

Slovakia
RAXEN National Focal Point

Thematic Study

Housing Conditions of Roma and
Travellers

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Contents

CONTENTS.....	2
EXECUTIVE SUMMARY.....	4
1. Desk research.....	8
1.1. Legal and Policy framework.....	8
1.1.1. Protection of the right to adequate housing in national legislation.....	8
1.1.2. Protection against forced evictions	10
1.1.3. Laws and regulations relevant to housing that affect the Roma.....	12
1.1.4. Laws and regulations regulating specific issues concerning the housing of Roma.....	15
1.1.5. Specific protection of the rights of Roma in national legislation.....	15
1.1.6. Legislative or administrative decisions regarding ‘ethnic’ data collection.....	16
1.1.7. General public policy on housing	17
1.1.8. ‘Affirmative action’ measures designed to improve the housing situation of the Roma	18
1.1.9. Housing components and components relevant to Romany women and female travellers in existing national gender equality legislation and policy	18
1.1.10. The impact of legislation on the housing situation of the Roma	19
1.1.11. The impact of general public policies on the housing situation of the Roma.....	20
1.1.12. General policy in the field of housing.....	21
1.2. Quantitative data.....	22
1.2.1. Number of Roma in the country	22
1.2.2. Housing conditions of the Roma	23
1.2.3. Housing tenure.....	24
1.2.4. Regulated encampments	24
1.2.5. Unregulated encampments.....	24
1.2.6. Segregated Settings.....	24
1.2.7. Household type and size	25
1.2.8. Forced evictions.....	25
1.2.9. Access of the Roma to public utilities	25
1.2.10. Halting Sites	26
1.3. Qualitative data.....	26
1.3.1. Quality of housing available to the Roma.....	27
1.3.2. Issues of spatial and social segregation and social cohesion	28
1.3.3. Access to private housing	29
1.3.4. Access to social housing.....	30
1.3.5. Forced evictions.....	31
1.3.5.1. Exemplary cases of forced evictions:	32

1.3.6.	Informal settlements, legality and legalization of settlements	33
1.3.7.	Implications of inadequate housing on the situation of the Roma.....	34
1.4.	Case law and complaints related to housing of the Roma	35
1.5.	Good practices	37
1.6.	Major national projects targeting the housing situation of the Roma and travellers that are not included in the previous section... ..	42
2.	Field research - interviews	44
2.1.	Brief description of the methodology	44
2.2.	Summary of main points.....	44
2.2.1.	Housing situation of the Roma	44
2.2.2.	Most pressing problems facing the Roma.....	46
2.2.3.	Activities of organisations	47
2.2.4.	Most important housing policies.....	48
2.2.5.	Good practices	50
3.	ANNEXES.....	52
3.1.	Annex 1 – Statistical data and tables	52
3.2.	Annex 2 – Case Law.....	53
3.3.	Annex 3: Statistical Data on Housing conditions of Roma	60
3.4.	Annex 4: Bibliography	64

Executive summary

Legal and policy framework

The Slovak Republic has ratified several international treaties and conventions that are related to the issue of housing and implementation of the right to adequate housing. Slovakia's legal system lacks legal rules that would specifically regulate the issue of Romany housing.

Protection against forced evictions is regulated by several paragraphs of the Civil Code. Repeated amendments to the Civil Code have significantly reduced tenants' security of tenure (1.1.2). Gathering data based on ethnicity that could be processed for the needs of public policies in various areas is not actively pursued. The usual argument is that gathering and processing ethnic data contradicts the principles of personal data protection.

General public policy on housing is tackled by several policy documents adopted by the Slovak government in the past years. The most important government report is the Long-Term Housing Strategy for Marginalized Population Groups and Its Financing Model (1.1.7). Public policies in the field of housing are not tailored specifically to the Roma, but some of them have a direct impact on situation of Roma. For instance, Program of Developing Lower Standard Flats helped to increase the living standards of inhabitants of Romany settlements. On the other hand, the construction of lower-standard flats may homogenise the Romany community, especially when various Romany families from various locations are concentrated in one place and may strengthen segregation if flats for Roma are constructed on the outskirts of villages/towns.

Main problems with housing policy in Slovakia:

- Executive powers in the field of housing are divided among several ministerial departments; Slovakia lacks a single authority
- Slovakia has introduced one model for tackling issues of Roma housing, but has virtually abandoned seeking other innovative options. The public policy is focused primarily on building the lower standard flats and does not offer various measures that would be aimed at increasing the living standards of inhabitants of Romany communities.
- The term of social housing has never been defined in Slovakia
- The process of decentralizing public administration transferred a significant portion of responsibility for tackling the housing situation onto self-governments; unfortunately, many of them are unable to cope with this responsibility

Quantitative data on Roma Housing

Based on data gathered by the Sociographic Mapping of Roma Communities, experts estimated there were approximately 320,000 Roma living in Slovakia in 2003–2004 (1.2.1). In Slovakia, the Roma live in various types of settlements. The Sociographic Mapping of Roma Communities investigated a total of 1,575 Romany settlements. Of that number, 50 per cent were settlements where the Roma lived integrated with the majority. In the remaining 787 settlements, the Roma lived concentrated in a specific part of the town or village, often on the outskirts; sometimes, their settlements were even remote from the municipality or separated by some kind of natural or artificial barrier. Almost one in three dwellings in separated or segregated Romany settlements was built without a proper planning license. In 496 examined settlements, the Roma were connected to the public water mains; however, only 39.4 per cent of all dwellings were in fact connected. In 631 settlements, it was impossible for inhabitants to get connected to public sewerage; only 13.9 per cent of settlements were fully connected and 5.5 per cent were partly connected. Electricity is the most available public utility in Romany settlements.

Qualitative information on the housing situation of the Roma and travellers

Almost all aspects of the right to adequate housing defined by the United Nations' Committee on Economic, Social and Cultural Rights (CESCR) are being violated in Slovakia: Security of tenure, availability of services, materials and infrastructure, financial availability, habitability, accessibility, cultural adequacy.

Spatial exclusion is closely related to the housing standard of the Roma and affects primarily Roma inhabiting segregated settlements and urban ghettos. Spatial segregation of the Roma directly affects their high unemployment, dependence on welfare benefits and low availability of education and services. Access to private housing has not been systematically monitored in Slovakia yet. But several reports point out that access to private housing is often limited due to the negative attitudes of the majority toward Roma. Social housing for the Roma is provided primarily via the construction of lower-standard flats. Forced eviction is one of the most serious violations of housing rights the Roma currently face in Slovakia. In 2007, the Centre for Housing Rights and Evictions proclaimed Slovakia one of the greatest violators of the right to housing in the world. The informal settlements that are home to a significant proportion of Slovakia's Romany population cause a number of problems that are related not only to security of tenure but also the availability of infrastructure and public services and the unacceptably low quality of housing. As far as specific population groups such as children, women and the handicapped are concerned, no public institution has carried out a survey specifically examining this issue. There is little doubt that the housing situation of Romany children, women and the handicapped is essentially worse than that of their majority counterparts;

however, it is very difficult to demonstrate that these subgroups are more threatened or discriminated against than other members of the community.

Case law and complaints related to housing of the Roma

The Slovak Republic has a number of different institutions entrusted to deal with complaints filed by citizens (including the Roma) regarding housing. They include the Slovak National Centre for Human Rights, the Office of the Public Defender of Rights and individual courts of justice operating in the Slovak Republic.

Good practices

The first good practice - Improvement of Housing of Low-Income Families in Nálepkovo is operated via partnership cooperation between the town of Nálepkovo, ETP Slovensko and Habitat for Humanity. The project's mission was to extend loans to 70 low-income families from Nálepkovo to improve the quality of their housing.

The second project, entitled Roma Integration Program was run by Partners for democratic Change and Ecopolis. Its mission was to use training and grants to help the process of creating joint projects and thus contribute to integration of the Roma and improve coexistence of Roma and non-Roma. The success of the project of community cooperative planning has facilitated the process of regional planning in the town of Banská Bystrica.

The third good practice is the ongoing project of the Milan Šimečka Foundation entitled Defending Roma Housing Rights. The main mission of the project is to highlight violations of the housing rights of Roma, defend these rights and improve the overall legal and legislative environment in Slovakia.

Major national projects targeting the housing situation of the Roma

The largest project aimed at tackling the issue of Romany housing is the government-financed Program of Housing Development that allocates state budget funds for the construction of rented flats of regular standard, lower standard, infrastructure, and elimination of defects in blocks of flats. Positive and negative impacts of this program are described in section 1.1.

Field research – interviews

The Research Centre for Ethnicity and Culture carried out interviews on the issue of housing with representatives of the two governmental and three non – governmental organisations. The main findings from the interviews are:

- Housing heterogeneity merely corresponds to heterogeneity of the Romany population as such, as some Roma live geographically integrated while

others live concentrated or in settlements that are completely isolated from the majority.

- The greatest problem is separated and segregated settlements in a rural environment
- There are significant regional differences in the standard of housing
- The housing situation of the Roma is the worst in localities where mayors and local council chairmen have not shown any interest in tackling the problem, which directly led to emergence of urban ghettos and segregated rural settlements.
- From the public policy viewpoint, housing in Slovakia is largely perceived as a construction issue, rather than a the complex of mutually interwoven grass-roots relations.

1. Desk research

1.1. Legal and Policy framework

1.1.1. Protection of the right to adequate housing in national legislation

The Slovak Republic has ratified several international treaties and conventions related to the issue of housing and implementation of the right to adequate housing. The most important of them include the following:¹

A: Universal Declaration of Human Rights (UDHR)

B: International Covenant on Economic, Social and Cultural Rights (ICESCR)

C: International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)

D: Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

E: Convention on the Rights of the Child (CRC)

F: Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Before 2001, the Constitution of the Slovak Republic included an article that read as follows: 'International treaties on human rights and fundamental freedoms ratified by the Slovak Republic and declared in a law-stipulated manner shall have preference over its laws, provided they guarantee greater scope of fundamental rights and freedoms.' This article was eliminated from the Constitution after its amendment was adopted in 2001.

The Constitution of the Slovak Republic contains the following non-discrimination provision:

Title Two: Fundamental Rights and Freedoms, Section One: General Provisions, Article 12:

¹ For more detailed information on particular aspects of housing regulated by cited international standards and Slovakia's obligations ensuing from its EU membership, please see Nadácia Milana Šimečku/ERRC/COHRE (2004) *Obhajoba práv Rómov na bývanie na Slovensku* [Defending the's Housing Rights in Slovakia], pp. 35 – 42.

1. All human beings are free and equal in dignity and in rights. Their fundamental rights and freedoms are sanctioned, inalienable, imprescriptible and irreversible.
2. Fundamental rights shall be guaranteed in the Slovak Republic to everyone regardless of sex, race, colour, language, belief and religion, political affiliation or other conviction, national or social origin, nationality or ethnic origin, property, descent or any other status. No one shall be aggrieved, discriminated against or favoured on any of these grounds.

The currently valid version of the Constitution, the issue of housing is regulated particularly by the following articles:

Section 2, Article 16:

- (1) 'Inviolability of persons and their privacy shall be guaranteed. It may only be restricted in events envisaged by the law.'
- (2) 'Nobody shall be tortured or subjected to cruel, inhuman or degrading treatment or punishment.'

Section 2, Article 19, Paragraph 2:

'Everybody shall be entitled to protection from unlawful interference with their private and family life.'

Section 2, Article 20, Paragraph 1:

'Everybody shall be entitled to own property. The ownership right of all owners shall be subject to equal legal content and protection. Inheritance shall be guaranteed.'

Section 2, Article 21, Paragraph 1:

'A home shall be inviolable. It is not allowed to enter it without permission from those who inhabit it.'

Section 5, Article 39, Paragraph 2:

'Everybody in the state of material poverty shall be entitled to such assistance as may be necessary to secure their basic living conditions.'

Other laws that are generally related to the issue of housing:

- Law No. 253/1998 on Residence Reporting by Inhabitants of the Slovak Republic and the Register of Inhabitants of the Slovak Republic, as amended.

- Law No. 40/1964 (Civil Code), as amended; this law regulates relations between landlords and tenants of real estate property, expiration of tenancy, housing compensations and related obligations of both parties.
- Law No. 599/2003 on Assistance in Material Poverty, as amended; this law regulates disbursement of housing allowance to citizens who find themselves in a state of material poverty.
- Law No. 365/2004 on Equal Treatment in Certain Areas and Protection against Discrimination, as amended (also known as Anti-discrimination Act).
- Law No. 369/1990 on the Municipal System of Government as amended.
- Law No. 182/1993 on Ownership of Residential and Non-Residential Space as amended.
- Law No. 50/1976 on Territorial Planning and Building Control (Construction Act) as amended.

1.1.2. Protection against forced evictions

Mutual relations between landlords and tenants of real estate property are governed by Law No. 40/1964 (Civil Code), as amended. The law regulates the rights and obligations of real estate property landlords and tenants. It stipulates conditions of tenancy termination, i.e. under what circumstances either of the contracting parties may terminate tenancy. A legal analysis elaborated by the Milan Šimečka Foundation observed that repeated amendments to the Civil Code have significantly reduced tenants' security of tenure and that the law's currently valid wording makes excessive demands on tenants' legal awareness, making them unable to exercise their rights.² Such legislation may lead to indirect discrimination against the Roma since the considerable majority of the Roma have inadequate education and low legal awareness, which means they may easily become victims of forced evictions.

The issue of forced evictions is regulated especially by the following paragraphs of the Civil Code:

- Article 710 – regulates termination of flat tenancy;
- Article 711 – regulates conditions under which a letter may terminate flat tenancy;
- Article 712 – specifies types of housing compensations for tenants whose tenancy has been terminated; the law distinguishes three categories of

² Nadácia Milana Šimečku/ERRC/COHRE (2004) *Obhajoba práv Rómov na bývanie na Slovensku* [Defending the's Housing Rights in Slovakia], Bratislava: Nadácia Milana Šimečku, pp. 49 – 51

temporary housing: a replacement flat, replacement accommodation, and a shelter. A replacement flat is a flat that provides humanly worthy accommodation in terms of size and equipment. Replacement accommodation is a flat featuring one habitable room or a habitable room in a dormitory or other facility designed for permanent residence. A shelter is temporary accommodation, for instance in dormitories or similar facilities.

- Article 713 – stipulates cases in which tenants are entitled to claim housing compensation and specifies types of housing compensation.

The Roma often see their tenancy terminated in compliance with Article 711c)d) of the Civil Code that regulates cases of damaging rented flats or failing to fulfil tenancy obligations such as pay rent or other housing-related charges. In such cases, the evictees are entitled to housing compensation in the form of a shelter, but only if their case is worth special consideration, which in practice means they are evicted without any housing compensation whatsoever.

It is up to courts of justice to decide on the validity of tenancy termination. If the court decides that tenancy has been lawfully terminated yet the tenant fails to vacate the real estate property by the time limit stipulated by law, the landlord may exercise their right in compliance with the Civil Court Rule (Law No. 99/1963 on Civil Court Rule as amended).

According to the currently valid legislation, a court ruling is necessary to evict tenants. Evictions are carried out by executors based on valid court decisions. Evictions in the form of execution are governed by the Law No. 233/1995 on Executors and Execution Procedures (Distraint Code) as amended. Evictions in the form of execution are regulated by the following articles of the said law: 181, 182, 183, 184 and 185.

The abovementioned articles of the Civil Code in practice allow forced evictions to occur largely unpunished while the legal system guarantees little or virtually no protection to victims of such evictions.³ The already mentioned legal analysis elaborated by the Milan Šimečka Foundation reads: ‘These legal standards contradict some of Slovakia’s obligations ensuing from international human rights covenants (e.g. ICESCR⁴) because General Interpretation No. 7 on forced eviction says that “legislation should include measures that: a) guarantee tenants of homes and land the highest possible security of tenure; b) comply with the pact; and c) are introduced to ensure control of circumstances under which eviction may take place.” Slovak civil law does not comply with these

3 Nadácia Milana Šimečku/ERRC/COHRE (2004) *Obhajoba práv Rómov na bývanie na Slovensku* [Defending the’s Housing Rights in Slovakia], Bratislava: Nadácia Milana Šimečku, p. 51

4 *International Covenant on Economic, Social and Cultural Rights (ICESCR)*

international commitments as it threatens tenants' rights and exposes them to vagaries and prejudices on the part of landlords.⁵

Based on criticism by non-governmental organisations that actively exposed the practice of forced evictions with respect to the Roma, the Department of Marshall Police of the Slovak Police Force Presidium issued a guideline No. PPZ-144-12/OPP-2008 regarding activities of members of the Force in tackling problems related to evictions from flats and houses by new owners. According to the guideline, police officers are obliged to check on the scene whether the eviction is being enforced by a duly authorized person, i.e. a bailiff, based on an eviction order issued by the court.⁶ In the past, the police usually preserved order on the scene without checking the legitimacy of eviction procedures.

1.1.3. Laws and regulations relevant to housing that affect the Roma

The currently valid law (i.e. Law No. 253/1998 on Residence Reporting by Inhabitants of the Slovak Republic and the Register of Inhabitants of the Slovak Republic, as amended) that stipulates the obligation to report permanent and temporary residence has often had negative consequences for many inhabitants of Romany communities in Slovakia, particularly those who inhabit informal dwellings in so-called Romany settlements and those who are unable to document ownership or tenancy of the real estate they inhabit.

Six years after its adoption in 1998, the law still had not taken effect in its original version; eventually, it was thoroughly altered by an extensive amendment passed in 2004.⁷ Several aspects of the law indicate that the issue of reporting residence of inhabitants in Slovakia is seriously imperfect and that state administration organs pay only limited attention to it.⁸

⁵ Nadácia Milana Šimečku/ERRC/COHRE (2004) *Obhajoba práv Rómov na bývanie na Slovensku* [Defending the's Housing Rights in Slovakia], Bratislava: Nadácia Milana Šimečku, pp. 49 – 50

⁶ M. Hojsík (2009) 'Rómovia' ['Roma'] in M. Kollár – G. Mesežnikov (eds) *Slovensko: Súhrnná správa o stave spoločnosti* [Slovakia: A Global Report on the State of Society], Bratislava: Inštitút pre verejné otázky, pp. 227-230

⁷ Law No. 454/2004 that altered and amended Law No. 253/1998 on Residence Reporting by Inhabitants of the Slovak Republic and the Register of Inhabitants of the Slovak Republic, as amended.

⁸ L. Oravec (2004) *Sloboda pohybu a sloboda zvoliť si miesto pobytu podľa článku 2 Protokolu č. 4 Dohovoru o ochrane ľudských práv a základných slobôd* [Freedom of Movement and Freedom to Choose Residence According to Article 2 of the Protocol No.4 to the Convention on the Protection of Human Rights and Fundamental Freedoms], p. 4., available at: http://www.snslp.sk/rs/snslp_rs.nsf/0/415D4078D7D7B486C1257077004267B4?OpenDocument (31.3.2009)

This state of affairs was partially improved by the amendment that took effect on October 1, 2004.⁹ It included Article 5 stipulating that if citizens are unable to document ownership or tenancy of the real estate they inhabit, all they need to do is produce a valid ID card to the applicable local authority, which will subsequently issue their permanent residence permit. In such case, the municipality of residence shall become their permanent residence; the address of the municipal office shall serve as these citizens' address for the purpose of receiving correspondence from public administration and other government organs (e.g. for the purpose of voter registration). Nevertheless, certain objections to implementing these persons' freedom of residence linger on:¹⁰

- Strong protection of ownership right pertaining to flats;
- Complications related to registration of permanent residence without a concrete address;
- Various obstructions on the part of municipalities in the process of registering Roma as permanent residents. For the time being, the practice of granting permanent residence status to inhabitants is not properly documented. The Report on the Observance of Human Rights in the Slovak Republic in the Year 2007 concluded that various discrimination and segregation practices have lingered on in the process of granting permanent residence to citizens despite legislative improvements in recent years.¹¹ We assume that some municipalities continue to enforce procedures that often rely on the inadequate legal awareness of the Roma by complicating the process of granting permanent residence status as much as possible for them.

The situation in the field of granting the permanent residence status has not changed since 2004. Although the Law No. 454/2004 on Residence Reporting by Inhabitants of the Slovak Republic and the Register of Inhabitants of the Slovak Republic was amended in 2008, its provisions that govern reporting permanent residence have not changed essentially.

Other laws concerning the issue of housing:

⁹ Law No. 454/2004 that altered and amended Law No. 253/1998 on Residence Reporting by Inhabitants of the Slovak Republic and the Register of Inhabitants of the Slovak Republic, as amended.

¹⁰ L. Oravec (2004) *Sloboda pohybu a sloboda zvolit' si miesto pobytu podľa článku 2 Protokolu č. 4 Dohovoru o ochrane ľudských práv a základných slobôd* [Freedom of Movement and Freedom to Choose Residence According to Article 2 of the Protocol No.4 to the Convention on the Protection of Human Rights and Fundamental Freedoms], p. 8., available at: http://www.snslp.sk/rs/snslp_rs.nsf/0/415D4078D7D7B486C1257077004267B4?OpenDocument (31.3.2009)

¹¹ SNSLP (2008) Report on the Observance of Human Rights in the Slovak Republic in the Year 2007, p. 18; available at: [http://www.snslp.sk/rs/snslp_rs.nsf/0/e04af400afba0480c1257586004fdc90/\\$FILE/SNCHR_Report_Observance%20of%20Human%20Rights_2007.pdf](http://www.snslp.sk/rs/snslp_rs.nsf/0/e04af400afba0480c1257586004fdc90/$FILE/SNCHR_Report_Observance%20of%20Human%20Rights_2007.pdf) (20.5.2008)

- Law No. 369/1990 on Municipal System of Government as amended. The law stipulates that in the process of discharging their self-governance duties, municipalities ‘shall draft and approve territorial planning documentation of municipal areas and zones, development strategies of particular areas of community life and housing development programs and participate in creating suitable housing conditions within municipality’ (Article 4 Paragraph 3 Letter j).
- Law No. 182/1993 on Ownership of Residential and Non-Residential Space as amended. The law regulates the procedures and conditions of acquiring ownership of flats and non-residential areas in residential buildings as well as the rights and obligations of owners of these residential buildings, the rights and obligations of owners of flats and non-residential areas and their mutual relations and rights with respect to the land.
- Law No. 50/1976 on Territorial Planning and Building Control (Construction Act) as amended. The law stipulates the rules of territorial exploitation, the powers of particular actors in the process of territorial planning, the rules of construction and the conditions that must be complied with in the process of building various types of structures.

Access to social housing is not specifically governed by any particular law as the rules of allotting municipal rented flats are issued by self-governments in the form of ordinances. Because of this, these rules tend to vary significantly from one municipality to another.

Some rules pertaining to the allotment of municipal rented flats are stipulated by government documents dealing with allocation of subsidies to construction of municipal rented flats. These rules embodied in the Program of Housing Development specify the scope of tenants to whom municipal rented flats may and/or must be allotted. The document puts forth various conditions, for instance that the combined income of the future tenant and jointly assessed persons must not exceed three times the subsistence level, that handicapped persons must represent a particular portion of future tenants, etc.¹² These are merely framework rules; more detailed rules are adopted by self-governments that may also specify other eligibility criteria such as age (i.e. young families are preferred).

The currently valid legislation governing the housing allowance that was designed to help people in material need often indirectly discriminates against people who are the worst off in terms of housing; a significant proportion of these people are Roma living in segregated Romany settlements. Eligibility for the allowance is regulated by Law No. 599/2003 on Assistance in Material Need, as amended. It stipulates that the allowance may be claimed by people in a state of material need, provided they are able to document ownership or other

12 Slovakia/Government of the Slovak Republic (2006) *Program rozvoja bývania* [Programme of Housing Development]

relation (e.g. tenancy) to the real estate they inhabit and they are not late with the rent or other housing related charges. This in practice means that Roma who inhabit informal and often illegal dwellings in Romany settlements, and are unable to document their ownership or tenancy of the real estate they inhabit, are not eligible to receive the allowance.¹³

1.1.4. Laws and regulations regulating specific issues concerning the housing of Roma

Slovakia's legal system lacks legal rules that would specifically regulate the issue of Romany housing.

1.1.5. Specific protection of the rights of Roma in national legislation

By adopting the Anti-discrimination Act, Parliament transposed the Race Equality Directive 2000/43/EC into the country's legal system.

Law No. 365/2004 on Equal Treatment in Certain Areas and Protection against Discrimination (a.k.a. the Anti-discrimination Act), as amended, originally featured a provision that allowed for adoption of temporary equalisation measures. Unfortunately, an amendment to this law passed in 2008 (Law No. 85/2008) changed 'adoption of special temporary equalisation measures to prevent disadvantage ensuing from persons' racial or ethnic origin into adoption of temporary equalisation measures aimed at eliminating forms of social and economic disadvantage'.¹⁴

The Law has been amended according to the ruling of the Slovak Constitutional Court No. 539 issued on October 18, 2005. The ruling reads as follows: 'The provision embodied in Article 8 Paragraph 8 of the Law No. 365/2004 on Equal Treatment in Certain Areas and Protection against Discrimination (Anti-discrimination Act) does not conform with Article 1 Paragraph 1 and the first sentence of Article 12 Paragraph 1 and Paragraph 2 of the Constitution of the Slovak Republic'.

However, important from the viewpoint of housing is especially Article 5 of the Anti-discrimination Act that enacts the principle of equal treatment with respect

13 Nadácia Milana Šimečku/ERRC/COHRE (2004) *Obhajoba práv Rómov na bývanie na Slovensku* [Defending the's Housing Rights in Slovakia], Bratislava: Nadácia Milana Šimečku, p. 51

14 For a detailed legal analysis of this legislative change, please see J. Debrecéniová (2008) *Antidiskriminačný zákon. Komentár* [Anti-discrimination Act: A Commentary], Bratislava: Občan a demokracia.

to social security, health care, provision of goods and services, and education. In Paragraph 1, it explicitly bans discrimination against persons based on sex as well as racial, national or ethnic origin; in Paragraph 2d), it stipulates that the principle of equal treatment in compliance with Paragraph 1 shall also apply to availability and provision of goods and services, including housing services provided to the public by legal entities and individual persons-entrepreneurs.¹⁵

1.1.6. Legislative or administrative decisions regarding ‘ethnic’ data collection

Although Slovak law provides for such a practice, gathering data based on ethnicity that could be processed for the needs of public policies in various areas is not pursued in practice. The usual argument is that gathering and processing ethnic data contradicts the principles of personal data protection. In fact, Law No. 428/2002 on Protection of Personal Data, as amended, stipulates exceptions when gathering such data is acceptable.¹⁶ The refusal to gather and process ethnic data may be motivated by indifference or reluctance to implement specific policies aimed at tackling the problems of the Roma.¹⁷

In April 2008, Parliament’s Committee for Human Rights, Ethnic Minorities and Status of Women adopted a resolution¹⁸ that called on the cabinet to legalise the gathering of data on people’s ethnic origin in order to improve monitoring of racism and discrimination based on racial or ethnic reasons. The resolution envisaged establishing and designating a multidisciplinary task force entrusted with drafting the national strategy on gathering data on ethnic origin.

Based on the resolution of the Parliament’s Committee for Human Rights, Ethnic Minorities and Status of the Women the issue of ‘ethnic’ data collection has been incorporated into the *Action Plan to Prevent All Forms of*

¹⁵ Law No. 365/2004 on Equal Treatment in Certain Areas and Protection against Discrimination (Anti-discrimination Act), as amended, Article 5, Paragraph 2d)

¹⁶ According to Article 9 of the said law, it is allowed to gather and process personal data revealing persons’ racial or ethnic origin if it is necessary to protect their vital interests; provide social assistance or material need assistance; fulfil obligations or exercise rights of persons providing services in the field of labour law and employment who are responsible for processing data disclosed by the persons in question; exercise legal claims by the persons in question; or if the data are processed by duly authorized civic associations, foundations or non-profit organisations providing generally beneficial services and the provided data only pertain to their members or other individuals who are in regular contact with them given their purpose.

¹⁷ M. Hojsík (2009) ‘Rómovia’ [‘Roma’] in M. Kollár – G. Mesežnikov (eds) *Slovensko: Súhrnná správa o stave spoločnosti* [Slovakia: A Global Report on the State of Society], Bratislava: Inštitút pre verejné otázky, pp. 227-230

¹⁸ Slovakia/Národná rada SR (2008) *Uznesenie Výboru národnej rady pre ľudské práva, národnosti a postavenie žien č.133 z 30. apríla 2008 k problematike zberu etnických dát* [Resolution by the Parliament’s Committee for Human Rights, Ethnic Minorities and Status of Women No. 133 of April 30, 2008, Regarding Collection of Ethnic Data]

*Discrimination, Racism, Xenophobia, Anti-Semitism and Other Forms of Intolerance for the Period of 2009 – 2011.*¹⁹ The Action Plan stipulates that a multidisciplinary commission will be established in order to elaborate the concept of ethnic data collection. Subsequently an amendment to the law will be prepared that will allow gathering data on ethnic origin.

1.1.7. General public policy on housing

The issue of Romany housing is tackled especially by the following policy documents:

- Long-Term Housing Strategy for Marginalized Population Groups and Its Financing Model²⁰
- Mid-Term Development Strategy of the Romany Ethnic Minority in the Slovak Republic SOLIDARITY– INTEGRITY – INCLUSION for 2008 – 2013
- National Action Plan of Social Inclusion for 2004 – 2006
- National Report on Strategies of Social Protection and Social Inclusion for 2006 – 2008
- National Report on Strategies of Social Protection and Social Inclusion for 2008 – 2010
- Program of Housing Development

Other government documents that deal with the issue of Romany housing:

- Evaluation of the Slovak Government's Priorities with Respect to Romany Communities for 2002 and the Slovak Government's Strategy to Tackle Problems of Romany Communities in 2001 and Basic Theses of the Slovak Government's Policy to Integrate Romany Communities, passed as Slovak Government Resolution No. 278 on 23. 04. 2003.
- The Report on the Fulfilment of the National Action Plan of the Decade of Integrating Romany Population for 2005-2015 in 2007. The cabinet took the document into account on 04.02.2009.

¹⁹ Slovakia/Vláda SR (2009) *Akčný plán predchádzania všetkým formám diskriminácie, rasizmu, xenofóbie a ostatným prejavom intolerancie na obdobie 2009 – 2011* [Action Plan to Prevent All Forms of Discrimination, Racism, Xenophobia, Anti-Semitism and Other Forms of Intolerance for the Period 2009-2011], pp 24-26

²⁰ Slovakia/Vláda SR (2005) *Dlhodobá koncepcia bývania pre marginalizované skupiny obyvateľstva a model jej financovania* [Long-Term Housing Strategy for Marginalized Population Groups and Its Financing Model]

- The National Action Plan of the Decade of Integrating Romany Population for 2005-2015, passed as Slovak Government Resolution No. 28 on 12.01.2005.

All cited strategic documents view the housing issue among priority areas that need to be tackled in order to improve the living standard of the Roma. Although these policy documents have led to the adoption of several tools aimed at tackling the critical situation in the field of Romany housing, a number of problems continue to linger on. The document that examined the issue of Romany housing in the most complex way was Long-Term Housing Strategy for Marginalized Population Groups and Its Financing Model, passed as Slovak Government Resolution No. 63 on 19.01.2005. The document features various public policy measures to be applied either in municipal and urban concentrations (ghettoes) or in separated and segregated rural concentrations (settlements). It was the first official policy document to feature a condition that newly-built dwellings for the Roma must not deepen the spatial and social segregation of Romany settlements' inhabitants.

1.1.8. 'Affirmative action' measures designed to improve the housing situation of the Roma

Public policies in the field of housing are not tailored specifically to the Roma; for instance, the target group of the Program of Developing Lower Standard Flats was not defined ethnically but socially. For more see section 1.1.5.

1.1.9. Housing components and components relevant to Romany women and female travellers in existing national gender equality legislation and policy

In 2008, a consortium of non-governmental organisations elaborated a shadow report for the CEDAW that specifically address the issue of housing of Romany women.²¹ The report observed that negative phenomena related to Romany housing such as forced evictions, low standards of housing and poor availability of services affected Romany women and girls particularly negatively.

The report also pointed out a connection between violation of the right to adequate housing and specific detriment that may befall Romany women in Slovakia. Last but not least, it concluded that the Slovak Republic failed to

²¹ *Tieňová správa pre Výbor pre odstránenie diskriminácie žien* [A Shadow Report for the Committee for Elimination of Discrimination against Women] (2008), available at: http://moznostvolby.files.wordpress.com/2009/03/tienova-sprava_cedaw_2008_svk_final.pdf (31.3.2009)

honour its obligations ensuing from the CEDAW (particularly Articles 2, 3, 4, 12 and 14).²²

1.1.10. The impact of legislation on the housing situation of the Roma

As mentioned earlier, applicable legislation valid in Slovakia features provisions that in practice hinder the access of Roma to adequate housing.

Briefly, Roma often find themselves at a disadvantage in the following situations:

- If they apply for permanent residence and are unable to document ownership or tenancy of the real estate they inhabit. Subsequently, self-governance organs of the municipality where they temporarily reside grant them permanent residence without a concrete address. This often happens to Roma living in often illegal dwellings in informal Romany settlements.
- The Civil Code that regulates mutual relations between landlords and tenants of real estate property makes excessive demands on tenants' legal awareness. Consequently, people with inadequate education and low legal awareness may easily become victims of forced evictions and are exposed to vagaries and prejudices on the part of landlords.
- Housing allowance designed to help citizens in material need solve their housing problems is defined in such a way that many citizens who are the worst off in terms of their housing situation (e.g. the Roma inhabiting often illegal dwellings in informal Romany settlements) are not eligible to claim it.
- The currently valid legislation fails to define steadfast rules for allotting social flats. Self-governments in municipalities that own such flats often create their own criteria, which in practice leaves space for discrimination based on applicants' racial or ethnic affiliation (i.e. Roma are allotted flats only in particular districts, usually on the outskirts) as well as corruption and clientelism at the expense of the Roma.²³

²² *Tieňová správa pre Výbor pre odstránenie diskriminácie žien* [A Shadow Report for the Committee for Elimination of Discrimination against Women] (2008), p. 56, available at: http://moznostvolby.files.wordpress.com/2009/03/tienova-sprava_cedaw_2008_svk_final.pdf (31.3.2009)

²³ Nadácia Milana Šimečku/ERRC/COHRE (2004) *Obhajoba práv Rómov na bývanie na Slovensku* [Defending the's Housing Rights in Slovakia], Bratislava: Nadácia Milana Šimečku, p. 49

1.1.11. The impact of general public policies on the housing situation of the Roma

The Program for Developing Lower Standard Flats²⁴ is implemented via the Ministry of Construction and Regional Development; annually, the program receives approximately 200 million crowns (€6.64 million) from public funds.

Positives of the program's implementation:²⁵

- Increased living standard of the inhabitants of Romany settlements;
- Opportunity to increase the participation of members of Romany communities, since future tenants are required to work off part of construction costs;
- Opportunity to encourage and mobilize a viable group of families to whom flats are allotted; this group may subsequently motivate other members of the given community;
- Residents of lower-standard flats are entitled to apply for housing allowance, which will only be disbursed if they are not late with the rent or other housing related charges, which means they are encouraged to change their behaviour.

Negatives of the program's implementation:²⁶

- The work of future tenants borders on slavery: when the amount and time of work is set against its value, the future tenants will work for less than the minimum wage;
- Municipalities were granted excessive power in deciding on the locality where new lower-standard flats will be built; as a result, even the construction of new flats may not reduce the segregation of the Roma from the majority;
- Municipalities often view the construction of lower-standard flats as the terminal solution; few of them have any idea about future development of marginalized settlements;
- The construction of lower-standard flats may homogenise the Romany community, especially when various Romany families from various locations are concentrated in one place; consequently there is a risk that 'more adjustable' families may begin to fail in such an environment;

²⁴ Slovakia/Vláda SR (2004) *Program rozvoja bývania*

²⁵ Information gathered during an interview with an official of the Milan Šimečka Foundation.

²⁶ Information gathered during an interview with an official of the Milan Šimečka Foundation.

- Inadequate system of supervising and monitoring construction and maintenance of existing lower-standard flats;
- Selectively regulated and supervised process of construction.

1.1.12. General policy in the field of housing²⁷

Executive powers in the field of housing are divided among several ministerial departments; Slovakia lacks a single authority (agency) that would manage this area in its complexity. The Ministry of Construction and Regional Development focuses primarily on technical aspects of housing, i.e. housing construction.

As far as concrete tools for tackling the issue of housing in Romany settlements are concerned, Slovakia introduced one model (the construction of lower-standard flats and infrastructure) but virtually abandoned seeking other innovative options. Slovakia lacks a grant scheme or fund that would seek innovative solutions to housing-related problems and housing construction.

Housing policy in Slovakia is largely based on individual construction. Since 1989, the overall share of rented flats owned by self-governments or central government as a fraction of the total number of flats has decreased considerably. Therefore, towns and municipalities lack sufficient housing capacities to be able to tackle the housing situation of socially dependent citizens;

The term of social housing has never been defined in Slovakia. No one has ever mapped out what type of social housing would suit particular categories of inhabitants. This is often the reason behind the problem of rent defaulters because even social housing seems too expensive for some population groups;

The process of decentralizing public administration in 2004 transferred a significant portion of responsibility for tackling the housing situation of the Roma to self-governments; unfortunately, many of them are unable to cope with this responsibility and use at least those tools that are currently available within the scope of public policies.²⁸ There are several tools that can be used by self-governments, e.g. building the lower standard flats, the concept of a special recipient of social allowances in localities with high numbers of bad payers and other social services (community social workers)²⁹.

²⁷ Information gathered during an interview with an official of the Milan Šimečka Foundation.

²⁸ Slovakia/Slovenské národné stredisko pre ľudské práva (2008), *Správa o dodržiavaní ľudských práv v Slovenskej republike za rok 2007* [Report on Implementation of Human Rights in the Slovak Republic in 2007], p. 18.

²⁹ The Slovak Equality Body in its Report on the Observance on Human Rights says: 'Eviction most often follows long-term failure to pay rent. Towns and villages often leave the situation unsolved and the debt increases. Only after the situation seems "sufficiently" unbearable

1.2. Quantitative data³⁰

1.2.1. Number of Roma in the country

Based on data gathered by the Sociographic Mapping of Roma Communities, experts estimated there were approximately 320,000 Roma living in Slovakia in 2003–2004.³¹ According to demographers' estimates, there were approximately 380,000 Roma living in Slovakia in 2000.³²

Table 1
Estimate of the age structure of the Roma in 2000³³

	TOTAL	Age group 0 – 14		Age group 15 – 59		Age group 60+	
		Number	Share	Number	Share	Number	Share
Men	190,31	71,386	37.5	114,292	60.1	4,632	2.4
Women	188,89	68,447	36.2	111,779	59.2	8,664	4.6
TOTAL	379,00	139,833	36.9	226,071	59.6	13,296	3.5

(whereby this threshold may vary), the towns and villages opt for eviction. Problems with dodgers are solved by moving dodgers from bigger flats to smaller ones, by displacing them to other localities, or by letting them land “on the street”. Forced eviction should be the last resort only after all legal conditions have been met and appropriate form of legal and other protection provided to the persons affected. Because we are not dealing here with a rental relation between two natural entities, it is necessary to reevaluate the actions of the towns and villages also as regards dodgers. The towns and villages should realise first of all that the increasing number of dodgers (and their conscious ignoring of the debts over years) indicates failure of their own social policy. They should try to avoid this type of last resort solution by applying a prophylactic approach through a properly defined social policy that would stop the debts from growing, decrease, or even annul them’. SNSLP (2009) Report on the Observance on Human Rights including the Observance of the Principle of Equal Treatment of the Slovak Republic for the year 2008, pp. 60 – 61, available at:

[http://www.snslp.sk/rs/snslp_rs.nsf/0/41ba067e83aa2659c125762c00487fa1/\\$FILE/SNCHR_Report_Observance%20of%20Human%20Rights_2008.pdf](http://www.snslp.sk/rs/snslp_rs.nsf/0/41ba067e83aa2659c125762c00487fa1/$FILE/SNCHR_Report_Observance%20of%20Human%20Rights_2008.pdf) (5.10.2009)

³⁰ There is no relevant data on the impact of housing on Roma women, children and people with disabilities or on the impact of housing on education, employment and health care.

³¹ Slovakia/Úrad splnomocnenkyne vlády SR pre rómske komunity [Office of the Governmental Plenipotentiary for Roma Communities] (2004) *Atlas rómskych komunit na Slovensku* [Atlas of Roma Communities in Slovakia], p. 13.

³² B. Vaňo (2001) *Demografická charakteristika rómskej populácie v SR* [Demographic Characteristic of the Romany Population in the Slovak Republic], Bratislava: INFOSTAT, p. 13.

³³ B. Vaňo (2001) *Demografická charakteristika rómskej populácie v SR* [Demographic Characteristic of the Romany Population in the Slovak Republic], Bratislava: INFOSTAT, p. 13.

According to the Census of Population, Houses and Apartments in 2001, the number of people who declare Romany nationality is 89,920³⁴. In 1991 the number of Roma was 75,802.³⁵ As just mentioned the real number of Roma living in Slovakia is estimated to be higher.

1.2.2. Housing conditions of the Roma

In Slovakia, the Roma live in various types of settlements. The Sociographic Mapping of Roma Communities investigated a total of 1,575 Romany settlements.³⁶ Of that number, 772 settlements were settlements where the Roma lived integrated with the majority, i.e. they were not concentrated on a specific territory within the municipality or completely segregated from the majority population. In the remaining 787 settlements, the Roma lived concentrated in a specific part of the town or village, often on the outskirts; sometimes, their settlements were even remote from the municipality or separated by some kind of natural or artificial barrier.

Table 2

Absolute figures on particular types of Romany settlements and their inhabitants

Type of settlement	Number of settlements	Number of inhabitants in settlements
Municipal concentrations	168	32,281
Settlements on the outskirts of municipality	338	64,661
Settlements remote from the municipality or separated by barriers	281	49,586
TOTAL	787	146,528

Source: Sociographic Mapping of Roma Communities, Office of the Government Plenipotentiary for Romany Communities/IVO/KCpRO/S.P.A.C.E., 2003/2004.

³⁴ Statistical Office of the Slovak Republic (2001) *Census of Population, Houses and Apartments in 2001*, available at: http://www.statistics.sk/webdata/scitanie/def_sr/Data/100000/Z156_100000.pdf (25.5.2009)

³⁵ Statistical Office of the Slovak Republic (1991) *Census of Population, Houses and Apartments in 1991*, available at: <http://sodb.infostat.sk/sodb/slovak/1991/format.htm> (25.5.2009)

³⁶ Slovakia/Úrad splnomocnenkyne vlády SR pre rómske komunity (2004) *Atlas rómskych komunit na Slovensku* [Atlas of Romany Communities in Slovakia], p. 11

Almost one in three dwellings in Romany settlements was built without a proper planning licence;³⁷ most of them are hand-made or prefabricated shacks but there are also illegally inhabited non-resident buildings and illegal houses. The largest share of illegal dwellings (49 per cent) was found in settlements located outside of municipalities. The most common type of illegal dwelling is shacks, which make up almost 16 per cent of all dwellings and shelter 14 per cent of all residents of Romany settlements. Again, the largest share of people living in shacks could be found in settlements located outside of municipalities. More than one in five people (21 per cent) inhabiting these settlements live in shacks.

Over half of the examined Roma inhabited brick houses (legal or illegal), about one quarter resided in apartment houses, and 14 per cent lived in shacks. If we look at the number of people per dwelling, the overall average is 7.46 persons per dwelling. The highest share was found in non-residential premises and other dwellings, followed by brick houses. The lowest number of residents was found in construction site huts and apartments. Of all Roma who live away from the municipality, almost 21 per cent live in shacks. Among Roma who live on the outskirts of municipalities, the share was only 9.2 per cent and in the case of integrated Roma who are concentrated directly in municipalities it was only 1.9 per cent.

1.2.3. Housing tenure

Data not available

1.2.4. Regulated encampments

Not relevant for Slovakia

1.2.5. Unregulated encampments

Not relevant for Slovakia

1.2.6. Segregated Settings

Some information provided in section 1.2.1. More precise data do not exist.

³⁷ The following data do not concern the Roma who live integrated with the majority. They only pertain to 787 Romany settlements where the Roma are concentrated in a specific part of the town/village, on its outskirts or away from the municipality.

1.2.7. Household type and size

In 2004-2005, the regional UNDP branch in Bratislava carried out a survey that produced relatively detailed findings about Romany households and the issue of housing in general.³⁸

1.2.8. Forced evictions

Data not available.

1.2.9. Access of the Roma to public utilities

The Sociographic Mapping of Roma Communities established the following findings about the available infrastructure in settlements.³⁹ In 496 examined settlements (63 per cent), the Roma were connected to the public water mains; however, only 39.4 per cent of all dwellings were in fact connected. In 631 settlements (81 per cent), it was impossible for inhabitants to get connected to public sewerage; only 13.9 per cent of settlements were fully connected and 5.5 per cent were partly connected. In total, less than 13 per cent of Romany dwellings were connected to public sewerage. Electricity is the most available public utility in Romany settlements. Over 91 per cent of examined Romany settlements were fully connected to the power distribution network, 4.6 per cent were partly connected and 4.2 per cent were not connected. Almost 89 per cent of households in these settlements were wired; however, a significant share of these wirings was illegal. Less than three in ten Romany settlements (28.7 per cent) were fully connected to public gas mains, while 12 per cent of them were partly connected and almost three in five settlements (59.3 per cent) were not connected at all. A proper access road is considered an important part of settlements' basic infrastructure. The survey revealed that 20.1 per cent of the 787 examined settlements did not have an asphalt access road. Again, the highest proportion of settlements without a proper access road was located outside of municipalities; 84 of these settlements (31 per cent) did not have an asphalt access road.

Other graphs are included in Annex 3.

³⁸ UNDP (2006) *Správa o životných podmienkach rómskych domácností na Slovensku* [Report on the Living Conditions of Romany Households in Slovakia]. Due to our report's limited scope, we decided not to include the data from this survey. The full report is also available in English at: <http://europeandcis.undp.org/home/show/2A5FACD7-F203-1EE9-B9D24B3ABF4BE773> (31.1.2009)

³⁹ The following data do not concern the Roma who live integrated with the majority. They only pertain to Romany settlements where the Roma are concentrated in a specific part of the town/village, on its outskirts or away from the municipality.

1.2.10. Halting Sites

Data not available.

1.3. Qualitative data

In the long term, housing is one of the most problematic aspects of tackling the situation of the Roma in Slovakia. All strategic documents adopted by the Slovak Government in the past identify housing as one of the most important areas on which public policies should be targeted. According to a number of various reports, the housing situation of the Roma is significantly worse than that of the majority population and negatively affects other areas of their social life.

There are many reasons why the quality standard of housing is essentially worse among the Roma than among the majority. Throughout history, the Roma have been systematically (and geographically) pushed to the edge of society; the only alternative to this was their assimilation.⁴⁰ During the process of transition to a market economy after 1989, the government paid insufficient attention to the problem of the deteriorating housing situation of socially weaker population groups. Government schemes to support housing development focused primarily on private ownership; as a result, the segment of rented flats (particularly municipal rented flats and social rented flats) shrank markedly, which negatively affected the housing of the Roma.⁴¹ Another negative factor was the process of decentralisation, during which the government transferred most of its real estate property to self-governments. Unfortunately, this property was burdened by heavy debts, which is why municipalities soon sold it to tenants.⁴² This caused a problem for socially weaker population groups that did not have sufficient financial means to secure adequate housing.

The inadequate housing conditions of most Roma in Slovakia is not only the result of their poverty but also discrimination and racism, which are the major

⁴⁰ A. Jurová (2008) 'Historický vývoj rómskych osád na Slovensku a problematika vlastníckych vzťahov k pôde' ['Historic Development of Romany Settlements in Slovakia and the Issue of Land Ownership'], in: *Rómske osady na východe Slovenska z hľadiska terénneho antropologického výskumu 1999-2005* [Romany Settlements In East Slovakia through Field Anthropological Research in 1999 – 2005], Bratislava: Nadácia otvorenej spoločnosti, pp. 131–176

⁴¹ Slovakia/Vláda SR (2008) *Strednodobá koncepcia rozvoja rómskej národnostnej menšiny Slovenskej republiky* [Mid-Term Development Strategy of the Romany Ethnic Minority in the Slovak Republic]

⁴² M. Fotta (2004) 'Aspekty porušovania práva Rómov na bývanie' ['Aspects of Violating the Roma's Right to Housing'], in: *Slovenský a európsky rozmer antidiskriminačnej politiky* [Slovak and European Dimension of Anti-discrimination Policy], Bratislava: Ľudia proti rasizmu, pp. 31–38

reasons behind low solidarity with marginalized population groups; last but not least, there are institutional problems such as the currently valid law on permanent residence, formation of ethnic ghettos in towns and forced evictions that are often ethnically motivated.⁴³

1.3.1. Quality of housing available to the Roma

In 2003 and 2004, the Milan Šimečka Foundation in cooperation with the European Roma Rights Centre (ERRC) and the Centre on Housing Rights and Evictions (COHRE) implemented a project called Defending the Roma's Housing Rights, which also included a survey examining violation of rights of the Roma. The survey found that almost all aspects of the right to adequate housing defined by the United Nations' Committee on Economic, Social and Cultural Rights (CESCR) were being violated in Slovakia:⁴⁴

- **Security of tenure:** is insufficient especially in informal settlements and further complicated by municipalities' reluctance to grant permanent residence permits to Roma;
- Generally insufficient **availability of services, materials and infrastructure;**
- **Financial availability:** the social reform implemented in 2004 substantially reduced the financial income of most Roma in Slovakia; in conjunction with inadequate definition of social housing and low housing allowances, it meant that most Roma do not have enough money to afford adequate housing.
- **Habitability:** the Roma residing in segregated settlements without basic infrastructure live in conditions that are far from complying with the adequate habitability criterion, as most of their dwellings do not provide sufficient protection from cold, humidity and other negative weather conditions
- **Accessibility:** the Roma inhabiting segregated rural settlements often have a very complicated access to basic services; besides, these settlements are often located in areas threatened by various environmental risks.⁴⁵ Also, the Milan Šimečka Foundation pointed out that even the Long-Term Strategy of

⁴³ M. Fotta (2004) 'Aspekty porušovania práva Rómov na bývanie' ['Aspects of Violating the Roma's Right to Housing'], in: *Slovenský a európsky rozmer antidiskriminačnej politiky* [Slovak and European Dimension of Anti-discrimination Policy], Bratislava: Ľudia proti rasizmu, pp. 31–38

⁴⁴ CESCR General Interpretation No. 4: Right to adequate housing/l. 11 (1)/(13.12.1991)

⁴⁵ R. Filčák (2004) 'Chudoba a životné prostredie – prípad marginalizovaných rómskych osád', in: *Slovenský a európsky rozmer antidiskriminačnej politiky* [Slovak and European Dimension of Anti-discrimination Policy], Bratislava: Ľudia proti rasizmu, pp. 22–29

Housing Development for Marginalized Groups failed to propose any measures that would improve **accessibility to housing** for the Roma.⁴⁶

- **Cultural adequacy:** this condition is not complied with particularly in urban ghettos. The homogeneous environment of urban ghettos ignores internal tribal structure of Romany communities as well as different socio-economic status of particular families. Besides this, the size of flats in these ghettos fails to take into account the fact that socially weaker families depending on this type of housing usually have more children.⁴⁷

1.3.2. Issues of spatial and social segregation and social cohesion

In Slovakia, the Roma are the population group most endangered by social exclusion, which takes on mostly the forms of economic, cultural, symbolic and spatial exclusion.⁴⁸ Spatial exclusion is closely related to the housing standard of the Roma and affects primarily Roma inhabiting segregated settlements and urban ghettos. Spatial segregation of the Roma directly affects their high unemployment, dependence on welfare benefits and low availability of education and services; furthermore, services that are available in these localities are usually of substandard quality.⁴⁹ Isolation of the Roma in ghettos or segregated settlements negatively affects their social cohesion. ‘Concentration of poverty together with segregation leads to weakened social ties, social isolation, non-existence of direct ties to society and eventually strengthening the borders separating the majority from the Roma.’⁵⁰

⁴⁶ M. Fotta (2004) ‘Aspekty porušovania práva Rómov na bývanie’ [‘Aspects of Violating the Roma’s Right to Housing’], in: *Slovenský a európsky rozmer antidiskriminačnej politiky* [Slovak and European Dimension of Anti-discrimination Policy], Bratislava: Ľudia proti rasizmu, p. 33

⁴⁷ M. Fotta (2004) ‘Aspekty porušovania práva Rómov na bývanie’ [‘Aspects of Violating the Roma’s Right to Housing’], in: *Slovenský a európsky rozmer antidiskriminačnej politiky* [Slovak and European Dimension of Anti-discrimination Policy], Bratislava: Ľudia proti rasizmu, p. 33

⁴⁸ R. Džambazovič – M. Jurásková (2002) ‘Sociálne vylúčenie Rómov na Slovensku’ [‘Social Exclusion of the Roma in Slovakia’], in: M. Vašečka (ed.) *Čačipen pal o Roma. Súhrnná správa o Rómoch na Slovensku* [A Global Report on the Roma in Slovakia], Bratislava: Inštitút pre verejné otázky, pp. 527–564

⁴⁹ R. Džambazovič – M. Jurásková (2002) ‘Sociálne vylúčenie Rómov na Slovensku’ [‘Social Exclusion of the Roma in Slovakia’], in: M. Vašečka (ed.) *Čačipen pal o Roma. Súhrnná správa o Rómoch na Slovensku* [A Global Report on the Roma in Slovakia], Bratislava: Inštitút pre verejné otázky, p. 542

⁵⁰ R. Džambazovič – M. Jurásková (2002) ‘Sociálne vylúčenie Rómov na Slovensku’ [‘Social Exclusion of the Roma in Slovakia’], in: M. Vašečka (ed.) *Čačipen pal o Roma. Súhrnná správa o Rómoch na Slovensku* [A Global Report on the Roma in Slovakia], Bratislava: Inštitút pre verejné otázky, p. 542

The Long-Term Housing Strategy for Marginalized Population Groups and Its Financing Model defined two types of Romany communities whose inhabitants face the most serious problems ensuing from their socio-economic situation: first, urban concentrations where the Roma live in blocks of flats that usually fail to comply with technical regulations and hygiene standards and often fail to guarantee their residents' safety; second, separated and segregated Romany settlements where the quality of housing according to the document is usually way below the acceptable standard.⁵¹

1.3.3. Access to private housing

Research or testing that would examine the exclusion of Roma and their hindered access to private housing has not been conducted in Slovakia as yet. Despite that, non-governmental organisations as well as the equality body (i.e. the Slovak National Centre for Human Rights – SNSLP) repeatedly suggested in previous years that ethnicity was one of the factors affecting people's access to private housing. In its 2007 annual report on human rights protection and implementation in Slovakia, the SNSLP pointed out obstacles the Roma would encounter when applying for planning licences to build private houses. The SNSLP received several complaints in which Roma from Telgárt, Brocké and Stará Ľubovňa villages appealed against the relevant authorities discriminating against them in the process of granting planning licences.⁵² The SNSLP report does not describe concrete obstacles encountered by Roma. Several Roma merely complained about unequal treatment. SNSLP therefore addressed several concerned offices with questions regarding the process of planning licenses allowance. Most of the offices replied they can not collect data based on ethnicity. Thus it is not possible to compare numbers of denied requests for planning licenses for Roma with those for non-Roma. In several cases offices provided information about Roma applicants. In those cases there were administrative reasons (missing documentation, incomplete applications, etc) for denying planning licenses to Roma.⁵³

Another problem that hinders the access of Roma to private housing is strong prejudices and xenophobia on the part of the majority. These prejudices are manifested in reluctance of members of the majority to sell houses/flats to Roma, or in activities aimed at bringing pressure to bear on self-governments

⁵¹ Slovakia/Ministerstvo výstavby a regionálneho rozvoja (2005) *Dlhodobá koncepcia bývania pre marginalizované skupiny obyvateľstva a model jej financovania* [Long-Term Housing Strategy for Marginalized Population Groups and Its Financing Model]

⁵² Slovakia/Slovenské národné stredisko pre ľudské práva (2008) *Správa o dodržiavaní ľudských práv v Slovenskej republike za rok 2007* [Report on Implementation of Human Rights in the Slovak Republic in 2007].

⁵³ Slovakia/Slovenské národné stredisko pre ľudské práva (2008) *Správa o dodržiavaní ľudských práv v Slovenskej republike za rok 2007* [Report on Implementation of Human Rights in the Slovak Republic in 2007], p. 22

not to allow Roma to buy municipal land that would be within municipality limits.⁵⁴ None of the cited reports or publications lists any municipalities where this occurs. Authors write about general situation in many municipalities. Medzilaborce (in the following paragraph) is one example. Others include project Svinia, where a new municipal office stopped a project for the construction of new houses for Roma due to the unwillingness of the majority and members of the self government to support the project.⁵⁵ Another good example is the ‘case’ of Dobsina described in detail in Annex 2 (case law).

A classic example of members of the majority preventing access of the Roma to private housing was an incident in the town of Medzilaborce in 2008 when residents of a block of flats physically (i.e. with their own bodies) prevented Roma accompanied by a real estate agent from entering the house where they wanted to rent a flat. The Roma rented the flat for one year and paid the rent in advance. The police charged house residents of unauthorized interference with ownership rights pertaining to house, flat or non-residential space and instigation of national, racial and ethnic intolerance.⁵⁶ After the incident, Roma family terminated the contract with real estate agency as they no longer wanted to live in the apartment.⁵⁷

1.3.4. Access to social housing

In 2008, the Milan Šimečka Foundation elaborated a document evaluating the incumbent administration’s fulfilment of its program manifesto that also focused on its achievement of its goals in the field of housing. The report examined the administration’s ambition to build so-called start-up flats designed to help young families that cannot currently afford standard housing: ‘Although the government program in this area does not specifically focus on the issue of housing in socially excluded Romany communities, these communities include a large number of young Romany families that do not have access to housing and start-up flats could therefore significantly help Romany families as well;

⁵⁴ Racism and xenophobia on the part of the majority is documented in the following publications: Nadácia Milana Šimečku/ERRC/COHRE (2004) *Obhajoba práv Rómov na bývanie na Slovensku* [Defending the’s Housing Rights in Slovakia], Bratislava: Nadácia Milana Šimečku; L. Oravec (2004) *Sloboda pohybu a sloboda zvoliť si miesto pobytu* [Freedom of Movement and Freedom to Choose the Place of Residence], Bratislava: Slovenské národné stredisko pre ľudské práva; A. Mušínska (2002) ‘Bývanie Rómov’ [‘Housing of the Roma’], in: M. Vašečka (ed.) *Čačipen pal o Roma. Súhrnná správa o Rómoch na Slovensku* [A Global Report on the Roma in Slovakia], Bratislava: Inštitút pre verejné otázky, p. 653.

⁵⁵ Martina Jurásková – Elena Kriglerová: Attempts of Slovak Government to Roma issues in 2003. Romano Nevo lil, available at: <https://www.rnl.sk/modules.php?name=News&file=print&sid=533>

⁵⁶ ‘Nechcú Rómov v bytovke, obvinili ich z rasizmu’ [‘They Don’t Want Roma in Block of Flats, Face Accusations of Racism’], *SITA news agency* (23.9.2008)

⁵⁷ Information provided by spokesman of Regional Police Office in Prešov via telephone (21.05.2009)

[the government] continues to build only lower-standard flats for inhabitants of marginalized Romany communities as opposed to start-up flats.’⁵⁸

Social housing for the Roma is provided primarily via the construction of lower-standard flats (for further information, see Section 1.6). An evaluation of the program of construction of municipal rented flats elaborated in 2008 pointed out that after the Roma moved into these flats, their housing standard increased. On the other hand, the problem of Romany tenants’ ability to pay for this type of housing has not been solved because the costs related to using these flats continue to be relatively high.⁵⁹

1.3.5. Forced evictions

After hundreds of Roma were relocated from Nové Zámky in 2007 (see below), the Slovak National Centre for Human Rights issued an official position on the increasing practice of forced evictions of Roma. ‘Recently, evictions of rent defaulters have become a common practice in Slovakia,’ the report reads. ‘The way they are usually carried out raises anxiety due to many reasons and on many levels. Serious concerns are raised by the specific circumstances of this practice, which betray a tendency to resettle especially Romany inhabitants from centres of towns to other municipalities and force them out of localities where their presence is viewed as undesirable by the majority, which leads to establishing or expanding ethnic ghettos and increasing tensions between original inhabitants and resettled communities.’⁶⁰

Forced eviction is one of the most serious violations of housing rights the Roma currently face in Slovakia. In 2007, the Centre for Housing Rights and Evictions proclaimed Slovakia one of the greatest violators of the right to housing in the world.⁶¹

According to a joint report by COHRE and the Milan Šimečka Foundation elaborated in 2007, the increase in application of forced evictions was encouraged by a number of factors, particularly by an amendment to the Civil

⁵⁸ Nadácia Milana Šimečku/Inštitút rómskej verejnej politiky (2008) Polčas [Half Time]. An evaluation of the incumbent administration’s fulfillment of its program manifesto in the field of inclusion of marginalized Romany communities after two years in office.

⁵⁹ M. Hojsík (2008) *Evaluácia programu obecných nájomných bytov v rómskych osídleniach* [Evaluation of the Program of Municipal Rented Flats in Romany Settlements], Bratislava: Nadácia Milana Šimečku

⁶⁰ Position of the Slovak National Centre for Human Rights on forced eviction of Roma in Nové Zámky released on 01.10.2007, available at: http://www.snslp.sk/rs/snslp_rs.nsf/0/F61C9300A5A28354C1257367003DCA73?OpenDocument (31.3.2009)

⁶¹ COHRE (2007) Slovakia named a Housing Rights Violator for persistently violating rights of Roma to adequate housing, available at: http://www.cohre.org/view_page.php?page_id=279 (17.05.2009)

Code in 2001 that weakened the position of tenants in municipal rented flats. Another factor was the deteriorating socio-economic situation of the Roma, further catalyzed by the adoption of a package of social reforms in 2004 which substantially cut the family income of long-term unemployed Roma dependent on welfare benefits, undermining their solvency and ballooning their rent defaults.⁶²

Another serious problem was that self-governments had tolerated the practice of rent defaulting for many years, allowing the debts to reach enormous proportions and making the Roma simply unable to pay them off.

According to one female Romany activist who operates in south-east Slovakia, individual mayors and local council chairmen used the accumulated debts as an excuse to force Roma out of certain locations: 'We proposed instalment calendars for the Roma and argued that they should be allowed to pay off at least part of the debt. But [municipal officials] refused that. They required them to pay off the whole debt at once. But if someone is 200,000 crowns in debt, they have no chance to pay it off. And they are evicted.'⁶³

A similar conclusion regarding the ballooning rent defaults and subsequent forced evictions was also drawn by the Slovak National Centre for Human Rights in the mentioned official position: 'The way of evicting rent defaulters raises concerns because of long-term negligence and tolerance of the problem of bad payers of rent and other housing-related charges in municipal houses that has many reasons that are difficult to eliminate; in certain cases, it invites suspicions that [applicable authorities] remained deliberately idle, waiting for a situation in which they can proceed to the most radical solution – i.e. forced eviction – that appeared as the last resort.'⁶⁴

No information about the impact of forced evictions on vulnerable groups (women, children, the elderly, etc) is publicly available in Slovakia.

1.3.5.1. Exemplary cases of forced evictions:

Kežmarok - In September 2006, Kežmarok municipal authorities relocated seventeen Roma to the village of Zombor in the district of Velký Krtíš. The municipality had bought a house in Zombor in order to get rid of Romany 'bad payers' who inhabited municipal flats in the town's historical centre. The

⁶² Nadácia Milana Šimečku/COHRE/ERRC (2007) *Forced Evictions in Slovakia – 2006*, p. 3, available at: <http://www.cohre.org/slovakia> (13.03.2009)

⁶³ An interview with an activist from the Club of Romany Activists civic association carried out on February 25, 2009, in the process of researching the present study.

⁶⁴ Slovakia/Slovenské národné stredisko pre ľudské práva (2008), *Správa o dodržiavaní ľudských práv v Slovenskej republike za rok 2007* [Report on Implementation of Human Rights in the Slovak Republic in 2007], p. 19

evicted persons agreed with the relocation because they would otherwise be thrown onto the streets. But municipal officials and inhabitants of Zombor (both Roma and non-Roma) protested against the arrival of the Roma from Kežmarok. The mayor of Kežmarok said in a statement for the Pravda national daily that Zombor could have avoided the move had it agreed to buy back the house from the Kežmarok municipality.⁶⁵

Nové Zámky - In September 2007, 37 families comprising mostly citizens in material need, prevalingly Roma, were evicted in the town of Nové Zámky; seven evicted families were allotted compensatory flats of the 1st category in Nové Zámky because they had not been late with the rent or other housing related charges. According to municipal authorities, the main reason for expedited solution of the situation was the technical and hygienic condition of two apartment houses that posed an imminent threat to lives of the tenants. Over the past 10-15 years, the tenants had gradually devastated the buildings, dismantling banisters and roofing construction for heating, etc.⁶⁶ In compliance with the Construction Act, the Planning Department and Building Control Office in Nové Zámky issued a warrant to evict both houses. Municipal authorities subsequently organised a public tender and chose an investor who pledged to find replacement accommodation for evicted families. The 30 families that did not have valid tenancy contracts were then relocated to surrounding municipalities where they met with hostility on the part of local residents. Eventually, most of them decided to return to Nové Zámky where they dwelled on the street before the town hall for several days, demanding municipal authorities tackle their housing situation by providing substitute accommodation in the town of Nové Zámky.⁶⁷

There is no available information of any case where forced evictions had specific impact on particularly vulnerable groups.

1.3.6. Informal settlements, legality and legalization of settlements

Informal settlements that are home to a significant proportion of Slovakia's Romany population cause a number of problems that are related not only to security of tenure but also the availability of infrastructure and public services and the unacceptably low quality of housing.

⁶⁵ Nadácia Milana Šimečku/COHRE/ERRC (2007) *Forced Evictions in Slovakia – 2006*, p. 5, available at: <http://www.cohre.org/slovakia> (13.03.2009)

⁶⁶ Slovakia/Slovenské národné stredisko pre ľudské práva (2008) *Správa o dodržiavaní ľudských práv v Slovenskej republike za rok 2007* [Report on Implementation of Human Rights in the Slovak Republic in 2007], p. 17

⁶⁷ Slovakia/Slovenské národné stredisko pre ľudské práva (2008) *Správa o dodržiavaní ľudských práv v Slovenskej republike za rok 2007* [Report on Implementation of Human Rights in the Slovak Republic in 2007], p. 19

The Mid-Term Development Strategy of the Romany Ethnic Minority in the Slovak Republic defined unsettled land ownership as one of the principal reasons behind housing problems. Many settlements are located outside municipality limits on land whose ownership has not been settled, which is why many Roma live in provisional (and illegal) dwellings. Unsettled land ownership has direct negative effects on improving the quality of housing because available funds earmarked for improving the quality of housing or building infrastructure cannot be channelled into illegal settlements. Roma who live in informal settlements are not eligible to receive housing allowance because one of eligibility conditions is that the recipient 'is an owner of a flat or a family house, a tenant in a flat or a family house or a habitable room in a facility designed for permanent housing, has paid all housing-related costs and is able to document payment of such costs.'⁶⁸

Municipal self-governments play the key role in the process of settling land ownership and legalizing dwellings. The existence of informal housing is often a direct result of municipalities' lack of funding or settled land that would be suitable for construction or simply their unwillingness to tackle the situation. Also, an important problem that lingers on is land owners' reluctance to sell their land for the purpose of building homes or blocks of flats for the Roma.

1.3.7. Implications of inadequate housing on the situation of the Roma

All previously described problems indicate that compared to the majority population, the Roma are disadvantaged in exercising their right to adequate housing. The Roma living in segregated settlements or urban ghettos find their access to infrastructure, services and social networks severely restricted. This keeps them in a marginalized position in the long term. Many Roma are long-term unemployed and depend on welfare benefits; consequently, high housing costs in combination with very low family income mean that the quality of their housing deteriorates constantly, which deepens their dependence on the social security system and their social exclusion.

At the same time, public policies aimed at improving the housing situation of the Roma (e.g. construction of lower-standard flats) often cement and maintain their geographic as well as social segregation, which also contributes to preserving the status quo despite the fact that the technical quality of their housing and the basic standard of living increase.

As far as specific population groups such as children, women and the handicapped are concerned, no public institution has carried out a survey to

⁶⁸ Information available on the official website of the Ministry of Labour, Social Affairs and Family: <http://www.employment.gov.sk/DIS/dis/index.php?SMC=1&id=165> (13.03.2009)

specifically examine this issue. There is little doubt that the housing situation of Romany children, women and the handicapped is essentially worse than that of their majority counterparts; however, it is very difficult to demonstrate that these subgroups are more threatened or discriminated against than other members of the community. Romany women form a particularly high risk category as they often live in extremely adverse conditions. Their grave housing situation is the source of a multitude of other negative implications, including greater exposure to violence, forced sterilisations and other forms of degrading treatment.⁶⁹

Several reports on the situation in education describe the potential impact of housing segregation on the education of Roma. For instance, the report *Stigmata on segregation in education* points out that in many countries there is close correlation between residential segregation and school segregation. Although Slovakia is not ‘*expressis verbis*’ listed among countries where this occurs, it does not mean that residential segregation does not have any impact on education outcomes of Roma. Survey of UNDP on Living conditions of Roma proved very tight correlation between ‘type of integration’ and ‘level of education’. The report states: ‘In terms of settlement type, the worst education structure was found amongst the inhabitants of segregated settlements. In these communities there was a much higher rate of incomplete primary education – up to 44.2 per cent – while the rate for Roma living in mixed settlement was about half of this (23.5 per cent). Furthermore, segregated-settlement inhabitants were much less likely to have completed primary and especially secondary education (8.5 percent compared with 18-19 per cent)’.⁷⁰

1.4. Case law and complaints related to housing of the Roma

The Slovak Republic has a number of different institutions entrusted to deal with complaints filed by citizens (including the Roma) regarding housing. They include the Slovak National Centre for Human Rights, the Office of the Public Defender of Rights, the Office of Government Plenipotentiary for Romany Communities and individual courts of justice operating in the Slovak Republic.

⁶⁹ A. Lamačková (2008) *Tieňová správa pre Výbor pre odstránenie diskriminácie žien* [A Shadow Report for the Committee for Elimination of Discrimination against Women], Bratislava: Možnosť voľby, available at: http://www.moznostvolby.sk/Tienova%20sprava_CEDAW_2008_SVK_FINAL.pdf (3103.2009)

⁷⁰ UNDP (2006) *Report on the Living Conditions of Roma in Slovakia*, p. 63, available at: <http://europeandcis.undp.org/home/show/75D267A1-F203-1EE9-BF9FD7C36EDC47B5>

Slovak National Centre for Human Rights

The Slovak National Centre for Human Rights (SNSLP) was established by Law No. 308/1993, which took effect on January 1, 1994. Its purpose is to pursue complex activities in the field of protection and implementation of human rights and fundamental freedoms. To all interested citizens of the Slovak Republic, the SNSLP provides legal counselling regarding issues of discrimination, intolerance and violation of the principle of equal treatment and is also entitled by law to represent citizens who believe their right to equal treatment has been violated. Any individual person or legal entity that feels discriminated against by actions or inactivity of government or public institutions may turn to the SNSLP. When filing a motion, the complainant must provide all necessary data and submit all relevant documentation. Last but not least, the SNSLP provides legal assistance to victims of discrimination or displays of intolerance.

For further information, please see:

http://www.snslp.sk/rs/snslp_rs.nsf/0/40AD65ABAB738AF7C1256FEF00435E74?OpenDocument

Public Defender of Rights

According to Article 151 Paragraph 1 of the Slovak Constitution, the public defender of rights (ombudsman) is an independent organ of the Slovak Republic, which to the extent and in the manner stipulated by the law helps protect the fundamental rights and freedoms of individual persons and legal entities before public administration organs and other organs of public power if their actions, decisions or inactivity contradict the country's legal order. In precisely circumscribed cases, the public defender of rights may participate in calling to responsibility persons employed by organs of public power if these persons have violated the fundamental rights and freedoms of individual persons and legal entities. All organs of public power are obliged to provide necessary cooperation to the public defender of rights.

The public defender of rights may be asked for help by any person (regardless of age, social status, legal capacity, or other criteria) who believes that their fundamental rights and freedoms have been violated by actions, decisions or inactivity of public administration organs contrary to principles of democracy and the rule of law.

For further information, please see:

<http://www.vop.gov.sk/verejny-ochranca-prav>
<http://www.vop.gov.sk/posobnost-vop>

Courts of justice

Another institution that deals with citizens' complaints are courts of justice, which report to the Ministry of Justice. Citizens' complaints may be filed with district courts, regional courts and the Supreme Court of the Slovak Republic.

For further information, please see:

<http://www.justice.gov.sk/wfn.aspx?pg=lb0&uc=14/141>

No relevant information is available on the situation of elderly Roma, women, Roma with disabilities, etc.

1.5. Good practices

Title	Skvalitnenie bývania rodín s nízkymi príjmami v Nálepkove [Improvement of Housing of Low-Income Families in Nálepkovo]
Organisations	Municipality of Nálepkovo Nadácia otvorenej spoločnosti [Open Society Institute] Habitat for Humanity ETP Slovensko – Centrum pre udržateľný rozvoj [ETP Slovakia – Centre for Sustainable Development]
Type of organisation	Self-government NGO
Internet links	www.nalepkovo.sk www.osf.sk www.habitat.org www.etp.sk
Type of initiative	Loan fund Financial counselling Computer skills training
Total budget and sources of funding	Data not available
Rationale	Via partnership cooperation between the town of Nálepkovo, ETP Slovensko and Habitat for Humanity, the project's mission was to extend loans to 70 low-income families from Nálepkovo to improve quality of their housing.
Objectives	<ul style="list-style-type: none"> Establish the Revolving Housing Fund that would provide loans to renovate or refurbish low-standard flats. Identify low-income families that could apply for interest-free loans to renovate or refurbish their flats. In cooperation with the district employment office, local construction company and other handpicked partners, provide regular training and professional construction supervision to select families in the process of

	<p>renovating or refurbishing their flats.</p> <ul style="list-style-type: none"> • Establish an independent organisation (e.g. an association) that would organise individuals and organisations participating in the project's implementation in order to sustain the positive activities in Nálepkovo and other municipalities that may show interest in similar activities. • Present the experience with project implementation to the Slovak Government as a new model for tackling social housing of low-income families. • Evaluate the project's pilot part and propose its continuation and extension to other regions of Slovakia
Target group	Low-income families
Time frame and location	December 2005 – June 2007, Nálepkovo
Description of main activities	<p>Project participants have been trained in an interactive financial training course. They were also assisted in the process of renovating, refurbishing, completing or purchasing a house or a flat or establishing a trade. Personnel counsellors from ETP Slovensko provided them with complex social services and labour counselling in local community centres, outlined their personal financial plan, provided them with individual financial counselling and helped them to plan step-by-step activities to achieve the set goal. Project participants who complied with all conditions obtained a financial bonus amounting to the saved amount and averaging approximately 25,000 Sk (€830).</p> <p>Project participants who complied with savings conditions could draw interest-free loans to renovate or refurbish their households. The municipality was also invited to take part in the process of selecting loan applicants and guaranteeing timely settlement of loans and their spending in compliance with the project. According to the person responsible for implementation of the project, the vast majority of Roma were successful in the repair and renovation of their households. Most of them can pay their loans back without significant problems. If not, they are in close contact with ETP, which always tries to find a solution to their insolvency. Sometimes they postpone deadlines for payments or find another solution. Official evaluation of this project is not available.⁷¹</p>
Specific focus	The Roma were part of project activities; they participated in refurbishing their dwellings with funds provided within the project's framework.
Difficulties	Information not available
Impact assessment	Responsibility for the project's implementation was held by one female coordinator who supervised compliance with project conditions throughout its implementation and provided photo documentation at the beginning and at the end of the project. The project's official evaluation was not available.
Sustainability	The project's mechanism is set in a way that makes it permanently sustainable. In other words, the money paid off by project participants creates a fund from which loans to future participants will be extended.

⁷¹ Information provided by employee of ETP via telephone (25.5.2009)

Possibilities for transferability and mainstreaming	The project was conceived and implemented as a pilot project to test a new way of tackling the housing situation of low-income families. Similar projects should also be implemented in other Slovak municipalities.
Title	Program integrácie Rómov [Roma Integration Program]
Organisations	Partners for Democratic Change Slovakia (PDCS) Nadácia Ekopolis [Ekopolis Foundation]
Type of organisation	NGO Foundation
Internet links	www.pdcs.sk www.ekopolis.sk
Type of initiative	<ul style="list-style-type: none"> • trainings aimed at integrating the Roma within the community and improving the coexistence of the minority and the majority • grant program to ‘support small local cooperative grants’
Total budget and sources of funding	The total amount of funds allocated to Slovakia within the program’s framework was approximately \$720,000. Of that amount, \$333,000 was allocated to a grant program that took place between fall 2004 and December 2006. The remainder was spent on education activities to strengthen capacity, reconciliation councils, a media program and the process of cooperative planning.
Rationale	The project’s mission was to use training and grants to help the process of creating joint projects and thus contribute to the integration of Roma and improve the coexistence of Roma and non-Roma.
Objectives	<p>The program’s objective at the community level was to:</p> <p>Create sustainable local structures in order to improve relations within the community.</p> <p>Increase participation of the Roma in decision-making processes in select local communities.</p> <p>The program’s objective at national level was to:</p> <p>Encourage the active participation of Roma in tackling their problems.</p> <p>Improve the presentation of working with marginalized population groups in the media.</p> <p>Improve the access of Roma to education, health care, social and other services.</p>
Target group	Romany community
Time frame and location	July 2003 – March 2007
Description of main activities	<p>A series of trainings aimed at improving communication, presentation, conflict solution, elaboration of projects and building coalitions took place in all three selected localities. It was accompanied by a process of cooperative planning that sought to create joint projects aimed especially at the development and integration of Roma.</p> <p>The main goal of the grant program was to strengthen the abovementioned goals via supporting small local cooperative grants. The grant program directly contributed to improving the quality of coexistence within local communities and was closely interconnected to processes of capacity building and development planning in each particular location.</p>

Involvement of Roma	The Roma formed part of the so-called cooperative planning group. For instance, in the town of Prešov they were instrumental in tackling issues of forced evictions, rent defaulting and subsequent community planning.
Specific focus	The project did not specifically focus on any of the mentioned groups.
Difficulties	Information not available
Impact assessment	In evaluation material, a number of Roma and other project participants commented on positive aspects of such a project: for the first time, they argued, representatives of the Roma, non-profit organisations and government managed to work together to create a joint strategy of Roma integration including a reliable source of financing project activities. For further information, please see http://www.pdcs.sk/files/file/Publikacie/Roma_Integration_SK_006.pdf
Sustainability	According to the project designers, the project's sustainability depends primarily on its financial viability, which currently represents a serious problem. The budget for the project was limited and it is quite complicated to find other sources to cover all expenses. On the other hand, project goals have been successfully fulfilled.
Possibilities for transferability and mainstreaming	The success of the project of community cooperative planning has facilitated the process of regional planning in the town of Banská Bystrica. For the first time, the project formed strategies based on cooperation. The project's final document should form a basis of future nationwide policies.

Title	Obhajoba práv Rómov na bývanie [Defending the Roma's Housing Rights]
Organisations	Nadácia Milana Šimečku [Milan Šimečka Foundation]
Type of organisation	NGO
Internet link	http://www.nadaciamilanashimecku.sk/index.php?id=99
Type of activities	Legal advocacy, monitoring, training activities, legal analysis
Total budget and sources of funding	Data not available
Rationale	The main mission of the project is to highlight violations of housing rights of the Roma, defend these rights and improve the overall legal and legislative environment in Slovakia.
Objectives	The goal of the project was to map out the situation in the field of violating the housing rights of Roma and achieve adequate protection of these rights through various activities.
Target group	<ul style="list-style-type: none"> • Roma whose housing rights are being violated • State and public administration • Romany activists
Time frame and location	2002 until present
Description of main activities	The Milan Šimečka Foundation was approached by the Centre of Housing Rights and Evictions and the European Roma Rights Centre to initiate an advocacy project focusing on the housing rights of Roma; they also provided their international know-how. In its initial phase, the project examined basic

	phenomena and problems related to Romany housing. Based on the survey, the foundation elaborated a training manual that featured legislative circumscription of housing rights and other background information for future advocacy activities. Subsequently, the foundation launched closer cooperation with both partner organisations; it began to provide legal assistance to Roma and monitor public policies in this area. At the same time, the foundation cooperates with several self-governments to elaborate housing strategies for Roma.
Involvement of Roma	Information not provided
Specific focus	The project was not specifically targeted at concrete groups of Roma.
Impact assessment	<p>The impact of activities pursued in this project by the Milan Šimečka Foundation is impossible to quantify. It is virtually the only organisation that systematically focuses on the issue of housing rights of the Roma and continuously monitors measures and steps of state and public administration organs in this area and provides legal counselling to their victims. Perhaps the most tangible outcome of its activities dates from 2007 when the Milan Šimečka Foundation managed to overturn in court a decision on the forced eviction of 61 Romany residents from a municipal hostel in Liptovský Hrádok. Given its justification, the court ruling represents an important precedent in the field of housing rights protection.</p> <p>On October 4, 2007, the judge of the District Court in Liptovský Mikuláš issued a verdict in which she turned down a motion filed by Liptovský Hrádok municipal authorities seeking to evict 15 flats in the municipal hostel. The court ruled in favour of 15 Romany families represented by a lawyer appointed by the Milan Šimečka Foundation and proclaimed the measures leading up to eviction of tenants legally invalid on grounds that they contradicted good morals.</p>
Sustainability	Since training activities for Romany activists who want to work in this area in the future form an integral part of the project, it has the potential to sustain its purpose and continue to contribute to the cause of defending housing rights of the Roma on the local level as well.
Possibilities for transferability and mainstreaming	The project has a potential to serve as an example of good practice not only to other organisations and activists specializing in the issue of Romany housing but also in other areas, for instance education, provision of services, access to the labour market or health care. Slovakia continues to lack court cases that expose discrimination against the Roma in these areas and the project by the Milan Šimečka Foundation serves as a good example of combining monitoring, training and advocacy activities.

1.6. Major national projects targeting the housing situation of the Roma and travellers that are not included in the previous section

The largest project aimed at tackling the issue of Romany housing is the government-financed Program of Housing Development, which allocates state budget funds for the construction of rented flats of regular standard, lower standard, infrastructure and elimination of defects in blocks of flats.⁷²

Within the framework of this program, municipalities may request subsidies to develop municipal rented flats for population groups defined by social – as opposed to ethnic – criteria. The municipalities subsequently allot these flats, preferentially to people with low income, people younger than 35 and handicapped people.

Most municipalities prefer to tackle housing problems in their Romany communities by developing lower-standard flats, for which they are entitled to receive state budget subsidies amounting up to 80 per cent of construction costs; the remaining 20 per cent of the costs are covered by future tenants' work. Municipalities may also apply for subsidies to develop technical infrastructure or subsidies to eliminate defects in blocks of flats.

Within the framework of the Program of Supporting Construction of Lower-Standard Flats, municipalities are required to cover 20 per cent of construction costs in the form of labour performed by future tenants; however, this practice is not a hard-and-fast condition to allotting construction subsidies, which means that municipalities are free to cover the remaining 20 per cent from other sources as well.

The Milan Šimečka Foundation has elaborated an evaluation of the construction of municipal rented flats in Romany settlements, drawing the following conclusions:⁷³

- Cases of tenants damaging their new flats are rather sporadic
- Damage to flats as a result of sloppy and/or incomplete construction occurs rather more frequently

⁷² The *Program of Housing Development* was approved by the Slovak Government Resolution No. 1208 of 15.12.2004 and amended by resolutions: No. 752 of 13.09.2006, No. 1000 of 28.11.2007, No. 413 of 18.06.2008.

⁷³ M. Hojsík (2008) *Evaluácia programu obecných nájomných bytov v rómskych osídleniach* [Evaluation of the Program of Municipal Rented Flats in Romany Settlements], Bratislava: Nadácia Milana Šimečku, pp. 34–36

- Government inspection of completed construction work is inadequate and needs to be strengthened
- Construction often preserves and even deepens the ethnic segregation of Roma⁷⁴
- It appears necessary to introduce more specific rules of flat allotment and increase the value of lower-standard flats by provision of related social services such as field social work, etc.

⁷⁴ Spatial integration of inhabitants is not among the conditions for approving the allocation of subsidies to construction of lower-standard flats. Improving spatial and social integration is only a recommendation in a methodological manual elaborated by the Ministry of Construction and Regional Development. For further information, please see Slovakia/Ministerstvo výstavby a regionálneho rozvoja SR (2006) *Postupy prípravy a vzorové projekty výstavby bytov nižšieho štandardu* [Preparation Methods and Example Projects of Construction of Lower-Standard Flats], p. 3

2. Field research - interviews

2.1. Brief description of the methodology

The Research Centre for Ethnicity and Culture carried out interviews on the issue of housing with representatives of the following institutions and organisations:

- Ministry of Construction and Regional Development, Department of Housing Policy
- Office of the Government Plenipotentiary for Romany Communities
- Club of Romany Activists civic association
- Romany Public Policy Institute
- Milan Šimečka Foundation
- All interviews were recorded on a Dictaphone; the record of the interview with the Milan Šimečka Foundation is not complete due to a technical failure.

2.2. Summary of main points

2.2.1. Housing situation of the Roma

- State administration

According to the Ministry of Construction and Regional Development, the greatest problem in the field of Romany housing is that the mechanisms allowing for effective functioning of their communities completely disintegrated after 1989. The unsatisfactory housing situation of the Roma is the result of unmanaged community development, which subsequently shows in many specific areas including housing, as many Roma live in 'dwellings that absolutely do not comply with basic technical standards, [built] on land with unsettled ownership or stolen land, built out of stolen materials, unconnected to utility networks.' The Roma inhabiting poorer regions of Slovakia are worse off even compared to poor members of the majority population. The standard of living varies even among people inhabiting lower-standard flats, as it is often determined by their individual capacities and personal responsibility for their housing situation. The respondent at the Ministry of Construction and Regional Development suggested that in terms of what the government offers, the

housing conditions of Roma are better compared to those of other marginalized groups or young families from the majority.

The Office of the Government Plenipotentiary for Romany Communities sees the greatest problem in the field of Romany housing in the existence of settlements of a very poor standard.

- Non-governmental organisations

The housing situation of the Roma is very heterogeneous. The Roma inhabit various types of dwellings ranging from the poorest shacks to luxurious mansions. 'But it is true that some Roma live in extremely substandard conditions that do not even come close to satisfying their right to adequate housing' (Milan Šimečka Foundation). Housing heterogeneity merely corresponds to the heterogeneity of the Romany population as such, as some Roma live geographically integrated while others live concentrated or in settlements that are completely isolated from the majority.

A second hallmark of Romany housing is that most Roma in Slovakia live in rural environments. Therefore, despite the existence of some urban ghettos, the greatest problem is separated and segregated settlements in rural environments. 'Compared to the Czech Republic or Hungary where the Roma are concentrated rather in urban environments, this has different consequences. Romania, on the other hand, has a much larger share of the population that lives in poverty and the Roma are not as visible a social group as they are in Slovakia' (Milan Šimečka Foundation).

There are significant regional differences in the standard of housing. For instance, east Slovakia has become notorious for its high concentration of segregated Romany settlements and urban ghettos. Housing conditions in east Slovakia are substantially worse than in west Slovakia, which ensues not only from a higher concentration of the Romany population but also fewer job opportunities and worse living conditions. There are some segregated Romany settlements in west Slovakia, too; however, their total number is much lower than in central or east Slovakia. 'I don't understand how come there are still any [Romany] settlements in west Slovakia. I have visited some of them and I was quite surprised that many of their inhabitants hail from east Slovakia' (Romany Public Policy Institute).

Besides regional differences, there are also considerable micro-regional differences in the standard of housing. Even in marginalized districts there are villages and towns where the Roma live integrated, which is why neighbouring villages often show immense differences in their housing standard. 'This phenomenon depends on each concrete micro-location in terms of its local history, and I don't mean just the past couple of years' (Milan Šimečka Foundation). Many factors, particularly social relations existing and personalities operating in given locations have affected the current housing standard of the Roma.

The housing situation of the Roma is also typified by non-existent or very poor infrastructure, especially in separated and segregated settlements. There are no roads, water or electricity and housing conditions are seriously below standard as a general rule. Last but not least, segregated settlements are geographically isolated from the majority population.

The housing situation of the Roma is the worst in localities where mayors and local council chairmen have not shown any interest in tackling the problem, which directly leads to the emergence of urban ghettos and segregated rural settlements. 'The infrastructure is either missing or is damaged. [But] the problem is that even if basic infrastructure gets built, the Roma continue to live segregated in substandard dwellings' (Club of Romany Activists). Another reason behind the poor housing situation is high unemployment among the Roma, which is why most of them are unable to pay rent and other housing-related charges; this either leads to emergence of informal and illegal settlements or to an increased concentration of Roma in certain types of dwellings (i.e. moving to relatives). Forced evictions and relocations are not an exception.

2.2.2. Most pressing problems facing the Roma

- State administration

From the viewpoint of the Ministry of Construction and Regional Development, the greatest problem is non-existent social field work, dysfunctional communities and people's inability to accept responsibility for their lives. The Roma are incapable of considering their options, careful budgeting or long-term planning. 'They behave as big little children who, if they want something, they want it immediately regardless of the consequences... one could say it is social immaturity.' Another serious problem is the high concentration of the Roma in east Slovakia.

According to the Office of the Government Plenipotentiary for Romany Communities, it is necessary to tackle particularly the poor housing standard of the Roma.

- Non-governmental organisations

The pivotal problem is the standard of housing. Many Roma live in settlements that lack any infrastructure whatsoever. Their poor living conditions were often historically inherited from the period of communism.

From the public policy viewpoint, housing in Slovakia is largely perceived as a construction issue, as opposed to a complex of mutually interwoven grass-root relations. This is largely reflected in problems facing the Roma in the field of housing, as their standard of living often does not improve even though the technical standard of their housing has.

Another extremely urgent problem is geographic and social segregation and isolation of the Roma (mentioned by all respondents).

‘It is racism that keeps the Roma in the marginalized state, as many of them would be able to afford a different housing standard... Many Roma are prepared for integration but perhaps they lack the necessary courage, they are discouraged by the system. And that is where the problem turns political’ (Milan Šimečka Foundation). This justifies the conclusion that the housing standard is not the choice of the Roma themselves, as most of them would apparently prefer more integrated forms of housing.

Housing problems of the Roma largely ensue from their employment status. ‘Many of them lost their jobs after 1989 and became unable to pay for housing. They have been unemployed for many years and have learned to live solely on welfare benefits. If they were to pay for everything, they would not have enough to live. This forced many of them to move either to the Czech Republic or to their relatives who lived in family houses. And there are also those who build their own dwellings – out of wood or other material – or move into some shack’ (Club of Romany Activists). These problems often lead to forced evictions and/or relocations.

Another problem is that due to social exclusion and generally lower education status, the legal awareness of Roma is often highly inadequate. ‘They don’t know the ropes, they can’t read contracts; they rather take your word. They are not knowledgeable. That discourages them’ (Club of Romany Activists).

Our respondents did not perceive members of various subgroups (i.e. women, children or handicapped) as people that would specifically or more gravely suffer from poor housing conditions. On the other hand, they argued that one must take into account the housing situation of entire families because the Roma have been relatively successful in preserving their family solidarity.

2.2.3. Activities of organisations

- State administration

The Ministry of Construction and Regional Development has appointed a special task force comprising 17 people who specialise in the issue of marginalized groups’ housing. It is a relatively stable team of people who are supposed to create the legislative framework, draft policy documents and suggest practical measures designed to improve the target groups’ housing situation. Regional planning department and building control offices include housing policy departments. The ministry itself focuses primarily on the priority of building lower-standard flats (see below).

The Office of the Government Plenipotentiary for Romany Communities mediates communication and cooperation between the Ministry of Construction and Regional Development on the one hand and municipalities interested in building lower-standard flats on the other. It also provides support and counselling and may even help municipalities obtain funds to pay for project documentation necessary for the construction of lower-standard flats.

- Non-governmental organisations

Among other activities, the Roma Public Policy Institute regularly evaluates the fulfilment of government priorities in the field of the so-called Roma issue and monitors pursuance of public policies in these areas.

The Milan Šimečka Foundation pursues a project called *Defending the Roma's Housing Rights* that includes monitoring the housing situation of the Roma, provision of legal assistance and elaboration of advocacy activities manuals.

The Club of Romany Activists from Hnúšťa carried out a local survey examining the situation of the Roma in Hnúšťa and analyzing their housing needs. Its activists helped tackle the problem of rent defaulting and communicated with the local self-government regarding possibilities to tackle high indebtedness of the Roma. They also put together a database of rent defaulters and evicted persons.

2.2.4. Most important housing policies

- State administration

The most important housing policy pursued by the Ministry of Construction and Regional Development is supporting the construction of lower-standard flats. As part of the scheme, the government provides state budget subsidies amounting to 80 per cent of construction costs; the remaining 20 per cent is contributed by self-governments, which may require future tenants to work off the costs. In this respect, it is important to maintain effective cooperation with municipalities. The development projects seem to work more smoothly in municipalities where mayors and local council chairmen have been in office for a longer period as they have managed to 'gather around them [suitable] types of people and make better use of other available tools. There are social workers, community workers, etc.'

Municipal self-governments are in charge of the process of allotting flats; the ministry has rather limited possibilities to control the process, although it strives to communicate with self-governments in the process of drafting long-term strategies of housing development. It has proven more effective to support municipalities with an established network of social field workers who are able to communicate and cooperate with community members. It is also more viable to support more motivated individuals. Perhaps it would help to intensify

cooperation with regional self-governments, which are currently rather passive in this respect. In about one third of all cases, construction projects get approved and help improve the standard of living.

This policy does not quite seem to tackle the problem of segregation because the land proposed for construction is located mostly on the outskirts of municipalities. But according to a ministry official, it is impossible to measure social exclusion in this way 'because the existence of exclusion does not depend on the location of new housing. Exclusion is determined by the community's future behaviour. But living conditions do get improved, at least on a technical level. Whether [inhabitants'] social situation will improve as well depends on the subsequent performance of the social field work.'

Another policy tool is renovation and reconstruction of existing housing, which is less important both in terms of the volume of spent funds as well as their impact. At the same time, the government also invests in building rented flats because this segment is severely underdeveloped.

The Office of the Government Plenipotentiary for Romany Communities controls only one practical policy tool to tackle the housing situation in Romany settlements, which is allocation of subsidies to construction of lower-standard flats and technical infrastructure such as roads and utility networks.

- Non-governmental organisations

'Generally speaking, housing policies focus primarily on the population's middle class' (Milan Šimečka Foundation). 'Government lacks a clear vision in the field of housing and concentrates strictly on construction, which is insufficient. The Ministry of Construction and Regional Development tackles only technical aspects of the problem while other aspects are in other ministries' competence (i.e. housing costs – Ministry of Labour, Social Affairs and Family; land issues – Ministry of Agriculture, environmental issues – Ministry of Environment). Slovakia lacks a single institution that could integrate all these aspects' (Milan Šimečka Foundation).

The government's principal policy in the field of Romany housing is construction of lower-standard flats. 'The ministry has given up on seeking alternatives to this policy tool' (Milan Šimečka Foundation). According to other respondents, it is quite an effective policy tool because it encourages participation of members of the target group while government subsidises housing construction. 'A positive aspect is that the Roma themselves take part in the construction process' (Roma Public Policy Institute). The quality of housing has improved. The target group's standard of living has increased. The policy tool provides for mobilisation of families; 'if flats are allotted to a group of prospective tenants, this group may subsequently motivate other inhabitants' (Milan Šimečka Foundation). On the flipside of the coin, the policy continues to support housing segregation. 'Government sponsors further segregation while it should instead seek ways to restrict construction of more segregated localities'

(Roma Public Policy Institute). After the money has been allocated to self governments, the government and Ministry of building and regional development fails to monitor what happens with the allocated money or who moves in the newly-built flats. Last but not least, available funds are not sufficient and their allocation is not transparent. ‘Another problem is that the quality standard of these flats is not adequate. Most of them start to fall apart shortly after their completion, there are water leakages ... I had a chance to see for myself the shoddy job done by some firms ... there were also some shady practices between the local council chairman and the construction firm’ (Club of Romany Activists).

Allegedly, the decentralisation of public administration that transferred most decision-making powers to self-governments is also to blame for many problems in the field of Romany housing. ‘State administration often argues that it cannot interfere with these [processes] because executive powers have been transferred to self-governments. But in my opinion that is not true because the state has also accepted international commitments and is responsible for fulfilling them’ (Milan Šimečka Foundation).

Public policies currently in place fail to support alternative forms of tackling housing problems, for instance through grant schemes. Instead, government keeps using the same tools over and over again without evaluating their effectiveness.

The cooperation between various levels of state and public administration, the third sector and the private sector is not effective. ‘In order to get it right, one should start with social field work with families, then get local council chairmen involved, [followed by] non-governmental organisations and everybody that is able to contribute’ (Club of Romany Activists).

2.2.5. Good practices

- State administration

According to the Ministry of Construction and Regional Development, alternative projects that could be referred to as good practices are not pursued actively in Slovakia. Its official argued that the total number of the Roma was much higher than in western European countries, which is why problem solving was proportionally more complicated. In addition, western countries have a long democratic tradition, something that is very difficult to catch up with. ‘Personally, I believe that [public] policies should be combined with much tougher restrictions with respect to negative phenomena, be it criminal [behaviour] or negative social phenomena.’

According to the Office of the Government Plenipotentiary for Romany Communities, other good practices besides the construction of lower-standard flats do not exist in Slovakia.

- Non-governmental organisations

Slovakia has very few good practices in the field of improving the housing situation of the Roma. No wonder the respondents tended to cite good practices from abroad. 'A good practice was implemented in Hungary. It was a system of transition flats, if you like, that did not have very high standard; they were social flats [whose tenants] were supervised by social workers. They represented a sort of interchange station or a stopgap solution that taught tenants how to use their flats properly' (Roma Public Policy Institute). Perhaps the Slovak Government could condition construction of rented flats by existence of one such transition flat in every block of flats. 'But personally, I am not aware of any activity in Slovakia that would lead to the integrated housing of the Roma' (Roma Public Policy Institute).

Good practices were pursued for instance by ETP Slovensko, which came up with a project of housing micro-loans and micro-savings (for further information, see the 'Nálepkovo' project in the 'Good practices' section).

Municipalities have numerous opportunities to apply a complex approach and provide a broader scope of social services; few of them actually use them.

Some towns (e.g. Banská Bystrica or Prešov) strive to develop permeable systems of social housing.

PDCS implemented an effective project in Hostice: 'But that was a coincidence; there were several good circumstances that clicked together. The Roma owned their houses and PDCS encouraged them to make some adjustments, internal repairs, paint them and so on. PDCS activists visited communities, villages and local council chairmen who showed an active interest in this project' (Club of Romany Activists). It was not long before auxiliary activities began to snowball, for instance information centre or social field work.

3. ANNEXES

3.1. Annex 1 – Statistical data and tables

	2000 - 2009
Number of complaints regarding ethnic discrimination received by complaints authorities (such as ombudsperson's offices and national equality bodies)	NO DATA AVAILABLE
Number of instances where ethnic discrimination was established by complaints authorities (such as ombudsperson's offices and national equality bodies)	
Follow up activities of complaints authorities (such as ombudsperson's offices and national equality bodies), once discrimination was established (please disaggregate according to type of follow up activity: settlement, warning issued, opinion issued, sanction issued etc.)	
Number of sanctions and/or compensation payment in ethnic discrimination cases (please disaggregate between court, equality body, other authorities or tribunals etc.) regarding access to housing (if possible, disaggregated by gender and age).	
Range of sanctions and/or compensation in your country (please disaggregate according to type of sanction/compensation)	

3.2. Annex 2 – Case Law

Court, specialised body or tribunal decisions

Case title	Ms L. R. et al vs. the Slovak Republic
Decision date	March 10, 2005
Reference details	UN Committee on the Elimination of All Forms of Racial Discrimination, Communication No. 31/2003: CERD/C/66/D/31/2003 (2005), Decision available in English: http://www.unhchr.ch/tbs/doc.nsf/0/3764f57be14718c6c1256fc400579258?Opendocument (28.5.2009)
Key facts of the case	<p>Ms L. R. and other Roma Slovaks residing in Dobšiná alleged a violation by the Slovak Republic of Article 2(1), Article 4(a), Article 5(e) and Article 6 of the International Convention on the Elimination of All forms of Racial Discrimination (CERD).</p> <p>In March 2002, the local council approved a plan for low-cost housing. However the local Real Slovak National Party (RSNP) petitioned against the plan on the grounds that they ‘do not agree with the building of low cost houses for people of Gypsy origin as it will lead to an influx of inadaptable citizens from the surrounding villages, other districts and regions.’ The petition was signed by 2,700 inhabitants and deposited with the municipal council in July 2002. In August 2002, the council unanimously cancelled plans for housing explicitly referring to the petition.</p> <p>In September 2002 the petitioners requested the District Prosecutor to investigate and prosecute the authors of the petition and to reverse the Council's decision. In November 2002, the District Prosecutor rejected the request.</p> <p>In September 2002, the petitioners applied to the Constitutional Court for an order determining that Articles 12 and 33 of the</p>

	<p>Constitution, the Act on the Right of Petition and the Framework Convention for the Protection of National Minorities (Council of Europe) had been violated.</p> <p>In February 2003, the Court held that the Petitioners had provided no evidence that any fundamental rights had been violated by the petition or by the council's second decision.</p> <p>On August 5, 2003, the complainants filed a complaint with the UN Committee on the Elimination of All Forms of Racial Discrimination. The Committee asked whether the circumstances that accompanied adoption of two resolutions by the municipal council of Dobšiná and the intervening petition, which served as a basis for invoking its first resolution amounted to discrimination.</p>
Main reasoning/ Argumentation	<p>The Petitioners The petitioners argued that the State had failed to ‘ensure that all public authorities shall... act in conformity with the obligation to engage in no act or practice of racial discrimination’; ‘nullify any laws... which have the effect of... racial discrimination’. They further argued that the petition's wording can be regarded as an incitement to racial discrimination. They also argued that the State had failed to safeguard the right to adequate housing and the State failed to provide an effective remedy against acts of racial discrimination.</p> <p>The State On the merits, the State argued that the petitioners failed to show an act of racial discrimination within the meaning of the Convention. It set out that municipal resolutions are not binding ordinances and confer no objective or subjective rights. Furthermore, Parliament had passed a new law for the implementation of the equal treatment principle and providing legal remedies and the State’s courts provide complete and lawful consideration to any claim of racial discrimination. The State also contended that the Petitioners had failed to demonstrate that actions of public authorities were unlawful, or that the petition was unlawful.</p> <p>UN Committee on the Elimination of All Forms of Racial Discrimination</p>

	<p>Although the second resolution made no reference to Roma, the committee noted that some measures may amount to indirect discrimination (i.e. when measures are discriminatory in effect but not at face value). The committee then took into account the context and circumstances of the petition and of the adoption of the two resolutions. The committee argued that the petition, which served as the primary, if not exclusive basis for revoking its first resolution, had established a distinction, exclusion or restriction based on ethnicity. (Paragraph 10.5 of the Decision)</p>
Key issues clarified by the case	<p>The UN Committee on the Elimination of All Forms of Racial Discrimination found that the following articles had been violated: Article 1, Article 2 Paragraph 1(a), Article 5 Paragraph (iii) and Article 6 of the Convention on the Elimination of All Forms of Racial Discrimination. (Paragraph 11. of the Decision)</p> <p>It opined that racial discrimination had occurred and acts of municipal councils were acts of public authorities so the racial discrimination is attributable to the State. The obligation to engage in no act of racial discrimination and to ensure that all public authorities do likewise had been broken. The obligation to guarantee the right of everyone to equality before the law in the enjoyment of the right to housing had been broken.</p>
Results (sanctions)	<p>The Slovak Government is obliged to inform the UN Committee about measures adopted based on the UN resolution within 90 days of receiving it. The Slovak Republic must guarantee that the state of affairs be reverted to the point after the adoption of the original resolution by the Dobšiná town council. It must also make sure that a similar discrimination is not repeated. (Paragraph 12., Paragraph 13. of the Decision)</p>

Case title	Ms Anna Koptová vs. the Slovak Republic
Decision date	August 8, 2000
Reference details	UN Committee on the Elimination of All Forms of Racial Discrimination, Communication No. 13/1998, CERD/C/57/D/13/1998 (2000), Decision available in English:

Key facts of the case	<p>http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/464937c637ce5c0ec12569d20033a961?Opendocument (25.5.2009)</p> <p>In 1981, seven Romani families⁷⁵ went to work and live on an agricultural co-operative located in the Ňagov and Rokytovce municipalities, and obtained permanent residency there. At the end of 1989, the co-operative ceased operating and the Romani families lost their jobs and the company provided housing.</p> <p>For the families, a long period of homelessness and anti-Romani racism followed. Over the next 16 years, the families moved from village to village, seeking a permanent and secure residence. They attempted to avail themselves of the housing provided by local authorities, but on more than one occasion, anti-Romani hostility on the part of local officials and non-Romani residents caused them to flee. They tried to build temporary dwellings, but local non-Roma tore these down.</p> <p>On 18 June 1997, the Municipal Council of Rokytovce enacted Resolution No. 21, which expressly forbade Romani families from settling in the village and threatened them with expulsion, should they attempt to settle there. Soon thereafter, on 16 July 1997, the Municipality of Ňagov adopted Resolution No. 22, which forbade Romani citizens from entering the village or settling in shelters in the village district.</p> <p>The Kosice Legal Defence Foundation sent a letter to the General Prosecutor's Office in Bratislava requesting an investigation into the legality of Resolution No. 21 of the Municipal Council of Rokytovce and resolution No. 22 of the Municipal Council of Ňagov. The letter asserted that the Resolutions were acts of 'public discrimination' against Roma which infringed their rights to freedom of movement and residence and to protection against discrimination. On 19 September 1997 the General Prosecutor's Office informed the Foundation that the investigation had been assigned to the County Prosecutor in Humenné.</p> <p>On 24 November 1997 the Kosice Legal Defence Foundation submitted an application to the Constitutional Court of the Slovak Republic requesting annulment of both resolutions.</p>
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⁷⁵ We use Romani (means the same as Romany) in this section because it is used in original document concerning this case - [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/464937c637ce5c0ec12569d20033a961?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/464937c637ce5c0ec12569d20033a961?Opendocument) .

	<p>In its decision of 18 December 1997 the Constitutional Court dismissed the submission on the ground that, as a legal person, the Kosice Legal Defence Foundation could not suffer an infringement of the constitutional rights set forth in its application, since those rights were designed to protect only natural persons. On 29 December 1997 the District Prosecutor's Office in Humenné notified the Foundation that, in view of the Constitutional Court's ruling, it had suspended its investigation concerning the challenged resolutions.</p> <p>On 5 May 1998 Ms. Koptova, together with Miroslav Lacko (another employee of the Kosice Legal Defence Foundation) and Jan Lacko, one of the Romany citizens whose dwellings were destroyed on 21 July 1997, filed another submission before the Constitutional Court. This submission challenged the Ňagov resolution on the grounds that it unlawfully restricted the freedom of movement and residence of a group of people solely because they were Roma.</p> <p>On 16 June 1998 the Constitutional Court issued two written opinions dismissing both petitions on similar grounds. In response to Jan Lacko's submission the Court reasoned that, as a permanent resident of Ňagov, he had not provided any evidence to show that the Ňagov resolution had in fact been applied in a manner which would infringe his rights.</p> <p>Anna Koptová, a Slovak citizen of Romani brought a complaint before the Committee on the Elimination of Racial Discrimination, represented by the ERRC. She alleged that as a person of Romany origin, she was a victim of violations of the International Convention on the Elimination of Racial Discrimination, because Resolutions No. 21 and 22 prohibited her from entering the Municipalities of Rokytovce and Ňagov on the basis of her ethnicity. In April 1999, the Resolutions were rescinded.</p>
Main reasoning/ argumentation	<p>The complaint</p> <p>Ms Koptová argued violation of Article 2.1(a),(c), Article 3, Article 4(c), Article 5(d)(i) and Article 6 of the International Convention on the Elimination of All Forms of Racial Discrimination. (Paragraph 3.1 of the Decision).</p> <p>She also states that she is a victim of the above violations for the purposes of article 14, paragraph 1, of the Convention. Both resolutions may be reasonably understood by the author, (as, indeed, by all Roma in Slovakia) to apply to her. The</p>

	<p>author would like to be free to visit Ňagov and Rokytovce, for instance in order to further the work of her organization. However, she has not entered either municipality since the resolutions were adopted, in part because she fears that they could be enforced against her. The author believes that, by publicly and formally using the term ‘Roma’ to refer to certain unspecified persons and by singling out such persons for special and invidious treatment, the resolutions subject her, as a person of Romany ethnicity, to degrading treatment. (Paragraph 3.2 of the Decision)⁷⁶</p> <p>State party By its submission of 23 June 1999 the State party challenges the admissibility of the communication. It informs the Committee that on 8 April 1999 the Municipal Council of Ňagov and the Municipal Council of Rokytovce held extraordinary meetings, also attended by the District Prosecutor of Humenné, and decided to revoke resolution No. 22 of 16 June 1997 and resolution No. 21 of 8 June 1997 respectively. The State party therefore concludes that the communication has lost its relevance. (Paragraph 4.1 of the Decision) The State party also submits that the author has failed to exhaust domestic remedies. (Paragraph 4.4, 4.5, 4.6 of the Decision)</p>
<p>Key issues clarified by the case</p>	<p>The UN Committee on the Elimination of All Forms of Racial Discrimination found that the Resolution No. 21 of the municipal council in Rokytovce and No. 22 of the municipal council in Ňagov violated Article 5(d)(i) of the International Convention on the Elimination of All Forms of Racial Discrimination. (Paragraph 10.1 of the Decision). At the same time, the UN Committee observed that the resolution in question had been cancelled in April 1999 and noted that the freedom of movement and residence was guaranteed by Article 23 of the Slovak Constitution. (Paragraph 10.2 of the Decision)</p>
<p>Results (sanctions)</p>	<p>The Committee recommends that the State party take the necessary measures to ensure that practices restricting the freedom of movement and residence of Roma under its jurisdiction are fully and promptly eliminated. (Paragraph 10.3 of the Decision)</p>

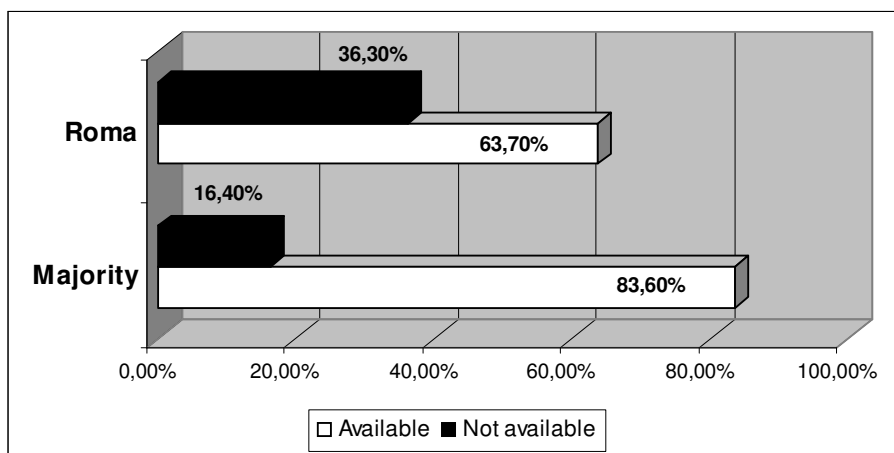
⁷⁶ The present tense is used in original document concerning this case - [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/464937c637ce5c0ec12569d20033a961?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/464937c637ce5c0ec12569d20033a961?Opendocument) .

Case title	BYP s.r.o. vs. J.M. et analysis
Decision date	October 4, 2007
Reference details	District Court in Liptovský Mikuláš, No. 4C/142/2007 on October 4, 2007. The decision is not available in electronic format.
Key facts of the case	<p>In October 2007, 61 people of Roma origin were in danger of eviction from a municipal lodging house in Liptovský Hrádok. The town of Liptovský Hrádok, being the administrator of the house, filed a request to remove the families from the said municipal premises without providing substitute housing. The argument of the town was that the affected citizens were bad payers.</p> <p>In this case, however, which is quite exceptional, the affected party filed a complaint with the court via their legal representative. The argumentation of their legal representative was based on the statement that there was ‘purpose-driven coercion of tenants to agree with the change of original rental contracts concluded for and unlimited period of time and to force them into less advantageous rental contracts to be concluded for a limited period of time, with the objective of creating conditions so as to evict Roma citizens without the necessity to provide them with substitute housing’.</p> <p>The District Court in Liptovský Mikuláš basically confirmed these arguments and rejected the complaint filed by the town. Therefore it can be said that the decision delivered by the District Court in Liptovský Mikuláš in relation to defending the rights to residence in 2007 was a positive precedent, although it must be mentioned that the town of Liptovský Hrádok appealed against the verdict and the whole case should be decided by the Regional Court.⁷⁷</p>
Main reasoning/ argumentation	The court found that tenancy contracts were altered contrary to good morals, reasoning by provisions of Article 3 Paragraph 1 of the Civil Code stipulating that the execution of rights must not contradict good morals, and Article 39 of the Civil Code stipulating that legal acts contradicting good morals shall be null and void.
Key issue clarified by the case	The decision of the District Court is a positive precedent in the area of rental housing.
Results (sanctions)	The District Court in Liptovský Mikuláš basically confirmed these arguments and rejected the complaint filed by the town.

⁷⁷ Slovak National Centre for Human Rights (2008) *Report on the Observance of Human Rights in the Slovak Republic for the Year 2007*, available at: [http://www.snslp.sk/rs/snslp_rs.nsf/0/e04af400afba0480c1257586004fdc90/\\$FILE/SNCHR_Report_Observance%20of%20Human%20Rights_2007.pdf](http://www.snslp.sk/rs/snslp_rs.nsf/0/e04af400afba0480c1257586004fdc90/$FILE/SNCHR_Report_Observance%20of%20Human%20Rights_2007.pdf) (28.05.2009), pp. 20-21

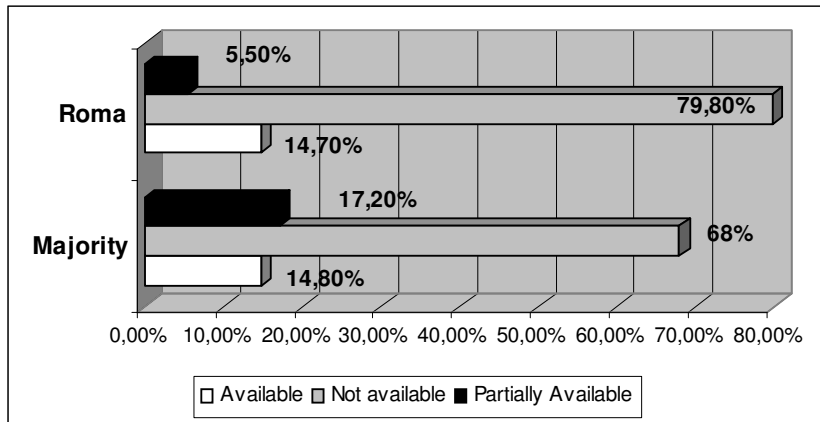
3.3. Annex 3: Statistical Data on Housing conditions of Roma

Graph 1
Availability of water supply in dwellings inhabited by the majority and Roma



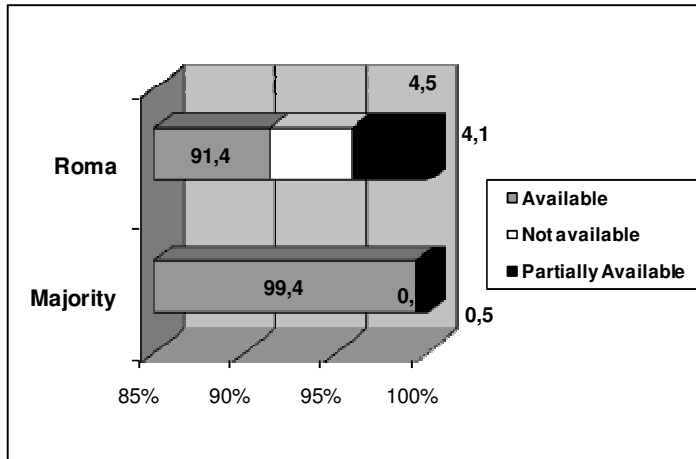
Source: Sociographic Mapping of Roma Communities,
Office of the Government Plenipotentiary for Romany Communities/IVO/KCpRO/S.P.A.C.E., 2003/2004.

Graph 2
Availability of sewage in dwellings inhabited by the majority and the Roma



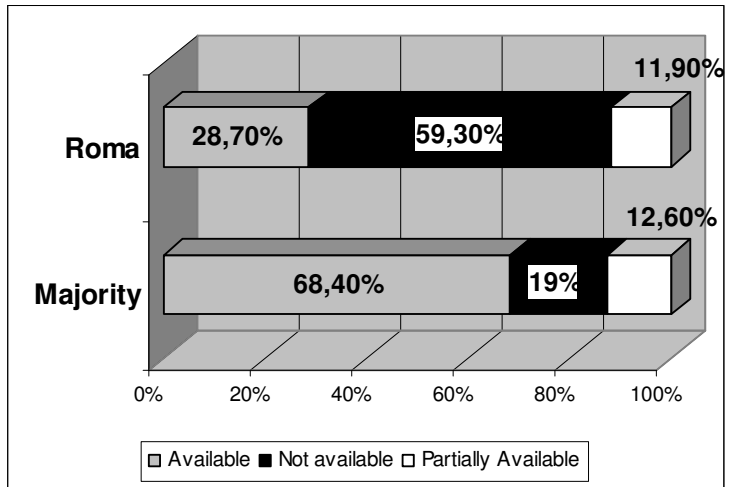
Source: Sociographic Mapping of Roma Communities, Office of the Government Plenipotentiary for Romany Communities/IVO/KCpRO/S.P.A.C.E., 2003/2004.

Graph 3
Availability of electricity in dwellings inhabited by the majority and the Roma



Source: Sociographic Mapping of Roma Communities, Office of the Government Plenipotentiary for Romany Communities/IVO/KCpRO/S.P.A.C.E., 2003/2004.

Graph 4
Availability of natural gas supply in dwellings inhabited by the majority and the Roma



Source: Sociographic Mapping of Roma Communities, Office of the Government Plenipotentiary for Romany

3.4. Annex 4: Bibliography

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