



**Submission to the Office of the High Commissioner for
Human Rights**

SLOVAKIA

By the Centre on Housing Rights and Evictions (COHRE) and the
Milan Simecka Foundation

**To assist in preparation of documents for the
third cycle of the Universal Periodic Review**

November 2008

I. Introduction

United Nations General Assembly resolutions leading to system-wide human rights institutional reform have brought about major opportunities for the implementation of human rights in all UN Member States. One of the most important of these developments is the new institution of the Universal Periodic Review (UPR), slated to become operative in 2008. General Assembly Resolution 60/251 mandates that constructive engagement with States will be the dominant mode of the UPR. The UPR will engage in “interactive dialogue” with the “full involvement of the country concerned”. The guiding principles behind the UPR are universality, impartiality, objectivity and non-selectivity. The UPR thus constitutes among the most important developments in the Charter-based system of human rights review in the history of the United Nations.

On 18 June 2007, the 5th Human Rights Council adopted unanimously a text on institution building, among other things setting out the modalities of the Universal Periodic Review. As set out in the 18 June resolution, the Office of the High Commissioner for Human Rights (OHCHR) is to prepare for Council two 10-page texts on each country coming under UPR assessment. The first of these documents is to summarize material included in the reports of treaty bodies and special procedures regarding the country concerned. The second document summarises “additional credible and reliable information” coming to the attention of the OHCHR.

The Centre on Housing Rights and Evictions (COHRE) and the Milan Simecka Foundation (MSF) herewith offer the present submission on human rights issues in Slovakia. These organisations have been involved for the past five years in systematic research and policy advising on housing rights issues in Slovakia, particularly as they affect the Romani minority. Because of the particular focus of the research undertaken by the partner organisations, housing rights issues are particularly focussed upon in this submission.

The current submission aims to (i) assist the work of the OHCHR in providing the Human Rights Council with high quality reporting in these areas; as well as to (ii) facilitate civil society input into this revolutionary new international procedure. It is our hope that, during this crucial first phase of the Universal Periodic Review, in which its credibility as a mode of redressing human rights harms is inevitably under intense scrutiny, the material provided herein can provide a sound basis for engagement with the authorities of Slovakia, as well as other relevant officials and agencies.

II. Concerns

In March 2005, the United Nations Committee on the Elimination of Racial Discrimination (CERD) found Slovakia in violation of international law for racial discrimination against Roma in the field of housing.¹ The CERD Committee held that Slovakia violated international law as a result of the actions of the municipality of Dobsina, which agreed to cancel a social housing project which would have benefited Roma in the town. The cancellation followed a petition campaign against Roma receiving such housing, mounted by local non-Roma. The CERD held that this act of capitulation by the municipality was racially discriminatory, and therefore illegal. The ruling was the first major finding in a case involving Roma and housing in Slovakia to be issued by any tribunal or human rights compliance organ, domestic or international. Unfortunately, to date, the decision remains entirely unimplemented.

Roma in Slovakia

Antipathy toward Roma in Slovakia gives rise to systemic abuses in a number of fields, including employment, education, healthcare and housing. Official data indicates that unemployment among Roma in Slovakia is approximately six times the circa 14% unemployment rate of the population at large. Discrimination against Roma on the labour market is widespread if not total, and in the recent past, public labour offices have accepted announcements from prospective employers explicitly stating that Roma will not be considered.² Documentation of the schooling of Romani children in Slovakia revealed extreme levels of racial segregation: during the 2002/2003 school year, in many Slovak schools for the mentally disabled, more than half of the students were Romani.³ In some schools for the mentally disabled, every single pupil was Romani. There is no indication that the situation has changed substantively since then.

Romani women have in recent years been coercively sterilized by medical professionals in Slovakia, as well as allegations that Roma have been subjected to a range of other abuses in the Slovak health care system, including racial segregation and verbal abuse. Members of the European Parliament on at least two occasions addressed questions related to the issue of coercive sterilizations of Romani women to EU Commissioner for Enlargement Günther Verheugen, and Slovak officials opened investigations into the allegations. On 29 October 2003, the Slovak government issued a "Statement by the Government of the Slovak Republic to the Report on the Developments in Allegations of Forced Sterilisations of Roma Women in the Slovak Republic and on Steps and Measures Adopted". This states: "[...] a thorough investigation of some sterilisations of women, indeed, confirmed procedural shortcomings."⁴ Despite this acknowledgement however, the Slovak government has not to date indicated that it is prepared to offer redress to victims of coercive sterilizations and in early 2004, Slovak officials dismissed a number of official complaints on behalf of Slovak Romani women who alleged that they had been coercively sterilized, although the Slovak Constitutional Court overturned a number of those decisions in December 2006.

¹ L. R. et al. v. Slovakia, Communication No. 31/2003, U.N. Doc. CERD/C/66/D/31/2003 (2005).

² See European Roma Rights Centre, *The Glass Box: Exclusion of Roma from Employment*, Budapest, 2006, available at: http://www.errc.org/Thematic_index.php.

³ See European Roma Rights Centre, *Stigmata: Segregated Schooling of Roma in Central and Eastern Europe: A Survey of Patterns of Segregated Education of Roma in Bulgaria, the Czech Republic, Hungary, Romania, and Slovakia*, Budapest, 2004, available at: http://www.errc.org/Thematic_index.php.

⁴ Resolution of the Government of the Slovak Government, No. 1018 of 29 October 2003.

At an April 2003 OSCE meeting, Slovak officials responded to reports about the coercive sterilization of Romani women by renewing threats made previously that the authors of a report on the issue⁵ would be criminally prosecuted. If the report proved correct, these officials maintained, then the authors of the report would be prosecuted for failing to report a crime (a criminal offence in Slovakia). If, on the other hand, the report proved to include false information then, said Slovak officials, the authors of the report would be prosecuted for spreading false reports, also a criminal offence in Slovakia.

In addition, Slovak authorities undertook a number of actions aimed at obstructing justice. For example, the Slovak Ministry of Health directed hospitals not to release the records of the persons concerned to the legal representatives of the victims. Also, Slovak prosecutors – despite extensive advice not to do so – opened investigations for the crime of genocide, a crime so serious that evidentiary standards could not be met, and they then predictably concluded that this crime had not been committed, ending their investigation into the matter. The same authority has repeatedly released misleading information to the media, deliberately perpetuating a state of delusion about the matter currently prevailing among the Slovak public. In addition, Slovak police investigating the issue urged complainants to testify, but reportedly warned a number of them that their partners might be prosecuted for statutory rape, since it was evident that they had become pregnant while minors; under this pressure, a number of victims withdrew testimony.

Slovakia/Roma/Housing⁶

When housing issues pertaining to Roma are discussed, the housing situation of Roma living in slum settlements ("osady"), predominantly in eastern and central Slovakia, tends to dominate discussion -- if not actually preclude examination of other housing issues related to Roma -- in part because housing conditions in major slum settlements such as Jarovnice, Svinia and Hermanovce -- to name only a few -- are so extreme. In the famous example, one such settlement -- Patoracka, outside Rudnany -- is located on the grounds of a former mercury mine. Most such slum settlements are characterised by substandard or extremely substandard housing, a prevalence of environmental hazards including toxic waste, rubbish tips, intermingling of waste and drinking water, etc. They generally are partially or completely lacking in formal infrastructure such as paved roads, electricity, heating, sewage removal and the provision of adequate drinking water, and are frequently excluded from other public services, such as bus or postal services.

Perhaps the most ambitious settlement mapping effort undertaken to date, carried out by a civil society group commissioned by the Slovak government and carried out in the period 2003-2005, documented the existence of 149 segregated settlements (urban and rural) and other 638 ethnically homogenously concentrated settlements. The survey reported 46 settlements in situation characterized as state of humanitarian urgency. Of these, 9% lacked the provision of electricity, 81% lacked sewerage, 59% gas supply and 37% lacked the provision of fresh drinking

⁵ Center for Reproductive Rights and the Advisory Centre for Citizenship and Human and Civil Rights, "Body and Soul: Forced Sterilization and Other Assaults on Roma Reproductive Freedom in Slovakia", on the Internet at: http://www.crlp.org/pub_vid_bodyandsoul.html.

⁶ The material provided in this section has been documented in the framework of two separate research projects undertaken by the European Roma Rights Centre (ERRC), Milan Simecka Foundation (MSF) and Centre on Housing Rights and Evictions (COHRE), first in 2003 and 2004 with the support of the Foreign and Commonwealth Office of the UK government, and then in 2006 and 2007, with the support of the Open Society Institute.

water.⁷ The survey did not register the total number of persons living in slums, but it is estimated that possibly over 120,000 Romani persons currently reside in slums in Slovakia, or are otherwise housed in substandard, segregated housing conditions.

The Slovak government has amended the Slovak civil code to weaken the rights of tenants. In the wake of the amendments, and forced evictions of Roma have predictably risen as a result, due to the very alarming continued destitution of Roma, combined with eroded legal standards protecting against forced eviction. Very large forced eviction episodes have taken place in recent years in towns such as Michalovce, where circa 80 families were forcibly evicted without due process in Summer 2005. Cities such as Kosice have had repeated, pattern forced evictions since 1989 to the present, and particularly since the 1995 adoption of a city revitalisation plan, which led to the demotion of a number of small Romani settlements in and around the centre of the city. The town of Zahorska Ves, near Bratislava, devoted extensive efforts in the period 2003-2005 to expelling a Romani family to alternate housing over 200 kilometres away. These efforts were ultimately successful, despite the efforts of a number of civil society organisations to stop the eviction.

In 2006, forced evictions of Roma from housing took place or were threatened in Banska Bystrica, Detva, Dubnica, Fil'akovo, Horovce, Král'ovský, Chlmec, Krupina, Lipany, Liptovská, Kežmarok, Komarno, Kosice, Porúbka, Medzilaborce, Michalovce, Nitra, Prešov, Puchov, Sabinov, Snina, Tornal'a, Trenčín, Vrutky, Zilina, Zvolen and Žiar nad Hronom. In the first nine months of 2007, large-scale forced evictions of Roma have taken place in the municipalities including but not necessarily limited to Tornala, Kezmarok, Kosice and Nove Zamky, and further evictions were imminent and/or threatened in Presov, Nitra, Levoca, Kezmarok and Zlate Moravce. A summary of some forced evictions taking place during the period September 2006-September 2007 follows here (the following is a non-comprehensive list):

- Kezmarok: In September 2006, the municipality forcibly moved seventeen Roma to the village of Zombor (district Velky Krtis). During 2007, the municipality or new owners of houses have repeatedly forced Roma to move from the historical center of the town to houses bought in other municipalities, particularly Dobsina. This concerns several tens of persons.
- Kosice: In October 2006, officials forcibly evicted the Romani family Berko from municipally-owned flats in the center of Kosice and forced them to move to Lunik IX, a racially segregated ghetto. In August 2007, approximately 45 people were evicted from a block of flats without the provision of alternate housing. Another 20 families from the same locality were at risk of eviction as of 9 October 2007.
- Tornala: 120 people were evicted from one block of flats: on 7 July 2007, circa 40 Romani non-payers (4 families) were evicted without the provision of alternate housing. When the persons concerned attempted to return to the house, the municipality filed a criminal complaint against them. Another 80 Roma were evicted in September and moved to surrounding villages. The tenants had not agreed to the move.
- Nove Zamky: on 11 September 2007, approximately 200 Roma were forcibly evicted from a flat-block in the center of the town. The forced evictions were assisted by a private security agency.
- On 26 October 2007, private security guards violently expelled from their housing five Romani families in the town of Kremnica, with police reportedly looking on. Among the evicted were persons with valid rental contracts, as well as physically disabled persons. The families concerned were rendered homeless as a result of the eviction.

⁷ See: <http://romovia.vlada.gov.sk/index.php?ID=3554> (accessed 8 October 2007).

Several distinct bands of forced evictions crises are evident in Slovakia:

- 1989-1992, following the dismantling of socially-owned property, such as collective farms, a number of which included housing for farm-workers, who were frequently Romani;
- From 2001, when the civil code was amended to remove protections against forced evictions to sitting tenants;
- Reforms undertaken in 2004, noted below, drove a further segment of the Romani community into poverty and have been followed by forced evictions from housing.

Homelessness -- including so-called "hidden homelessness" in which, as a result of forced evictions, extended families live in overcrowded conditions -- is a problem in a number of Slovak municipalities, including Kosice, Presov and Trnava. Overcrowding and severe overcrowding of housing is reported in a number of areas, including Bardejov, Kosice and Spisske Tomasovce.

Discrimination in the allocation of social and other public housing has been frequently reported in Slovakia. In addition to extreme cases such as the selective allocation to non-Roma of housing outside Lunik IX in Kosice, a number of other instances of discrimination in the allocation of public housing have been documented. For example, in the village of Bystre, in the district of Vranov nad Toplou, local Roma told researchers that local authorities were building new social housing units for the local community, but with the proviso that these flats are not intended for local Roma. In localities such as Presov, according to field research, some Romani families have been moved into housing for chronic rent-defaulters, despite having no rental or utilities debts. Also, Roma in some settlements have reportedly been required to perform labour services as part of public building projects; there are no known instances in which non-Roma have been compelled to undertake community service work in exchange for public housing.

Some regions or municipalities reportedly have adopted rules on access to social housing aimed at precluding Roma from having access to social housing. For example, the Presov region reportedly adopted the condition that, in order for a family to have access to state social housing, at least one member of the family must be employed. The rule in practice renders many thousands of Roma in the Presov region ineligible for social housing, due to extremely high rates of unemployment among Roma in the Presov region.

Roma in Slovakia frequently report being blocked by vigilante local action, sometimes carried out with the active or passive complicity of local authorities, when trying to rent or purchase property outside segregated settlements. In the village of Abrahamovce, Presov district, for example, one Romani family was reportedly told by the local mayor unofficially that he would do everything within his power to prevent the construction of the house because he did not want the number of Roma in the village to increase. In another case, in Letanovce, a Romani family was prevented from moving into the village, purchasing property and building a house, because all plots in the village are owned by the non-Roma and they refuse outright to sell to Roma. During field research in the town of Letanovce, when asked why there were not more Roma living in the village, one non-Romani villager stated: "Let the Gypsies stay in their settlement. We don't want them in the village. It is more than enough that they come into the village to the post office, municipal office and to shops. They create enough mess and smell anyway. Let them be as far as possible from us." Refusal to sell houses or land to Roma has also been reported in Spisske Tomasovce, Svinia, and a number of other localities.

In a number of municipalities -- particularly in rural settlements -- Roma report arbitrary denial or obstruction of planning permission. For example, in the village of Torysa, Sabinov district, local

Roma reported to researchers that they had been trying to establish property rights to the land on which they have dwellings with a view to making claims for more land on which new social housing could be built. In the village of Tuhrina, Presov district, the local Romani community inhabited an area of land for which the ownership has not yet been clearly established. Despite several reminders to the local authorities by local Roma that the issue needed to be resolved, the local authorities had done nothing. In another case, since 1998, one Romani man in the village of Telgart, Brezno district, has repeatedly been refused planning permission to build a house on land which he owns, despite repeated appeals to the local council, both alone and with the assistance of a national-level non-governmental organisation and several government offices. There are also repeated concerns expressed at the high rents charged for social housing -- rent often as high as that of other housing of considerably higher quality. This issue is particularly acute since social reforms undertaken by the Slovak government in 2004 which slashed social assistance dramatically.⁸

Some municipalities in Slovakia have actively created Romani ghettos. In the most egregious example, since 1995, the city of Kosice -- Slovakia's second city -- has been by policy progressively evicting Roma from the city centre and re-housing them in a housing estate called Lunik IX. At the same time, it has allocated housing in other housing estates to non-Romani residents of Lunik IX, such that they may move away. In November 2003, the last non-Romani individual living in Lunik IX moved out, leaving a pure, extremely substandard, mono-ethnic ghetto. Redressing and reversing the remarkable and on-going damage caused by this policy and swiftly desegregating Lunik IX should be a very high priority of the government in its social inclusion policies. Placement in Lunik IX of Romani families forcibly evicted from elsewhere has continued into 2007.

In other areas, there is a pressing need to assess new housing projects to determine whether they are racially segregatory. A number of recent building projects undertaken to provide housing to Roma in Slovakia, such as, for example, one currently ongoing in Sabinov, are set several kilometres from town and village centres and appear to be efforts to move Roma away from urban settlements and settlement infrastructure, as well as away from key public services, including schooling.

In other instances, local councils of villages have consented to development projects for Roma only if they are in isolated or excluded areas. For example, in September 2003, the mayors of the villages of Letanovce, Hrabusice, Arnutovce, Spisske Tomasovce and Spisske Stvrtok agreed to a development project proposed by the government with European Union funding, only if it were located in the isolated community of Strelniky. Other localities to have planned and/or implemented racially segregated housing projects in recent years include Nitra and Presov.

In the village of Svinia, despite an international project of close to a decade long, involving, among others, the Canadian International Development Agency (CIDA) and the US-based NGO Habitat for Humanity, the village remains racially segregated as a result of obstruction by the local council and (very many) members of the non-Romani community. On April 1, 2003, the local council adopted Resolution 34/2003 "approving the termination of activities currently being carried out in the village by the organizations Habitat for Humanity and CIDA".

⁸ A number of the provisions of the 2004 reform were apparently aimed directly at Roma, including a provision which refused housing assistance to anyone not living in a legally registered dwelling, regardless of need. For an assessment of the impact of the 2004 reforms two years on, see Oravec, Laco and Zuzana Bošelová, "Activation Policy in Slovakia: Another Failing Experiment?", in Roma Rights 1/2006, at: <http://www.errc.org/cikk.php?cikk=2537>.

While not all settlements are racially segregated, many are. Many Roma have in recent years been evicted with the intention and/or effect of moving them to segregated environments. Efforts by Roma to seek housing in non-segregated environments are very frequently met by obstructive efforts on the part of locals and even public officials, such as mayors and/or members of local council. In a number of areas, historic segregation has not even been challenged due to a widespread perception among Roma that it would be fruitless to even attempt to move out of segregated housing. Finally, it must unfortunately be noted that a number of governmentally and/or internationally-funded housing projects for Roma have in recent years been implemented in such a way as to exacerbate racial segregation, generally because of local opposition to integrated housing projects involving Roma.

Evaluation of the program of lower standard houses in Romani settlements carried out by Milan Šimečka Foundation in 2008 has furthermore proved that new housing for Roma is usually as segregated as previous settlement (in 68%) or even more so (in 23%). Segregation has been measured in the study by the distance from the municipality. Only in few cases the new houses for Roma are built in more integrated environment. Very often such housing is constructed on the site far from existing residential area.

A large number of Roma in Slovakia are unable to access a range of basic services because they lack a residence permit in the place of their factual residence. Although Slovak legal provisions on the establishment of local residence are unclear, in the main, in order to secure legal permanent residence in a given municipality, an individual must produce a valid identity document, as well as papers confirming the individual's right to use the flat or other habitable rooms, or the written approval of the flat's owner or flat's primary tenant to reside in a given flat. Due to the fact that many Roma live in informal settlements wherein the latter condition cannot be met, as well as due to a range of other possible factual profiles, many Roma -- and particularly Romani women -- either do not have a residence permit at all, or have a residence permit in their town of birth. As a result, due in many cases simply to a fact as mundane as no longer living where one was born, large numbers of Roma have no access to basic public services, or only extremely limited access to such services.

A lack of local residence also precludes Roma from exercising fundamental political rights in a municipality, such as the right to vote and the right to stand in local elections. The failure to provide Roma with local residence permits therefore significantly hinders the ability of Roma to have any influence whatsoever on local policies.

Issues surrounding Roma who have emigrated from Slovakia in recent years and then been forcibly returned or have otherwise returned can give rise to circumstances in which individuals are under extreme threat of social exclusion for the following reasons: Slovak law presumes that all persons have a residence permit in some place, and at the year zero of 1989, most if not all did. However, Slovak law requires persons "going to live permanently abroad" to end their permanent residence in Slovakia. In a number of cases, Slovak officials have reportedly removed from local registries Roma who have gone abroad. There is no obligation on any municipality in Slovakia to provide such persons with residence permits. As such, the number of persons (and Roma in particular) without residence permits may be growing.

In some instances, local officials have attempted to strike Roma from the municipal register. For example, on 28 June 2001, the local council of the town of Letanovce adopted Resolution 21/28.6.2001, "terminating the permanent residence of the citizens living in the Gypsy settlement Letanovce from August 1, 2001." Despite the intervention of the Slovak Government's

Plenipotentiary for Roma Communities, as well as review by a parliamentary committee, the local council refused to strike down the act. A court subsequently annulled the act by the Letanovce local council, but as of October 2003, approximately 60 Roma in the Letanovce settlement lacked permanent residence there, despite the fact that many of them were born there. Similarly, in the Vilcurna settlement in Spisska Nova Ves, out of a total number of approximately 1000 local Roma, only 727 persons have legal residence in the village.

The violation of freedom of residence may be demonstrated by the complicated attitude towards new law. Until 2006, Slovak law on local registration was still in force from the communist era (1982). This was true despite the adoption of new act in 1998, which only entered into force after 8 years, after being postponed four times. The new law has nominally made it easier for people without standard housing to register their permanent residence. However, after only one year of being in force, following strong pressure by municipalities, conditions obstructing registration for persons in irregular housing conditions have been reintroduced.

As a result of ongoing processes of administrative decentralization, begun in the 1990s, and ongoing to today, competence for housing matters resides almost exclusively with the municipality. Key changes were implemented in the period 2002-2003, delegating powers to the municipality and to “self-governing regions”. The central/national government has reserved for itself few if any instruments and competences to implement or influence actively housing policy at the local level. In effect, precisely at the moment in which major human rights concerns in the field of housing have been identified, Slovak lawmakers have ceded nearly all available powers for ensuring Slovakia’s compliance with international human rights law in this area.

In addition, racial segregation of Roma in Slovakia has been intensified through the application of comprehensive reforms to the welfare system in 2003/2004 including provisions specifically designed to preclude Roma from having access to housing benefits. According to the law following the reform, there are two conditions to receive the housing allowances: to have a legal lease for a flat and to pay the rent and utilities regularly, or to have an instalment plan agreed with the landlord. The first condition excludes from the housing allowances the inhabitants of informal Roma settlements; the second excludes from eligibility families with unpaid debts. The reforms triggered riots among Roma when they first went into effect in early 2004. These were quelled with widespread brutality by Slovak police.

Finally, despite the fact that the Slovak government has adopted several strategic documents (such as the Longterm Conception of Housing for Marginalized Groups of Population and the Midterm Conception of Roma National Minority Development – Solidarity-Integrity-Inclusion), these instruments are of low quality. Their implementation is slow and inconsistent. The Slovak government has yet to define social housing to date and as of the date of this submission there is no effective social housing policy.

The Centre on Housing Rights and Evictions (COHRE) is an independent, international, non-governmental human rights organisation that is committed to ensuring the full enjoyment of housing rights for everyone, everywhere: www.cohre.org

The Milan Šimečka Foundation (MSF) is a non-governmental organisation which works to improve the situation of disadvantaged groups in Slovakia via awareness raising and policy development: <http://www.nadaciamilanashimecku.sk/>