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NEWS REPORT

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| Country: | Slovakia |
| Title: | The Constitutional Court awarded compensation for backlogs in court proceedings in case of discrimination |
| Date: | 17 May 2018 |
| Expert: | Vanda Durbakova |
| <u>Context</u> | |
| Issue at stake: | Violation of the right to a fair trial within reasonable time in case of discrimination |
| Ground of discrimination: | Race/ethnic origin |
| Source: | National court decision, Constitutional Court of the Slovak republic from 7 March 2018 delivered on 12 April 2018, n. I. ÚS 602/2017-23 |
| Field: | Access to health care |
| Applicable law: | Slovak Constitution, Article 48 para 2 |

Content

Case: Poradňa pre občianske a ľudské práva (Center for Civil and Human Rights) against the District Court Bratislava III in proceedings file n. 14 C 288/2013.

Facts of the case: In 2017, the claimant submitted a complaint to the Slovak Constitutional Court claiming the violation of her right to a fair trial within reasonable time by the District court Bratislava III in the proceeding file n. 14 C 288/2013.

The claimant argued that in December 2013 she filed an actio popularis complaint to the District court Bratislava III against the State, represented by the ministry of health and a State-run hospital, in a case of segregation of Roma women in maternity wards. Since then the case has been pending before the first instance court with only one hearing held and no decision on merits issued. The claimant argued that in a case of discrimination of a large group of Roma women, when the interference into their human dignity by discriminatory treatment still persists, the court shall proceed without any delays. The claimant requested the Constitutional Court to order the district court to proceed with the case without any delays and also to award a non-pecuniary damage of EUR 4 000.

Decision of the Court: On 7 March 2018 the Constitutional Court decided that there has been a violation of the right of the claimant to a fair trial within reasonable time guaranteed by article 48 para. 2 of the Slovak Constitution and Article 6 para. 1 of the European Convention of Human Rights. The Constitutional Court ordered the district court to proceed with the case without any delays and awarded the claimant the non-pecuniary damage of EUR 3 000 and also to refund the claimant's legal costs in amount of EUR 312,34, all to be paid by the District court.

The Constitutional Court rejected the argumentation of the District court that delays have been caused by court's insufficient personal capacities (lack of judges) and overcrowded

court's agenda and concluded that it is the State's obligation to manage the court system in a way that principle of a fair trial within reasonable time is respected.

As for the amount of non-pecuniary damages awarded, the Court stated that it (among others) reflects the subject of the court proceeding (discrimination) and its meaning for the group concerned (Roma women segregated in maternity wards).

Key points of analysis: The delays in court proceedings also in cases of discrimination are a reality in Slovakia and as such are one of the serious barriers to access to justice in these cases. According to the national expert's opinion it is important that the Constitutional Court addressed this problem and awards adequate financial compensation for such a violation reflecting also the subject of the proceeding and its meaning for the group on behalf of which the actio popularis has been submitted.

Internet link source: The decision in Slovak language can be found at:
<https://www.ustavnysud.sk/vyhľadavanie-rozhodnuti#!DecisionsSearchResultView>.