

Roma people in EU: legal issues of discrimination

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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 health care 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:
 - indirect discrimination – special schools *D.H. v. Czech republic*, segregation *Orsus v. Croatia*, *Sempanis v. Greece*)
- 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!