



The First Discrimination Case Decided in Slovakia under the New Antidiscrimination Law

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On 31 August 2006, the first known court case on racial discrimination under the new Slovak Antidiscrimination Law was decided in Slovakia. The decision was issued by the District Court in Michalovce. The Court decided the case initiated in 2005 by three Roma activists from local NGO Nova Cesta based in Michalovce. The case concerned an incident from April 2005 and involved discrimination in access to public accommodation. Romani Activists wanted to visit a popular cafe called IDEA in the center of Michalovce, Eastern Slovakia. According to the activists, this cafe was well known to be hostile towards Roma and Roma were not served in there. On previous occasions, the Romani activists tried to enter the café and were refused services. Thus they asked human rights activists from the Center for Civil and Human Rights (Poradna) based in Kosice, Slovakia, to accompany them and witness potential discriminatory treatment. On the given date, the Romani activists were indeed refused the services and when trying to enter the premises, the cafe personnel claimed that the cafe was a private "club" and in order to enter, the Roma needed a membership. However, few minutes later, white activists from Poradna were allowed to enter without even being asked to prove a membership and no other white customers had alleged membership either. Romani activists subsequently decided to initiate the civil court proceeding against the owner of the cafe under the Slovak Antidiscrimination Law requesting the court to order the owner to issue a written apology as well as the payment of financial compensations.

Despite the fact that District Court in Michalovce partially decided in favor of the applicants, its decision is quite confusing. On one hand the Court ruled that the Roma faced discrimination in this case and ordered the defendant to send them apology for discriminatory treatment. On the other hand, the Court stated that the discriminatory treatment against the applicants was not on the ground of their ethnic origin. The Court did not specify on what ground the Applicants were discriminated against, though. Also, according to the Court the defendant, the cafe owner, successfully proved in the proceeding that he serves Roma customers and that he does not discriminate them in general. Therefore, the Court also rejected the claim for a financial compensation reasoning that the Applicants knew that they would not be served in the given restaurant and were prepared for discriminatory treatment. Basically, the Court ruled that although the Roma were discriminated, it could not be based on their ethnic origin as other Roma at other times are usually served. However, they knew that in the given place, Roma are not served, thus, should have presumed a discriminatory treatment. The Court unfortunately did not clarify that inconsistency yet. The decision is the first instance decision and the Applicants are considering filing the appeal against it.

Commission Communication on Education

In a Communication adopted on 8 September, 2006, the European Commission stresses the need for European education and training systems to be both, efficient and equitable, if they are aimed to achieve the necessary quality to create more growth, jobs and social cohesion. The process of modernizing education and training systems in Member States is largely driven by the search for greater efficiency and cost effectiveness. Whilst efficient systems are obviously a pre-requisite for success, the Commission argues that efficiency does not have to come at the expense of equity, and proposes four main areas for action by the Member States:

- * Member States should invest more in the pre-primary education
- * Member States should not separate pupils into educational 'tracks' at too early age
- * Contrary to what is often assumed, entirely state-funded, "free" systems of higher education do not guarantee equitable access and participation
- * Member States need to develop a 'culture of evaluation'

The Commission's analysis concludes that education and training policies should aim to improve the knowledge, skills and competences of individuals, especially the most disadvantaged, and of society as a whole. They should increase efficiency by raising the average skill level of the population and reduce inequality by improving the life opportunities of those most in need and by narrowing the gap between the best and worst qualified individuals. But these are not mutually exclusive objectives. Achieving high quality does not necessarily mean sacrificing equitable opportunities, access, treatment and outcomes for individual Europeans.

For more information:

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/06/1159&format=HTML&aged=0&language=EN&guiLanguage=en>

To download the Communication:

http://ec.europa.eu/education/policies/2010/doc/comm481_en.pdf

Roma districts demolished during Urban Transformation Projects

Gültepe (Çiğir) district of Ankara Altındağ Municipality is where majority of dwellers are Romans. Altındağ Municipality will construct a total of 776 flats within the scope of Çiğir Mass Housing Project on 48.173 m² of land composed of four blocks. The municipality demolished the houses of around 170 Romans within the scope of the project and a further destruction of 400 houses is planned. The Municipality has finalized talks with the Mass Housing Administration for the project according to which 14 storey apartments will be built and the protocol has been signed.

Mass Housing Administration (TOKİ) launches a slum transformation Project in Kuştepe where Romans live, within the scope of a protocol signed with Şişli Municipality and İstanbul Metropolitan Municipality. 228 flats will be built on a 12 thousand m² of land which is identified as pilot region. Romans dwellers of Kuştepe who live there for 30 years are now worried. Dwellers of Kuştepe state that they have no idea what kind of flats TOKİ will built and say; "If it will be for our good then it should be done however they should not put us in a difficult position. We were born here, they should not send us anywhere else."

In line with the resolution of the Municipal Council, a two-storey building in the Filtepe street of the Müftü Quarter in Zonguldak Blacksea / Ereğli, in which 45 people form 6 different Roma families were living, was demolished by the Municipality. Citizens had nervous breakdowns while the municipal teams arrived for the process. They resisted the teams which tried to handcuff the citizens. As backup, rapid force from Zonguldak was called, and the resistance of the citizens was broken. Then the municipal teams took out the properties from the apartments, and demolished the building. Within the scope of "History and Culture Park" project of Osmangazi Municipality of Bursa Province, a pull down process has been launched in the Kamberler Quarter, where Roma citizens are residing. While on one hand, a project has been launched for the re-planning of the district, on the other, expropriation and demolishing processes continue as well. A further 22 expropriated buildings were pulled down by the municipal teams. Rapid Force teams accompanied the pull down process, where 106 houses were demolished. So far, more than 150 buildings have been expropriated by Osmangazi Municipality. The municipality has stated that an area of about 17 thousand square meters have been acquired by way of pull downs, and added that around 13 trillion Liras for expropriation has been spent so far to put the project into practice in the district. Under the Kamberler History and Culture Park Project, Osmangazi Municipality foresees an urban transformation on a land of around 70 thousand square meters. In the first stage of the two-step project, a land of 40 thousand square meters will be expropriated and turned in to green area. Within the framework of Urban Transformation Project of İstanbul Metropolitan Municipality, 120 houses where Roman people were living in Kadıköy Küçükbakkalköy were pulled down by the teams of the İstanbul Metropolitan Municipality. Romans reluctant to evacuate their houses got into a stampede with the police teams. Relatives of the 10 detainees fainted, and the women were carried away carelessly. Two months ago, a pull down order was issued and a notification was sent to the Romans living in those 120 houses in Küçükbakkalköy. Teams of the Metropolitan Municipality, hundreds of municipal police officers, Kadıköy police teams as well as Rapid Force teams accompanied the pull down process.

Teams attached to İstanbul Metropolitan Municipality arrived at the barracks in the Cebeci Quarter in Gaziosmanpaşa, and pulled down 20 houses where Roma people were living. Roma people and their children went up the roofs and demonstrated against the teams. Romans pursuing the demonstrations were detained by the police, and the little children and elderly in the barracks were carried out by the municipal teams. After that, 20 barracks were pulled down by the municipal teams. In the meantime, teams from public order department of the police, rapid force and special team conducted searches in the pulled-down barracks as well as the surrounding houses. During the practice, around 30 people were detained for not having ID cards. 11 houses where Romans stayed in Gültepe Yahya Kemal district in İstanbul Kağıthane have been demolished by the Kağıthane Municipality teams. Romans resisted the teams in order to prevent the destruction of their houses. Owners of the houses, who set their houses on fire to prevent the destruction, have been drawn away by the rapid force. Some of the dwellers stepped into their houses during the fire in order to rescue some of their belongings. House owners, who will be paid by the Municipality 2-7 thousand YTL for the cost of debris, dug the first spade.



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The European Roma Information Office (ERIO) is an international advocacy organization, which promotes political and public discussion on Roma issues by providing factual and in-dept information on a range of policy issues to the European Union institutions, Roma civil organizations, governmental authorities and intergovernmental bodies. The ERIO cooperates with a network of a large number of organizations and acts to combat racial discrimination and social exclusion through awareness raising, lobbying and policy development.