

Country fiche: SLOVAKIA

Position of civil society involved in the Roma Civil Monitor

SUBSTANTIVE POLICY AREAS

STRENGTHS/KEY ELEMENTS OF THE MS APPROACH

WEAKNESSES/GAPS/RECOMMENDATIONS

EDUCATION

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| <ul style="list-style-type: none"> • The government decided on introduction of compulsory one year preschool education. • The government utilizes ESIF to support educational efforts. Through the ESF-funded projects, the government provides extra assistance and staff for schools where the proportion of Roma children is above 20%. • ERDF funds are used to construct and expand kindergartens (since 2016 49 projects) and must ensure that at least 30% of the children enrolled are Roma. • The Government Plenipotentiary for Roma Communities targets 150 municipalities with the most marginalised Roma communities (actually only 52 localities have projects running) and provided support in employing teachers and assistants in kindergartens to increase the enrolment of Roma children. • Two-year vocational training for jobs in administration, construction, food industry, and textile production is well funded and has potential. | <ul style="list-style-type: none"> • Pre-school is not compulsory and is financed through local income taxes and lacks funding. The state offers kindergarten support for low income families, although the 164 EUR per year is not enough, further the income threshold for eligibility for the support is too low. • Despite promises to combat grade repetition, no legislative changes have been adopted and specific interventions have not been implemented. • No substantive measures to address educational gaps between Roma and non-Roma, facilitate the relationship between parents and the educational system, support teacher training in inclusive education, address absenteeism outside of criminal punishment or promote enrolment in higher education have been adopted. • Vocational schools are often in segregated areas, provide poor quality training, and prepare students in industries where the labour demand is decreasing; in consequence graduates have higher unemployment rate. • There are no effective measures to eliminate or reduce segregation in schools. This is also a problem in implementation of ESIF, which lack effective safeguards (going beyond declaration of the desegregation principle). |
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EMPLOYMENT

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| <ul style="list-style-type: none"> • Public employment services and measures are considered the main tool to support labour market integration of Roma. • Recent rule on personal bankruptcy tackles debt-traps and therefore can improve employability, as well as help reduce usury. • Public procurement system provides some incentive to favour employers of socially disadvantaged groups. • There are a few private initiatives to reduce employer discrimination and a few public ones to preferentially hire Roma in public organisations. | <ul style="list-style-type: none"> • Public employment services' capacities are limited. Field social workers support outreach to Roma community, but have very limited impact on improvement of Roma's employment. • Systematic barriers such as lacking language and other skills hinder Roma access to PES services. There is a need to increase staff capacity so that PES can provide meaningful support. Post-placement follow-up services are especially lacking. • Public works programme is ineffective in supporting long-term return to primary labour market. Its evaluations have shown that the programme is often the only available opportunity for many socially excluded persons for increasing their social income. • There are no government efforts to directly address employer discrimination beyond basic legal provisions. There is a need for more comprehensive government action to promote anti-discrimination. |
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HEALTHCARE



- The main and the sole implemented NRIS's measure is the field health assistants programme, which seems to be effective in improving Roma's access to healthcare. The programme piloted by NGOs was scaled-up by the government and is financed from ESIF. It employs members of marginalised Roma communities.
- Registered unemployed (as well as recipients of the benefit in material need, mothers taking care of children up to 6 years, etc.) are insured by the state. Every insured person does have the right to the same scope of healthcare services, but patients with outstanding payments are entitled only to first-aid health treatment.
- The programme deserves institutionalisation and sustainable budgetary funding within the Slovak health care system (rather than ESIF project-based funding).
- There is a need for a system of health-related data collection disaggregated on the basis of ethnicity and social disadvantage that would enable addressing the health conditions disproportionately afflicting the Roma.
- The government should also develop comprehensive tools to identify, monitor and tackle antigypsyism and discrimination of Roma in health care.
- Spatial accessibility of health services for Roma, in particular those living in segregated areas of marginalised regions, is limited.
- The prevalence of some diseases (in particular cardiovascular, tuberculosis hepatitis A) is significantly higher among marginalised Roma than the mainstream population. Vaccination rates in three regions with the highest share of Roma communities are also lower than elsewhere.

HOUSING

- The implementation of a legislative change relating to the legalisation of parcels, which is a major challenge for housing inclusion, will be supported through a national project including legal counselling and other types of support implemented in the 150 communities with the least developed Roma communities.
- Between 2000 and 2018, the government funded the development of 295 housing sites with 4,689 flats of lower standard with a state-funded budget of 68.3 million EUR. These flats targeting marginalised Roma are almost always located separated at the edges of municipalities and sometimes even in segregated or/and isolated settings.
- 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.
- The governmental housing programme of lower-standard housing continues to residentially segregate Roma communities.
- The housing benefit is sufficient to cover the housing fees in low-standard flats or older municipal housing but is insufficient to help families to move into standard housing, or economically prosperous areas with employment opportunities. Moreover, they exclude inhabitants of informal housing and indebted persons.
- Ethnic discrimination at the housing market makes it practically impossible for Roma (especially from disadvantaged communities) to find anything other than municipal housing.
- So far, the use of ERDF funds for the housing has been delayed greatly.
- The fundamental right to access to water remains fully contingent upon the will of local authorities. Local municipalities face no palpable legal penalties for failing to ensure access to water to Roma populations. There is evidence that municipalities collectively punish people living in segregated areas by not providing proper waste collection services.

HORIZONTAL MEASURES

STRENGTHS/KEY ELEMENTS OF THE MS APPROACH

WEAKNESSES/GAPS/RECOMMENDATIONS

ANTI-DISCRIMINATION

- The Racial Equality Directive (RED) has been generally well transposed into the Slovak legal system, allows NGOs to
- NGOs pursuing strategic litigation have faced lengthy proceedings and problematic interpretation of

pursue strategic litigation and successfully challenge the segregation of Roma children in education or discrimination against Roma in accessing goods and services, especially using *actio popularis*.

- The Slovak National Centre for Human Rights (SNCHR) is the equality body responsible tasked with combating discrimination.

antidiscrimination law by courts, and failures by state and municipal authorities to implement judgments.

- Observers have repeatedly questioned the autonomy, effectiveness, and capacity of the SNCHR. The SNCHR is limited in terms of enforcement; often it merely issues an opinion and closes the case.
- Public prosecutors would benefit from training focused on antidiscrimination as they have powers to review by-laws of municipalities. Residents of excluded localities would greatly appreciate legal aid, for instance, in issues relating to housing and problematic renewal of their rental contracts with municipalities.
- Discriminatory treatment of Roma by law enforcement authorities continues to be a serious problem.

FIGHTING ANTIGYPSYISM

- Slovakia's policy documents do not explicitly recognise antigypsyism, but they focus on its manifestations.
- In 2011, the government set up the Committee against Racism composed of state officials, independent experts and NGOs, including a Roma organization.
- A recent anti-extremist amendment of the Criminal Code addresses some of the barriers in the prosecution of hate crimes. The Ministry of the Interior set up a special antiterrorist unit in February 2017 with the power to investigate crimes of extremism. Extremist crimes also started to fall within the competences of the Special Criminal Court.
- There has been some improvement of prosecution of hate speech by politicians. Another positive step has also been the recognition of the Roma Holocaust by the Slovak government. There were significant improvements in the media portrayal of Roma in recent years.

- Despite a positive legal development, the law enforcement by authorities is missing. Police fails to classify crimes as racially motivated (unless the perpetrator admitted such a motive), hate crime and hate motivated violence are underreported.
- There are deficiencies in recognition of the practice of coercive sterilizations of Roma women, both during communism and after 1989, as well as in the proper investigation and remedying.
- There are also on-going deficiencies in the investigation of the police raids and excessive use of force are not properly investigated by an independent body. Roma victims who testified as witnesses to police raids were charged with perjury. The investigator relied on an expert report suggesting that the victims have a common 'mentalita Romica' characterised by low trustworthiness, a propensity to lie and emotional instability.

ADDRESSING SPECIFIC NEEDS OF MOST VULNERABLE GROUPS AMONG ROMA

- The National Project Education of Youth (funded from ESF) promotes requalification, improves key employment skills of youngsters and provides direct financial assistance for those NEETs who either started their own business or were able to find work.
- A national project called PRIM (which started in July 2018) aims to create an inclusive environment in kindergartens and increase the number of Roma children enrolled.

- Governmental policies should focus more on the protection of reproductive rights of Roma women; state authorities should finally fully investigate and remedy all cases of past involuntary sterilisation of Roma women.
- Targeted national initiatives creating employment opportunities for Roma women are missing.
- Beyond the financial support of NEETs, mentoring programmes would be needed to support transition from education to employment.
- No measures have been adopted to address (explicitly) Roma LGBT issues.
- A more comprehensive plan of early childhood care and of pre-school education with a specific targeting on the most vulnerable children, including marginalised Roma children is to be developed and implemented.

STRUCTURAL MEASURES

STRENGTHS/KEY ELEMENTS OF THE MS APPROACH

WEAKNESSES/GAPS/RECOMMENDATIONS

STAKEHOLDER INVOLVEMENT AT THE CENTRAL LEVEL



- Roma inclusion policy-making is shared between the government's coordinating and advisory body (Office of Plenipotentiary for Roma Communities, with some 90 staffs) and line ministries responsible for key agendas. The Plenipotentiary is not member of the cabinet.
- In current ESIF programming period, the Plenipotentiary Office is not substantially involved in the planning and management of all EU funding for Roma; instead it implements several large-scale ESIF-funded projects.
- The main portion of funds for Roma inclusion is earmarked in the Operational Programme Human Resources (ESF+ERDF), managed by the ministry of labour, but implemented by several ministries (labour, interior, education).
- The Plenipotentiary Office's builds a strong expertise in Roma inclusion, however its position toward the ministries and impact on policy-making depends on the personality and leverage of the Plenipotentiary appointed by the government.
- Mainstreaming of Roma inclusion agenda in the work of other central bodies could be reinforced. Relevant ministries (Education, Health, Labour, Environment) have departments addressing issues relevant for Roma inclusion, but their expertise and commitment to address barriers and discrimination experienced by Roma could improve.
- Implementation of the ESIF for Roma inclusion faces serious challenges and problems in interventions' design (the Plenipotentiary has only limited control over them, as they are in hands of ESIF technocrats without expertise in Roma inclusion).

CIVIL PARTICIPATION AND EMPOWERMENT

- The NRIS envision that NGOs will partner on drafting guidelines for implementation, evaluate the NRIS, deliver services, and implement awareness-raising. NGOs participate in these planned activities only partially.
- The Plenipotentiary initiated formation of several of consultative bodies to assist in the preparation and implementation of Roma inclusion policies: one reserved for Romani youth, mayors and NGOs working in the area.
- The number of Roma people elected to local office has been increasing significantly.
- The selection of the consulting NGOs depends on the host institution.
- Roma typically do not occupy leading positions in the state administration with powers to prepare and implement policies relevant not only for Roma but also for the entire society.

MAINSTREAMING OF ROMA INCLUSION AT THE LOCAL LEVEL

- Municipalities have all the key responsibilities in preschool and primary education, housing, infrastructure and environment as well as in health. Actual implementation of the NRIS and Roma inclusion largely depends on the political will, commitment, capacities and resources of municipalities and their leaderships.
- The financing of municipalities does not recognise additional costs that municipalities face with integration programmes targeting disadvantaged communities. Yet, municipalities with disadvantaged communities can typically draw funds from additional state grant schemes and in particular from ESIF funds.
- Slovakia has traditionally adopted a territorial approach to using ESIF for Roma inclusion, i.e., targeting municipalities with significant marginalized Roma communities.
- Over the last decade, several municipalities have become one of the main drivers and a model of Roma inclusion policies, followed by other local governments, or scaled-up into national policies. However, this scaling-up is often problematic, as local well-functioning models are often eventually deformed by formalism and over-administration of the central administration machinery.
- Municipalities are often the entities that (through neglect or conscious action) keep Roma communities at the margins of society. Enforcement of duties that municipalities have towards Roma or do not violate their rights, remains weak. Compliance with relevant findings of the Public Defender of Rights in cases of evictions, segregation in education or access to drinking water has been rather limited.
- Using the ESIF presents a significant administrative and financial burden for small municipalities. Recognising these barriers, some administrative simplifications (unit costs or non-competitive access to funding) have been developed in some centrally-planned ESIF funded interventions (national projects).

DATA COLLECTION

- In 2004 and 2012, sociographic mappings of Roma settlements were conducted; a follow-up mapping is ongoing. Findings are available in Atlas of Roma Communities, providing information about available technical infrastructure, educational and healthcare facilities, political and civic participation.
- The Atlas of Roma Communities was used for targeting the ESIF. Municipalities with the identified 150 most marginalised Roma communities are eligible in national projects implemented by the Plenipotentiary and thus have non-competitive access to funding for field social work, community centres, legalisation of lands and teaching assistants.
- The Plenipotentiary Office implements an ESIF-funded project aimed at collection of data on living conditions of Roma (this will be part of the EU SILC, that will include a special Roma sample) and monitoring and evaluation of public policies' impact on Roma.
- A think-tank of the Ministry of Finances has recently started to focus on producing data on Roma exclusion from different public services and their discrimination (e.g. special education, exclusion from labour market, segregation) aimed at identification of ineffectiveness of the public policies/services and bottlenecks in Roma's inclusion.
- Line ministries should collect ethnically disaggregated data in their regular policy-making; particularly in education, official anonymous state data disaggregated on ethnicity would significantly help to identify the practice of segregation, for example, as well as the impact of their policy measures.

FUNDING FOR CIVIL SOCIETY

- The NRIS anticipate the use of state and ESIF funds for NGOs' activities.
- The authorities have also earmarked 15 million EUR for NGOs in the Effective Public Administration OP to increase civic awareness and participation in the areas of transparency, social affairs and human rights, including Roma inclusion. NGOs requested more than 30 million EUR and the Government provided the additional funding.
- NGOs (and municipalities) can also apply for Roma inclusion funding through the Roma Plenipotentiary office (600,000 EUR annually).
- The Justice Ministry administers a permanent state scheme supporting human rights projects with 763,500 EUR annually.
- NGOs working on Roma cultures can apply for funding through a new fund for the support of cultures of national minorities, replacing a previous funding scheme incorporating aspects of increased self-governance.
- Grassroots NGOs report that the design of community work funding does not sufficiently consider NGOs; project funding reimburses personnel salaries only, not operational or overhead costs. Larger NGOs sometimes manage to raise overhead funding, but where municipalities establish their own operations, this may reduce the chances of NGOs providing such services.
- Administrative requirements associated with application involving submitting up to 15 certificates from various state agencies, although digitalisation of these processes may reduce this burden.

EXAMPLE OF PROMISING PRACTICE

New legal regulation of bankruptcy was adopted, which effectively helps low-income families in debt traps that could not prevented them from entering the labour market (because the income from work would seize to repay the debts) or lose housing. The new law was designed with a view of the specific situation of Roma. By the new regulation, entering into force on 1 March 2017, each natural person who is insolvent and facing distraintment can file for bankruptcy to clean their debt record. The court should rule within 15 days from the date of the filed petition. Implementation of the new regulation has been supported by an ESIF-funded project with an allocation of 8.3 million EUR. A public Centre for Legal Aid set up by the Ministry of Justice supports applicants for the bankruptcy and represent them in the procedure. Moreover, The Centre 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.

MOST IMPORTANT PRIORITIES TO BE ADDRESSED

- curbing segregation in education (covering both special schools as well as regular schools, ranging from kindergartens to secondary schools),
- access to pre-school education from age of 3 for all, in particularly socially disadvantaged children and scaling of early childhood services for Roma children,
- employment of women and Roma youth,
- at least adopting some gradual efforts to curb residential segregation (at minimum in cases of new housing development).