higher standard (40%-35%). The MTaC explained that the state subsidy is higher to ensure that rental fees are affordable. Despite having lower standards, the MTaC argued that technical and other standards of lower-standard housing must be equally met as in the case of regular-standard flats.<sup>157</sup> A municipality can either develop new housing or renovate existing buildings and convert them into regular or lower-standard flat housing. The law also requires that these flats remain as municipal rental properties for at least 20 years.<sup>158</sup> Between 2000 and 2018, the MTaC funded the development of 295 housing sites with 4,689 flats of lower standard with a state-funded budget of 68.3 million EUR.<sup>159</sup>

The legislation defines social housing as catering for persons and families with income set according to the defined minimum standards. A slightly higher threshold is afforded for families with a person with disabilities, single parents or families with a member that provides social, health or cultural services, or youth released from institutional care.<sup>160</sup> More generally, however, the social housing policy does not present a holistic approach towards addressing families' problems. Additionally, in practice it is not a temporary solution with an ambition to create a path for disadvantaged individuals and families to the regular housing market, but a permanent solution. Furthermore, while the legislation does not draw distinction among targeted groups, in practice, we note that there is an ethnic division. Typically, tenants of regular flats are non-Roma and tenants of lower-standard flats are Roma. Indeed, even the MTaC confirmed that *"unfortunately, in practice this (lower) standard housing is labelled as living for Roma, who belong to the most socially excluded groups in this country. While this is an incorrect interpretation, municipalities often choose this housing strategy for municipal housing because the rental fees are significantly lower and the tenants (often dependent on social welfare and lacking regular income from employment) are able to afford it. In practice, however, there are many examples where low-standard flats are used as the first housing for youth, young families or housing for those in risk."*<sup>161</sup>

In line with the new approach adopted after the Social Change in 1989, the policy shifts the responsibility for housing on future tenants. In the context of the low-standard flat developments, based on a certain anti-Gypsyist stereotype that Roma would demolish their flats,<sup>162</sup> the regulation required that future tenants of low-standard flats thus should take part in the construction, supplying their own labour. This requirement serves to ensure that "Roma would thus value" their housing when they participate, unlike when they receive something for free as during socialism. This assumption has not been

<sup>155</sup> Jarmila Lajčáková, Alena Chudžíková and Zuzana Balážová, *Developing Inclusive Housing Policies: Housing and Infrastructure of Marginalized Roma in Slovakia* (Bratislava: CVEK, 2013) (unpublished) at 28.

<sup>156</sup> *Ibid.* at 28-29.

<sup>157</sup> Written statement of the MTaC on 24 August 2018.

<sup>158</sup> Para 8 and 10,11 of the of the Act on Housing Grants, *supra* note 148.

<sup>159</sup> Additional information provided by the MTaC on 12 September 2018.

<sup>160</sup> Para 22 section 3 of the Act on Housing Grants, *supra* note 148.

<sup>161</sup> Written statement of the MTaC on 24 August 2018.

<sup>162</sup> Lajčáková 2013, *supra* note 156 at 29.

supported by any evidence,<sup>163</sup> but is shared by some of the researched municipalities.<sup>164</sup> In terms of funding the low-standard flats, municipalities typically co-finance their development with a loan from the State Fund mentioned above or a bank. The law does not specifically stipulate that future tenants must invest their labour into the housing development. However, the applicant, i.e. the municipality or the town, must demonstrate to have funds available for co-financing. The relevant application includes an option that in the case of social housing, possession of such funds can be demonstrated by “value of self-help labour” of the future tenants.<sup>165</sup> Some of the researched municipalities engaged Roma in the construction of their flats (as unpaid work), but also argued that it is impossible to provide such in-kind contribution for 20% of the value of the construction.<sup>166</sup> Housing development may also require qualifications that future tenants might not have. Furthermore, this approach practically excludes single parents, mostly women, to participate in such construction due to childcare responsibilities or physical work that may pose serious health risks. And indeed, as we argue below, generally, it tends to be assumed that single Roma parents would simply live with their broader family.

Selection of future tenants depends entirely on the municipalities. Our monitoring indicated that typically it is based on a combination of criteria: income above and/or below a certain threshold, no outstanding debts towards municipalities, children having proper school attendance, and inability to take care of one’s housing situation. Specific attention is also paid to those families that are economically the worst off. Sometimes future tenants are selected through a lottery, by a commission or there is a waiting list. In some localities, we have encountered non-transparency and questionable practices in allocation of flats.<sup>167</sup>

The multiple disadvantage of single parents, mostly mothers, according to our monitoring, is not addressed in the local housing policies. There tends to be the assumption that single mothers would stay with their larger families. Often, single parents – both Roma and non-Roma – do not meet the income threshold required for allocation of a municipal flat. In Skalica, for example, the head of the city’s social department Gabriela Patková explains that often the committee responsible for decisions of allocation of flats rejects the applications of single mothers with small children “*due to insufficient income as they live only from one income, often subsidiary alimonies (provided by the state) since not all fathers fulfil their maintenance obligation toward their children.*”<sup>168</sup> The local housing policies in this manner thus preserve traditional family arrangements which limit women’s independence and autonomy. At this point, we wish to stress that children from households with single parents, particularly from disadvantaged backgrounds such as Roma, are at the highest risk of poverty.<sup>169</sup> The newly adopted action plan on housing does not adopt an intersectional perspective when designing housing intervention.<sup>170</sup>

<sup>163</sup> Marek Hojsík, *Evaluácia programu obecných nájomných bytov v rómskych osídleniach* (Bratislava, Nadácia Milana Šimečku, 2008), [Evaluation of the Program of Municipal Rental Flats in Romani Settlements].

<sup>164</sup> Lajčáková 2013, *supra* note 156 at 29.

<sup>165</sup> Additional information provided by the MToC on 12 September 2018.

<sup>166</sup> Lajčáková 2013, *supra* note 156 at 29.

<sup>167</sup> Memos prepared by People in Need, Roma Platform and Roma Media on housing for this report.

<sup>168</sup> Memo on housing prepared by RAVS for this report.

<sup>169</sup> Data EU SILC analyzed by the Slovak Academy of Sciences, sociological department, reported in a press release *Deti na Slovensku naďalej ohrozené chudobou. Ubeľá ich o životné šance*, 1 June 2018, available at <http://vedanadosah.cytisr.sk/deti-na-slovensku-nadalej-ohrozene-chudobou-obera-ich-o-zivotne-sance>, [Children in Slovakia Continue to be At Poverty Risk. Poverty Reduced their Life Chances].

<sup>170</sup> We have raised this issue in our 2018 *Civil Society Monitoring Report*, *supra* note 17 at 27-28.

In terms of affordability, available studies indicate that rent in lower-standard flats ranges from 10 to 130 EUR a month, plus utilities and waste.<sup>171</sup> The housing allowance for those in material need, as we discuss in question 3 below, amounts to 55.80 EUR in the case of a one-person household and 89.20 EUR in the case of a family. Some localities use the institute of special beneficiary to ensure that people cover their housing costs, especially since municipalities have loans to cover co-financing of the housing development. Special beneficiary means that the social welfare, including the housing allowance, is paid to the municipality, which first deducts the rent, waste and sometime utilities and then the remaining welfare is released to the tenants.<sup>172</sup> The maximum rent for a municipal flat of various standards (based on three categories, not whether it is of low or regular standard), dependent on the flat's size and available utilities, is set out in a regulation of the Ministry of Finance issued in 2008 and later amended.<sup>173</sup>

(Please note that we discuss one of the most controversial aspects associated with this state policy – residential segregation – section 'Fight against residential segregation, discrimination and other forms of anti-Gypsism' below.)

While the programme of municipal housing of flats of lower standard and its scale somewhat became the dominant policy, over the years, there have been other alternative models pursued mostly by NGOs in partnership with municipalities. In particular, there is a model where future tenants first enter into a microcredit loan programme, saving money for some time that is eventually topped up by a loan. Future tenants then typically build family houses by themselves.<sup>174</sup> These housing programmes typically entail a more significant aspect of social work. However, to our knowledge, none of such programmes anticipated housing development in fully integrated settings but rather built in areas "where Roma live". The newly adopted updated Action Plans on Housing sets out as one of the tasks preparations of a pilot programme of self-help construction of housing financed through micro-loans. Such a programme has not been implemented yet.<sup>175</sup> There is no anticipated call via ERDF in 2018.

Finally, the newly updated action plan on housing anticipates gradual (or step) rental housing of different categories through which tenants can move on the basis of their income and credit rating based on the paid rent as one of the desirable strategies in addressing the housing needs of Roma. There have been several attempts to introduce such a system, most notably in Dolný Kubín, Dunajská Streda and Banská Bystrica. There are merely limited studies evaluating whether these particular localities have been successful in promoting integration and secured affordable housing.<sup>176</sup> The updated plan

<sup>171</sup> Lajčáková *et al.* 2013, *supra* note 156.

<sup>172</sup> Para 23 of the Material Need Aid Act, *supra* note 88.

<sup>173</sup> R/1/2008 of the Ministry of Finance, available at <https://www.finance.gov.sk/sk/dane-cla-uctovnictvo/cenova-oblast/>. Analysis of whether the prices set out in this regulation provide affordable housing is beyond the scope of this report.

<sup>174</sup> Please see e.g. ETP program in Rankovce, Eva Mikulová, "V Rankovicach svojpomocná výstavba domov pre Rómov funguje", 1 August 2018, [košice.dnes24.sk](https://www.dnes24.sk/), available at : <https://kosice.dnes24.sk/v-rankovciach-svojpomocna-vystavba-domov-pre-romov-funguje-305382>, [Self-help Housing Development for Roma in Rankovce is Functional].

<sup>175</sup> Task 1.2.3 of the Updated Action Plan on Housing, *supra* note 112. That this task was included (but unfulfilled) also in the previous Revised Action Plans of the Strategy of the Slovak Republic for Roma Integration until 2020 for years 2016-2020 for area Housing, government resolution No. 87/2017, 22 February 2017, task 6.1.5, available at: <http://www.rokovania.sk/Rokovanie.aspx/BodRokovaniaDetail?idMaterial=26278>

<sup>176</sup> Some evaluation of Dolný Kubín is included in Eszter Somogyi and Nora Teller, *Improving Housing Conditions for Marginalised Communities, including Roma, Methodological Guidance* (Budapest: Metropolitan Research Institute, 2011) at 27, 32 and 26, available at: [https://www.euromanet.eu/upload/84/25/vademecum\\_OSI\\_2011.pdf](https://www.euromanet.eu/upload/84/25/vademecum_OSI_2011.pdf)



on housing anticipates implementation of the gradual housing model with accompanying social services.<sup>177</sup>

Saliently, the EU has assigned ERDF funds within priority axis 6 of the Operational Programme Human Resources 2014-2020 – Technical facilities in municipalities with presence of marginalised Roma communities, within priority 6.1 improved housing conditions support of functional system of transitional housing, a financial mechanism for supporting self-built housing projects (micro-loans) along with access to water, waste management and communication.<sup>178</sup> However, spending of these funds has been greatly delayed. The first call for funding of gradual housing, with allocation of 50 millions EUR (45 millions from ERDF and 5 millions from the state budget) was released only on 19 November 2018, with the closure of the first round on 18 March 2019. The housing projects should support gradual housing of at least two steps, with accompanying social assistance. A minimum of 30% of housing units should be allocated for Roma.<sup>179</sup> Towards the end of 2018, the Roma inclusion unit at the MoI plans to release a call to fund janitors in housing with presence of MRC.<sup>180</sup> As of 31 December 2018, such a call has not been issued yet.

### Effectiveness of housing benefits and social assistance to maintain housing

During the social welfare reforms in 2003 and 2004, the state significantly cut welfare and introduced a new form of support specifically targeting housing – a housing allowance. NGOs as well as experts criticised the design of the allowance as indirectly excluding those who are worst off, in particular Roma families living in illegally built dwellings due to not being able to meet the criteria of having legal title to the property that they lived in and no outstanding debts toward the municipality.<sup>181</sup> In 2013, the new welfare legislation slightly improved the accessibility of this subsidy to cover also those living in institutions of social services (e.g. emergency housing or crisis centres). However, this change has not targeted Roma families living in illegal dwellings. The share of housing allowance beneficiaries remains below 50% of those that qualify for welfare support, i.e. they are in material need.<sup>182</sup> In fact, the share of recipients of the housing allowance decreases with the increasing degree of spatial segregation. It is lower in segregated areas than among Roma that live integrated.<sup>183</sup> In fact, in the monitored localities, we found that typically less than half of families living in excluded areas receive the subsidy.

The amount of the housing allowance is rather significant considering the value of the welfare support. It amounts to 55.80 EUR a month for a one-person household or 89.20 EUR if the applicant is a household with multiple members in material need. For a comparison, welfare support for one person amounts to 61.20 EUR a month and decreases per person for households with more members. For instance, a couple with 4 children receives 160.40 EUR (i.e. 26.73 EUR per person). The maximum welfare support,

<sup>177</sup> Task 1.4.1 of the Updated Action Plan on Housing, *supra* note 112, That this task was included (but unfulfilled) also in the previous Revised Action Plans of the Strategy of the Slovak Republic for Roma Integration until 2020 for years 2016-2020 for area Housing, *supra* note 175, task. 4.1.1.

<sup>178</sup> The support from the Union for the entire priority 6 is almost 244 millions EUR. Operational Programme Human Resources, version 3.0, 2018, at 113 and 145, available at <https://ludskedroje.gov.sk/dokumenty-a-legislativa>

<sup>179</sup> Call for proposals, OPLZ-PO6-SC611-2018-2, available at: [https://www.minv.sk/swift\\_data/source/mvsr\\_a\\_eu/oplz/vyzvy/vyzva\\_byvanie\\_2018/Vyzva%20byvanie.pdf](https://www.minv.sk/swift_data/source/mvsr_a_eu/oplz/vyzvy/vyzva_byvanie_2018/Vyzva%20byvanie.pdf)

<sup>180</sup> Information provided by the Roma inclusion department at the MoI received on 5 November 2018.

<sup>181</sup> Lajčáková, *et al* 2013, *supra* note 156 at 36-37.

<sup>182</sup> Škoba *et al*, *supra* note 117 at 59 and data cited therein.

<sup>183</sup> *Ibid*.

excluding the housing allowance, amounts to 216.10 EUR for a couple with more than four children.<sup>184</sup> Arguably, the housing benefit is set to be appropriately high to cover the housing fees in low-standard flats or older municipal housing in segregated areas in rural, less affluent areas of Slovakia. However, the benefit is insufficient to help families to move into more economically prosperous areas with more employment opportunities. Even more significantly, as it stands now, this housing benefit is awarded only to those in material need, i.e. their income is below the set subsistence minimum and thus are typically unemployed.<sup>185</sup>

In addition, as we identified in our report from last year, regulations for allocating the housing allowance give significant powers to the municipality, which is open to abuse. Applicants for the allowance should demonstrate having no outstanding balance toward the municipality (e.g. for waste costs, local taxes) or having a concluded agreement on a scheduled payment to cover their outstanding debts with the municipality.<sup>186</sup> However, the municipality is under no obligation to conclude such an agreement. The distribution of the allowance creates space for manipulative or even discriminatory treatment.<sup>187</sup>

While these specific problems with accessibility to the housing allowance relevant to the particularly disadvantageous situation of Roma households have not been addressed, in the current state housing policy adopted in 2015, the MLSAF was tasked to “*prepare a new piece of legislation whereby conditions for accessing the allowance would depend on the number of household members, type of living, maintenance costs associated with housing and also the income situation of the household*”.<sup>188</sup> So far, the MLSAF has not presented such a proposal.

As discussed in our report from last year, Slovakia is implementing a large-scale national program of field social work funded from ESF. One of the key activities of the field workers is to help families to reduce their debts and thus to improve their access to both housing and employment. There has been an important legislative change and policy measures to ease bankruptcy for natural persons. We discussed this in our previous report, and we note more on the current development as an example of emerging good practices in the section on employment.<sup>189</sup>

General state housing policies, Roma integration plans and local strategies pay no attention to the situation of single parents, who are predominantly women. The share of single-parent households (likely to be predominantly households of mothers) is assessed to be 3% of all Roma households in comparison to 17% of households in the non-Roma population. This indicates, as previously noted, that single Roma mothers most likely live with their parents or larger families rather than independently.<sup>190</sup> As a matter of law, children cannot be taken away to public custody from their parents due to poverty. However, there is a disproportionately high share of Roma children placed in foster homes (assessed at 60% of children placed into foster homes). Available studies indicated that

<sup>184</sup> Para10 of the Material Need Aid Act, *supra* note 88, and additional information at: <https://www.employment.gov.sk/sk/rodina-socialna-pomoc/hmotna-nudza/vyska-pomoci-hmotnej-nudzi/davka-hmotnej-nudzi.html>

<sup>185</sup> Para 9, *ibid.*

<sup>186</sup> Para 14 (5)c, *ibid.*

<sup>187</sup> *Civil Society Monitoring Report 2018*, *supra* note 17 at 33, Škobla *et al*, *supra* note 117.

<sup>188</sup> Conception of the State Housing Policy, *supra* note 147 at 25 and 26.

<sup>189</sup> Please see in more details in section ‘Addressing barriers and disincentives of employment: a promising practice of a new bankruptcy regulation’, above.

<sup>190</sup> This information has been included in methodological discussion about composition of a representative sample of Roma households for data gathering prepared by UNDP in 2010 and published in 2012. Filadelfiová *et al*, *supra* note 90 at 22.

the actual reasons for their public custody could have been poverty and neglected social work with families.<sup>191</sup>

## Fight against residential segregation, discrimination and other forms of antigypsyism in housing

Residential segregation of Roma continues to be a major issue in Slovakia. The tangible evidence of segregation is the existence of 803 concentrated Roma communities that were segregated within or outside municipalities, as mapped in the 2013 Atlas.<sup>192</sup> Out of the assessed 402,000 Roma living in Slovakia, 46.5% live integrated among the majority population. Almost 52,000 Roma live segregated within towns and municipalities (12.9%), 96,000 Roma live in concentrated areas at the edges of towns and municipalities (23.8%) and almost 70,000 live segregated (17%).<sup>193</sup> Data for the updated Atlas of Roma Communities, which is currently being prepared by the OGPRC, will reveal whether the number of segregated communities has increased or decreased since 2012.<sup>194</sup>

One of the pertinent issues in relation to housing is that while the quality of housing may improve in some localities, residential segregation is preserved and accepted as something “normal”.<sup>195</sup> Indeed, arguably one of the most controversial aspects of the policy of flats of the lower standard – the most relevant and significant state policy of housing addressing the situation of Roma – is promotion or preservation of residential segregation. Low-income flats targeting marginalised Roma are almost always located separated at the edges of municipalities and sometimes even in segregated or/and isolated settings.<sup>196</sup> Indeed, monitoring prepared for this report rather unanimously notes that any housing programmes targeting Roma are separated or segregated areas. According to mapping of the People in Need NGO, “*development is almost exclusively in excluded localities and possibilities of families to leave the area are very exceptional.*”<sup>197</sup> Vaňová of Romed concurs and notes, “*housing is developed only in areas where Roma families live. Municipalities do not support Roma in moving to other parts of the municipality, only if they buy a parcel there or older houses. However, non-Roma owners are not very willing to sell their property to a Roma family. Roma concentrate in certain areas of a village.*”<sup>198</sup>

At the same time, it shall be noted that mayors willing to apply for grants to build these houses for Roma families have often faced significant opposition from the majority, even

<sup>191</sup> See e.g. interview with Elena Gallová Kriglerová after completing research on placement of Roma children in foster homes, Rudolf Sivý, “Rómske deti v detských domovoch tvoria väčšinu, chýbajú podmienky na ich adaptáciu”, OSF, 29 June 2015, available at: <http://osf.sk/pribehy/pribehy-eea/romske-deti-v-detskych-domovoch-tvorja-vacsinu-chybaju-podmienky-na-ich-adaptaciu/>, [Roma Children Form Majority in Foster Homes, Conditions for their Adaptations are Missing].

<sup>192</sup> 2013 Atlas, *supra* note 111 at 13.

<sup>193</sup> Please see e.g. an overview of the Atlas’s data in Prvé výsledky Atlasu rómskych komunít na Slovensku 2013, available at: [https://www.minv.sk/?atlas\\_2013](https://www.minv.sk/?atlas_2013)

<sup>194</sup> Data gathered in 2004 atlas and in 2013 atlas cannot be compared be due to different methodologies compared.

<sup>195</sup> Please see also positive examples of Veľký Krtíš an Hlinné that we discussed *Civil society monitoring report 2018*, *supra* note 17 at 68 ff. Residential segregation, even on reasonably good localities accepts to be “normal”.

<sup>196</sup> Lajčáková, *et al* 2013, *supra* note 156, in addition to our monitoring in approximately 20 localities across Slovakia.

<sup>197</sup> Memo on housing prepared for this report by People in Need.

<sup>198</sup> Memo on housing prepared for this report by Romed.

when such housing is segregated or separated.<sup>199</sup> This concerns both the development using the state scheme of lower-income housing as well as the self-help construction of family houses using microcredit loans.

The only exemption that we were able to identify was Hodejov, with a population of 1,500 and its share of Roma of around 60%, in south-central Slovakia. The mayor at that time, i.e. in around 2010, managed to advance construction of lower-standard flats within the ambits of the village to avoid spatial segregation. The development of the housing was funded by the state grant scheme for low-income flats as well as grants from Habitat for Humanity International. Additionally, the municipality complemented the construction of low-income housing by gasification of the whole village, which required also parcel settlements.<sup>200</sup>

### Telek case

Some promise in addressing the development of new housing catering to Roma is delivered by the recent judgment of the Regional Court in Prešov concerning the area called Telek in Sabinov. The case goes back to 2006, when Sabinov, a mid-size town in north-east Slovakia attempted to move all Roma living in the municipal flats located at the central square to a segregated area on the hill above the city called Telek. The city, declaring renovation of the old flats, successfully applied for the grant scheme of MTaC and built flats of lower standards in the segregated area in buildings reminiscent of agricultural cowsheds. In the official documents, the flats in Telek were intended for 'unadaptable inhabitants and non-payers'.<sup>201</sup> However, according to other documents it was rather clear that these flats were labelled as 'Roma flats'. Via Iuris, an NGO representing the eight petitioning Roma, sued both the town of Sabinov as well as the MTaC, which had failed to ensure that the state funding was provided on a non-discriminatory basis. Via Iuris argued that all Roma, regardless of whether they fell within the city's defined inadaptability or had outstanding debts, were moved to the so-called Roma flats in Telek. By contrast, their non-Roma neighbours who met the questionable criteria (having outstanding debts and being inadaptable) were offered flats in other areas of the city. One of the petitioners recalled being informed that *"they would not be able to live in the dwellings where they had lived until then and they would be moved to the fringe of the town where new homes were being erected for them... If they did not consent, they would be thrown out on the street"*.<sup>202</sup>

Via Iuris succeed in 2009 with the district court in Prešov, but lost the appeal made by the defending parties with the Regional Court in 2014, eventually reaching the Supreme Court. In its thorough ruling rendered on 19 April 2017, the Supreme Court highlighted the overall context and disadvantage experienced by Roma in Slovakia as well as the relevant cases of the European Court of Human Rights and stressed that all relevant public administration, including the local municipality, should carefully review all its policies and always seek solutions leading to Roma integration, excluding all doubts about their compliance with law, justice and effectiveness.<sup>203</sup> *"Even the opposition of the majority population (...) by itself cannot justify any discriminatory action"*, argued the Supreme Court. The Supreme Court rejected all the arguments of the Regional Court, pointing out that the

<sup>199</sup> Sveržov, for example. See e.g. in Alexander Mušíinka, *Podarilo sa: Príklady úspešných aktivít na úrovni samospráv smerujúcich k zlepšeniu situácie Rómov* (Prešov: Vydavateľstvo prešovskej univerzity, 2012), [Examples of Successful Municipal Activities Improving Situation of Roma]

<sup>200</sup> Lajčáková *et al* 2013, *supra* note 156 at 11.

<sup>201</sup> Used to label people notorious for their outstanding debts.

<sup>202</sup> Judgment 8 petitioners defended by *Kristína Babiaková vs Town of Sabinov and the Ministry of Construction, and Regional Development* (hereinafter the Telek case), 25 C 192/2007-585, case no 8107241252 of 15 June 2009, at 2.

<sup>203</sup> Reproduced in Supreme Court Judgment 5Cdo/18/2015 of 19.04.2017 at 5.

inappropriateness of the offered alternative housing that was unfit to be used was another relevant question to be weighted in the court's legal analysis.<sup>204</sup> Moreover, the new rental contracts offered were not concluded with the free consent of the tenants as they had no other actual housing alternative. The Supreme Court thus returned the case to the regional court, arguing that the MTaC had the obligation to review whether the offered funds for construction of flats did not amount to segregation of the minority.<sup>205</sup> In its final decision, the Prešov regional court had to follow the reasoning of the Supreme Court and revised its previous dismissive ruling. The Regional Court thus fully confirmed the reasoning of the first instance court and awarded each petitioner with 1,000 EUR in compensation.<sup>206</sup>

While state policies have, so far, failed to address residential segregation of Roma, as identified in our previous report, ethnic discrimination at the housing market makes it practically impossible for Roma (especially from disadvantaged communities) to find anything other than municipal housing. Discrimination ranges from public ads for flat rentals<sup>207</sup> that openly discourage Roma from responding and the inability of Roma buyers to purchase parcels or older houses to forced evictions leading to the formation of new illegal settlements.<sup>208</sup> No effective measures to prevent this practice or address segregation of housing more generally have been adopted. In addition, in some localities, existing residential segregation is further reinforced by building walls as recognised by the SNCHR, among others. The SNCHR notes that *"the trend of building anti-Roma walls is alarming. Anti-Roma walls are built in the form of walls or fences in residential areas to segregate areas inhabited by Roma communities from those inhabited by the majority population"*. From 2014 to 2017 the SNCHR monitored thirteen towns and municipalities, and observed such walls being built by nine of the municipalities. Only in one case did a municipality agree to remove the wall, and in other instances, *"towns and municipalities rejected accusations that they were building such walls"*.<sup>209</sup> The Centre merely issued recommendations to relevant authorities and did not engage in legal litigation in these cases.

At this point, we wish to point to the worrying further increase in social distances concerning the Roma as indicated by surveys over the last ten years. For instance, according to surveys of the Institute of Public Policies, in 2008, 70% of respondents did not wish to have Roma as their neighbours, increasing to 79% of respondents in 2017. Roma ranked as the second most rejected group after right-wing extremists (82% in 2008 and 84% in 2017).<sup>210</sup> Failure to somehow address this negative trend makes promotion of integrated housing even more challenging.

Environmental discrimination and violence is a salient but rather marginally addressed issue in Roma integration policies. There is no study that would comprehensively discuss the problem of environmental hazards and its impact on disadvantaged Roma. It is encouraging that while the 2013 Atlas does not focus on environmental issues beyond

<sup>204</sup> *Ibid.* at 7.

<sup>205</sup> *Ibid.* at 9.

<sup>206</sup> Regional Court Judgment 13 Co/38/2017 of 20 March 2018.

<sup>207</sup> Reported on a private FB site the ad was after the critique removed. (screenshot of the ad on file with the authors of the report)

<sup>208</sup> *Civil Society Monitoring Report 2018*, *supra* note 17 at 32, 33 and 35.

<sup>209</sup> Written statement of SNCHR requested for this report, received on 20 August 2018.

<sup>210</sup> Reproduced e.g. in "Názory Slovákov sú xenofóbnejšie. Najhoršie v prieskume dopadli moslimovia a prisťahovalci", 15 December 2017, *teraz.sk*, available at: <https://www.webnoviny.sk/nazory-slovakov-su-xenofobnejšie-najhoršie-v-prieskume-dopadli-moslimovia-pristahovalci/>, [Slovak's Opinions Becoming more Xenophobic. The Worst Off are Muslims and Immigrants].



access to drinking water, the newly prepared Atlas will specifically gather information on air pollution, environmentally hazardous dumps and risks of flooding.<sup>211</sup>

During our monitoring, as mentioned earlier,<sup>212</sup> we have recorded numerous communities exposed to risks associated with illegal waste dumps located in proximity to settlements and polluted sources of water.<sup>213</sup> Several localities, including the largest rural settlement, are known to lie in areas that are exposed to risks of flooding. Indeed, in 1998 50 people drowned as a result of heavy rains causing life-threatening floods in Jarovnice.<sup>214</sup> Since approximately 2010, the government has invested state and ESIF into the development of anti-flooding protection, specifically targeting areas with marginalised communities. The new updated Atlas will reveal how well these measures have addressed the situation in marginalised communities.

Another source of environmental danger has been proximity to existing or already closed industrial sites such as mines. For example, approximately 60 families living in the settlements in Rudňany called Pätorácke have been under permanent risk of their houses being destroyed due to the nearby closed metal mine. Their houses may drop into holes created by the closed mine's former activity.<sup>215</sup> This threat has been present for decades since the 1970s, when Roma started moving to the formerly administrative and housing units abandoned by non-Roma due to risks associated with the closed mine. Another settlement in the lower part of the village Rudňany called Zabijanec sits on a large industrial yard polluted by previous industrial activity. The municipality applied for ERDF funds in 2017 to eliminate the site of communal waste and improvement of the environment in the area of Zabijanec.<sup>216</sup> However, no progress has been made regarding the threats in the other area in Pätorácke. The environmental commissioner reviewed the area in 2011 and recommended the municipality to contact the relevant mine office. The mayor believed that it was the responsibility of the mine office to fence off the area and prohibit entry. However, the mine office responded that the municipality should not have permitted housing development in the area. The mayor claimed having no responsibility for the illegality of the concerned housing.<sup>217</sup> In 2014-2015, geologists reviewed the environmental risks of several areas possibly affected by former mining activity. The result of the study shows that Rudňany, particularly in the Roma settlement, has 18.8 times higher presence of mercury in the soil and 4.7 times higher presence of barium and antimony than the set intervention criteria.<sup>218</sup> Intervention criteria indicate critical concentrations of polluting substances in soil and underground water which means high probability of threat to human health and the environment and that the area should be recovered.<sup>219</sup> The report also notes a high degree of pollution of the local creek and

<sup>211</sup> Information provided by the research team led by Daniel Škobla preparing the Atlas.

<sup>212</sup> Please see above in section 'Access to basic amenities', above.

<sup>213</sup> *Ibid.*

<sup>214</sup> "Pred 15 rokmi zmietla rozvodnená Svinka v Jarovniciach rómsku osadu", 20 July 2013, [teraz.sk](http://www.teraz.sk/regiony/jarovnice-povoden-1998-svinka-obete/52937-clanok.html), available at: <http://www.teraz.sk/regiony/jarovnice-povoden-1998-svinka-obete/52937-clanok.html>, [15 Years Ago Swollen Svinka River in Jarovnice Smashed the Roma Settlement].

<sup>215</sup> Martina Šimoňáková, "Rómovia v Rudňanoch sa boja banských závalov", [sme.sk](http://sme.sk), 9 July 2011, available at: <https://spis.korzar.sme.sk/c/5928538/romovia-v-rudnanoch-sa-boja-banskych-zavalov.html>, [Roma in Rudňany are Concerned about Desctructions from Mines].

<sup>216</sup> Please see in: <https://kamidueurofondy.sk/projekty/3501>

<sup>217</sup> Phone inquiry with the mayor Miroslav Blišťan on 20 September 2018.

<sup>218</sup> Vladimír Pramuk and Zdena Matiová, *Prieskum enviromentálnych záťaží na vybraných lokalitách Slovenskej republiky* (Košice: Geo Slovakia, 2015) at 91-92, [Study of Environmental Hazards in Selected Localities in the Slovak Republic].

<sup>219</sup> *Ibid.* at 86.

underground water<sup>220</sup> – pollution which was also present in the walls of the elementary school in Rudňany.<sup>221</sup> No follow-up action was taken after the publication of the report.

Numerous Roma settlements and urban ghettos, such as Košice-Šaca or Veľká Ida, have been located in areas with the highest levels of environmental pollution in the country, close to large industrial polluters. Moreover, families living in marginalised communities rather frequently use solid fuels (wood) to heat their houses, which increases health risks associated with improper burning in old heating units. Some environmental organisations have reported families burning PVC bottles for heating, also creating significant health hazards.<sup>222</sup>

In their official response, the MoE argued that issues associated with environmental hazards concern marginalised Roma communities only marginally. Currently, the MoE is addressing problems in some communities relating to landslides posing risks for marginalised communities (for instance in Varhaňovce).<sup>223</sup> The MoE also addressed some dumps that environmentally threatened Roma communities in proximity to Luník IX in Košice and undertook environmental studies in some localities, specifically in Markušovce and, as mentioned above, in Rudňany.

The Ombudsperson prepared one of very few reports discussing aspects (specifically fire protection) related to the environment and marginalised communities in 2016, reviewing 20 towns and municipalities with significant Roma populations. She found great deficiencies alerting to repeated fire accidents, some of which have caused fatalities. She believed that generally marginalised Roma experience significantly higher risk of fire due to problematic conditions and poor access to these areas.<sup>224</sup> *"People cook and heat with solid propellants in shelters built from highly flammable materials"*.<sup>225</sup> In fact, in some localities, due to missing water pipelines and hydrants, firefighters must bring their own special tools, which is challenging due to the lack of access for their trucks. According to the mayors interviewed in the report, unless *"the Roma lived in family houses that met technical standards and could be 'legalised'"*<sup>226</sup> no improvement was possible. Municipalities recognised their responsibility to build proper infrastructure to access settlements, but argued not having financing available for such development. The ombudsperson concluded by suggesting that public authorities in cases of Roma settlements apply "legal dualism", where some regulations are not enforced in these localities and some are applied differently than in non-Roma areas.<sup>227</sup> On 30 November 2018, 4 children and their mother died in a fire in their house in one of the largest settlements in Richnava.<sup>228</sup> The causes of the fire have not been confirmed yet, but similar

<sup>220</sup> *Ibid.* at 108 and 114

<sup>221</sup> *Ibid.* at 111.

<sup>222</sup> Case study of Poľana, CVEK, forthcoming.

<sup>223</sup> Please see also the situation in the municipality Kolačkov discussed in section 'Access to basic amenities', above.

<sup>224</sup> Verejná ochrankyňa práv, *Správa o prieskume dodržiavania základných ľudských práv a slobôd. Prístup k pitnej vode a informácia o zabezpečení protipožiarnej ochrany v rómskych osadách* [Report of the Basic Human Rights and Freedoms Survey. Access to Drinking Water and Information about Fire Safety in Roma Communities], Bratislava, 2016, available at: [http://www.vop.gov.sk/files/Pristup\\_k\\_vode.pdf](http://www.vop.gov.sk/files/Pristup_k_vode.pdf).

<sup>225</sup> *Ibid.*

<sup>226</sup> *Ibid.*

<sup>227</sup> *Ibid.*

<sup>228</sup> "Štyri deti zahynuli pri požiari v obci Richnava, hasiči likvidovali oheň niekoľko hodín", *webnoviny.sk*, 30 November 2018, available at: <https://www.webnoviny.sk/foto-poziar-chatrce-v-richnave-neprezili-styri-deti/>, [Four Children died in Fire in Richnava Municipality, Firefighters Extinguishing Fire for Several Hours].



tragedies caused by lack of fire safety in these areas, as illustrated by the Ombudsperson's report, in these areas occur frequently.

## Improvement of housing conditions and regeneration of deprived neighbourhoods

Slovakia primarily focuses on improvement of housing conditions either through the development of new housing (flats of lower standard or self-aid family houses) or regeneration of existing settlements with an ambition to use significant funds allotted from ERDF via Priority Axis 6 of the operational programme Human Resources for 2014-2020, but the implementation has been greatly delayed.

First, as mentioned above, the housing programmes that should be funded by ERDF have been significantly delayed and the first and only call to fund gradual housing was issued in the end of November 2018. Furthermore, the use of significant funds (16 millions EUR) earmarked for the construction of facilities to ensure access to drinking water has been very slow.<sup>229</sup> According to information of 7 September 2018 provided by the Ministry of Interior, through four rounds of calls for projects only 20 municipalities applied to this call. The overall value of the contracted projects was 1.7 EUR million.<sup>230</sup> Another call that the department of Roma inclusion at the MoI anticipates to issue should fund construction of roads and sidewalks, including pedestrian subways or bridges to overcome spatial barriers segregating Roma communities. According to the authors of the call, such investments should reduce the segregation of these areas.<sup>231</sup>

To address challenges with waste management in the excluded areas identified above, one of the large-scale measures that has the potential to ameliorate the situation is the project funded by ESF called Local Civic and Order Guards. The project provides an employment opportunity through municipalities to hire local Roma, even with no formal qualification, to, among other things, make sure that people do not illegally dump waste in proximity of the settlement.<sup>232</sup> Another positive example involves municipalities that support recycling and thus reducing waste in Roma settlements. In a small village in north-eastern Slovakia, for example, the municipality Čirč first organised cleaning of the area, trained people in the recycling of waste with the aid of field social workers and finally distributed coloured garbage bags among all families. The area became neat and tidy with a promise to be a sustained result due to the active involvement of the municipality.<sup>233</sup> Importantly, municipalities can draw ERDF funds to create waste collection and recycling systems targeting areas with marginalised communities and to eliminate illegal waste dumps, with approximately 18 million EUR allocated. As of September 2018, 101 applicants had successfully applied for projects with 11.5 million EUR contracted.<sup>234</sup>

### **Promising practice – revitalisation of LUNÍK IX<sup>235</sup>**

Luník IX in Košice, with the officially registered population currently assessed at almost 7,000, is the largest urban ghetto in Slovakia. Social engineers in the 1970s and 1980s planned that the suburb would bring together army and their families and Roma (so-called

<sup>229</sup> Priority axis 6, OPLZ-PO6-SC611-2016-3, issued on 7 December 2016.

<sup>230</sup> Information obtained by the Roma inclusion Department at the MoI on 7 September 2018.

<sup>231</sup> *Ibid.*

<sup>232</sup> Please see more on this *Civil Society Monitoring Report 2018*, *supra* note 17 at 24.

<sup>233</sup> Please see e.g. in "Idú príkladom pre všetkých. Obyvatelia osady triedia odpad.", [joj.sk](https://www.noviny.sk/slovensko/350092-idu-prikladom-pre-vsetkych-obyvatelia-osady-triedia-odpad), 3 July 2018, <https://www.noviny.sk/slovensko/350092-idu-prikladom-pre-vsetkych-obyvatelia-osady-triedia-odpad>, [They are Setting an Example for Everyone. People from the Settlement are Recycling].

<sup>234</sup> Call number OPLZ-PO6-SC611-2017-1.

<sup>235</sup> This example of promising practice was prepared on the basis of information and analysis prepared by Jarmila Vaňová of ROMED and revised by Jarmila Lajčáková of CVEK.

"A-B-C suburb", meaning "Armáda, bezpečnosť, cigáni" [army, security, Gypsies]. The state thus forcibly moved Roma from surrounding settlements or lucrative houses in the city of Kosice into this area along with soldiers and their families. In the 1980s, however, non-Roma families started to flee the area and the suburb became predominantly Roma. The city invested into the development of infrastructure, including a kindergarten, doctor's office, library and one of the branches of the Commission for Gypsy Issues. Post 1989, the Roma population increased as the city continued to evict families from the city centre and other areas. However, as noted by Vaňová, *"Roma were never a homogenous group or a natural community but rather an artificially constructed one, without common ties and without common values or interests, with a varying degree of ability and interest to integrate into the urban setting or living in a block of flats. In addition to the complete lack of interest of the municipality in Roma's faith, it was just a question of time when the problems would become unbearable. People did not pay rent. Nothing happened. People failed to pay for water with no consequences. Everyone believed she or he could do anything (...) the experiment failed. The suburb is now devastated; debts are enormous."* The area has been known for the infamous media coverage of mounting garbage and neglect. As we have mentioned above, since 2008 the city of Kosice has demolished several housing units, arguing that the buildings had poor static condition and posed a health hazard. Roma families, having outstanding debts towards the city, were forced to settle in a nearby forest settling into an illegal village with up to 250 people.

In this promising emerging practice, we focus on the steps that the local municipality leadership of Roma mayor Marcel Šaña, elected in 2014, has taken over the last few years in partnership with NGOs to slowly revitalise this area that appeared to many observers as "hopeless". The municipality did not follow measures of the NRIS, but rather used its own strategy to slowly improve both the quality of housing as well as tackle the stigmatizing and negative image of the area among the general public. The measures were not adopted because of implementation of NRIS or efforts of the city of Kosice. The local governance of the suburb invested its own funds and also utilised aid from NGOs, in particular ETP Slovakia, as well as ESF resources for field social work.

Aside from organizing regular cleaning brigades, the municipality started to comprehensively take care of the maintenance of apartment buildings on Hrebendova 1, 2 and 3, first renewing their access to water for 24 hours. It is notable that for the previous 12 years, people living on Luník IX could access water only in the morning and in the evening for two hours. The mayor found that this measure did not significantly reduce overall water consumption but did reduce the quality of life. Moreover, engaging social field workers as well as housing tenants, the municipality renovated the units, created a recreational area for table tennis and storage for prams. Furthermore, the municipality invested into the development of a modern playground, a small park and started to plant trees and greenery. Social field workers focus on reduction of debts by tenants. The municipality plans to slowly expand the number of units under its control using the same simple approach (Krčméryho 13-15 and Podjavorinská 10-12). This housing unit should be complemented by a newly developed gradual housing programme.

In the same way, the municipality has been slowly venturing into plans to promote some desegregation of the area. Interestingly, the city of Kosice in partnership with NGO ETP Slovakia announced a public competition for architects to prepare a plan of revitalisation and desegregation. The winning team of young architects advanced the idea to first to improve the quality of housing and gradually integrate the suburb into the structure of the city. The impression of a segregated ghetto should be downplayed. The architects proposed a gradual transformation of the neighbourhood based on variable housing models to replace the current uniform-looking blocks of flats. Most scientifically, the architects designed new infrastructural connections to the main roads in Kosice. In 2017 the city of Košice moved with the plan and already adopted the idea into the existing plan of urban development to facilitate the projected development. ETP Slovakia started a programme of microcredit loans that should help individual families to build their own

houses. Overall, we consider the efforts of Luník IX leadership as slowly emerging good practice that is worth noting as we are not aware of any similar efforts to regenerate urban ghettos. Notable is the participatory approach, engaging innovative solutions and utilizing partnerships with NGOs. The city leadership is quite actively working on destigmatisation of the area as well, in part through the positive promotion of successful efforts.

## IMPACT OF HEALTHCARE POLICIES ON ROMA<sup>236</sup>

The health status of the Roma living in marginalised communities is significantly worse than that of the majority population, as illustrated in part by the most recent data produced by the IFP, a state think tank. The IFP in 2018 calculated that overall life expectancy of Roma was in 2015 on average 6 years shorter than of non-Roma population. (69.6 vs. 76.4 years). The infant mortality rate (up to one year old) is almost three times higher in comparison to non-Roma children (12.3 children out of 1,000 born vs. 4.2 children born out of 1,000). The highest infant mortality rate is in the district Trebišov, where on average 27.03 children die before completing their first year.<sup>237</sup> Roma, and particularly Roma women,<sup>238</sup> tend to be more often negatively affected in their daily activities if suffering from chronic disease. <sup>239</sup> Based on UNDP data from 2012, the most prevalent chronic illnesses among Roma were cardiovascular diseases (29.7%), followed by respiratory diseases (14.3%), joint and bone diseases (14.3%), disorders of the nervous system (12.5%) and mental health illnesses (10.4%).<sup>240</sup> According to a specific study focused on cardiovascular diseases, their prevalence is 2.5 times higher among Roma (29.7%) than in the majority population. Their occurrence is even higher among Roma women (32.9%) in comparison to Roma men (26.4%).<sup>241</sup>

Poor health of Roma is the result of complex factors, in particular poor housing conditions, including lack of access to drinking water in some communities, exposure to environmental hazards, lack of early childhood services targeting vulnerable children, poor access to healthcare services, extreme deprivation and poverty as well as long-term unemployment.<sup>242</sup>

Despite rather ambitious and comprehensive Revised Action Plan on Health addressing health inequalities adopted in 2017, the main and, indeed, often the sole implemented measure remains the programme of health mediators, currently operated by MoH agency HR and by the Public Health Authority (PHA) using state and ESF.<sup>243</sup> Moreover, access to

<sup>236</sup> Please note that the chapter on healthcare policies was prepared by ACEC that initiated, implemented and advocated for the expansion of the program of Roma health mediators (RHM).

<sup>237</sup> Marcel Bojko, Slavomír Hidas, Gabriel Machlica and Martin Smatana, *Inklúzia Rómov je potrebná aj v zdravotníctve*, Komentár 2018/23 at 1-2, available at: <https://www.finance.gov.sk/sk/finance/institut-financnej-politiky/publikacie-ifp/komentare/komentare-z-roku-2018/23-inkluzia-romov-je-potrebna-aj-zdravotnictve-december-2018.html>, [Inclusion of Roma is Necessary Also in Healthcare]. Please note that this data is not disaggregated by gender.

<sup>238</sup> FRA data gatherings in 2016 indicate that while 31.3 of Roma male experienced long term health problems limiting their daily activities, in case of Roma females it was 37 %. (in case of non-Roma men it was 28.4 % and non-Roma women 31.3%). FRA, 2016, *supra* note 46 at 31.

<sup>239</sup> For a concise overview of data gathered by FRA, World Bank and UNDP and comparisons between UNDP gatherings in 2005 and 2010, please see e.g. Jarmila Lajčaková, *Implementation of the National Roma Integration Strategy and Other National Commitments in the Field of Health: Slovakia, A multi stakeholder perspective report on 2005-2014 developments* (IOM: Brussels, 2015) at 17-21, available at: [http://equi-health.eea.iom.int/images/NRIS\\_Slovakia\\_Final.pdf](http://equi-health.eea.iom.int/images/NRIS_Slovakia_Final.pdf)

<sup>240</sup> Filadelfiová *et al*, *supra* note 90 at 83.

<sup>241</sup> Jan Fedacko J, *et al*, "Prevalence of cardiovascular risk factors in relation to metabolic syndrome in the Roma population compared with the non-Roma population in the eastern part of Slovakia", (2014) Central European Journal of Public Health 22.

<sup>242</sup> See in more detail on these aspects related to housing, education and employment in prospective chapters of this report.

<sup>243</sup> Revised Action Plans of the Strategy of the Slovak Republic for Roma Integration until 2020 for years 2016-2018 for Health area, government resolution No. 87/2017, 22 February 2017, available at: <http://www.rokovania.sk/Rokovanie.aspx/BodRokovaniaDetail?idMaterial=26278>. Task. 2.3, Monitoring report on the Implementation of NRIS, *supra* note 27.

dignified and unbiased health care services, especially in area of reproductive rights for Roma girls and women remains to be addressed.<sup>244</sup>

## Ensuring equal access to public healthcare services

The healthcare system in Slovakia is based on universal coverage and compulsory health insurance.<sup>245</sup> FRA data from 2016 gathered by EU-MIDIS indicate that health coverage of Roma in Slovakia is high and indeed has improved from 92% to 95% in comparison to 2011.<sup>246</sup> Data gathered by the FRA in 2011, indicates slight gender disparities as 7% of Roma males were not insured and in the case of Roma females it was 9%.<sup>247</sup>

Slovakia guarantees the state-created system of free access to healthcare on the basis of health insurance<sup>248</sup> and, in practice, every insured person does have the right to the same scope of healthcare services. According to valid legislation, both the employer and the employee pay healthcare contributions, including those who work as independent contractors or the like. The state covers the health contributions for the most vulnerable groups, including children and youth, those engaged in their studies, pregnant women, parents on parental leave, people with disabilities, welfare recipients, asylum-seekers, those receiving pensions or the registered unemployed.<sup>249</sup>

However, those who have outstanding payments are entitled only to first-aid health treatment.<sup>250</sup> In practice, this may have a disproportionately negative impact on some segments of Roma caused by ongoing efforts of the state to tighten rules on the registered unemployed<sup>251</sup> and also for those who somewhat fall outside the threshold to qualify for welfare support (i.e. the support in material aid). One of the interviewed general practitioners, Peter Marko, based in Veľká Lomnica, half of whose patients live in the nearby segregated locality of approximately 1,500 people "Nový Dvor", assesses that approximately 15% of all his patients are dependent on emergency healthcare only (out of 2,000 total patients).<sup>252</sup>

Compulsory public health insurance is also a pre-condition to access healthcare services for pregnant women, including regular check-ups.<sup>253</sup> A woman with outstanding health insurance debts has access only to emergency care until her 34th week of pregnancy. Since then, her insurance is covered by the state and thus has access to regular healthcare services. This applies until her child reaches the age of three, or six, if the child suffers from health disabilities.<sup>254</sup>

However, arguably, one of the most significant financial barriers for the poor in accessing healthcare are the various kinds of legal or illegal out-of-pocket payments required by

<sup>244</sup> Lajčáková 2015, *supra* note 239 at 52-54.

<sup>245</sup> Act No. 580/2004 Coll. on Health Insurance Act, as amended (Health Insurance Act).

<sup>246</sup> FRA 2018, *supra* note 3 at 40-41.

<sup>247</sup> FRA, *Discrimination against and living conditions of Roma women in 11 EU Member States* (Luxembourg: FRA, 2014) at 28 – 29, available at: <https://fra.europa.eu/en/publication/2014/discrimination-against-and-living-conditions-roma-women-11-eu-member-states>

<sup>248</sup> Ján Drgonec, *Ústava Slovenskej republiky: komentár* (Šamorín: Heuréka, 2. vydanie, 2007) at 420.

<sup>249</sup> Para 11 sec 7 of the Health Insurance Act, *supra* note 244.

<sup>250</sup> Para 9, sec 2, *ibid*. Please note as this does not apply if the insured person is an employee for whom his employer has not paid the compulsory advances to the insurance. *Ibid*. Pa 9, sec 2f).

<sup>251</sup> Please see in section 'Improving Access to labour market and effectiveness of employment services', above.

<sup>252</sup> Written statement to our inquiry prepared by MD. Peter Marko on 9 September 2018 for this report.

<sup>253</sup> Para 11 sec 7m of the Health Insurance Act, *supra* note 245.

<sup>254</sup> Para 11 sec 7j, *ibid*.

healthcare providers such as payments 'consultation'.<sup>255</sup> Most of the essential drugs and basic medical aid should be free of charge.<sup>256</sup> The representative UNDP survey of 2012 indicated that 20% of Roma gained their prescribed drugs free of charge during their last visit to the doctor. One-fifth paid on average 4 to 6 EUR, while one-third paid 10 EUR or more.<sup>257</sup> Available studies indicate that for Roma travelling from segregated settlements to healthcare providers, one significant financial barrier is presented by the cost of transportation that, due to distance or poor traffic connections, may constitute the hiring of a taxi or the like.<sup>258</sup>

It appears that rather than addressing accessibility of healthcare services for socially disadvantaged patients, the MoH has imposed additional fees for certain care sought at the emergency services. The rationale of the recent reform<sup>259</sup> was to prevent the abuse of emergency services, among other things – specifically those that have been used by patients with debts towards health insurance. The fee of emergency care of 2 EUR<sup>260</sup> was increased to 10 EUR for services (for all patients) if the instance does not constitute an emergency situation.<sup>261</sup> Such a fee does not apply, for example, in the case that a child is admitted into a hospital following up an emergency treatment. This was reported by a coordinator of Roma health mediators (RHMs) from Veľké Kapušany as an incentive for poor parents to somehow leave their child in the hospital and thus also avoid payments for the drugs. He noted: *"They (parents) did not have to pay for the doctor, medication, and they even did not have to deal with the baby's food. So they leave the child there until they get social benefits."*<sup>262</sup>

Sometimes, Roma from marginalised communities may face barriers in accessing regular healthcare services caused by changes of health insurance providers. According to our information gathered through health mediators, poor Roma are often the target of private health insurance companies' agents<sup>263</sup> aiming to convince people to change their providers for a reward of 2 to 5 EUR. However, the clients are not always fully aware of the

<sup>255</sup> Mária Hunková, "Pacienti stále platia v ambulanciách aj za to, za čo by už nemali", 5 May 2018, etrend.sk, available at: <https://www.etrend.sk/trend-archiv/rok-2018/cislo-20/pacienti-stale-platia-v-ambulanciach-aj-za-to-za-co-by-nemali.html>, [Patients are Still Paying for Services that They Should No Longer Pay for].

<sup>256</sup> Note: However, on the basis of the categorisation of medicines, medical devices and dietetic foods, it is possible to charge a surcharge for these categories.

<sup>257</sup> UNDP, *Report on the Living Conditions of Roma Households in 2010* (Bratislava: UNDP, 2012) at 92, available at: <http://www.eurasia.undp.org/content/dam/rbec/docs/Report-on-the-living-conditions-of-Roma-households-in-Slovakia-2010.pdf>

<sup>258</sup> Andrej Belak, Andreia Madarasova Geckova, Jitse P. Van Dijk and Sijmen A. Reijneveld, "Health-endangering everyday settings and practices in a rural segregated Roma settlement in Slovakia: A descriptive summary from an exploratory longitudinal case study" (2017) BMC Public Health 17:127, available at: <https://bmcpublichealth.biomedcentral.com/track/pdf/10.1186/s12889-017-4029-x>; Peter Jarcuska *et al.* "Are barriers in accessing health services in the Roma population associated with worse health status among Roma?" (2013) 58 International Journal of Public Health, available at: [https://www.researchgate.net/publication/236097575\\_Are\\_barriers\\_in\\_accessing\\_health\\_services\\_in\\_the\\_Roma\\_population\\_associated\\_with\\_worse\\_health\\_status\\_among\\_Roma](https://www.researchgate.net/publication/236097575_Are_barriers_in_accessing_health_services_in_the_Roma_population_associated_with_worse_health_status_among_Roma)

<sup>259</sup> Act No.257/2017 Coll. amending Act on Healthcare and Healthcare Services.

<sup>260</sup> Please see information of the MoH on this available at: <http://www.health.gov.sk/?pohotovosti-povnom>

<sup>261</sup> See e.g. in Zlatica Beňová, "Pohotovosť v nemocnici zdražie, poplatok bude 10 euro", 01 February 2017, available at: <https://spravy.pravda.sk/domace/clanok/418492-pohotovost-v-nemocnici-zdrazie-poplatok-bude-10-eur/>, [Emergency in Hospitals will Become More Expensive, Fee Will be 10 EUR].

<sup>262</sup> Written statement to our inquiry prepared by Coordinators of RHM on 3 September 2018 requested for the preparation of this report.

<sup>263</sup> Based on the statement to our inquiry by the Coordinators of RHM prepared on 1, 2 and 4 September 2018 for this report.



procedure, may not get the right health card or switching over to paying the new health insurance company.<sup>264</sup> Consequently, we often find that they face barriers in accessing regular healthcare services as their doctor may not have a contract with their new health service provider, their health card may be expired or they may be unaware of outstanding payments. Typically, these situations are consequently addressed with the assistance of social field workers or health mediators.

Slovakia generally faces significant challenges in ensuring a sufficient number of health professionals and has a low number of physicians and nurses per capita.<sup>265</sup> According to Andrej Belák, in studying the accessibility of health services, *"the low and ever decreasing number of personnel is still usually combined with insufficient quality and capacities of clinical premises, ranging from physicians sharing worn out and barely functional surgery accessories to acute unavailability of patient beds in hospital wards."*<sup>266</sup> Primary health care services are provided by general practitioners, mostly working in private practices. Spatial accessibility of health services for Roma has been mapped in the Atlas of Roma Communities in 2013, indicating that a general practitioner is available in 42.2% municipalities in which Roma live. In the remainder of municipalities, people must travel an average of 7 km to reach their general practitioner. Paediatricians are available in 31.1% of the municipalities where Roma live. In the remaining municipalities, approximate proximity to a paediatrician is 9 km. Pharmacies are accessible in 34% of municipalities with Roma communities. In the remainder, people have to travel an average of 7 km to reach the nearest pharmacy.<sup>267</sup>

The law requires that emergency task force must depart within 2 minutes of a call to reach the calling patient.<sup>268</sup> The driving time varies, depending on the geography of the specific region.<sup>269</sup> However, according to the Central Emergency Task Force: *"better coverage in cities was just a subjective feeling, taking into consideration higher population in the cities. Segregated areas were in no way endangered by the lack of rescue services."*<sup>270</sup> However, we shall note there have been cases where rescue crews have been afraid to enter settlements or homes without a police escort. According to the explanation of the Central Emergency Task: *"In such cases, prior to such visits, emergency crew asked police or civic municipal patrols to accompany them."*<sup>271</sup> in practice, however, this strategy may extend the rescue time. There was a reported case of an emergency crew trying to avoid entering the house of a Roma women giving birth in a segregated settlement because of the reported meningococcal infection.<sup>272</sup>

<sup>264</sup> *Ibid.*

<sup>265</sup> Martin Smatana *et al*, "Slovakia: Health System Review " (2016) 18 :6 Health Systems, available: [http://www.euro.who.int/\\_\\_data/assets/pdf\\_file/0011/325784/HIT-Slovakia.pdf?ua=1](http://www.euro.who.int/__data/assets/pdf_file/0011/325784/HIT-Slovakia.pdf?ua=1), SSVPL, "Problémom primárnej sféry je nedostatok lekárov", 26 March 2018, [www.vzdravotnictve.sk](http://www.vzdravotnictve.sk), available at : <https://vzdravotnictve.sk/ssvpl-problemom-primarnej-sfery-je-nedostatok-lekarov/>, [The Problem of the Primary Healthcare are Missing Medical Doctors].

<sup>266</sup> Andrej Belák, *Health-system limitations of Roma health in Slovakia: A qualitative study* (Bratislava: WHO Country Office in Slovakia, 2013) at 22, available at : [https://www.academia.edu/5653734/Health-system\\_limitations\\_of\\_Roma\\_health\\_in\\_Slovakia\\_A\\_qualitative\\_study](https://www.academia.edu/5653734/Health-system_limitations_of_Roma_health_in_Slovakia_A_qualitative_study)

<sup>267</sup> 2013 Atlas, *supra* note 111 at 79.

<sup>268</sup> Para 5 sec 1b of the Act No. 579/2004 Coll. Act on the Emergency Health Service, as amended.

<sup>269</sup> Ján Krempaský, "Ide o minúty. Viete, za koľko pre vás príde sanitka? ", 3 May 2016, [www.sme.sk](http://www.sme.sk), available at: <https://domov.sme.sk/c/20154494/viete-za-kolko-minut-pride-pomoc.html>, [It Comes down to Minutes. Do You Know When the Emergency Arrives?].

<sup>270</sup> Written statement to our inquiry prepared by the Central Emergency Task Force, on 10 September 2018 for this report.

<sup>271</sup> *Ibid.*

<sup>272</sup> "V Košickom gete zažili záchranári zásah ako z hororu: A mal to byť obyčajný pôrod!", 19 February 2016, [topky.sk](http://topky.sk), available at : <https://www.topky.sk/cl/100370/1528435/V-kosickom-gete-zazili-zachranari>



Furthermore, the most recent data of the IFP (2018) indicates that Roma use 30% less healthcare services than the non-Roma population. The data shows that public health insurance expenditure among young Roma men (age 5-29) is 40% lower than that of the general population. The only higher expenditure than the majority population is made on the part of young Roma women (age 20-24), which relates to the higher number of births.<sup>273</sup> According to a 2012 UNDP study, Roma failed to seek healthcare services due to complex factors, including low health awareness and the belief that their health problem did not require healthcare treatment (33%). Twenty-two percent believed that their problem would go away while for 18% the reason was financial.<sup>274</sup>

Furthermore, available data indicates that the vaccination rate for members of marginalised Roma communities is lower (odds ratio = 0.325) in comparison to the majority population.<sup>275</sup> The PHA, in the framework of regular compulsory vaccination of children, observed the vaccination rates for the controlled years of birth (birth year 2011 - 2015) at 94.8% to 98.4% in three regions with the highest share of Roma communities (Prešov, Banská Bystrica and Košice). The vaccination preventing measles, mumps and rubella below 95% was found in Bratislava and Trenčín region (with a low share of Roma communities).<sup>276</sup>

Our mapping among RHM and doctors with Roma patients revealed that the reasons for lower vaccinations rates did not include inaccurate beliefs about the potential harm of vaccinations. Instead it was rather the financial barriers or limited awareness about the importance of vaccinations and the fact that some of them were compulsory. For example, as mentioned above, although vaccination for children is compulsory and free of charge, there are hidden costs related to travel or problems with accessibility with public transportation from remote areas more generally. As reported by one of the field workers, *"There were cases where mothers did not have any place where to leave their older children, did not have proper shoes or attire for all her children and thus was embarrassed to visit the doctor."*<sup>277</sup>

In addressing the issue, the most effective tool has been health mediators working directly in Roma communities, which we discuss below by way of a national project Healthy Communities funded from ESF operated by the HR. HR assess that vaccination rates of children are at 100% in most of the localities in which project runs.<sup>278</sup> Targeted outreach programme as provided by the health mediators is absolutely vital to ensure that parents attend the vaccination appointments with their children as required. One of the coordinators of the health mediators explained that *"The health mediator would be visiting*

[zasah-ako-z-hororu--A-mal-to-byt-obycajny-porod-](#), [Rescuers Experienced Emergency Situation Like from A Horror Movie in Kosice Ghetto: And It Should Have been an Ordinary Birth!].

<sup>273</sup> Bojko, *supra* note 236 at 3.

<sup>274</sup> Filadelfiová *et al*, *supra* note 90 at 88.

<sup>275</sup> Laetitia Duval, François-Charles Wolff, Martin Mckee, Bayard Roberts, "The Roma vaccination gap: Evidence from twelve countries in Central and South-East Europe" (2016) *Vaccine*, Elsevier, 2016, 34 (46), at 5524 – 5530, available at: <https://hal.archives-ouvertes.fr/hal-01385007>

<sup>276</sup> *Výročná správa o činnosti úradov verejného zdravotníctva v SR podľa jednotlivých odborov verejného zdravotníctva za rok 2017* (Úrad verejného zdravotníctva SR: Bratislava, 2018) at 171-174, available at: [http://www.uvzsr.sk/docs/vs/vyrocnna\\_sprava\\_SR\\_2017.pdf](http://www.uvzsr.sk/docs/vs/vyrocnna_sprava_SR_2017.pdf), [Annual Report on Activity of Offices of Public Health in SR Based on Departments on Public Healthcare in 2017].

<sup>277</sup> Phone Interview with Mária Nazarejová, Roma Health Mediators coordinator for the Prešov locality, September 6, 2018 for the preparation of this report.

<sup>278</sup> Additional statement to our inquiry prepared by Healthy Regions on December 12, 2018 requested for the preparation of this report.

*the family until he/she found the way to persuade the mother to attend the vaccinations - I would not let it go unless she went."*<sup>279</sup>

The key measure to improve access to healthcare services for Roma has been the programme of health mediators. The programme has initially started by a couple of NGOs, ACEC and KARI (health assistants to paediatricians) in around 2000s.<sup>280</sup> Over the time, thanks to enormous advocacy efforts of in particularly ACEC establishing the Platform for Supporting Health of the Disadvantaged Groups (PSHDG), bringing together all key stakeholders, including NGOs, ministries and medical schools and eventually operating the first nationwide program Healthy Communities from 2013-2014. The programme has been scaled up using ESF, first through the non-profit organization Health Communities (2014-2016)<sup>281</sup> and since 2017 by the HR.<sup>282</sup> As one of the general practitioners working in a municipality with large Roma settlement put it: *"Without the interest and activity of the non-governmental sector, namely ACEC, PSHDG and its members, the medical school in Košice and the support of the OGPRC, especially in 2015 and 2016, there would not have been any comprehensive and targeted model of reducing health inequalities in Slovakia."*<sup>283</sup> Also, GPRC Ravasz recalled: *"I remember how much energy and effort it cost us to maintain the programme."*<sup>284</sup>

RHM address the objectives of the NRIS through the National Project Healthy Community 2A and 3A, implemented with ESF funds.<sup>285</sup> Currently the programme employs 245 RHMs (200 are Roma women) in 263 localities in central and eastern Slovakia and 8 health mediators in the Bratislava region. All of the mediators are of Roma backgrounds.<sup>286</sup> Health mediators address issues such as preventive check-ups, primarily targeting children, vaccinations, counselling, health awareness, access to health specialists as well as issues associated with travel costs of health services, language barriers and insufficient healthcare provider capacities. For example, in 2015, RHMs invited 53,812 clients for their vaccination appointments, preventive visits and counselling, which represented 14.53% of their undertaken activities.<sup>287</sup> From November 2017 until September 2018, RHMs reported 28,474 interventions, including facilitation of vaccinations, control of the vaccination participation and the accompanying of clients to the vaccination.<sup>288</sup> As we explained below, noting, among other things, serious outbreaks of measles in the past year, overall the HR representatives asses that: *"[t]he biggest achievements are the increased number of vaccinated children, clients being more likely participate in preventive visits at the general practitioners and dentists and that they do care more for their health."*<sup>289</sup> According to an evaluation study prepared by the HR, up to 87% of doctors of first contact rated collaboration with the health mediators as very satisfactory, and 62%

<sup>279</sup> Phone Interview with Mária Nazarejová, Roma Health Mediators coordinator for the Prešov locality, 6 September, 2018 for the preparation of this report.

<sup>280</sup> Please see more detail on developments in Lajcakova 2015, *supra* note 239 c. 6.

<sup>281</sup> Ibid. at 55, Belák, *supra* note 266 at 48 and 50.

<sup>282</sup> Please see more detail on developments in Lajcakova 2015, *supra* note 239 at 55-50.

<sup>283</sup> Written statement to our inquiry prepared by MD. Peter Marko on 2 September 2018 requested for the preparation of this report.

<sup>284</sup> Interview with GRPC, Ábel Rávasz, on 17 August 2018.

<sup>285</sup> Revised Action Plans of the Strategy of the Slovak Republic for Roma Integration until 2020 for years 2016-2018 for Health Area, government resolution No. 87/2017, 22 February 2017, available at: <http://www.rokovania.sk/Rokovanie.aspx/BodRokovaniaDetail?idMaterial=26278> Task. 2.3.

<sup>286</sup> Written statement to our inquiry prepared by HR on 10 October 2018 for this report.

<sup>287</sup> *Annual Report of Healthy Communities for 2015* (2016) at 33, available at [http://www.zdravekomunity.sk/sites/zdravekomunity.sk/files/uploads/zk\\_vs\\_2015\\_final.pdf](http://www.zdravekomunity.sk/sites/zdravekomunity.sk/files/uploads/zk_vs_2015_final.pdf)

<sup>288</sup> Written statement to our inquiry prepared by HR on 10 October 2018 for this report.

<sup>289</sup> Healthy Communities 2015, *supra* note 287 at 46.

stated that due to unique cooperation with RHMs, participation of clients in preventive examinations and vaccinations has significantly increased.<sup>290</sup>

In 2017, HR introduced a pilot programme of permanent positions of RHMs in hospitals. Eight specially trained Roma women assist at gynaecological and paediatric departments in six hospitals in selected districts with more than 20% of the Roma population in eastern Slovakia.<sup>291</sup> Oto Szilágyi, head of the gynaecologic department at Trebišov's hospital, stated his belief that the programme is very useful as the RHMs provide assistance to mothers and "*raise awareness about the care of newborns, as well as how to deal with all related duties.*"<sup>292</sup> Szilágyi also appreciated that the RHM address the language barriers experienced by Roma women in their communication with healthcare personnel.<sup>293</sup>

Furthermore, the Medical School of the University of Pavol Jozef Safarik In Košice, as a part of the national project Healthy Communities, and baseline mapping started an initiative to identify health needs in targeted marginalised Roma communities. However, the project focused only on localities covered by the programme and is not representative of the overall Roma population.<sup>294</sup> So, far the monitoring of the health situation in marginalised Roma communities, as planned in the Revised Action Plan adopted in 2017, remains unfulfilled.<sup>295</sup>

Information campaigns and health awareness activities pursued by relevant state agencies targeting areas with socially disadvantaged communities such as the PHA and Regional Public Health authorities<sup>296</sup> should be reinforced. Typically, their interventions targeting disadvantaged Roma populations mostly concern activities in the school environment, training for health mediators and other professionals. Some materials were prepared in the Roma language.<sup>297</sup>

According to the most recent data gathered by the FRA, self-assessment of health among Roma was only slightly worse than in the case of the non-Roma population and it improved in comparison to data gathered in 2011. While in 2011, 60% of Roma assessed their health as 'very good' or 'good', in 2016 it was 66%. In the case of the non-Roma population, 68% respondents assessed themselves as being in very good or good health in 2011 and 67% in 2016. The gender gap that was significant in the case of the Roma population in 2011 (56% of Roma women vs. 65% of Roma men) reduced to 65% of Roma women and 68% of Roma men by 2016 in terms of their positive self-assessment of health.<sup>298</sup>

As indicated in the introduction of the chapter, the most recent IFP data on life expectancy

<sup>290</sup> *Výročná správa Zdravé regióny 2017* (Zdravé regióny, 2017) at 7, available at: <http://zdraveregion.eu/wp-content/uploads/2018/05/Výročná-správa-ZR-2017.pdf>, [Annual Report Healthy Regions 2017]

<sup>291</sup> *Ibid.* at 7. See also Written statement to our inquiry prepared by HR on 18 October 2018 for this report.

<sup>292</sup> "Rómske asistentky sa v trebišovskej nemocnici osvedčili", 15 August 2018, [www.vzdravotnictve.sk](http://www.vzdravotnictve.sk), available at: <https://vzdravotnictve.sk/romske-asistentky-sa-v-trebisovskej-nemocnici-osvedcili/>, [Romani Assistants in Trebisov Hospital Proved Good].

<sup>293</sup> *Ibid.*

<sup>294</sup> Determining Health Needs in the Targeted Marginalised Roma Communities and Entry Measurement for Project Impact Assessments", Published contract 7.3.2018, Nbr of Contract UPJŠ 247/2018, available at <http://www.crz.gov.sk/index.php?ID=3355887&l=sk>

<sup>295</sup> Revised Action Plans on Health, *supra* note 285, task. 2.3.1

<sup>296</sup> Para 6 of the Act No. 355/2007 Coll. on Protection, Support and Development of Public Health, as amended.

<sup>297</sup> Written statement to our inquiry prepared by the PHA on 5 September 2018 for this report.

<sup>298</sup> FRA 2018, *supra* note 3 at 39-40.

does not correspond to the perceived self-assessment of health status.<sup>299</sup> Moreover, IFP data gathered on the state's recognition of someone as suffering from serious health disadvantage indicates that on average Roma gain this status in younger age (42.2 years) in comparison to non-Roma (55.7 years).<sup>300</sup> This phenomenon can be explained by several factors, including the inability to accurately assess health status and lower health awareness, or the higher share of children or youth among Roma in segregated communities in comparison to the majority population.<sup>301</sup>

Based on UNDP data from 2012, the most prevalent chronic illnesses among Roma were cardiovascular diseases (29.7%), followed by respiratory diseases (14.3%), joint and bone diseases (14.3%), disorders of the nervous system (12.5%) and mental health illnesses (10.4%).<sup>302</sup> According to a specific study focused on cardiovascular diseases, their prevalence is 2.5 times higher among Roma (29.7%) than in the majority population. Their occurrence is even higher among Roma women (32.9%) in comparison to Roma men (26.4%).<sup>303</sup>

A public health study authored by Babinská in 2014 refutes the stereotypes of higher prevalence of alcohol abuse among Roma.<sup>304</sup> Obesity, smoking and the like are secondary problems related to social determinants of health and their occurrence is relatively common and widespread.<sup>305</sup> The PHA notes higher shares of tuberculosis in marginalised communities (5 deaths in direct causal relationship with TB in 2012), spread of viral hepatitis type A (VHA) (Roma make up 50-60% of the annual number of infected), total abnormal occurrence of bacillary dysentery, giardiasis, pediculosis, respiratory tract infections, sexually transmitted diseases, infectious skin diseases, meningitis, typhus, hypothyroidism, untreated hypertension, diabetes, venous and musculoskeletal disorders, disorders of the excretory and sexual systems, untreated disorders and diseases of a psychic nature, as well as several congenital diseases."<sup>306</sup>

Another health issue disproportionately affecting marginalised communities is the prevalence of syphilis, which, as an epidemic, persisted for about eight years. In 2016 there was a 3.4-fold increase in morbidity.<sup>307</sup> In 2017, the PHA reported 358 new cases, 142 of which in the Košice region. In the Trebišov district, the prevalence calculated per 100,000 inhabitants was 16 times higher than the national average and 6 times higher than in the Košice region last year. The disease also affects children younger than 18 years. In the Trebišov district, syphilis was seen to be gradually developing in the populations of 30 municipalities.<sup>308</sup> The Regional Public Health Authority in Trebišov (RPHA-T) ordered medical supervision to more than 300 affected and at-risk persons,

<sup>299</sup> Please see introduction to this chapter, above.

<sup>300</sup> IFP, *supra* note 9 at 67.

<sup>301</sup> UNDP 2012a, *supra* note 257 at 90.

<sup>302</sup> Filadelfiová *et al*, *supra* note 90 at 83.

<sup>303</sup> Fedacko, *supra* note 241.

<sup>304</sup> Ingrid Babinska, "Does the population living in Roma settlements differ in physical activity, smoking and alcohol consumption from the majority population in Slovakia?" (2014) 22 Central European Journal of Public Health.

<sup>305</sup> Fedacko, *supra* note 241.

<sup>306</sup> National Project Healthy Communities 2A, 7.1. Background situation, p. 6, 2017 (Internal document Healthy Regions).

<sup>307</sup> „Epidemiologická situácia vo výskyte ochorení na syfilis v okrese Trebišov" information available at the web site of the PHA, 24 January 2018, available at: [http://www.uvzsr.sk/index.php?option=com\\_content&view=article&id=3364:epidemiologicka-situacia-vo-vyskyte-ochoreni-na-syfilis-vnokrese-trebiiov&catid=68:epidemiologia&Itemid=76](http://www.uvzsr.sk/index.php?option=com_content&view=article&id=3364:epidemiologicka-situacia-vo-vyskyte-ochoreni-na-syfilis-vnokrese-trebiiov&catid=68:epidemiologia&Itemid=76), [Epidemiologic Situation in Relation to the Occurrence of Syphilis in Trebisov District].

<sup>308</sup> *Ibid*.

controlled the participation in treatment and performed state health surveillance with healthcare providers. As part of the activities, the RPHA-T trained pedagogical and social workers and RHMs.<sup>309</sup> The outbreak was reported in connection with child prostitution.<sup>310</sup> However, such a practice was denied by the Slovak Police.<sup>311</sup> No gender- or age-disaggregated data are available. Based upon the measures taken by the RPHA-T, we estimate that patients are mainly in sexually active age and the disease spreads through sexual contact.<sup>312</sup>

Another issue affecting the poor Roma community is toluene abuse,<sup>313</sup> which has not spared the many very young chronic users.<sup>314</sup> In terms of age (start of inhalation), the survey showed that 37.1% of chronic users were under 10, 20% were under 15, and 42.9% were between 16 and 25 years.<sup>315</sup> HR's survey from 2017 indicated that out of 194 localities, toluene abuse was reported in 37 localities.<sup>316</sup> Following regulation of the European Parliament and Council No. 1907/2006 (REACH), a ban on selling toluene to people without trade license applies.<sup>317</sup> Ravasz, the GPRC, also initiated measures to promote the prohibition of free sale, especially in Filákov, to educate the sellers,<sup>318</sup> field workers and generally spread awareness among disadvantaged youth.<sup>319</sup>

Starting at the beginning of May 2018, the PHA recorded an outbreak of measles, with 447 cases reported; among the districts with the highest prevalence were the Michalovce and Sobrance districts, with 428 and 19 cases, respectively. Medical doctors there vaccinated almost 6,080 people, out of which 4,650 were children. According to available

<sup>309</sup> Written statement to our inquiry provided by the PHA on 5 September 2018.

<sup>310</sup> Ján Krempaský, "Trebíšov mesto syfilisu. Už osem rokov sa mu nedarí nad chorobou zvíťaziť", 29 January, 2018, sme.sk, available at : <https://domov.sme.sk/c/20741084/trebisov-mesto-syfilisu-uz-osem-rokov-sa-mu-nedari-nad-chorobou-zvitazit.html>, [Trebíšov, the City of Syphilis. Already 8 Years Failing to Win over the Disease"]; "Police will help isolate patients suffering from syphilis", 6 February 2018, the slovakspectator.sk, available at: <https://spectator.sme.sk/c/20754853/police-will-help-isolate-patients-suffering-from-syphilis.html>.

<sup>311</sup> Statement of the Slovak Police Corp, 13 January 2018, available at their FB at: <https://www.facebook.com/policiaslovakia/posts/stanovisko-syfilis-v-trebi%C5%A1ove%EFF%B8%8Fpol%C3%ADcia-rie%C5%A1i-t%C3%BAt-t%C3%A9mu-u%C5%BE-odza%C4%8Diatku-roka-2017%EFF%B8%8F/1860153524014861/>.

<sup>312</sup> *Epidemiological situation in the occurrence of syphilis diseases in the district Trebišov* (Public Health Authority, 24 January 2018), available at: <http://www.ruvzty.sk/?p=3815>.

<sup>313</sup> TASR, "Prvé výsledky boja proti toluénu sú tu", 19 October 2017, sme.sk, available at: <https://mynovohrad.sme.sk/c/20675534/prve-vysledky-boja-proti-toluenu-su-tu.html>. [Marking the First Results of the Fight Against Toluene Abuse]

<sup>314</sup> Vladimír Ferko, "Predaj často zneužívaného toluénu špecializované obchody riešia po svojom", 15 August 2017, [www.kosicednes.sk](http://www.kosicednes.sk), available at: <https://kosicednes.sk/tema-dna/predaj-casto-zneuzivaneho-toluenu-specializovane-obchody-riesia-po-svojom/>, [Specialized Stores Address the Sale of the Often Abused Toluene on their Own].

<sup>315</sup> Miroslav Popper, Petra Szeghy, Ondřej Poduška and Roman Kollárik, *Iná realita: Chudoba, sociálna deprivácia a užívanie inhalantov v rómskych osídleniach na východnom Slovensku* (Bratislava: OSF, 2011) at 100-202 ), [The Other Reality: Poverty, Social Deprivation and the Use of Inhalants in Roma Settlements in Eastern Slovakia].

<sup>316</sup> *Annual Report Healthy Regions 2017*, supra note 290.

<sup>317</sup> Regulation (EC) No 1907/2006 - Registration, Evaluation, Authorization and Restriction of Chemicals (REACH), available at: <https://osha.europa.eu/en/legislation/directives/regulation-ec-no-1907-2006-of-the-european-parliament-and-of-the-council>.

<sup>318</sup> Please see a leaflet produced by the OGRPC, available at: [https://www.minv.sk/swift\\_data/source/romovia/toluen\\_letak\\_web.pdf](https://www.minv.sk/swift_data/source/romovia/toluen_letak_web.pdf).

<sup>319</sup> Ján Krempaský, "Primátor Filákov žiada obmedziť predaj toluénu na Slovensku", 3 January 2017, [www.sme.sk](http://www.sme.sk), available at: <https://domov.sme.sk/c/20423776/primator-filakova-ziada-obmedzit-predaj-toluenu-na-slovensku.html>, [The Mayor of Filákov Requires Restriction of the Toluene Sale in Slovakia].



information, measles was introduced through three individuals from the United Kingdom. A large number of cases were children who had not reached the required age for compulsory vaccination. The epidemiologists reported the end of the epidemic at the beginning of November 2018.<sup>320</sup> Incidences of the disease were diagnosed in groups from 0 to 54 years of age.<sup>321</sup> Health mediators participated in measures to contain the epidemic. As a result of the collaboration between the PHA and HR, 2,422 people were vaccinated through July 2018.<sup>322</sup> While there were no data on ethnicity of the affected individuals, based on our information from the field from health mediators, most of them were Roma.<sup>323</sup>

## Fight against discrimination and antigypsyism in healthcare

While prohibition of discrimination on the grounds of ethnicity or gender is generally legally guaranteed both by health-related legislation as well as the antidiscrimination act,<sup>324</sup> ensuring this principle in practice remains a challenge. According to EU-MIDIS II data gathered by the FRA in 2016, among the surveyed countries, the prevalence of discrimination is rather high. Eleven per cent of Roma reported that they had been discriminated against when using healthcare services in the preceding 12 months. According to the survey, 94% of respondents believed that the main reason for the last incident of discrimination when using healthcare services was their skin colour or ethnic origin. The highest number of respondents (48%) reported that they had experienced discrimination using healthcare services two to five times.<sup>325</sup>

In addition, most recently, an NGO based in Kosice called the Centre for Civil and Human Rights repeatedly pointed out the widespread practice of segregation of Roma women in maternity wards accompanied by inferior and humiliating services. Based on available studies<sup>326</sup> and our mapping,<sup>327</sup> Roma women experience discrimination and antigypsyism by being put in segregated rooms with higher bed capacity, lower room care and lower standards of maintenance. Roma women reported being *"tied up and beaten, shouted at or ignored when they needed medical attention, including during birth. Some said that two women and their babies were often squeezed into a single bed; others said the healthcare staff laughed at them, saying they were dirty and had too many children. (...) "they treat us worse than dogs"*, said Monika Krčová, one of the Roma women interviewed by the

<sup>320</sup> *Okresy Michalovce a Sobrance hlásia koniec epidémie osýpok*, (PHA, 6 November 2018), available at : [http://www.uvzs.sk/index.php?option=com\\_content&view=article&id=3629:uvz-sr-okresy-michalovce-a-sobrance-hlasia-koniec-epidemie-osypok-okres-trebirov-zaznamenal-od-zaiatku-septembra-33-pripadov&catid=197:osypky&Itemid=138](http://www.uvzs.sk/index.php?option=com_content&view=article&id=3629:uvz-sr-okresy-michalovce-a-sobrance-hlasia-koniec-epidemie-osypok-okres-trebirov-zaznamenal-od-zaiatku-septembra-33-pripadov&catid=197:osypky&Itemid=138) [Michalovce and Sobrance Districts Report an Outbreak of Measles].

<sup>321</sup> *V rámci prebiehajúcich protiepidemických opatrení proti osýpkam bolo zaočkovaných už 3 276 osôb v okrese Michalovce*, (PHA, 31 July 2018), available at: [http://www.uvzs.sk/index.php?option=com\\_content&view=article&id=3543:uvz-vnramci-prebiehajucich-protiepidemickych-opatreni-proti-osypkam-bolo-zaokovanych-u-3n276-osob-vnokrese-michalovce&catid=197:osypky&Itemid=138](http://www.uvzs.sk/index.php?option=com_content&view=article&id=3543:uvz-vnramci-prebiehajucich-protiepidemickych-opatreni-proti-osypkam-bolo-zaokovanych-u-3n276-osob-vnokrese-michalovce&catid=197:osypky&Itemid=138). [ During Ongoing Measures Tackling the Outbreak Already 3276 People Vaccinated].

<sup>322</sup> Additional information provided by the HR on 7 September 2018.

<sup>323</sup> Written statement of the HR prepared for this report on 8 January 2019.

<sup>324</sup> Para 11 of the Act No 576/2004 Coll. on Health Care Services as amended, (Health Care Act), Act No 365/2004 Coll. on the Principle of Equal Treatment (Antidiscrimination Act).

<sup>325</sup> Please see FRA data survey explorer available at <https://fra.europa.eu/en/publications-and-resources/data-and-maps/survey-data-explorer-second-eu-minorities-discrimination-survey?mdq1=dataset>.

<sup>326</sup> *Vakeres zorales We speak loud: The Experience of Roma Women with Health Reproductive Health in Slovakia* (New York and Košice: Center for Reproductive Rights, Poradňa pre občianske a ľudské práva, 2017), available at: <file:///Users/admin/Downloads/vakeras-zorales-hovorime-nahlas-skusenosti-romskych-zien-so-zdravotnou-starostlivostou-o-reprodukcné-zdravie-na-slovensku.pdf>; Andrej Belák, "Segregated Roma and health-care system professionals in Slovakia: A comparison of perspectives on Roma health." (2014) 24 The European Journal of Public Health.

<sup>327</sup> Written statement of the Coordinators of RHM of 1, 2,3 and 4 September 2018 prepared for this report.

Associated press recently.<sup>328</sup> Moreover, hospitals in eastern Slovakia continue to segregate Roma children in hospitals as well, including in the state run hospital in Prešov.<sup>329</sup>

In terms of action tackling the discrimination in healthcare, the MH has as its main tool the application of the horizontal priority of non-discrimination in using ESIF funds without further specification of the specific measures undertaken by the ministry. Additionally, the key measure remains the programme of health mediators administered by its agency Healthy Regions.<sup>330</sup> This also includes the pilot programme of RHM working at gynaecological departments.<sup>331</sup>

The Revised Action Plan of 2019 on Health anticipates<sup>332</sup> programmes targeting healthcare providers and medical students to ensure their bias-free treatment of Roma. Systematic training of prospective medical and healthcare personnel to recognise and avoid discrimination against Roma and manifestations of antigypsyism has been, however, missing.<sup>333</sup>

Slovakia has lost several cases with the European Court of Human Rights concerning involuntary sterilisations of Roma women.<sup>334</sup> The Centre for Civil and Human Rights, representing Roma women in these cases, continues to call state authorities to fully investigate and remedy all cases of past sterilisations of Roma women, not only those who successfully sued Slovakia for violation of their right to be free from torture and other inhuman behaviour.<sup>335</sup> Vanda Durbáková of the Centre repeatedly noted that Slovakia should set up *"an independent body with the power to investigate the scope of this practice and provide compensation and apologies to the women harmed."*<sup>336</sup> *"It is clear that court proceedings are not an effective way to redress and compensate all women harmed, so the government must finally establish an independent body for that purpose."*<sup>337</sup>

<sup>328</sup> Maria Cheng, "Slovak hospitals hold new Roma mothers against their will", 10 December 2018, Associated Press news, available at: <https://www.apnews.com/a3e7b6cbd5a54edf83eac4720ec49597>.

<sup>329</sup> Committee on the Rights of the Child, *Concluding observations on the combined third to fifth periodic reports of Slovakia*, adopted on 20 July 2016, CRC/C/SVK/CO 3-5, para 38d, available at: <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhskJo1IBhMr5sq%2BdAoPX0B%2Fun6w3GuJfElvddW5%2Beyns8cxWentbxSJ7%2FFp14Xd9%2B6pn8%2B%2BWBQVtosf1bQZFaWc1J4wKvAphaNDY%2FMJ%2FI8xue>.

<sup>330</sup> Written statement to our inquiry provided by the MH on 21 September 2018 for this report, please see also additional information at: <https://www.gender.gov.sk/diskriminacia/diskriminacia/oblasti/>.

<sup>331</sup> Please see on this program in more details in section 'Ensuring equal access to public healthcare services', above.

<sup>332</sup> Updated Action Plan of the Strategy of the Slovak Republic on Roma integration until 2020, for 2019-2020, D.2.3 Health, adopted on 17 January 2019, government resolution No. 25/2019, task 6, available at: <https://rokovania.gov.sk/RVL/Material/23492/2>.

<sup>333</sup> Lajčáková 2015, *supra* note 239 at 52.

<sup>334</sup> The Centre for Civil and Human Rights, *Alternative report for the Committee on the Elimination of All Forms Racial Discrimination on Slovakia's eleventh and twelve period report*, (Košice, October 2017) at 11, available at: [https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/SVK/INT\\_CERD\\_NGO\\_SVK\\_29350\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/SVK/INT_CERD_NGO_SVK_29350_E.pdf)

<sup>335</sup> *Ibid.*

<sup>336</sup> "Verejnosť a mimovládne organizácie vyzývajú vládu aby konečne vytvorila nezávislý orgán na vyšetrovanie prípadov nezákonných sterilizácií rómskych žien", press release issued by the Centre for Civil and Human Rights on 22 May 2018, available at: <https://www.poradna-prava.sk/sk/dokumenty/tlacova-sprava-verejnost-a-mimovladne-organizacie-vyzyvaju-vladu-aby-konecne-vytvorila-nezavisly-organ/>, [Public and NGOs Call the Government to Finally Set Up an Independent Body to Investigate Unlawful Sterilizations of Romani Women].

<sup>337</sup> *Ibid.*



Currently, as a matter of law,<sup>338</sup> sterilisation can be undertaken only with an informed consent of the patient that is available in national minority's language.<sup>339</sup> Moreover, the period between the date of the informed consent and performance of sterilisation must be at least 30 days. Otherwise, performance of the sterilisation procedure is subject to prosecution under criminal law.<sup>340</sup>

Providing efficient mechanisms to file, investigate and conclude complaints concerning discrimination and manifestation of antigypsyism in healthcare remains to be a major challenge for Slovakia. If a patient has doubts about the quality of the healthcare provided, including discrimination, or has encountered unequal treatment, he or she is entitled to file a complaint with the Health Surveillance Authority. However, the authority does not record any discrimination cases based on ethnicity.<sup>341</sup> Similarly, neither health insurance companies, the Public Defender of Rights nor higher regional units responsible for state hospitals record filed cases of ethnic discrimination against Roma in using healthcare.<sup>342</sup>

A group of Roma women filed a complaint with the Prešov Higher Regional Unit challenging segregation in maternity wards. However, the unit found that *"based on the opinion of the hospital director and after our investigations and findings, the hospital was found to be dealing adequately with the client's behaviour and in line with the regime in the department."*<sup>343</sup> The ombudsperson, who also inspected the investigation, believed that the review of the Prešov Higher Regional Unit was insufficient. The ombudsperson pointed out that *"the procedure that the Presov Higher Regional Unit has chosen for investigation of possible violation of the principle of equal treatment has not been sufficient to determine the true state of the matter and its compatibility with or contradiction with generally binding legislation."*<sup>344</sup>

According to the survey of the FRA in 2016, the most frequent reasons for not reporting discrimination in using healthcare was the belief of those surveyed that "nothing would happen/change" by reporting discrimination. Others believed that it was "too trivial/not worth reporting" or alternatively, some believed that such treatment was common and complaining would backfire against them.<sup>345</sup>

Andrej Belák, in his qualitative study from 2013 called *Health-system limitations of Roma health in Slovakia* found that general deficiencies of the healthcare system such as low appreciation of the work of clinical professionals, the inadequate workload (primarily of rescue workers) beyond standard work tasks, long-term underfinancing and lack of human capacities, or an increase in general lack of interest in health have a disproportionately negative impact on marginalised Roma patients.<sup>346</sup> He argues, for example, that *"emergency-rescue and clinical practitioners often find themselves incapable of eliciting*

<sup>338</sup> Para 40 sec 6 of the Health Care Act, *supra* note 324.

<sup>339</sup> Please see details on informed consent in the Decree of the Ministry of Health, No 56/2014 Coll.

<sup>340</sup> Para 159 sec 2 of the Act No 300/2005, The Criminal Code, as amended.

<sup>341</sup> Act No. 581/2004 Coll. on Health Insurance Companies and the Health Surveillance, as amended.

<sup>342</sup> Written statement to our inquiry provided by the office of the ombudsperson on 5 September 2018 or this report.

<sup>343</sup> Written statement to our inquiry provided by Prešov Higher Regional Unit on 23 October 2018 for this report.

<sup>344</sup> "VOP vyhodnotila postup prešovského samosprávneho kraja pri vykonávaní kontroly ohľadom diskriminácie rómskych žien v prešovskej nemocnici ako formalistický", press release of the Centre for Civil and Human Rights of 30 August 2018, available at: <https://www.poradna-prava.sk/sk/aktuality/vop-vyhodnotila-postup-presovskeho-samospravneho-kraja-pri-vykonavani-kontroly-ohladom-diskriminacie-romskych-zien-v-presovskej/>, [The Ombudsperson Viewed the Procedure of the Presov Higher Territorial Unit Inspecting Discrimination of Romani Women in Presov Hospital as Formalistic].

<sup>345</sup> FRA 2016, *supra* note 46 at 47-49.

<sup>346</sup> Belák, *supra* note 266 at 24.

*useful anamneses or securing even the most basic necessary patient cooperation in particular diagnostic, therapeutic and/or administrative tasks of their respective jobs. The clinical significance of such difficulties ranges from constant rather formal complications (e.g. the incapacity to understand and sign an informed consent) to frequent unnecessary chronic damage to health, including premature deaths (such as in cases of sudden patient withdrawals from life-saving therapeutic plans or of nameless newborns being left behind in hospitals by their adolescent mothers and absent fathers)."*<sup>347</sup>

## Addressing needs of the most vulnerable groups among Roma

Among the controversial aspects of apparently neutral rules disproportionately targeting Roma women has been the requirement that new mothers need to stay in hospital for four days. As we discussed in our previous report, Roma mothers, often from marginalised areas, leave hospitals, leaving their babies behind for a couple of days, to take care of their husbands, older children or simply due to humiliating treatment.<sup>348</sup> Even without medical justification, women, are detained in hospitals under the penalty of losing several hundreds of euros in childbirth allowance – a policy has a specifically negative affect especially on Roma women. The Centre for Civil and Human Rights challenged this legislation as a case of indirect multiple discrimination of Roma women on the grounds of gender and ethnicity. The case is still pending.<sup>349</sup> Interestingly, more progressive hospitals has recently introduced a shorter two-day stay after birth.<sup>350</sup>

One of the significant barriers in accessing reproductive healthcare services, in particular contraception, is poverty. Since 2011, public health insurance companies are prohibited from reimbursing for contraceptives for the regulation of conception or for medical aids intended to regulate conception. This means that in cases where contraceptives are used to protect against unwanted pregnancy, they are not covered by public health insurance. This also applies to sterilisation.<sup>351</sup> Another significant barrier is the fact that contraception for girls under the age of 15 can only be prescribed by a physician if the health condition requires it. Moreover, contraception for persons under the age of 18 can only be obtained with the consent of the parent or legal representative.<sup>352</sup>

Adoption of a reproductive and sexual health programme that would also consider the especially vulnerable situation of Roma women and girls has been opposed by the Roman Catholic Church since 2003.<sup>353</sup> Indeed, the only programme that addressed health awareness in the area of reproductive and sexual health among Roma girls and women remains the programme of RHMs, which addresses these issues either through individual counselling or school discussions.<sup>354</sup> Most recently, the HR, in partnership with the Slovak Family Planning Association, has been preparing an educational programme and materials

<sup>347</sup> *Ibid.*

<sup>348</sup> Lajčáková 2015, *supra* note 239 at 35.

<sup>349</sup> *Civil society monitoring report 2018*, *supra* note 17 at 31-32.

<sup>350</sup> « Nemocnica kráti hospitalizáciu rodičiek bez komplikácií na dva dni », 3 April, 2017, [www.hnonline.sk](http://www.hnonline.sk), available at : <https://mediweb.hnonline.sk/spravy/aktualne/nemocnica-krati-hospitalizaciju-rodicek-bez-komplikacii-na-dva-dni>.

<sup>351</sup> *Vakeres zorales We speak loud*, *supra* note 326.

<sup>352</sup> Para 6b of the Health Care Act, *supra* note 324.

<sup>353</sup> E.g. "Zásadné pripomienky KBS k Národnému programu ochrany sexuálneho a reprodukčného zdravia", of 31 March 2008, available at : <https://www.kbs.sk/obsah/sekcia/h/dokumenty-a-vyhlasenia/p/dokumenty-kbs/c/zasadne-pripomienky-kbs-k-narodnemu-programu-ochrany-sexualneho-a-reprodukneho-zdravia>.

<sup>354</sup> Lajčáková 2015, *supra* note 239 at 52.

in sexual education based on WHO standards to be used mainly by health mediators and schools.<sup>355</sup>

### **Promising practice: curbing tuberculosis in partnership with RHMs**

As an example of promising practice, we will present the cooperation between the National Institute of Tuberculosis, Pulmonary Diseases and Chest Surgery (NIT) and HR in combating tuberculosis (TB), which disproportionately targets Roma in disadvantaged communities, particularly children.

Tuberculosis has been exempted from compulsory vaccination in Slovakia since 2012.<sup>356</sup> While the occurrence of tuberculosis in Slovakia is decreasing, it is still not negligible and affects poor Roma and their children. In 2017, state authorities reported 249 cases of tuberculosis (2/3 of them men), which represents a decrease of 47 cases in comparison to 2016.<sup>357</sup> Approximately 80.2% of the cases of child TB are Roma children.<sup>358</sup> According to the statistics of the National Tuberculosis Patient Register, the share of the Roma ethnicity<sup>359</sup> in the overall incidence of tuberculosis has been increasing in recent years. In 2016, 32.43% of infected patients were Roma.<sup>360</sup>

The NIT started to cooperate with the programme of RHMs as early as in 2010, when the programme was run by the ACEC NGO, helping to identify adult Roma with TB. The NIT, with its newly established coordination with the HR, has invested into the education of 155 RHM and coordinators from 2017.<sup>361</sup> Addressing TB in marginalised communities requires an individual approach in which the key role is played by health mediators who have built trust and confidence within their communities and are familiar with relatives and ties among the members that are key in mapping the possible spread of the infection. The involvement of health mediators is essential in ceasing the transmission and convincing those who are potentially infected to get tested. RHMs support patients with following their treatment, and are crucial to help identify and find the contacts of each TB patient.<sup>362</sup>

<sup>355</sup> Written statement to our inquiry provided by Healthy Regions on 19 October 2018 for this report.

<sup>356</sup> "Zrušenie primovakcinácie novorodencov", information of the PHA, 18 January 2018, available at: [http://www.uvzsr.sk/index.php?option=com\\_content&view=article&id=1345%3Azruenie-primovakcinacie-novorodencov-proti-tuberkuloze-informacia&catid=140%3Aokovanie&Itemid=](http://www.uvzsr.sk/index.php?option=com_content&view=article&id=1345%3Azruenie-primovakcinacie-novorodencov-proti-tuberkuloze-informacia&catid=140%3Aokovanie&Itemid=), [Abandoning PrimoVaccination of Newborns].

<sup>357</sup> Ivan Solovič, Jana Švecová, "Wanted: Leaders for a TB-Free World. You can make history. End TB", available at: <http://int.vhagy.sk/hagy/?q=analiza-situacie-tbc-na-slovensku>.

<sup>358</sup> Ivan Solovič, Jana Švecová, "Is it possible to eliminate the tuberculosis?" (not dated), available at: <http://int.vhagy.sk/hagy/TBCTK2017.pdf>.

<sup>359</sup> Directive 74/2014 on the List of Collected Information for the National Health Registers, their Characteristics, Details and Content of National Health Registers, Measures etc, as amended.

Information about the gathering data on the grounds of ethnicity is included in official list to be submitted to the National Health Centre Information by medical practitioners, available online at: [http://www.nczisk.sk/Documents/nzr/hlasenie\\_tuberkuloza.pdf](http://www.nczisk.sk/Documents/nzr/hlasenie_tuberkuloza.pdf).

<sup>360</sup> Ivan Solovič, "Tuberculosis among members of the Roma ethnic group in Slovakia and education of Roma Health Mediators," provided in written statement to our inquiry by Ivan Solovič on 10 September 2018 for this report.

<sup>361</sup> Written statement to our inquiry prepared by the HR on 10 October 2018 for this report.

<sup>362</sup> *Interventions in vulnerable groups are the key to eliminating tuberculosis in Europe* (EDC Policy Briefing)(not dated) available at : <https://ecdc.europa.eu/sites/portal/files/media/en/publications/Publications/tb-interventions-vulnerable-populations-policy-briefing.pdf>.

Ivan Solovič, Jana Švecová, "Wanted: Leaders for a TB-Free World. You can make history. End TB" (not available at : <http://int.vhagy.sk/hagy/?q=analiza-situacie-tbc-na-slovensku>).

<sup>362</sup> Ivan Solovič, Jana Švecová, "Is it possible to eliminate the tuberculosis?" (not dated) available o at: <http://int.vhagy.sk/hagy/TBCTK2017.pdf>.

RHMs are thus trained to understand testing options, available treatments as well as prevention to navigate their clients during the entire process before and after being treated in hospitals. RHMs also instruct their clients about the processes in the hospital while they are being treated. Health mediators closely cooperate with the NIT and follow their instruction after the client is released from hospital care, in particular with managing the following treatment. Health mediators also make appointments for clients to attend check-ups and also try to convince relatives and friends who may be infected to be tested. One health mediator recalls that *"Ensuring participation at testing was very demanding; it involved repeated calls – in fact the chasing of clients (...) including making sure that they would wake up early in the morning of their appointment. At the end, all the clients at risks have completed the necessary examinations."*<sup>363</sup>

The critical moment is the tailor-made education of health mediators to ensure that they well comprehend the problems despite lacking formal training in health to be able to affect the behavior of their clients. According to the European Centre for Disease Prevention and Control: *"[t]ailored interventions facilitating early diagnosis, completion of treatment and supporting the management of cases are the most important elements for effective TB prevention and control."*<sup>364</sup> The specific nature of the individual problems of patients with TB requires an active and participatory approach that health mediators facilitate. Other serious diseases such as hepatitis, scabies, syphilis, mumps, which affect Roma in marginalised communities, are similarly addressed.

*Interventions in vulnerable groups are the key to eliminating tuberculosis in Europe* (EDC Policy Briefing)(not dated) available at : <https://ecdc.europa.eu/sites/portal/files/media/en/publications/Publications/tb-interventions-vulnerable-populations-policy-briefing.pdf>.

<sup>363</sup> Information provided by the Anna Dunková, Coordinator of RHM for Stará Ľubovňa district on 25 October 2018 for this report.

<sup>364</sup> *Interventions in vulnerable groups are the key to eliminating tuberculosis in Europe*, (Stockholm: ECDC; 2016) at 1, available at: <https://ecdc.europa.eu/sites/portal/files/media/en/publications/Publications/tb-interventions-vulnerable-populations-policy-briefing.pdf>

## EDUCATION

Slovakia continues to be struggle in ensuring access to quality integrated education, including at the preschool and secondary level. Despite some improvements in enrolment into preschool facilities, it remains among the lowest in EU countries with significant Roma populations. Over the last ten years, spatial segregation of Roma children has been spreading, and as we argue throughout the chapter, it is beginning to expand also to secondary schools, through so-called branch offices of secondary schools. Segregated schools remain of significantly lower quality than integrated or ethnically homogenous (non-Roma) schools. Since September 2017, the share of enrolled children into Variant A special schools (for children with so-called light mental deficiencies) into grade one has dropped significantly by 20%. However, given the lack of support services in regular schools, there is a risk that Roma children from segregated communities will eventually be pushed back to special schooling in the higher grades. Moreover, in 2017, the overall share of Roma children enrolled into special schooling (a class or a school) was six times higher (18.2%) than in case of non-Roma children (3.2%). Roma children formed 50.8% of children in special classes and 42% of children in special schools. The 4 times higher grade repetitions among socially disadvantaged children remains to be an unaddressed issue. On average, data on participation in standardised testing indicate that only half of the Roma children enrolled in grade 5 make it to grade 9 of elementary schools.<sup>365</sup> Most of the implemented government's actions in education consist of national projects from ESF that slightly raise the quality of disadvantaged schools through providing extra staff. The newly adopted Updated action plan on education on NRIS, unlike the previous one, places more emphasis on pre-school education, reduction of grade repetition and, for the first, time proposes measures to tackle spatial segregation of elementary schools.<sup>366</sup>

### Access to quality early childhood care and preschool education

The inequality experienced by Roma children in accessing preschool education, as highlighted in our previous report, was further confirmed by recent data gathered by the IFP published in 2018. According to the IFP in 2017/2018, only 28.16% of 3 to 5-year-old Roma children were enrolled into kindergartens. In the case of the majority children, the share was at 83.1%.<sup>367</sup> While this data was not disaggregated on the basis of sex, EU MIDIS-II data gathered by FRA in 2016 does not indicate that participation of Roma girls and boys aged 4-6 years in kindergartens was identical, nor that the sexes shared the low statistic of 34%.<sup>368</sup> In 2011, the share of Roma boys enrolled into kindergartens was slightly higher (by 2%). More generally, given the funds allocated for development of capacities through ESIF, the progress in preschool facilities was limited over a 5-year period. While in 2011, only 23% of Roma children aged 4 and older attended kindergartens, in 2016 it was still merely 34%. While the gap in comparison to the majority population remained, the share of enrolled Roma kids increased more significantly, indicating positive targeting (the increase in the case of the majority population went from 77% in 2011 to 78% in 2016).<sup>369</sup>

Mapping in our localities, however, did not indicate any palpable increase of enrolment of Roma children into kindergartens over the last several years. One of the key reasons is

<sup>365</sup> All the data supporting these statements are referenced throughout the chapter.

<sup>366</sup> Updated Action Plan of the Strategy of the Slovak Republic on Roma integration until 2020, for 2019-2020, D.2.2 education, adopted on 17 January 2019, government resolution No. 25/2019, available at: <https://rokovania.gov.sk/RVL/Negotiation/963>.

<sup>367</sup> Hidas *et al* 2018, *supra* note 1 at 4.

<sup>368</sup> FRA, *Second European Union Minorities and Discrimination Survey*, available at: <http://fra.europa.eu/en/publication/2017/eumidis-ii-main-results>, at 23.

<sup>369</sup> FRA, *supra* note 3 at 26 -27.

the lack of preschool capacities, which are the lowest in regions with the highest share of marginalised Roma.<sup>370</sup> For example, People in Need reported that in their localities, on average only 10% of Roma children attend kindergarten, typically only during the final year of preschool, citing, similarly to other organisations, limited capacities of local kindergartens and financial barriers among the most critical reasons for the low enrolment rates.<sup>371</sup> In some localities, such as Moldava nad Bodvou, Roma Platform believed that aside from limited capacities of the kindergartens, municipal leadership was not entirely interested in enrolling Roma children.<sup>372</sup>

The state relies predominantly on ERDF to construct and expand kindergartens.<sup>373</sup> Almost 80 millions EUR is allocated via Integrated Regional OP and 50 millions EUR specifically targeting areas with marginalised communities through Priority Axis 6 of the Operational Programme Human Resources.<sup>374</sup> Projects funded through this priority must ensure that at least 30% of enrolled children are Roma. Since 2016, the MI, administering this priority axis, contracted 19.3 EUR million for development of 49 projects (expansion, renovation or development of new facilities) located in municipalities listed among the specifically targeted 150 localities with the least developed Roma communities.<sup>375</sup> Another 7.8 EUR million was contracted for 32 projects in localities with marginalised communities outside the least developed 150 municipalities. Overall, since there is significant available funding, municipalities that meet the set criteria have almost guaranteed approval of their projects.<sup>376</sup>

The incentives of local administration to invest into new capacities of kindergartens and apply for EU funds, for example, shall be reinforced by the planned proposal to introduce one year of compulsory preschool education, advocated in particular by the GRPC Ravasz to be introduced in school year 2020/2021.<sup>377</sup> In our interviews, the Main School Inspector, Viera Kalmárová, encouraged this proposal, arguing that this plan *"shall be supported and fulfilled, no matter what. There is irrefutable evidence pointing to correlation between educational successes of an individual and his or her participation in preschool education."*<sup>378</sup> On 8 October 2018, both Ravasz and Kalmárová, along with Ombudsperson Mária Patakyová and the director of the RICPP, Janette Maziniová Motlová, signed a declaration directed to the government, underlining compulsory preschool education among the key strategies to tackle segregation of Roma children.<sup>379</sup> Most recently, the originally anticipated adoption of a legislative change that would really serve to place pressure on municipalities to draw funding for the building of capacities was postponed for

<sup>370</sup> See in more details lacking capacities of preschool facilities in *Civil Society Monitoring Report 2018*, *supra* note 17 at 51.

<sup>371</sup> Information provided in memos on education I (early childhood education) prepared by Romed, People in Need and Roma platform.

<sup>372</sup> Information provided in memo on education (early childhood education) by Roma platform.

<sup>373</sup> See in more details lacking capacities of preschool facilities in *Civil Society Monitoring Report 2018*, *supra* note 17 at 52.

<sup>374</sup> Please see data also on number of potentially funded places in kindergarten in *Revision of Expenditures*, *supra* note 9 at 27.

<sup>375</sup> *Civil Society Monitoring Report 2018*, *supra* note 17 at 22 and 23

<sup>376</sup> *Ibid.* at 21-22.

<sup>377</sup> *Ibid.*

<sup>378</sup> *Ibid.*

<sup>379</sup> The text of the memorandum is available through a Facebook profile of the Plenipotentiary for Roma communities, available at: <https://www.facebook.com/abelravasz/photos/pcb.1795646157170347/1795645483837081/?type=3&theater>.



almost another year to 31 August 2019.<sup>380</sup> According to the most recent reform programme in education, approved by the government on 20 November 2018, the MESRS should prepare the accompanying financial analysis in 2018. As of 2021, the MESRS anticipates that the compulsory preschooling of five-year-olds will be followed by the introduction of legal entitlement for children aged four and, as of 2022, for children aged three.<sup>381</sup> The most recent calculations of the Ministry of Finance (Mof) and MESRS indicate that funds from ERDF with already existing capacities of kindergartens and elementary schools should provide places to ensure enrolment between 94.5% to 96.4% of five year old's without reducing the share of currently enrolled 3-4 year old's. Approximately, 1066 of five-year-old children will not have place in kindergarten in September 2020. Among the most affected children will be children either in localities with high share of Roma (Trebíšov (160 children), Richnava (91 children), Michalovce (81 children) or in Slovakia's capital city of Bratislava (Bratislava - Petržalka 108 children and Bratislava - Ružinov 91 children).<sup>382</sup>

Currently, municipalities are not legally committed to provide a sufficient number of places in kindergarten for all children at preschool age. Financing of preschool facilities and their staff differs from financing of elementary and higher education, which ties funding to the number of actually enrolled students (i.e. normative financing).<sup>383</sup> Preschool education belongs to the so-called original competencies of local municipalities financed from their local budget's income tax collected by the central tax office and redistributed by the Ministry of Finance. The calculation of the municipalities' budgets is based in part on the number of children at preschool age.<sup>384</sup> Yet, municipalities are not committed to use these funds to provide preschool education. Hence the municipal budget can financially benefit from the funds associated with a high number of Roma children, which can be used for other purposes.

Our report from last year highlighted not only the capacity limits of preschool facilities but also the explicit and implicit financial costs that present serious financial barriers preventing poor children from accessing kindergartens.<sup>385</sup> In 2017, the parliament approved a new subsidy that should help kindergartens and municipalities in reducing the costs of educating children in so-called material need. The subsidy amounts to approximately 164 EUR per year per child aged three years and older. As parents in material need are often exempted from payment of educational fees for kindergartens, the subsidy should help kindergartens to cover the costs and consequently recruit more poor children.<sup>386</sup> This regulation entered into force on 1 January 2018. At this point, however, the MESRS was unable to establish the impact of the subsidy on enrolment of children in material need. It is not even clear whether the MESRS even monitors the impact

<sup>380</sup> K informácií o opatreniach na posilnenie uplatnenia marginalizovaných skupín na trhu práce, government resolution No. 528/2018 adopted on 20 November 2018, available at: <http://www.rokovania.sk/Rokovanie.aspx/BodRokovaniaDetail?idMaterial=27930> [Information about Measures to Improve Access to Marginalized Groups to the Labour Market].

<sup>381</sup> Implementačný plán výchovy a vzdelávania, measure 1, 2, Národný program rozvoja výchovy a vzdelávania – nové znenie, adopted on 27 June 2018, government resolution No. 302/2018, available at <http://www.rokovania.sk/Rokovanie.aspx/BodRokovaniaDetail?idMaterial=27582> [The Implementation Plan of Care and Education of the National Program of Development of Education and Care – New Version]. (The Implementation Plan in Education)

<sup>382</sup> Please see data also on number of potentially funded places in kindergarten in the *Revision of Expenditures*, *supra* note 9 at 28.

<sup>383</sup> Para 4 of the Act No 597/2003 Coll. on Financing of Elementary Schools, Secondary Schools and Educational Facilities, as amended. (Financing of Education Act).

<sup>384</sup> Statics on the redistribution of taxes is available at: <http://www.mfsr.sk/Default.aspx?CatID=11582>

<sup>385</sup> See in more details in the *Civil Society Monitoring Report 2018*, *supra* note 17 at 51-52.

<sup>386</sup> *Ibid.* at 52.



of the subsidy.<sup>387</sup> While mapping the impact of this subsidy in practice during our monitoring for this report, the principal of the kindergarten located on Luník IX in Košice, Anna Klepáčová, argued that this subsidy is far from sufficient to cover the costs associated with enrolment of poor children to ensure that parents do not need to pay tuition.<sup>388</sup> Moreover, as reported by Vaňová of Roma Media, kindergartens became inaccessible for working poor parents. The increase of the employment rate among Roma (earning often minimum wage) meant that these families were no longer exempted from fees, but at the same time unable to afford the kindergarten fees from their low income.<sup>389</sup> The principal of the kindergarten in Slovakia's largest urban Roma neighbourhood furthermore alerted that "*parents were very much interested in kindergartens for their children, but unable to keep up with the costs associated with schooling when not in material need.*"<sup>390</sup> The threshold of material need is set really low and fails to target the numerous families that are living in poverty and unable to cover expenses associated with preschool education.<sup>391</sup> The inability to afford kindergarten can therefore have the practical result for one of the parents (more likely the mother) of staying home and taking care of the children, thus further reinforcing the barriers, mostly faced by women, to access the labour market.

One of the systemic measures that can help to improve the financial accessibility of kindergartens for poor children is the newly proposed universal free lunch, funded by the state and implemented as of 1 January 2019 for children in the last year of preschool and at elementary school as of 1 September 2019.<sup>392</sup> This measure, which has been the subject of controversial debate, having both proponents as well as opponents, particularly pointing to challenges in implementation,<sup>393</sup> has been welcomed by the principal of Lunik IX's kindergarten. However, she also noted that they would welcome free lunches also for younger children.<sup>394</sup> Based on the calculations of the Mof and the MESRS, only 37 % of children at risk of poverty and social disadvantage received support on meals under the current system of lunch subsidies in kindergartens and schools.<sup>395</sup>

Furthermore, in 2020, the MESRS proposes in its reform plan to reduce costs associated with travel to kindergartens, specifically targeting children from marginalised communities.<sup>396</sup>

In our report from last year, we argued that the quality of teaching personnel, especially in supporting individualised support for children with disadvantages, is limited.<sup>397</sup> The

<sup>387</sup> MESRS written response to our inquiry of 11 November 2018 prepared for this report.

<sup>388</sup> Written response of Anna Klepáčová, the principal of the kindergarten on Lunik IX, to our inquiry, received on 9 November 2018 prepared for this report.

<sup>389</sup> Roma media memo on early childhood education prepared for this report.

<sup>390</sup> Roma media memo on early childhood education prepared for this report.

<sup>391</sup> Please see in more detail the *Civil Society Monitoring Report 2018*, *supra* note 17 at 52.

<sup>392</sup> Points 3, 4, 5, 6, 7 of the Act No. 375/2018 Coll. amending Act No 544/2010 on subsidies Administered by the MLSAF as amended and of Act No. 245/2008 Coll. on education and care (The School Act).

<sup>393</sup> Aside from ideological criticism presented mostly by the opposition party Sloboda a Solidarita (SaS) and some of the economic think tanks like INESS, the Association of Towns and Municipalities along with school personnel of some schools raised concerns about availability of sufficient kitchen personnel and school cantinas. See information about the position of the association at "Obedy zadarmo", dennikn.sk, 10 October 2018, available at: <https://dennikn.sk/minuta/1257865/> [Free Lunches].

<sup>394</sup> Written response of Anna Klepáčová, the principal of the kindergarten on Lunik IX, to our inquiry, received on 9 November 2018 prepared for this report.

<sup>395</sup> *Revision of Expenditures*, *supra* note 9 at 2. Please see also our critique of the current redistribution of subsidies on lunch, *Civil Society Monitoring Report 2018*, *supra* note 17 at 51-52.

<sup>396</sup> The Implementation Plan in Education, *supra* note 381, measure 3.

<sup>397</sup> *Civil Society Monitoring Report 2018*, *supra* note 17 at 53.

MESRS listed among adopted measures to address this concern, similarly as in 2017, merely training programmes offered by the Methodical-Pedagogical Centre (MPC).<sup>398</sup>

Nevertheless, the recently resumed national programme implemented by the OGPRC called PRIM, targeting 150 municipalities with the least developed communities,<sup>399</sup> provides an opportunity to employ additional teaching staff, including teacher's assistants and coordinators of inclusive education.<sup>400</sup> The national project, which started in July 2018 and should operate until October 2020, cites among its objectives the creation of an inclusive environment in kindergartens along with increased numbers of Roma children enrolled into kindergartens.<sup>401</sup> A rather notable aspect of this project is preferential recruitment of Roma for the project's positions.<sup>402</sup> As of 15 November, the programme has been running in 52 localities. Forty percent of the project's employees are Roma.<sup>403</sup> Plenipotentiary Ravasz has stated his belief that implementation of the programme has been challenging in some localities when municipalities have not had sufficient kindergarten capacities and/or Roma children participating in the kindergartens. Also, participation of kindergartens in villages where elementary schools were part of the project called School Open for Everyone has appeared to be somewhat of an administrative challenge.<sup>404</sup> Overall, according to the GPRC Ravasz, such problems have concerned merely 10 of the 150 localities. He was, nevertheless, confident that they would eventually find a solution; only the implementation would be delayed.<sup>405</sup>

Generally, the kindergarten in Luník IX underlined the need to equally focus on work with parents and engage them in on goings-on of the kindergartens in order to, among other things, provide informal education. This particular kindergarten also mentioned as one of the positive experiences the availability of free showers and toiletries for both children and parents (mostly used by mothers) on the kindergarten's premises. The principal also believed that the engagement of parents in kindergartens is absolutely critical to building the trust with parents to ensure on their own part that their children are in a secure and positive environment through the entire day.<sup>406</sup>

Furthermore, it is typically the Roma parents who are employed, mothers in particular, who are more likely to enrol their children into kindergartens. However, in Veľký Krtíš, for example, we note the absence of reach-out activities towards Roma parents, regardless of their employment status, even under the conditions of abundant capacities in kindergartens. However, with the increasing rate of employment among both Roma men and Roma women, there is a positive trend in enrolment of children from three years into kindergartens. Fees for children younger than three years are set at 120 EUR in state kindergartens, which makes it inaccessible for low-income families. Moreover, there is an

<sup>398</sup> Information provided by the MESRS received on 24 September 2018.

<sup>399</sup> Please see in more detail *Civil Society Monitoring Report 2018*, *supra* note at 21.

<sup>400</sup> Response of the MESRS received on 9 November 2018.

<sup>401</sup> Information is available at the web site of the MoI, available at: <http://www.minv.sk/?np-prim-v-skratke>.

<sup>402</sup> Interview with the GRPC, Ábel Ravasz, on 17 August 2018 prepared for this report.

<sup>403</sup> Information provided at FB page of Ábel Ravasz on 15 November 2018 prepared for this report.

<sup>404</sup> Please see more details on the problems with design of these two national projects in *Civil Society Monitoring Report 2018*, *supra* note 17 at 22.

<sup>405</sup> Interview with the GRPC, Ábel Ravasz, on 17 August 2018 prepared for this report.

<sup>406</sup> Written responses of Anna Klepáčová, the principal of the kindergarten on Lunik IX, to our inquiry, received on 9 November 2018 prepared for this report.

increasing trend that Roma men opt for parental leave, similarly to the general population.<sup>407</sup>

Finally, we would like to point out practices of segregation at the level of preschool education, either by the creation of separated kindergartens for Roma and non-Roma children, such as in Spišské Tomášovce.<sup>408</sup> ROMA Media reported that as a result of pressure from non-Roma parents, a local kindergarten in Ďurkov created Roma classes in school year 2016/2017. After intervention by the local Roma councillor, the kindergarten abandoned this practice and reinstalled mixed classes.<sup>409</sup> While the Main State School Inspector has so far not dealt with practices of segregation at this level, she mentioned a situation of a kindergarten where the Roma children, who made up the entirety of the student body, were educated only through a half day programme, not a full day.<sup>410</sup> Generally, we believe that the issue of segregation should be considered with the introduction of a compulsory year of preschool.

### **Promising practice – early childhood education Way Out<sup>411</sup>**

As identified in our monitoring report from last year, early childhood education and care targeting marginalised Roma children from zero to three years old is entirely missing from state policies. Rather noteworthy is an initiative of an NGO called Way Out that focuses on this particular age group of children.

Way Out has developed stimulating methods based on a combination of strategies focusing on psychosocial stimulation of children, support of their motoric, cognitive and language skills, creativity and social and emotional aspects of life using simple objects and toys that are accessible for poor households. The programme draws on experience with similar programmes in Jamaica and Columbia and is influenced by the research of the Harvard Centre for Developing Child.

The programme employs Roma women from marginalised communities into positions of Omamas ('grandmothers') who share this knowledge about learning strategies with Roma women in their communities. Omamas also organise regular parental meetings to share experience with childcare (mostly women). Each one has her own tutors who are experienced as teachers or another practitioners in the area. The programme has an empowerment aspect geared towards Roma women, as authors believe that Omamas led by tutors will gain working experience that they can utilise in finding employment in education. The programme has been piloted in 2018 in three communities (Zborov, Kecerovce and Muránska Dlhá Lúka) and currently employs 4 Omamas and 3 mentors, all females. Omamas work with approximately 40 children and their mothers on a weekly basis. The NGO is funded mostly through crowdfunding. So far, no monitoring reports are available. Project leaders are pleased with the implementation. Their ambition is to scale up the programme and eventually offer their methods and strategies to state authorities to develop a systemic measure.

<sup>407</sup> Information provided by Janette Knapeková of CCM in phone interview on 4 November 2018 in addition to the memo on early childhood education prepared by CCM.

<sup>408</sup> Information available e.g. in Jarmila Lajčáková, "Spišské Tomášovce: A Place Where People Can Live Well: Slovakia" (Bratislava: The Roma Institute, 2012) at 6. Interestingly, this village is very advanced in the quality of housing for Roma families and, in fact, the housing in what locals call 'Roma settlement' does not visibly differ from the remainder of the village. However, the communities are divided and children attend kindergarten based on their ethnicity. While most of the Roma children then continue at the local church school, the vast majority of non-Roma children continue in a school in nearby town Spišská Nová Ves.

<sup>409</sup> Memo on early childhood education prepared by Roma media.

<sup>410</sup> Written response of the Main School Inspector, Viera Kalmárová, received on 21 August 2018.

<sup>411</sup> Information is gathered through an interview with Pavel Hrica, the executive director of the NGO and through their web site <http://cestavon.sk/o-cestavon/index>.

## Improving quality of education until the end of compulsory schooling

As argued in our report from last year, qualification of teachers, more generally, and the quality of schools educating disadvantaged children require more significant attention.<sup>412</sup> Most recent findings of the think tank MESA 10, working on a long-term project on education called *To dá rozum*, indicate that the current system of professional development of teachers suffers from serious shortcomings. According to results of their studies, based on both qualitative and quantitative methods, teachers are motivated to participate only at accredited courses, in order to receive financial remuneration. The *To dá rozum* team, however, argues that sometimes innovative, not officially accredited courses can be equally or even more valuable especially in supporting the skills of teachers to teach in a diverse environment. Saliently, strategies mapping the impact of the accredited courses on the quality of education are absent. Finally, the authors of this study argue that the system of credits gathered by participation on accredited courses is perceived by a number of teachers as humiliating and as an inadequate measure to address the problem of low wages of teachers.<sup>413</sup> Issues of low incentives and poor pay of teaching personnel is among the key challenges of Slovakia's educational system that are being addressed only at a very slow pace.<sup>414</sup> Based on our experience with implementation of the InSchool Project of the Council of Europe in Slovakia,<sup>415</sup> teachers rarely have experience and training with cooperative or/and differentiated teaching that could help to raise the quality of education generally and, in particular, for disadvantaged learners. Typically, initiatives bringing innovative strategies are pursued by non-profit actors.<sup>416</sup>

Slovakia continues to rely merely on ESF national projects to provide extra assistance and staff to schools (teaching assistants, special teachers and others) with a share of Roma children above 20 percent.<sup>417</sup> So far, we do not have any available reports examining the quality of these interventions.<sup>418</sup> The Main State School Inspector, Kalmárová, pointed out the problems of sustainability with such interventions that are ceased after the project's funding. In November 2018, the managing authority at the MoI issued a second round of calls for projects supporting mentoring and tutoring assistance for children from disadvantaged communities, with the main objective of improving the transition to secondary schools with an overall allocation of 5 millions EUR. As of 7 September 2018, information about spending had not yet been made available.<sup>419</sup>

<sup>412</sup> Please see more details on the problems with design of these two national projects in the *Civil Society Monitoring Report 2018*, *supra* note 17 at 65.

<sup>413</sup> *To dá rozum*, "Súčasný systém nemotivuje učiteľov profesijne sa rozvíjať", Blog DennikN, 27 September 2018, available at: <https://dennikn.sk/blog/1242999/sucasny-system-nemotivuje-ucitelov-profesijne-sa-rozviijat/>.

<sup>414</sup> Slovakia ranks almost at the bottom in OECD comparisons of teachers' salaries, Please see e.g. OECD data on teacher salaries in 2017 (Upper secondary with 15 years experience) available at: <https://data.oecd.org/eduresource/teachers-salaries.htm>.

<sup>415</sup> Information about the project is available at <https://www.skolainkluzionistov.sk/?fbclid=IwAR0d2qctXWt5aiRRNF78gCGdeOE3CgxFi2TQIVN33IEPmh4oyYp9lN1dy04>.

<sup>416</sup> For example such as recent project of Nadácia deti Slovenska supporting inclusion in schools, information is available at <https://www.skolainkluzionistov.sk/?fbclid=IwAR0d2qctXWt5aiRRNF78gCGdeOE3CgxFi2TQIVN33IEPmh4oyYp9lN1dy04>, and numerous others.

<sup>417</sup> Please see more details on the problems with design of these two national projects in *Civil Society Monitoring Report 2018*, at 51 and 58.

<sup>418</sup> However, please note also the comment on segregation and this national project in section 'Fight against Discrimination and antigypsyism in Education', below.

<sup>419</sup> Information provided by Juraj Gmiterko, the head of Roma inclusion Unit at the Ministry of Interior on 7 September 2018 for this report. Poskytovanie mentorskej a tútorskej podpory pre žiakov z MRK s dôrazom na úspešné ukončenie ZŠ a plynulý prechod na SŠ. OPLZ-PO5-2017-2. [Providing Mentoring and Tutoring Assistance for Children from Marginalized Romani Communities and their Smooth Transition to Secondary

In our report from last year, we pointed out the problem of the disproportionate number of Roma children experiencing failure in schools by way of grade repetitions.<sup>420</sup> The most recent data IFP confirmed that in 2017/2018 that the share of Roma marginalised children repeating grades is very high and amounts to 14.5% while in case of the general population it is 1.5%. While ethnicity is the strongest predictor of grade repetition, also social disadvantage greatly undermines chances of a child to succeed in school. According to IFP data, the share of non-Roma children in material need repeating the grade was at 8.8%. Moreover, according to the MoF and MESRS data, the low share of children enrolled into higher grades of elementary school indicates that Roma children experience multiple grade repetitions during their educational path.<sup>421</sup> According to the MoF and MESRS: “a significant share of disadvantaged pupils completes their compulsory education in grade six and seven, which means, even taking into account enrolment into zero grade, that they had to repeat a grade of their elementary school two or three times.”<sup>422</sup> As we argued grade repetitions, also greatly curtails the chances of such children to enrol into a regular secondary school.<sup>423</sup> We have not seen any palpable action on the issue – merely promises of the MESRS in its reform plan to change the legislation to ensure that a child can repeat a grade only once.<sup>424</sup> The newly adopted Update action plan on education in NRIS includes this specific task as well.<sup>425</sup> However, the Ministry does not anticipate any specific measures to avoid repetition through early intervention and assistance to children struggling at school.<sup>426</sup>

In August 2018, the IFP issued data that not only indicate that Roma children in state standardised monitoring in Grade 5 and Grade 9 in Math and Slovak (or Hungarian) have 50% lower success rates in comparison to non-Roma but also that only half of the Roma children that participate in testing in grade five make it to grade nine.<sup>427</sup> The data, however, has not been disaggregated on the basis of sex.

We have not encountered any specific measures adopted by schools or state authorities to prevent early drop out among Roma girls due to early pregnancies, early marriages or household responsibilities. Sometimes, information about reproductive health is provided by community centres and health mediators through in-school lectures or in community centres. Girls who get pregnant during their studies at elementary school, unless facing health problems, in the experience of ROMED continue with their studies as long as possible. For girls whose schooling is interrupted due to their pregnancies, there are no

Schools]. REF is one of the major implementing NGOs of this program that was influenced by its previous experience.

<sup>420</sup> Data on grade repetition gender dis-aggregated were not available from the statistics gathered by the Centre for Scientific and Technical Information in Education. Please see data included in our last year report in *Civil Society Monitoring Report on Implementation of the National Roma Integration Strategy in Slovakia* (EC: Brussels, 2018) at 63 - 64, available at: [http://cvek.sk/wp-content/uploads/2018/04/RCM\\_2017\\_Slovakia\\_EC\\_approved.pdf](http://cvek.sk/wp-content/uploads/2018/04/RCM_2017_Slovakia_EC_approved.pdf).

<sup>421</sup> According to the data, 14.9 % of Roma children in material need repeated their grade in 2017/2018 and in case of Roma children that were not in material need it was at 13.7%. In case of non-Roma children that were not in material need, only 1 % repeated their grade. Please see data also on number of potentially funded places in kindergarten in the *Revision of Expenditures*, *supra* note 9 at 36.

<sup>422</sup> *Ibid.* at 36.

<sup>423</sup> Please see more details on the problems with design of these two national projects in the *Civil Society Monitoring Report 2018*, at 64.

<sup>424</sup> Implementation Plan in Education, *supra* note 381, measure 3.

<sup>425</sup> Updated Action Plan on Education, *supra* note 366.

<sup>426</sup> Implementation Plan in Education, *supra* note 381, measure 3.

<sup>427</sup> Hidas 2018, *supra* note 367 at 4.



palpable and accessible programmes allowing them to complete elementary school after giving birth.<sup>428</sup>

In terms of the quality of disadvantaged primary schools, they have been reviewed regularly since 2015 by the then newly appointed Main State School Inspector Kalmárova. She has been listing numerous recommendations for these schools on how to address both the quality as well as segregation.<sup>429</sup> The inspection office, however, does not provide programmes for low-performing schools. Such schools can merely participate in assistance provided by national ESF-funded projects administered by the MPC or accredited courses discussed above.<sup>430</sup> Our mapping at a major elementary school at LUNIK IX, in the largest Roma deprived urban neighbourhood in Slovakia, indicates that in practice, no training courses have been offered so far.<sup>431</sup> There are no accessible development plans that could allow low-performing schools to improve their quality.

There are no state-sponsored initiatives supporting schools in building links with disadvantaged parents. Typically, it is up to schools and teachers to engage in communications with disadvantaged parents, often after their working hours. We assess that there are probably numerous examples of individual efforts of teachers, school principals and NGOs that recognise the importance of such links. For example, Pavel Kovac, a former principal in a municipality in Čičava, now in Zamutov, regularly visited the local community to discuss issues related to education with parents in their homes and individually invited them to parents' meetings.<sup>432</sup>

From our experience in the monitored localities, one of the challenging issues in educating children from disadvantaged environments relates to their school attendance. Data on school participation indicate that especially the number of so-called non-excused absences per child suggests that arguably the problem with truancy is more prevalent in regions with high shares of marginalised Roma children, especially in the Košice, Banská Bystrica and Prešov regions. While on average, the number of such absences in Slovakia oscillates around 3 per year per child, in the case of the Košice region, in 2017/2018 it was 23.6. This means, in fact, that the number of absentee classes for this region has increased since 2010/2011, when the number of unexcused absences was 19.39).<sup>433</sup> This data is not disaggregated by sex to indicate whether there is a gender dimension of this problem.

Based on our experience, there are multiple reasons why Roma children from disadvantaged environments are frequently absent from their schooling, which curtails their academic performance. This may relate to both excused and unexcused absenteeism. Most often, we observe that Roma children simply do not feel welcome in schools. We have encountered cases where single mothers and very poor families were unable to accumulate sufficient cash to pay in advance for the travel costs of their three children, which is reimbursed by the school on a monthly basis.<sup>434</sup> In Žilina, for example, children commuting to their new schools, aside from the initial high costs of transportation, worried

<sup>428</sup> Memos on education prepared by Romed and CCM.

<sup>429</sup> Please see regular reports of the Main State School Inspector available at: <https://www.ssiba.sk/Default.aspx?text=g&id=3&lang=sk>.

<sup>430</sup> Please see information about the national projects in this section, above.

<sup>431</sup> Written response of Viera Šotterová the principal of the elementary school on Lunik IX, to our inquiry, received on 9 November 2018 prepared for this report. Please see also assistance provided by MPC to schools identified as segregating by the inspection, discussed below.

<sup>432</sup> Information provided by CVEK that implemented in 2013-2015 programs focused on inclusion of Roma children with partnership with Pavol Kováč.

<sup>433</sup> Information provided by the Centre for Scientific and Technical Information in Education (CVTI) for the for this report based on email inquiry on 21 November 2018.

<sup>434</sup> Initially, the reimbursement was set at a three months basis and changed in 2017, mostly thanks to the advocacy of CVEK that lasted for about two years.

that they would get sick on the busses as they were used to walking.<sup>435</sup> In numerous cases, children from segregated communities have had to walk long distances to school along roads without proper pedestrian pavements, which is challenging in certain weather conditions. Sadly, there were even tragic fatal incidents reported.<sup>436</sup> One of the girls, who had transferred from a segregated school that had been closed down, experienced humiliation, bullying and racist comments, even from the teacher. Another girl, during her first day in her new school in Žilina, had her head conspicuously checked for lice by the head teacher in front of the other pupils. In other cases, parents kept their children at home as they did not have proper attire for the weather.<sup>437</sup> Furthermore, Roma girls from poor households struggle to buy hygienic needs during their periods. They are thus forced to use old sheets or cotton diapers and thus feel uncomfortable during school, often skipping school for the first days of their periods.<sup>438</sup>

Interestingly, according to the inspection report on education of Roma pupils in 2017/2018, teachers often believed that the higher absenteeism of Roma children in education was mostly ascribed to the families and their neglect. They believed that it *“was caused by higher prevalence of illnesses and truancy caused by financial and social problems of their families. Parents often did not send their children to school during the periods of reimbursement of social welfare, failing to send a note to the school, even after appeal from the school. Teachers and educational advisors typically found it difficult to establish cooperation with parents and their (parents’) participation at school meetings was rather irregular”*.<sup>439</sup>

We have encountered that due to poor communication with schools, parents were unaware that they could excuse the absence of their children only for up to three days in a row. Otherwise, children got so-called unexcused absences.

While there are multiple sources of the problem, we are concerned that little attention is paid to the causes and strategies on how to address them in a positive and motivating manner. We observe that the dominant approach is rather restrictive, leaning towards sanctioning rather than motivating strategies. The MESRS’s guidelines for schools for this year, particularly focuses on the problem of “unexcused absences”, in situations when parents do not produce an official note from a doctor. The MESRS sets out that in the case of a child with more than 15 unexcused absences per month, the school shall report this to the municipality.<sup>440</sup> In case of 60 unexcused absences per a school year, the municipality shall resume an administrative procedure against the parent that can result

<sup>435</sup> Please see on this issue in Žilina *Civil Society Monitoring Report 2018*, *supra* note 17 at 60.

<sup>436</sup> After collision on ice, a car hit 12 Romani children walking from the school on the road without a pedestrian pavement in Spišská Bystrá on 22 February 2017. Two of the injured girls, as media informed later, did not survive the accident. „Auto vrazilo do skupinky detí a zranilo ich, dve sú v kritickom stave“ noviny.sk, 22 February 2018, available at: <https://www.noviny.sk/slovensko/presov/310331-auto-zrazilo-niekoľko-deti-na-mieste-zasahoval-vrtulník> [A Car Hit and Injured a Group of Children, Two are in a Critical Condition].

<sup>437</sup> Information gathered by CVEK.

<sup>438</sup> Jana Shemesh, “Keď sa chudoba meria tým, či má žena každý mesiac peniaze na vložky”, 15 February 2018, DennikN, available at: <https://dennikn.sk/1019702/ked-sa-chudoba-meria-tym-ci-ma-zena-kazdy-mesiac-peniaze-na-vlozky/>

<sup>439</sup> Štátna školská inšpekcia, *Správa o stave vytvárania predpokladov na zabezpečenie inkluzívneho vzdelávania pre žiakov zo sociálne znevýhodneného prostredia a žiakov z marginalizovaných komún v školskom roku 2017/2018*, at 4, available at: [https://www.ssiba.sk/admin/fckeditor/editor/userfiles/file/Dokumenty/ZS\\_UZP\\_Inkluzia\\_2017\\_2018.pdf](https://www.ssiba.sk/admin/fckeditor/editor/userfiles/file/Dokumenty/ZS_UZP_Inkluzia_2017_2018.pdf), inspection focused on review of 19 schools (18 state schools and 1 church school) [Report on the Pre-Conditions for Inclusive Education of Children from Socially Disadvantaged Environment and Children from Marginalized Communities in School Year 2017/2018].

<sup>440</sup> Ministerstvo vedy, výskumu a športu SR, *Pedagogicko – organizačné pokyny na školský rok 2018/2019* (Bratislava, 2018), at 41-42, available at: <https://www.minedu.sk/data/att/13081.pdf> [Pedagogical and Organizational Guidelines for School Year 2018/2019].



with an administrative fine of 331.50 EUR.<sup>441</sup> The municipality should also contact social services and with aid of community centre's workers or field social workers address the situation with parents. Furthermore, if a child has more than 100 unexcused absences., the municipality should file a criminal motion with police against the parents for committing a felony pursuant to paragraph 211 of the Criminal Code called Threatening of Moral Upbringing of Youth. This criminal act, according to letter e) consists of an action defined as preventing compulsory school attendance. This crime does not require intent; neglect will also suffice.<sup>442</sup>

In our experience, schools and municipalities rather frequently rely on criminal law to punish parents of disadvantaged Roma children. According to the information provided by the MoJ, the number of convicted parents for this crime in Slovakia yearly is very high: in 2015 it was 1,935, in 2016 it was 1,744 and in 2017 it was 1,842.<sup>443</sup> According to available analyses of 50 legal cases concerning truancy and convicted parents<sup>444</sup> or legal guardians, courts in 46% of cases imposed conditional imprisonment, 44% mandatory labour, 6% imprisonment and 4% a fine.<sup>445</sup> Criminal conviction further complicates the abilities of parents to find employment as well as housing. As argued above, the number of unexcused absences in regions with highest share of Roma is stagnating (Prešov and Banská Bystrica) or even increasing (Košice).

### Support of secondary and higher education particularly for professions with high labour market demand

In our previous report, we discussed in detail the disadvantages that Roma students experience in accessing higher secondary education. The most recent data of the MoF and MESRS indicate that in 2017/2018, 80.3 % of 16 year old's were enrolled into schools, in case of youth from marginalised Roma communities it was merely 49%.<sup>446</sup>

Furthermore, the high share of children unable to complete lower secondary education (i.e. grades 5 to 9) at elementary schools on time as defined by legislation (16 years), caused by high grade repetitions, end up in segregated branch offices of private and state secondary schools. They enrol into 2-year learning programmes (ISCED 2), first completing elementary schools and then continuing in so-called 'F' study programmes offering training in assistant jobs, construction and food and textile production. The 'F' programmes do not offer completion in the equivalent of completion of a secondary school but so-called lower vocational secondary education. According to this data, there were 4 491 students enrolled in 'F' study programmes in 2017/2018 while 59% were students from marginalised Roma communities. According to the assessment in this report, only 33 % of students successfully complete their studies with the final exam. Furthermore, 76 % of secondary vocational schools offering education in 'F' study programmes are so-called branch offices. All branch offices are at the outskirts of municipalities with Roma communities or directly in segregated settlements.<sup>447</sup>

As we have argued in our previous report, this segregated and low-quality education likely has disproportionate negative impacts on girls who are often enrolled into problematic

<sup>441</sup> Para 37 a) of the Act 596/2003vColl. on Governance in Education and School Self-governance, as amended.

<sup>442</sup> Peter Čonka, "Záškoláctvo z pohľadu trestného práva", *Justičná revue* 67, 2015, NO 12 at 1459-1460 [Truancy from a Criminal Law Perspective].

<sup>443</sup> Information provided by the MoJ on 13 November 2018 for this report.

<sup>444</sup> Data whether it is mothers or fathers that were more likely targeted were unavailable.

<sup>445</sup> Čonka, *supra* note 442 at 1459-1460.

<sup>446</sup> *Revision of Expenditures*, *supra* note 9 at 38.

<sup>447</sup> *Ibid.* at 39.

learning programmes called 'Practical Lady'. These programmes are essentially based on anti-Gypsyist and gender stereotypes and result in even fewer chances to find employment in the labour market. The learning programme, which, according to our assessment, enrolls more than 600 Roma girls, offers skills such as preparing a shopping list, cooking or gaining hygienic habits.<sup>448</sup>

Moreover, we have argued that these branch offices are typically built in segregated settings and there are strong financial incentives to sustain this practice as they receive the highest subsidy per student. Indeed, the MoF and MESRS recently confirmed that the budget for 'F' study programmes amounts to approximately 17 EUR millions annually. Education in 'F' programme is approximately two times more expensive than at the elementary school with an average cost per a student at 3,606 EUR. IFP plans to pursue further analysis to review, among others, the placement of graduates at the labour market.<sup>449</sup>

We have also argued that this predominant model of learning of Roma students reinforces isolation of Roma youth and provides them with limited skills to compete at the labour market. As well, the current system of social stipends, career services and mentoring programmes are insufficiently developed to promote integration of Roma students into regular secondary schools. For example, the monthly social stipend amounts to 22 to 45 EUR, which is insufficient to cover even monthly travel costs. Moreover, the current stipend scheme targets only 34% of secondary school students that are at risk of poverty and social exclusion.<sup>450</sup> In addition, students and their parents are often unaware of other programmes and believe that these often newly built schools are "for them" even in cases when children complete nine years and could continue at a regular secondary school.<sup>451</sup>

New information about these schools was prepared by the Main State School Inspector. Kalmárová, after a thorough inspection in 2017/2018. She argued that the inspected schools did not have qualified teachers and learning courses did not followed approved standards.<sup>452</sup> She pointed out that *"the network of branch offices in SR exhibits a certain disproportionality – there was a higher density of these offices present in the Prešov and Košice regions and the lowest numbers are in the Bratislava, Trnava, Žilina and Trenčín regions. Moreover, in these two macro-regions (east vs. west), the composition of learning programmes differed. There was a prevalence of three-year learning programmes in the west, while in Slovakia's eastern regions, there were 2-year learning programmes for pupils who had not achieved lower secondary education at elementary schools."*<sup>453</sup> The Main State School Inspector clearly pointed out that in both of these regions in eastern Slovakia, these branch offices of vocational schools are educating Roma students as they *"were built next to isolated Roma settlements or within the cities where there was a concentration of Roma (for example, the main school campus is in Košice, but branch offices are formed outside the campus as well as in Košice in proximity to ghettos)."* Saliently, she also argued that *"justification of this kind of education was, at minimum,*

<sup>448</sup> Please see on branch offices of secondary system in the *Civil Society Monitoring Report 2018*, *supra* note 17 at 61-62.

<sup>449</sup> *Revision of Expenditures*, *supra* note 9 at 38 -39. Information about the plans for pursuing further studies of these schools were presented at a meeting presenting the report by the authors on 22 January 2019.

<sup>450</sup> *Ibid.* at 41.

<sup>451</sup> Please see on branch offices of secondary system in the *Civil Society Monitoring Report 2018*, *supra* note 17 at 27-28 and 61- 62.

<sup>452</sup> Štátna školská inšpekcia, *Správa o stave a úrovni procesu a podmienok organizovania kurzov na získanie nižšieho stredného vzdelávania* (SSI: Bratislava, 2018) at 3 [ Report on the State and the Quality of the Process and Conditions in Gaining Lower Secondary Education].

<sup>453</sup> Written response of the Main State School Inspector, Viera Kalmárová, received on 21 August 2018 for this report.

*questionable, even in instances where there was a comparable quality of education, facilities and school staff as in the main campus."* She cautioned that *"it was likely that methods of education that isolated students, starting with the beginning of compulsory education until adulthood, would create a barrier in integration also in other societal settings such as in work or other localities that the graduates of these branch offices come from."*<sup>454</sup> Kalmárová proposed to review these schools and career paths of graduates from 2013.

The OGRPC, in its proposal regarding secondary education of Roma students, acknowledged that graduates of the so-called 'F' 2-year learning programmes face the highest unemployment rates among all variants of secondary education. Their unemployment rates range from 50% for kitchen aids, technical services in car repair shops at 26.5% to wood production at 22.5%. While the document did not specifically acknowledge it, there are hidden gender issues as programmes for kitchen aids or Practical Lady graduates are most frequently attended by Roma women. The document also notes that graduates' employment choices are limited to assistant positions. The document also notes that 'F' learning programmes have among the highest per-student funding,<sup>455</sup> while available funding of social stipends (ranging from approximately 20 to 40 EUR based on academic performance) is insufficient to cover the rather significant expenses associated with travelling to regular secondary schools or purchasing equipment.<sup>456</sup>

Despite this evidence, the number of branch offices, particularly those opened by state secondary vocational schools, increases annually. While there were 56 of these state branch offices operating in 2015, as of 30 September 2018, the number reached 73. Forty-five of these schools were open in Kosice region and 14 in Prešov.<sup>457</sup> The number of private branch offices has also increased from 31 in 2014 to 44 operated as of 31 October 2018. Again, the highest share of these offices is in the regions of Prešov (20), Košice (5) and Žilina (6).<sup>458</sup> The MESRS continues to refuse that such vocational schools built in proximity to Roman settlements promote segregation. The MESRS believes that this is a desirable strategy to address unemployment among Roma in the least developed regions in Slovakia.<sup>459</sup>

While we are pleased that the government recently presented a plan to open secondary schools for children attending special schools in Variant A, we are concerned that the most recent plan to first open these 'F' learning programmes may in fact reinforce the disturbing trends. We are concerned that this practice also helps Slovakia to present a false picture of the trends. Most recent comparison data indicate that Slovakia reduced the share of early leavers from education among Roma aged 18-24 from 80% in 2011 to 58% in 2016. The data nevertheless continues to indicate the persistence of the gender gap as the share of early leavers among women even increased in 2016 to 61% for girls in comparison to 54% for boys (in 2011 it was 81% for girls and 79% for boys).<sup>460</sup> Still, overall, while Slovakia may appear better in international comparisons, the reality is that the 'presumed

<sup>454</sup> *Ibid.*

<sup>455</sup> Soňa Koreňová, *Návrh koncepčného riešenia stredného odborného vzdelávania študentov z marginalizovaných komunít* (Bratislava: Úrad Splnomocnenca vlády SR pre rómske komunity, November 2017) at 6-7, [Proposal of A Conceptual Solution of Secondary Vocational Education of Students from Marginalized Communities].

<sup>456</sup> *Ibid.* at 10-11.

<sup>457</sup> The information is available at the web site of the CVTI, available at: [http://www.cvtisr.sk/buxus/docs/JH/siet\\_ss.pdf](http://www.cvtisr.sk/buxus/docs/JH/siet_ss.pdf)

<sup>458</sup> The information is available at the web site of the CVTI, available at: [http://www.cvtisr.sk/buxus/docs/JH/sukromne\\_sasz.pdf](http://www.cvtisr.sk/buxus/docs/JH/sukromne_sasz.pdf)

<sup>459</sup> The MESRS in their response rejected any assertion that this practice merits segregation and referred to strategy on the support of underdeveloped regions as a justification.

<sup>460</sup> FRA 2018, *supra* note 3 at 30.

remedy' presented by segregated branches of secondary schools perpetuates rather than addresses the marginalisation of Roma and barriers in accessing the labour market, especially for Roma women.

Indeed, in comparison to its non-Roma peers, Roma youth from marginalised environment predominantly attend so called practical schools for youth with mental disabilities or secondary vocational schools. Only 1 % of Roma students in material need attends grammar schools (gymnasium). In case of non-Roma children in material need, 7% attended such school and in case of non-Roma without the social disadvantage it was 31% of students.<sup>461</sup>

In last year's report, we discussed in detail that a dual system could in theory address the problem of discrimination in the labour market experienced by Roma, but schools offering such programmes are inaccessible to marginalised Roma due to their geographical locations and academic requirements.<sup>462</sup>

As mentioned earlier, so far, the only tangible measures presented to improve the transition to secondary schools have been calls from ESF funding mentoring and tutoring activities.<sup>463</sup>

There are no state-sponsored programmes creating equal opportunities for Roma students to access quality higher university education. EU MIDIS II data gathered by the FRA suggest that the enrolment rate of Roma youth aged 18-24 years into higher education (ISCED 4+) copies the disadvantage experienced by Roma early in their educational paths. Only 6% of Roma in this age group were enrolled into higher education while in case of the general population, the rate was at 50%.<sup>464</sup> According to MoF and MESRS data, in 2017/2018, the share of Roma youth aged 19-23 years in material need enrolled into universities was merely at 0.6%. In case of Roma that were not socially disadvantage family, the university participation rate was at 5.7%. In case of the general population, the share of non-Roma students from material need attending university was at 13.7% and at 33.8% for those that were not socially disadvantaged.<sup>465</sup>

There are no available studies that would disclose in more detail what university study programmes Roma students tend to choose and attend. The stipend university programme of the REF indicates that supported Roma students are disproportionately more likely to enrol into programmes studying social work. According to a small survey from CVEK, young Roma planning to attend university often believe that "social work" is somehow designed for them. Roma thus respond to some kinds of societal expectations about their career paths. Roma students also typically opt for lower-quality rural university programmes.<sup>466</sup>

There is merely one affirmative action programme run by CVEK and the University of Economics in Bratislava for Roma students. The programme consists of outreach activities, preparation in Math, English and Economics for admissions as well as mentoring and tutoring during the studies. The programme, which started in 2015, annually supports up

<sup>461</sup> *Revision of Expenditures*, *supra* note 9 at 40.

<sup>462</sup> Please see on branch offices of secondary system in *Civil Society Monitoring Report 2018*, *supra* note 17 at 63-64.

<sup>463</sup> Please see on this program in section 'Improving quality of education until the end of compulsory education', above.

<sup>464</sup> FRA 2016, *supra* note 46 at 25. Data were not gender dis-aggregated.

<sup>465</sup> *Revision of Expenditures*, *supra* note 9 at 41.

<sup>466</sup> Jarmila Lajčáková, *Rovné šance II: Podpora vysokoškolského vzdelávania rómskej mládeže prostredníctvom dočasných vyrovnávacích opatrení* (Bratislava: CVEK, 2015) at 6-7, available at: <http://cvek.sk/wp-content/uploads/2015/12/Rovne-sance-2.pdf>, [Equal Chances II: Support of University Education of Romani Youth through Temporary Equalizing Measures].

to 4-5 students, of whom 80% are female. In 2018, the first two students graduated as bachelors at the Faculty of Information Economics. One of the students, Michaela Billá, was the first Roma from the municipality Snakov that have ever successfully completed a university degree.<sup>467</sup> The students received social stipends; some of them are also supported by the REF.<sup>468</sup>

## Fight against discrimination and antigypsyism in education

Data on the degree of segregation of Roma students is available merely from representative gatherings of the FRA and UNDP. The most recent data gathered by the FRA suggests that in comparison to 2011, the share of pupils aged 6 to 15 years old attending classes only with Roma peers increased from 20% to 25% in 2016.<sup>469</sup> While there are currently no state data on the issue, the MESRS has been preparing a collection of data on Roma ethnicity based on a qualified assessment of school principals for preschools and primary and secondary schools. In the case of kindergartens, participation in a year of preschool should be tracked separately. The first data gathering is planned for January 2019.<sup>470</sup>

Our report from last year has discussed measures in detail that Slovakia adopted to address segregation of Roma children, both through special schooling and in regular schools. We have argued that none of the measures really address practices of segregation and at best increase the quality of education in segregated schools through the extra personnel provided to already segregated schools via ESF.<sup>471</sup>

On 8 October 2018, the Ombudsperson Patakyová, the Main State School Inspector, Kalmárová, Plenipotentiary Ravasz and the Director of the RICPP Motlová signed a joint statement on desegregation in education. The signatories noted that the government had committed to several measures addressing preschool education and placement of Roma into special schools as well as efforts to increase inclusion in regular schools, but *"the implementation of these goals was progressing very slowly, and in some areas was absent. To achieve palpable progress, it was important to undertake systemic changes for creating an accessible and equitable educational system for every child, regardless of his national belonging and life conditions"*.<sup>472</sup> The signatories of this memorandum specifically urged for the introduction of a compulsory one year of preschool education, including conditions for implementation of such a policy in practice, changes of psychological testing and the new definition of social disadvantage to ensure sufficient support for children in regular schools, furthermore adopting measures vis-à-vis school districts to prevent segregation of Roma children. Finally, the authors proposed to open secondary two-year learning

<sup>467</sup> Please see her story featured in a Slovak daily after successful graduation in Veronika Prušová, "Som Miška zo Snakova: Zo zadnej lavice som to dotiahla na bakalára a pokračujem ďalej", 3 July 2018, dennikN, available at: <https://dennikn.sk/1168167/som-miska-zo-snakova-zo-zadnej-lavice-som-to-dotiahla-na-bakalara-a-pokracujem-dalej/>, [I am Miška from Snakov: From the End of the Classroom I Made it a Bachelor Degree and I Continue Further]; the story of another successful graduate Ján Lakatoš was featured in Roman Cuprík, "Young Roma beats the odds and is heading for a master's degree", 29 August 2018, the Slovak Spectator, available at: <https://spectator.sme.sk/c/20902368/young-roma-beats-the-odds-and-is-heading-for-a-masters-degree.html>

<sup>468</sup> Information provided by CVEK on the basis of internal records.

<sup>469</sup> FRA 2018, *supra* note 3 at 31.

<sup>470</sup> Information provided by the MESRS on a meeting with CVEK and EDUROMA 17 September 2018.

<sup>471</sup> *Civil Society Monitoring Report 2018*, *supra* note 17 at 53.

<sup>472</sup> Spoločné vyhlásenie k desegregácii vzdelávacieho systému SR, 8 October 2018, available at : <https://www.facebook.com/abelravasz/photos/pcb.1795646157170347/1795645483837081/?type=3&theater> [Joint Statement on Desegregation in Education in Slovakia].



programmes for children attending special education in variant A (reserved for children with light mental deficiencies).<sup>473</sup>

Both the Ombudsperson as well as the Main School Inspector also reiterated their concerns about the absence of palpable progress in desegregation in interviews prepared for this report. The Ombudsperson specifically underlined the need to ensure that there were clear responsibilities in instances when factual situations differed from the legally required one. She also cautioned that postponing the adoption of solutions that would deliver palpable solutions leads to mounting social tensions among majority and minority populations.<sup>474</sup> Similarly, the Main State School Inspector cautioned that *"there were no major changes in this area"*, pointing to other cases of inspected schools identified segregating Roma children, including one church school in Kendice and the elementary school at Komenského street 2 in Svit. Interestingly, these schools tried to defend their position by providing written statements of parents who declared that their children were ethnic Slovaks. Another case involved a municipality called Kechnec, which, through a civic organisation, set up a private elementary school recruiting non-Roma children from the nearby village of Seňa, steeply reducing the share of non-Roma children in the local schools.<sup>475</sup>

The MESRS, in responding to our question on the adopted measures to tackle segregation, repeats the same policies as in 2017 when we were preparing our report from last year. Specifically, the existence of a grant scheme redistributing approximately 45,000 EUR among 21 projects to support multicultural classes, inclusion of instructions to avoid segregation and discrimination in their yearly guidelines for schools, encouragement of schools to engage in inclusive teaching techniques, and reference to the aforementioned large-scale national programmes funded from ESF.<sup>476</sup> The School Open for All, one of the most relevant nationwide projects, so far has not progressed in the planned activity to prepare local desegregation plans. Based on our information, the MPC responsible for implementation of the project struggles to address this task.<sup>477</sup> Moreover, the MESRS provided unspecified funding for the MPC's unit focused on Roma (ROCEPO) to aid schools that were identified by the Main State School Inspector as promoting segregation. The number of targeted schools and the expected results were not disclosed to us. It appears that ROCEPO has mostly monitored the concerned schools thus far.<sup>478</sup>

CVEK in partnership with the OGPRC and the Main State School Inspector prepared a strategy in June 2018 for addressing spatial segregation approaching the problem at the level of towns and micro-regions to allow distribution of Roma students in schools to be below 20% in order to prevent so-called white flight. The working group proposed a plan to be adopted in four main steps: 1. Based on the ethnically gathered data anticipated to be gathered by the MESRS, to find suitable localities, ideally representing prevalent scenarios across Slovakia, to implement for desegregation pilots. 2. Based on the examples of three or so localities, prepare pilot models of desegregation that would be developed through participation with key local stakeholders (for example, involving abolishing of Roma schools or alteration of enrolment of Roma students), with all supportive services, including transportation costs. The pilot plans implemented in partnership between state agencies, municipalities and NGOs that have experience with providing supportive services would serve to test the viability of the models, as well as

<sup>473</sup> *Ibid.*

<sup>474</sup> Interview with the Ombudsperson on 4 September 2018 prepared for this report.

<sup>475</sup> Written response of the Main School Inspector, Viera Kalmárová, received on 21 August 2018.

<sup>476</sup> Written response based on our inquiry by the MESRS received on 24 September 2018 for this report.

<sup>477</sup> Information provided by Vlado Rafael, of EDU Roma, who is a member of the project's steering committee on 13 November 2018 via email.

<sup>478</sup> Information provided in written form by MPC on 13 November 2018 and by the MESRS on 6 November 2018 for this report.



their costs and legislative changes. 3. Expand the responsibilities of local state administration, which can currently overrule municipalities' decisions on school district only in instances where children have no available school district. The state administration could overrule the decision of towns in cases to prevent or address segregation. 4. Provide support services and funding based on pilot models to replicate the pilots following the ruling of the local administration on school district.<sup>479</sup> The proposal was reflected in the mentioned public memorandum and included in the Updated Action Plan on Education for 2019-2020 of NRIS, however, without a specific budget.<sup>480</sup>

At this point, we would like to point out that one of the issues identified in this proposal is the need to tackle antigypsyism and anti-Roma biases among teachers and non-Roma pupils as an important segment of any desegregation efforts. In Žilina, which we have described in our report from last year,<sup>481</sup> several children enrolled into integrated schools and supported via a mentoring programme organised by CVEK have been experiencing open and hidden anti-Gypsyist remarks, making the entire school environment hostile for the children.<sup>482</sup> Even in ethnically mixed classes, segregation can be preserved by placement of Roma children at the back of the classroom. Billá, the Roma graduate from the University of Economics enrolled into the programme of CVEK, recalls, for example, that teachers at her secondary school, who ignored her and the other Roma students, who were simply given tasks to copy books into their textbooks, had very low expectations of her and her Roma peers. When something went missing, she and the other four Roma in her class were the first suspects. When she was applying to the University of Economics, her head teacher from the Business Academy discouraged her. When they met during her first-year studies, Billá remembers that her teacher was truly surprised. She had never believed in her and her abilities. When Billá graduated at the University, she stated to the media: *"It is such a great feeling that I made it. Because my teacher did not believe in me, because I was Roma"*.<sup>483</sup>

Furthermore, to follow up on the developments discussed in our report from last year concerning social subsidies for children with social disadvantages to cover, for example, extra staff or teaching materials,<sup>484</sup> the MESRS has started to develop an alternative proposal, informally presented to NGOs in September 2018. The new proposal expands the criteria to truly cover all children who may face disadvantages due to their social standing, even if their families do not fall within the narrowly defined criteria to qualify as being in material need. Despite the well-meaning efforts in defining the subsidy, we would like to draw attention to the fact that the yearly overall budget for this subsidy is merely around 7 millions EUR and far from meeting the needs of schools.<sup>485</sup>

The MESRS confirmed our observations presented in our previous report<sup>486</sup> that in school year 2017/2018, the number of children enrolled into grade one of special schools into variant A (for children with light mental disabilities) visibly dropped. According to data produced by the MESRS, the share of enrolled children into special schools in variant A

<sup>479</sup> *Návrh postupu opatrení pri začleňovaní rómskych detí do etnicky heterogénneho prostredia na základných školách*, Návrh pripravený pracovnou skupinou vedenou Úradom splnomocnená vlády SR pre rómske komunity s Centrom pre výskum etnicity a kultúry (22 June 2018) (on file with the author), [ Proposal of Measures to Include Romani Children into Ethnically Heterogenous Environment at Elementary Schools, prepared by a working group lead by the OGPRC, in partnership with CVEK].

<sup>480</sup> Task 4.1.1 of the Updated Action Plan on Education, *supra* note 425.

<sup>481</sup> *Civil Society Monitoring Report 2018*, *supra* note 17 at 59-61.

<sup>482</sup> Internal information from the implementation of the project in school year 2018/2019.

<sup>483</sup> Prušová, *supra* note 467.

<sup>484</sup> *Civil Society Monitoring Report 2018*, *supra* note 17 at 54.

<sup>485</sup> Information provided by the MESRS on a meeting with CVEK and EDUROMA 17 September 2018.

<sup>486</sup> *Civil Society Monitoring Report 2018*, *supra* note 17 at 55-56.

into year one dropped in 2016 in comparison to the number of enrolled children in 2015 by 32% and in 2017 by 37% – again in comparison to 2015.<sup>487</sup> This drop was caused simply by a silent order of the MESRS not to place children into variant A for grades one to three. <sup>488</sup> However, we have cautioned that this development has not been accompanied by any supportive measures for children that would have, under previous circumstances, been enrolled into variant A. According to the Main State School Inspector, a majority of such children were enrolled into grade zero and will likely be re-diagnosed in higher grades.<sup>489</sup> We believe that without any assistance, Roma children will be streamed back onto the special school track, especially once reaching higher years of their studies, i.e. five to nine.<sup>490</sup>

Moreover, the recent MoF and MESRS data, indicate that the overall share of children educated in special schooling track has not significantly changed over the last five years and the share of Roma children remains disproportionately high. While in 2014, 5.9% of children were educated in special schooling, in 2017 it was 5.8% (including so-called gifted children, the mental disadvantage was diagnosed to 5.4 % of children). Furthermore, in 2017/2018, 18.5 % of Roma children were enrolled into special education (school or a class). In case of Roma children from socially disadvantaged environment, it was 20.7% and Roma from families that were not in material need it was 15.7% (for Roma overall 18.5%). Gatherings of UNDP in 2010 and of FRA in 2016 indicate limited progress in area. According to the UNDP representative data gathered in 2010, 15.3% of Roma children were enrolled into special schools and 3.6% into special classes within a regular school (i.e. 18.9 in special schooling). <sup>491</sup>FRA EU-MIDIS II gathering focusing only on the enrolment into special schools (not special classes) revealed that in 2016, 18 % of Roma were attending such facility.<sup>492</sup>

To compare the MoF and MESRS data with non-Roma population, the enrolment of socially disadvantaged non-Roma children into special schooling was at 10 % while, in case of children outside the material need, it was at 2.8% (for non-Roma overall at 3.2%). 71.2% of children in special schooling was diagnosed with so-called light mental deficiency and thus enrolled into Variant A. The prevalence of mental disadvantage is irregular, as children living in Košice (7.2 %) and Prešov (7.2%) region are more likely diagnosed as mentally disadvantaged in comparison to children in Bratislava (1.5 %) or Žilina (1.5 %) regions. Children from marginalised Roma communities form 50.8% of children enrolled into special classes of regular schools and 41.7% of children of special schools. Roma children are most likely to be diagnosed with the light mental deficiency as they form 71.2 % of children in this variant of schooling labelled as A. <sup>493</sup>

There is no tangible progress in changes of diagnostic tools to address tracking of children into parallel school systems of special schools. In June 2018, the Minister of Education, Martina Lubyová, appointed as the new temporary director of ICPP responsible for methodological guidance of counselling services, the well-known Roma NGO expert and blogger Janette Maziniová Motlová. In our interview, she presented her ambition to change the philosophy of testing. She planned to create an interdisciplinary team to create a

<sup>487</sup> Information provided in written response of the MESRS.

<sup>488</sup> *Civil Society Monitoring Report 2018*, *supra* note 17 at 55-56.

<sup>489</sup> Written response of the Main School Inspector, Viera Kalmárová, received on 21 August 2018.

<sup>490</sup> We observe there is a patterns to diagnose Roma children in Žilina from closed down Roma school especially in these grades. After diagnostics, typically with light mental deficiencies A, pupils are streamed to a special school or individually integrated at regular school, however, following special school curriculum. See more on the case of Žilina in *Civil Society Monitoring Report 2018*, *supra* note 17 at 60-61.

<sup>491</sup> Filadelfiová *et al*, *supra* note 90 at 97.

<sup>492</sup> FRA 2016, *supra* note 46 at 28.

<sup>493</sup> *Revision of Expenditures*, *supra* note 9 at 43-44.

support system that would help to assess the individual needs of each child to develop his or her potential and track and monitor each child through various stages of education. However, she noted that the philosophy underpinning this proposal has been not been fully accepted at the institute she runs yet.<sup>494</sup>

In our report from last year, we questioned the wisdom of engaging in uniform testing of so-called school maturity that each child should pass before being enrolled into grade one.<sup>495</sup> The MESRS has no intentions to either modify or abandon this testing. Motlová admitted that in principle, the tests were not wrong. But she stated her belief that biased use of the tests by psychologists could have a detrimental impact on the life of each child.<sup>496</sup>

There have been no developments concerning zero classes. The most recent data of IFP reveal that zero classes are prevalent in elementary schools in areas in eastern Slovakia with high share of Roma children. The share of Roma children in zero classes was at 44.4 % and in case of non-Roma children at 2.2%. The share of Roma children from families in material need enrolled into zero grades was at 58 %. The MoF and MESRS also noted that children enrolled into zero grades typically continue with the same peers to higher grade.<sup>497</sup> This indicates that Roma children enrolled with mostly Roma children continue as a segregated class. There is still no serious monitoring in terms of their impact on the educational outcomes of children. The Main State School Inspector, in her recent report on the quality of education of marginalised Roma children, cautioned that despite the fact that teachers welcomed the opportunity of having a zero class in their school, "*educational barriers of pupils were not removed.*"<sup>498</sup> Interestingly, the recent report of the MoF and the MESRS also calculated that the costs of a child enrolled into a zero grade are by 25% higher than the cost of pre-schooling.<sup>499</sup>

Finally, teaching of the history of Roma and of the Roma Holocaust is still left to the good will of individual teachers. The State Pedagogical Institute prepared a textbook containing history and culture of all recognised national minorities, including Roma, called 'Meet the National Minorities'. The textbook's introduction had originally been planned for September 2018 but has been postponed for unclear reasons for an unspecified term.<sup>500</sup>

<sup>494</sup> Interview with Janette Maziniová Motlová, the director of the RICPP on 16 August 2018 prepared for this report.

<sup>495</sup> *Civil Society Monitoring Report*, *supra* note 17 at 61.

<sup>496</sup> Interview with Janette Maziniová Motlová, the director of the RICPP on 16 August 2018 prepared for this report.

<sup>497</sup> *Revision of Expenditures*, *supra* note 9 at 31-32.

<sup>498</sup> State School Inspection 2018, *supra* note 439 at 6.

<sup>499</sup> *Revision of Expenditures*, *supra* note 9 at 31-32.

<sup>500</sup> Ivana Štefúnová, "Do škôl mieri učebnica o menšinách", 26 January 2019, Pravda.sk, available at: <https://spravy.pravda.sk/domace/clanok/456000-do-skol-mieri-ucebnica-o-mensinach/>, [A New Textbook on Minorities Expected in Schools].

## COMPREHENSIVE LOCAL CASE STUDY

### *Raslavice – Employment as a Path to Higher Living Standards*

This case study of municipality Raslavice presents a locality that has been successful in drawing EU funds for Roma inclusion over several years, under the leadership of a couple of mayors. The locality has relied on rather conventional tools of community work and field social work. The municipality is furthermore interesting for its accomplishments in housing as well as in employment approach through a municipal firm. One of the challenges remains education, in particular to increase pre-school enrolment and to increase the quality of the primary schools, especially to ensure the transition to regular secondary schools. Similarly to other localities (even successful ones), addressing residential segregation remains an issue despite the improved quality of living standard of the Roma families.





## Methodology

The RAVS prepared the methodology for the development of this qualitative case study, which was based on a combination of observation, semi-structured interviews with relevant stakeholders and additional desk research. Zuzana Havírová of RAVS, the author of this case study, interviewed 14 respondents: the mayor, social field workers, the headmaster of the local kindergartens, a teacher's assistant at the local primary school, a Roma mother with a child enrolled in the kindergarten, a Roma woman working in the municipal firm in agriculture, two Roma men working in the firm and on the construction of their own house. This data was complemented by publicly available data about Raslavice

## Introduction

Raslavice is a large municipality in the north-east part of Slovakia, in the district of Bardejov. The population of Raslavice is 2,686. According to the municipal estimates, 386 of the inhabitants are Roma, which corresponds to approximately 15 % of the overall population.<sup>501</sup>

The municipality, during the previous municipal leadership led by Anton Lamanec, was rather active in drawing EU funds to improve the quality of the municipality, taking into consideration the particularly vulnerable situation of the Roma. During the programming period 2007-2013, the municipality thus implemented several important projects. Among those was the construction of a community centre that the municipality used in combination with ESF funds for the support of community work, creating 7 employment positions filled by local Roma.<sup>502</sup> The municipality also drew funds for renovation of the local kindergarten<sup>503</sup> and establishment of a recycling enterprise, which also created employment positions for the local Roma.<sup>504</sup> During this period, the municipality also renovated the local multifunctional centre.<sup>505</sup> The municipality has also relied on EU funds to fund field social work and inclusive education, consisting mostly of funding of additional school staff and after-school activities.<sup>506</sup>

During the programming period 2014-2018, the municipality was included into the list of the 150 municipalities with the least developed Roma communities<sup>507</sup> based on an index of underdevelopment categorizing municipalities gathered in the 2013 Atlas that allowed simplified, but also delayed<sup>508</sup> drawing of funds via national projects from the Operational Programme Human Resources administered by the OGPRC. National projects include support of field social work, community work, support of preschool education and legalisation of lands underneath Roma settlements.

<sup>501</sup> Information available at the municipal web site at: [www.raslavice.sk](http://www.raslavice.sk).

<sup>502</sup> Operational Programme, Employment and Social Inclusion, Priority 2, the total support was 108,966.90 EUR. Information is available at: <https://www.ia.gov.sk/sk/dopytovo-orientovane-projekty/programove-obdobie-2007-2013/podporene-projekty/raslavice-komunitnymi-aktivitami-k-lepsej-kvalite-zivota1>.

<sup>503</sup> Regional Operational Programme, infrastructure of education, support of 283,807.75 EUR. Information available at: <http://crp.gov.sk/data/att/44272.pdf>.

<sup>504</sup> Operational Programme Environment, priority support of waste management, support of 470,995.58 EUR. Information is available at: <http://www.crp.gov.sk/zberny-dvor-v%C2%A0obci-raslavice/>.

<sup>505</sup> Regional operational programme, funding of reconstruction and procurement of information technologies, furniture and similarly for leisure activities. The total support of 150,099.24 EUR. (Information provided by the municipality).

<sup>506</sup> *Uplatňovanie komplexného prístupu v prostredí marginalizovaných rómskych komunít. Príklady dobrej praxe* (Bratislava: Ministerstvo vnútra SR, Úrad splnomocnenca vlády pre rómske komunity, 2015) at 11 [Advancing Comprehensive Approach in Marginalized Romani Communities. Examples of Good Practice].

<sup>507</sup> See more details on the list and problems with this indicator, *Civil Society Monitoring Report*, *supra* note 17 at 21 -22.

<sup>508</sup> *Ibid.* at 22.

As mentioned above, the municipal leadership in Raslavice has been among those that have been committed to addressing the situation of its Roma inhabitants for quite some time. Replacing Lamanec in 2014 and then being re-elected also in the most recent elections in 2018, Marek Rakoš has continued in the previous policies, focusing mostly on employment and housing. Rakoš has stated his belief that the *"municipality should primarily provide service to those people who are somehow weaker or in a more disadvantaged situation and have experienced difficulties in finding employment on their own"*. The mayor believes that particularly employment of parents is a path to housing families as well as education of children. He hopes that employed parents will eventually also place their children into kindergartens and thereby also improve school attendance. Rakoš, similarly to other successful mayors such as Vladimír Ledecký of Spišský Hrhov,<sup>509</sup> was able to garner support of the non-Roma majority on measures that targeted their Roma neighbours.

## Employment

Raslavice belongs to one of the regions of Slovakia with the highest share of unemployment.<sup>510</sup> In August 2018, the registered unemployment rate was at 9.98 percent, ranking at 15th place among districts in Slovakia.<sup>511</sup> However, it should be noted that the registered unemployment rate likely does not reflect the actual unemployment rate as people may be removed from the official registry, for example, if they are not demonstrating sufficient efforts to look for jobs and participating in requalification courses.<sup>512</sup> Generally, however, due to the economic boom, the unemployment rate in the Bardejov district is also decreasing, similarly to other regions in Slovakia. For example, in 2015 the unemployment rate in Bardejov was at 18.43 percent.<sup>513</sup>

When entering into the office for the first time in 2014, Rakoš recalled having 280 unemployed people in the village, mostly long-term unemployed and with the lowest qualifications. Following on the successful example in Spišský Hrhov,<sup>514</sup> Rakoš decided to set up a municipal enterprise that would use its profit for social purposes, i.e. creation of long employment opportunities for those with the lowest chances to find employment on the regular market.<sup>515</sup> The municipal firm, 100 percent owned by the municipality,

<sup>509</sup> The New York Times has recently featured the municipality of Spišský Hrhov as a positive example, see in Rick Lyman, "Slovak Village Prospers in Partnership with Roma Residents It Once Shunned", the NYT, 9 September 2017, available at: <https://www.nytimes.com/2017/09/09/world/europe/slovakia-roma-spissky-hrhov-integration.html>, see also Miroslav Pollák, "Raslavický starosta je nový Vlado Ledecký", sme.sk, 14 August 2017, available at: <https://komentare.sme.sk/c/20625809/pocet-superstarostov-sa-zvysil-o-100-percent.html>, [The Mayor of Raslavice is the New Vlado Ledecký]; Please see also case studies of Spišský Hrhov, Sveržov, Raslavice, Čičava, Zbudské Dlhé, Nitra nad Ipľou a Ulič prepared by Jarmila Lajčáková for the Roma institute for Mayors Making the Most for EU Funds for Inclusion Awards presented by the European Commission and the OSI in Budapest in 2012 (on file with the author). See also annual nominations for the Roma Spirit Awards presented by the Association for Culture, Education and Communication (ACEC) awarding the most successful municipalities, available at: <http://www.romaspirit.sk>

<sup>510</sup> Act No 336/2015 Coll. on the Support of Least Developed Districts, as amended. The list of all districts is available at: [https://www.upsvr.gov.sk/statistiky/zoznam-najmenej-rozvinutych-okresov.html?page\\_id=561733](https://www.upsvr.gov.sk/statistiky/zoznam-najmenej-rozvinutych-okresov.html?page_id=561733).

<sup>511</sup> Monthly statistics on registered unemployment is available at: [https://www.upsvr.gov.sk/statistiky/nezamestnanost-mesacne-statistiky/2018.html?page\\_id=771790](https://www.upsvr.gov.sk/statistiky/nezamestnanost-mesacne-statistiky/2018.html?page_id=771790).

<sup>512</sup> Please see in more details on this in section 'Improving access to labour market and effectiveness of labour market policies, above.

<sup>513</sup> Programme of Economic and Social Development of Raslavice for 2016-2023, at 26, available at: [http://www.raslavice.sk/e\\_download.php?file=data/editor/174sk\\_1.pdf&original=PHSR\\_Raslavice+2016-2023.pdf](http://www.raslavice.sk/e_download.php?file=data/editor/174sk_1.pdf&original=PHSR_Raslavice+2016-2023.pdf).

<sup>514</sup> Please see *supra* note 509 and sources cited therein.

<sup>515</sup> Please see generally on the experience with municipal enterprises in relation to inclusion of Roma at the labour market, e.g. Daniel Škobla, Lucia Kováčová and Slavomír Ondoš, *Sociálne podniky pracovnej integrácie na Slovensku: Súčasná skúsenosť a budúce perspektívy* (Bratislava: SGI, 2018).



focuses primarily on construction and agriculture, with additional business in providing bussing services for the municipalities in the area.

According to the mayor, opting for construction business is rather natural: *"The municipality owns numerous properties and there was always a need to renovate or build something new, either municipal housing or sidewalks (...) I believed that construction could be economically sustainable."* Along with providing income, it was also important for the municipality to raise the qualifications of the local Roma to improve their chances to eventually enter the open labour market and, importantly, improve inter-ethnic relations. For these reasons, the municipality created mixed teams of Roma and non-Roma to undertake tasks on different construction sites. The municipality also adopted a similar strategy in its agricultural business, consisting of cultivating vegetables, mixing mostly Roma women with non-Roma women. In 2015, the municipal firm first created 30 employment positions, with more than half filled by Roma. Over the years, the municipality also created employment opportunities through care services for seniors, along with recycling enterprise. The mayor noted: *"We have created a total of about 90 working positions; approximately 45-50 of those employed are Roma. Some of the positions are funded with subsidies from the labour office, supporting employment of disadvantaged job-seekers."* The municipal firm presents an opportunity for the long-term unemployed to start working. *"We are always trying to support someone new and include him into employment"*, noted the mayor.

Interviewed Roma employees appreciated the possibility to gain employment in the village in the municipal firm. One of the Roma women working on the agricultural segment of the firm recalled that *"the mayor sought to give work to everyone, and this was good because it was also an opportunity to earn money and learn something new and I thought it was fair that several of us were rotating in these positions."* Another Roma respondent in his 50s underlined that employment provided an opportunity to buy construction materials for the development of their houses. He noted: *"We have more money, we can build, and this was good"*.

### **Housing**

The municipality started already in approximately 2010 with legalisation of lands and creation of parcels for the development of family houses. The municipality has been selling municipal lands for 1 EUR per m<sup>2</sup> to Roma families. The municipality relied on a piece of legislation that allowed the land to be sold inexpensively with a so-called a specific intention noting that Roma families are disadvantaged in accessing housing. Over the last 4 years, 7 new houses have been built.

It shall be noted, however, that the new lands have been in the so-called Roma part of the village next to the original settlement. Similarly to other municipalities, including Hlinné, which was presented in our report from last year, while the municipality has improved the quality of housing, it has not attempted to address residential segregation. The mayor argued that the municipality did not own property or lands suitable for construction in the so-called non-Roma part of the village. Nevertheless, the municipality has, according to the mayor, along with the creation of new building sites, managed to legalise more than 90% of lands underneath the Roma settlement, allowing the owners of illegally built houses to start legalisations. Indeed, according to field social workers, the municipality has focused on assisting with these processes. According to Roma respondents, they particularly appreciated the aid with legalisations of lands and administrative processes leading to legalisation of houses or building new ones. One of the interviewed middle-age Roma already building his third house, appreciated that he was able to later utilise the skills acquired during his construction work in the municipal firm. *"We are helping each other. I am already building my third house. The mayor is*

*helping us with the papers leading to building permits, but we are already building the houses ourselves and we do not need to pay for this to someone else”.<sup>516</sup>*

## Education

The municipality has two kindergartens, on Toplianska and Alejova streets. The Toplianska kindergarten has four classes with a maximum capacity of 84 children, while Alejova has one class with a capacity of 20 children. The municipality, as mentioned earlier, renovated the former in 2015/2016 and the latter was renovated in 2018 with the use of ERDF funds.<sup>517</sup> The headmaster running both kindergartens, in our interview, expressed her strong belief in the importance of pre-school education of Roma children, at least one year prior to the enrolment into the school. The kindergartens organise an outreach programme for Roma parents to overcome their distrust towards the facilities. In 2018/2019, there were 15 Roma children enrolled in total. In school year 2017/2018, there were 6 Roma children attending the first grade and 4 attending kindergarten. One of the ways in which the kindergarten closely cooperates with the elementary school is by ensuring that the children are not somehow discouraged in the new school environment during the testing of the children's school maturity. Indeed, according to an interviewed field social worker, since the appointment of the new headmaster, there have been tangible improvements of the communication between the kindergartens and Roma parents, leading to increased trust in the preschool facilities. One the interviewed Roma mothers confirmed, recalling *"We (parents, both mothers and fathers) were invited to an open house at the kindergarten with our little children that were about to be enrolled. It was at some time in the winter, and then later, according to the instructions of Maroš (a field social worker), we were summoned for enrolment. And then we went to the kindergarten in June and our children played with the other children in the yard while we spoke to teachers and the principal and they explained how it would be in the kindergarten. My Vaneska would start in the kindergarten in September with another three children"*.<sup>518</sup> In October 2018, the kindergarten joined the national project PRIM, implemented by the OGPRC, which provides support to kindergartens with Roma children mostly through extra personnel.<sup>519</sup>

The elementary school in the municipality offers both primary education as well as lower secondary education ending with 9th grade. In school year 2017-2018, out of 456 pupils, 20% were Roma.<sup>520</sup> The quality of education in this school, which also enrolled into the INSchool project funded by the Council of Europe and the European Commission, could, in the mayor's view, benefit from efforts leading to increased inclusiveness and ensuring that the children do complete the nine years and continue at higher secondary schools. The mayor noted that Roma children are often not sufficiently motivated to learn: *"When I talked to the school teachers and the principal, they said that even children that finished the ninth grade did not receive good results and this has somewhat discouraged the younger ones."* Therefore, as of this school year, the school has started working intensively with children enrolled in the ninth grade to smooth the transition into secondary school. The school has also applied for funding<sup>521</sup> to hire eight additional teaching assistants (three of them are Roma) and a psychologist. Along with regular classes, the school also has special classes for mentally challenged children.

<sup>516</sup> It shall be noted that this program has not been funded by the national project supporting legalization of lands, that has been delayed, please see for more details section 'Access to basic amenities', above.

<sup>517</sup> Please see more details at: <http://www.raslavice.sk/institucie/matrska-skola/>.

<sup>518</sup> Interview was undertaken in August 2018.

<sup>519</sup> Please see information about this project in section 'Access to early childhood education and care', above.

<sup>520</sup> This is assessment of the municipality.

<sup>521</sup> Please see in more details at: <https://www.minedu.sk/30122016-vyzva-na-predkladanie-ziadosti-o-nenavratny-financny-prispevok-na-zvysenie-inkluzivnosti-vzdelavania-oplz-po12016dop111-01/>.

### ***Conclusion and recommendations***

The municipality presents a promising example of a municipality that is willing to use ESIF funds for Roma inclusion and also use its own resources, such as municipal property, to somewhat raise the quality of living of its Roma community. Moreover, the municipality has been committed to this approach through the leadership of two mayors ranging across several electoral periods, which appears to be critical to deliver palpable changes. The vital change has been promoted via employment opportunities providing not only income but also an opportunity for increasing qualifications as well as gaining working experience and confidence to compete in the labour market in other areas. Ownership of the housing and legalisation of lands appears critical to ensuring the long-term sustainability of the undertaken changes. Moreover, the quality of the newly developed housing does not greatly differ from the housing of non-Roma.

Areas that merit further attention, as admitted by the mayor as well as others, is education. Pre-school education and support of enrolment of Roma children, ideally from the age of three, into kindergartens promises an opportunity to bring communities together that have merely been living next to one another and starts to address the residential segregation that exists in municipalities. Moreover, as acknowledged by the mayor, even though education promises to be the key aspect for lifting social mobility, it still lags behinds other areas.

## RECOMMENDATIONS

### Horizontal

#### **To the GPRC:**

1. Revise recently adopted Updated Action Plan on NRIS for 2019-2020 to incorporate intersectional perspective, particularly targeting the situation of the most vulnerable members of marginalized Roma communities such as women and girls.
2. Prepare and adopt a comprehensive plan on tackling discrimination and anti-Gypsyism, through a public campaign, education and victim representation, ideally accompanied by a public scheme allowing multi-stakeholder participation.

### Employment

#### **To the MLSAF:**

3. Review all ALMP to ensure effective targeting of disadvantaged job seekers from marginalized communities; particularly women.
4. Phase out and eventually abandon the current workfare programme, which should be replaced with programmes expanding human capacities of socially and ethnically disadvantaged job seekers. Revise social welfare and family support to provide dignified support for those in need.

#### **To MLSAF and Labour Inspection Offices:**

5. Adopt comprehensive measures to tackle discrimination on the grounds of ethnicity and gender in the labour market when looking for job as well as at the workplace.

### Housing and essential public services

#### **To the MTaC, the MoI and the MoE:**

6. Ensure that the use of state or ESIF funds for housing are used in line with antidiscrimination law and, at least gradually, address residential segregation of Roma.
7. Ensure that social housing (including flats of lower standard) funded by the state or ESIF funds meet the standards of adequate housing as set out by the UN Committee on Social, Economic and Cultural Rights.
8. Review regulations governing access to basic necessities and basic infrastructure (drinking water, electricity, waste collection, environmental safety, fire protection) to ensure that obligations of municipalities towards all their inhabitants regardless of their ethnicity, social disadvantage and/or gender are guaranteed and enforceable.

### Impact of healthcare policies on Roma

#### **To the Slovak government and the MoH in partnership with the OGPRC:**

9. Develop a more efficient and effective tracking system with verifiable indicators and monitoring to ensure implementation of the Action Plans implementing the NRIS.
10. Develop a system of health-related data collection disaggregated on the basis of ethnicity and social disadvantage.

11. Ensure institutionalization and state funding of the health mediation programme within the Slovak healthcare system.
12. Develop comprehensive tools to monitor and tackle antigypsyism and discrimination against Roma in healthcare.

## Education

### **To the MESRS, in partnership with the OGPRC:**

13. Prepare and gradually implement a comprehensive plan of early childhood education and care and of preschool education, with a specific targeting on the most vulnerable children, including marginalized Roma children.
14. Develop and gradually implement an action plan of reform of the parallel school system of special schooling with changes of diagnostics based on needs, not deficiencies, to be provided for children with special needs in regular school with relevant funding legally guaranteed in regular schools.
15. Implement, evaluate and scale up pilot programmes of spatial desegregation in model communities at the level of towns and microregions.
16. Adopt measures to ensure that all children can successfully complete their elementary education at primary schools by the age of 16. Propose and adopt measures that would ease Roma students' transition to regular secondary schools, which would replace the segregated vocational schools. Develop and implement targeted programmes targeting gender inequalities in education, especially in lower secondary grades of primary schools and during the transition to the secondary schools.

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