



**FORUM**  
Human Rights

**NGOs information to the UN Committee against Torture**

**For consideration when compiling the Concluding Observations on  
the Fourth Periodic Report of the Slovak Republic under the  
Convention against Torture and Other Cruel, Inhuman or  
Degrading Treatment or Punishment**

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Submitted by:

**Forum for Human Rights (FORUM)  
European Roma Rights Centre (ERRC)**

20 March 2023

## I. OVERVIEW

1. This written submission provides an outline of issues of concern with regard to the Slovak Republic's compliance with the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (*hereinafter* "the CAT"), with particular focus **on the police violence, the right to water and access to waste management in Romani communities**. The purpose of the submission is to assist the UN Committee against Torture (*hereinafter* the "Committee") with its consideration of the Fourth Periodic Report of the Slovak Republic, and in adopting the Concluding Observation thereto.
2. The Forum for Human Rights (FORUM)<sup>1</sup> and the European Roma Rights Centre (ERRC) have written the submission.<sup>2</sup>

## II. SPECIFIC COMMENTS

### (a) Police violence in Romani communities

3. In its 2020 report on Slovakia, the European Commission against Racism and Intolerance (ECRI) shared concerns about the reports of large-scale police violence against Roma and expressed its concern that despite "*the substantial number of complaints relating to serious acts of violence committed by members of the police services against Roma*", none of the subsequent investigations of police interventions between 2013 and 2020 resulted in a conviction or disciplinary sanction against officers involved. The ECRI noted that some observers have pointed out that these shortcomings are mainly caused by the lack of independence of the Office of the Inspection Service of the Ministry of Interior which is in charge of these investigations. Victims of alleged abuse and violence by

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<sup>1</sup> **FORUM** is an international human rights organisation active in the Central European region. It supports domestic and international human rights organisations in advocacy and litigation and leads domestic and international litigation activities. FORUM has been supporting a number of cases pending before domestic judicial authorities and before the European Court of Human Rights. FORUM has authored and co-authored a number of reports and has provided information to UN and Council of Europe bodies on the situation in the Central European region, especially in Slovakia and the Czech Republic. For more information, please visit [www.forumhr.eu](http://www.forumhr.eu).

<sup>2</sup> **ERRC** is an international public interest law organisation working to combat anti-Romani racism and human rights abuse of Roma through strategic litigation, research and policy development, advocacy and human rights education. Since its establishment in 1996, the ERRC has endeavoured to provide Roma with the tools necessary to combat discrimination and achieve equal access to justice, education, housing, health care and public services. The ERRC has consultative status with the Council of Europe, as well as with the Economic and Social Council of the United Nations. For more information, please visit [www.errc.org](http://www.errc.org).

the police are reluctant to lodge complaints with institutions that cooperate closely and daily with the police.<sup>3</sup>

4. In their most recent Concluding observations on Slovakia, the UN Committee on the Elimination of Racial Discrimination (UN CERD) expressed concerns *“about reports of racial profiling and racially motivated excessive use of force by the police, particularly against Roma”* and *“the insufficient independence of the Bureau of the Inspection Service regarding the investigation of complaints about excessive use of force and racial discrimination by the police.”* It noted *“the lack of information on measures taken to address the issue of racial profiling by law enforcement officials.”* The UN CERD recommended the following to the Slovak Government: *“The Committee recommends that the State party establish an adequately resourced and fully independent monitoring mechanism responsible for investigating complaints about excessive use of force and racial discrimination by the police, and that this mechanism is made organizationally independent from the Ministry of the Interior. Furthermore, the Committee recommends that the State party develop and implement comprehensive measures to address the issue of racial profiling in accordance with its general recommendation No. 36 (2020) on preventing and combating racial profiling by law enforcement officials.”*<sup>4</sup>
5. In the last decade, the submitting NGOs have recorded several instances of violent attacks against Roma in Slovakia and many of them involved police officers. Romani victims of the attacks usually ended up as applicants before the European Court of Human Rights (the “ECtHR”). In the vast majority of those cases, racial overtones have not been examined by the investigating authorities, although, the victims claimed that the attacks might have been racially motivated. Some Romani victims faced barriers to achieve justice in domestic criminal courts. The existing shortcomings can be illustrated by particular cases.
6. The police raid which took place in Moldava and Bodvou in 2013 is perhaps the most notorious case of police brutality against Roma in Slovakia. More than sixty police officers armed with batons and dogs

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<sup>3</sup> ECRI, Report on the Slovak Republic (sixth monitoring cycle). Published on 8 December 2020. Available at: <https://rm.coe.int/ecri-6threport-on-the-slovak-republic/1680a0a088>

<sup>4</sup> UN CERD, Concluding observations on the thirteenth periodic report of Slovakia of 16 September 2022, CERD/C/SVK/CO/13, para. 20-21. Available at: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FCO%2FSVK%2FCO%2F13&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FCO%2FSVK%2FCO%2F13&Lang=en)

raided a Romani community on Budulovská Street. During the investigation, some of the victims were labelled as suffering from "Roma mentality" which, according to the expert in the field of psychology and the investigating officer, is characterized by features as: a lack of self-discipline, neglect of commitments towards others, aggression, being asocial, and an inability to adapt to social standards. After the investigation was concluded, criminal charges of perjury were brought against some of the Romani people who were beaten by the police.<sup>5</sup> Eventually, altogether 10 applicants (victims of the raid) in the *R.R. and R.D. v Slovakia* (application no. 20649/18) and *M.H. and Others v Slovakia* (application no. 14099/18) ended up before the ECtHR complaining about ill-treatment they suffered during the raid and later at the police station and also about the ineffective investigation. The cases eventually ended with judgment (*R.R. and R.D. v Slovakia*, application no. 20649/18) finding violations of the applicants' rights and friendly settlement (*M.H. and Others v Slovakia*, application no. 14099/18), respectively. Those victims who were charged with perjury, were acquitted only recently after the *R.R. and R.D. v Slovakia* judgment was issued.

7. Merely three days before the Moldava and Bodvou police raid, a young mentally handicapped Roma man from the local Roma community had been arrested and placed in pre-trial custody allegedly for throwing stones at the police car. Although the investigating authorities were aware of the fact that he cannot be held responsible for his actions due to his diagnosis, he was kept in custody for two and half months before he was released. In 2022, he was awarded by court the compensation of 4.000,- EUR for unlawful detention and related ill-treatment.<sup>6</sup>
8. Another high profile case was the ill-treatment of six Roma boys (aged 11-15) from Košice who were detained by police, ordered to strip and slap each other. Police officers threatened them with a loaded weapon. Although, the described events took place in 2009, the criminal case was closed only in November 2020, when the Regional Court in Košice dismissed the Prosecutor's appeal against the acquittal judgment of the

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<sup>5</sup> ERRC: SLOVAK GOVERNMENT TO PAY DAMAGES TO ROMA FROM MOLDAVA NAD BODVOU POLICE RAID, 02 June 2022, available at: <http://www.errc.org/press-releases/slovak-government-to-pay-damages-to-roma-from-moldava-nad-bodvou-police-raid>

<sup>6</sup> ERRC: ROMANI MAN WINS UNLAWFUL DETENTION CASE AGAINST SLOVAK POLICE, 05 May 2022, available at: <http://www.errc.org/press-releases/romani-man-wins-unlawful-detention-case-against-slovak-police>

District Court Košice II of December 2019.<sup>7</sup> The victims filed two applications to the ECtHR (*M.B. v Slovakia*, application no. 45322/17; *M.B. v Slovakia*, application, no. 63962/19). In April 2021, and in February 2023, respectively, the ECtHR issued two judgments holding that the applicants' rights under Article 3 of the Convention had been violated.

9. In the recent past, the ECtHR issued judgments in several other cases in which Romani applicants from Slovakia claimed to be victims of violations of their rights under Articles 2 or 3 of the Convention (*Mížigárová v Slovakia*, Application no. 74832/01, judgment of 14 December 2010; *Koky and Others v Slovakia*, Application no. 13624/03, judgment of 12 June 2012; *Adam v Slovakia*, Application no. 68066/12, judgment of 26 July 2016; *Lakatošová and Lakatoš v Slovakia*, application no. 655/16, judgment of 11 December 2018; *A.P. v Slovakia*, Application no. 10465/17, judgment of 28 January 2020, *P.H. v Slovakia*, Application no. 37574/20, judgment of 08 September 2022). The ECtHR held that rights of the applicants in those cases were, indeed, violated. The case of *Miroslav Oračko et al. v Slovak Republic* (Communication no. 70/2019) is currently pending before the UN CERD Committee.
10. Currently, there are other cases pending before the ECtHR challenging the ill-treatment of Roma by Slovak police. In *T.K. and Others v Slovakia* (application no. 57085/18) applicants claim that they were mistreated by police during police action that took place in a Roma community in Vrbnica on 02 April 2015. Similarly, the applicants in *Kováčová and Others v Slovakia* (application no. 31975/19) claim to be victims of ill-treatment in the course of a police operation on 16 April 2017 in a Roma community in Zborov. *Bystrý v Slovakia* (application no. 46293/22) is a case concerning alleged disproportionate and unnecessary use of coercive measures by police against two Romani men – father and his son.
11. The above-mentioned cases prove that Slovak investigating authorities have been systematically failing to comply with their obligations to effectively investigate possible racial motivation of violent acts against Roma. It is apparent that authorities have not properly investigated racial

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<sup>7</sup> Poradňa pre občianske a ľudské práva: The police officers accused of abusing Roma boys at a police station in Košice are innocent – it was confirmed today by the appeal court, which dismissed the appeal of the prosecutor against the acquittal judgment, available at: <https://poradna-prava.sk/en/news/the-police-officers-accused-of-abusing-roma-boys-at-a-police-station-in-kosice-are-innocent-it-was-confirmed-today-by-the-appeal-court-which-dismissed-the-appeal-of-the-prosecutor-against-the-acqui/>

motivation in any of them, even though Romani applicants reasonably claimed it in criminal proceedings. Thus, the Romani victims of police harassment constantly end up before the international courts and bodies where they, in general, succeed.

12. Complaints against ill-treatment by police are investigated by the Office of Inspection Service. In 2019, this body has changed its name – formerly it was called the Control and Inspection Service Section of the Ministry of Interior. However, this was only a cosmetic change since there is no real difference can be seen in practice between how it functions now as compared to before. According to Section 4a of the Act no. 171/1993 Coll. on Police Forces, the Office of Inspection Service is part of the Police Forces, i.e. the body that is investigated by them.

13. Serious concerns arise regarding the independence and impartiality of this body. Both the Office of Inspection Service and the Police Forces fall within the same branch of government, i.e. under the Ministry of Interior. In some cases, the seat of the regional branch of the Office of Inspection Service is in the same building as the seat of the police. Investigations into the cases mentioned above have been significantly delayed, those claiming to be victims have often not been heard, and the evidence given by Roma claiming to be victims of police brutality have been given far less weight than that of the police officers they accused. In some cases, even the video evidence which was available was not deemed sufficient to punish the perpetrators. Examination of the potential racial motivation behind violent acts of police is neglected.

## **(b) Right to water in Romani communities**

14. The second issue concerns the precarious situation of Roma communities in relation to their housing and accommodation. In Slovakia, due to systemic discrimination and lasting segregation, Roma face inhuman and degrading living conditions, significantly affecting their lives and health.

15. In 2013, the UN Development Programme published a comprehensive document called *Atlas of Romani Communities in Slovakia*<sup>8</sup> (hereinafter “Atlas”). The access to water was one of the mapped issues. The

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<sup>8</sup> UNDP, *Atlas of Roma Communities in Slovakia 2013*, published 2014, ISBN 978-80-89263-18-9, available in Slovak at: [https://www.employment.gov.sk/files/slovensky/rodina-socialna-pomoc/socialne-sluzby/atlas\\_rom-kom.pdf](https://www.employment.gov.sk/files/slovensky/rodina-socialna-pomoc/socialne-sluzby/atlas_rom-kom.pdf)

research included assessment of 801 Romani habitats and noted that while approximately 74,5% of habitats are fully equipped with public water supply, **as many as 23% lack any public water supply whatsoever.** Segregated Romani communities lack public water supply in particular and only 56,2% benefit therefrom.<sup>9</sup> **Over 30% of segregated communities lack public water supply,** although it is available in the municipalities they officially belong to.<sup>10</sup> Overall, 7,2% of all monitored Romani households do not have access to drinking water. When it comes to households in segregated communities, the rate is even higher – 11,1%.<sup>11</sup>

16. The latest data published in the Atlas (2019) highlights that as many as 202 Roma neighbourhoods and settlements were found to have no access to public water pipelines whatsoever (approximately 19%).<sup>12</sup> This number is almost identical to the 2013 findings, according to which there were nearly 200 Roma settlements in Slovakia where no dwelling was connected to a public water supply.<sup>13</sup> Apart from those totally segregated settlements that were not connected to any public utilities, there were approximately 70 Roma neighbourhoods without connection to a municipal water system, even though the non-Roma households in the area were fully connected.<sup>14</sup> Additionally, inhabitants of 109 settlements use water from private wells as their only source of water. Public wells and taps located in open areas are used as only source of water in 47 settlements, and in 24 settlements people were found to be 100% dependent on another irregular water source.<sup>15</sup> **Considering these numbers, the situation concerns several dozens of thousands of Roma, including as many as 15 000 children, and perhaps even more.** In these instances, the water supply does not reach the standard of sufficiency outlined by the World Health Organization and represents a failure on behalf of the State Party to ensure – equally – living conditions that are not inhuman and degrading.

17. In 2016, another research was carried out by the Slovak Ombudsperson who noted the difficulties and failures of authorities to provide Romani

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<sup>9</sup> 2013 Atlas, p. 20.

<sup>10</sup> 2013 Atlas, p. 21.

<sup>11</sup> 2013 Atlas, p. 26.

<sup>12</sup> The Atlas represents the most accurate and comprehensive sociographic territorial mapping of Roma settlements. The data is collected under the auspices of the Ministry of Interior, currently there 2019 version is available in Slovak online: <https://www.minv.sk/?atlas-romskych-komunit-2019>

<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

<sup>15</sup> Ibid.

communities with safe drinking water.<sup>16</sup> She discovered that some communities do have drinking water sources with satisfactory chemical analysis available, but the water sources are not available for individual households, are out in the public, and Roma are forced to carry their water supply (up to several hundreds of meters in some cases) from public wells, taps, or natural quells to their homes.<sup>17</sup> In the municipalities where drinking water can be supplied for every household through pipelines individually, rarely all the inhabitants have access to such water. The reason is either that access to the public pipeline is not extended to the particular household, or the water supply to that household has been suspended due to non-payment of fees.<sup>18</sup>

18. In 2017, the European Roma Rights Centre (ERRC) carried out further research which confirmed the alarming situation and noted **that approximately 90% of visited Slovak Romani households reported they do not have tap water.**<sup>19</sup>

19. The right to water entails certain core obligations which are of immediate effect and not subject to progressive realisation. Namely, it is the obligation of the State Party to ensure the right of access to facilities and services on a non-discriminatory basis, for disadvantaged or marginalized groups, and obligation to provide sufficient number of water outlets that are at a reasonable distance from the household.<sup>20</sup>

20. The lack of access to water can cause severe **physical and mental suffering** and can have serious health consequences. When people are deprived of water, they can experience dehydration, heat exhaustion, and other physical health problems that can be life-threatening in extreme cases. The lack of water can also cause psychological distress, as people are forced to endure thirst and the fear of not being able to access clean water.

21. As we pointed out above, access to water is often limited or non-existent in Roma settlements. The lack of water can constitute cruel, inhuman, or

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<sup>16</sup> Office of the Public Defender of Rights, *The Access to Drinking Water and Information about Fire Safety in Roma Settlements* (Prístup k pitnej vode a informácia o zabezpečení protipožiarnej ochrany v rómskych osadách), 2016, available in Slovak at: [http://www.vop.gov.sk/files/Prístup\\_k\\_vode.pdf](http://www.vop.gov.sk/files/Prístup_k_vode.pdf)

<sup>17</sup> E. g. Horná Lehota municipality, p. 13 of the Report.

<sup>18</sup> See, p. 15 of the Report. FORUM recently documented situation in Hnúšťa where local municipality provided Romani families with the family house however disconnected the access to water.

<sup>19</sup> European Roma Rights Centre, *Thirsting for Justice, Europe's Roma Denied Access to Clean Water and Sanitation*, 2017, p. 30.

<sup>20</sup> UN CESCR, General Comment no. 15, E/C.12/2002/11, 20 January 2003, para. 37.



degrading treatment, and in some cases, it could be considered systemic ill-treatment, especially if the water shortage is long-term and deliberately ignored by the State Party and motivated by racist intentions, as in this particular case. **The denial of access to water, systematically to Roma, can be seen as discriminatory** that exacerbates their already vulnerable situation.

22. According to Article 2 of the CAT each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction. Therefore it is the duty of the State Party to ensure such a basic right as the right to water for all the inhabitants.

### **(c) Access to waste management in Romani communities**

23. As with water, the ECSR has also recognized the importance of waste disposal in ensuring the right to adequate housing.<sup>21</sup> This position is consistent with international authorities; waste management has been cited as an integral element to both the right to health and the right to housing under the ICESCR, specifically through articles 11 and 12, which guarantee “an adequate standard of living” and “the enjoyment of the highest attainable standard of physical and mental health.” The UN CESCR Committee also notes that “states are also required to adopt measures against environmental and occupational health hazards and against any other threat as demonstrated by epidemiological data” and “should formulate and implement national policies aimed at reducing and eliminating pollution of air, water and soil,” inclusive of waste collection and disposal and harmful exposure to dumpsites or landfills.<sup>22</sup>

24. The UN CESCR committee has emphasized waste disposal in both the “Availability of services, materials, facilities and infrastructure” and “habitability” requirements of the right to housing, noting that it includes “sustainable access” to “refuse disposal” among others such as safe drinking water and sanitation facilities.<sup>23</sup> Moreover, the UN CESCR committee notes in the context of location that “housing should not be built on polluted sites nor in immediate proximity to pollution sources that threaten the right to health of the inhabitants.”<sup>24</sup> In the context of children, the UN CRC Committee has highlighted that in the context of

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<sup>21</sup> Conclusions 2003, France, Article 31-1, para. 1.

<sup>22</sup> E/C.12/2000/4, para. 36.

<sup>23</sup> E/1992/23, para. 8.

<sup>24</sup> Ibid.

article 24 of the CRC (right to health) states should takes measures to address environmental pollution, including the “effective management of waste and the disposal of litter from living quarters and the immediate surroundings.”<sup>25</sup>

25. These obligations have been reflected in regional case law. In *Öneryıldız v. Turkey*, where a poor community was devastated by the explosion on a landfill in proximity to the community, the European Court of Human Rights held that waste disposal, and its impacts on health, were intricately related to the right to life, and that in the context of waste collection and dumping there is “positive obligation on States to take appropriate steps to safeguard the lives of those within their jurisdiction.”<sup>26</sup> Per the UN treaty bodies and other regional authorities, waste management, both through the form of waste collection, but also the level of exposure to waste in the context of living conditions, is integral to the right to health.

26. In Slovakia, data from the ATLAS has identified three areas of concern with regards to adequate waste disposal: a high number of Roma settlements existing: 1) without waste collection 2) within and in proximity to informal landfills, and 3) in proximity to large formal landfills.

27. In the context of the first scenario, the research identified that there are 28 Roma settlements in 24 municipalities (3285 inhabitants) in Slovakia where no waste collection is provided, either by household waste bins or large capacity containers. The data also indicated that that if the group of settlements at increased risk were to include municipalities where only a maximum of 10% of households have waste collection, the list of households at risk would almost double to 738, or 4949 inhabitants. While 28 settlements had no waste collection at all, of the 50 municipalities included in the ATLAS, less than 50% of the households in those municipalities had any kind of waste collection, affecting a further total of 8119 inhabitants.<sup>27</sup>

28. With regards to the second situation, or municipalities living with informal landfills (where waste is informally dumped), **the research identified that 295 municipalities, with a total of 393 settlements (and over 124, 865 inhabitants) have been located in the presence of municipal waste**

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<sup>25</sup> CRC/C/GC/15, pg. 6.

<sup>26</sup> The European Court of Human Rights, *Öneryıldız v. Turkey*, Judgment of November 30, 2004, para. 65.

<sup>27</sup> 2018 ATLAS

**landfills.** The communities most at risk from the presence of landfills included: Trebišov (6685 inhabitants), Jarovnice (6022), Richnava (2458), Chminianske Jakubovany (2249), and the following villages, all of which have more than 1000 inhabitants each: Veľká Lomnica, Stráne pod Tatrami, Ostrovany, Jasov, Sečovce, Sol', Veľká Ida, Michalovce, Krížová Ves, Medzev, Čaklov, Rožňava, Spišský Štiavnik, Huncovce, Spišská Nová Ves, Žehra, Svinia, Krásnohorské Podhradie, and Jakubany. Overall, **a total of 36,414 people were identified as at risk due to the presence of municipal waste landfills in their communities.** The biggest threats exist in the form of water contamination and flooding, which can pollute surrounding areas.<sup>28</sup>

29. Finally, many marginalized Roma communities live beside formal landfills, posing serious health concerns. Research has identified 3 problematic regions in particular: Košice Myslava (affecting 320 inhabitants from marginalized Roma communities), Bambusky (with 285 marginalised Roma community inhabitants) and Svinia (with 1135 marginalized Roma community inhabitants).<sup>29</sup> These findings demonstrate the failure of the Slovak Central government to ensure adequate waste management for marginalized Roma communities in Slovakia.

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<sup>28</sup> Ibid.

<sup>29</sup> Ibid.