Roma people in EU: legal issues of discrimination

Vanda Durbakova, attorney, Slovakia
vanda.durbakova@poradna-prava.sk
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Data

• Estimated 8 – 12 mil. Roma in Europe

• Mostly in Eastern and Central Europe (Hungary, Balkans, Romania…)

• Apx. 350 000 Roma living in Slovakia (apx. 15.6% of total population)
Discrimination - areas

- Roma are discriminated against in access to:
  - Employment
  - Education
  - Goods and services
  - Health care
  - Housing ....
Discrimination in employment, access to employment

- Direct discrimination – refusal to employ Roma

- Harassment at the work place

- Indirect discrimination – unnecessary requirements
Discrimination of Roma in access to education

- Enrollment of Roma children to Special Schools (Czech republic, Slovakia, Hungary)

- Segregation of Roma children in schools- Roma classes in mainstream education (Slovakia, Croatia, Bulgaria...)
Discrimination in access to goods and services

- Denial of serving Roma in pubs, restaurants…

- Roma are not allowed to enter disco, bars, clubs, swimming pools….. ( „club cards“ )
Discrimination in access to health care

- Segregation in hospitals („Gypsy Rooms“)
- Refusing to provide healthcare to Roma patients (dentists, gynecologists...)
- Special hours for Roma patients
- Harassment by medical personnel
Discrimination in access to housing

- Segregation in housing (in Slovakia apx. 600 Roma settlements)
- Refusing to provide Roma with permanent residence permit
- Forced evictions
Litigation of Roma cases

• At domestic level using domestic anti-discrimination legislation
  • Mostly cases of direct discrimination in access to services (pubs, disco…), employment

• Barriers:
  • Low trust to judicial system among Roma
  • Lack of awareness on legal tools combating discrimination
Slovakian experience

• Since 2004 Antidiscrimination Act

• NGO’s including Poradna – strategic litigation
  • direct discrimination in access to services, indirect discrimination in access to social security- Supreme Court ignored the request on preliminary referral to ECJ, cases of police ill – treatment, forced sterilization cases, forced eviction

• Since 2008 there is a possibility to use actio popularis claim on behalf of NGO
  • mainly in cases of segregation in education and housing
  • (also available in other EU countries HU, BG, RO)
Case law – ECtHR

- Discrimination in access to education:

- Hate crimes, police ill-treatment
  - Special procedural duty to investigate *Angelova v. Bulgaria*, *Nachova v. Bulgaria*, *Bekos v. Greece*

- Housing – UK Travellers cases
  - *Connors v. UK, Buckley v. UK*
Case law- UN treaty bodies

- Goods and services:
  - Lacko v. Slovakia (CERD)

- Housing:
  - Koptova v. Slovakia, L.R.et al v. Slovakia (CERD)

Hate speech:
- Mohammed Hassan Gelle v. Denmark
Thank you!