



European network of legal experts in gender equality and non-discrimination

FLASH REPORT

Country:	Slovakia
Title:	Response of the Slovak state authorities and local governments to the spread of COVID-19 and its consequences on Roma living in marginalised communities
Date:	3 April 2020
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Context	
Issue at stake:	Implementation of policies and measures concerning persons living in marginalised Roma communities in the context of the current spread of COVID-19
Grounds of discrimination:	Racial or ethnic origin
Field of application:	Education, Employment, Housing, Social protection
Source:	Policy development
Applicable law:	Constitution of the Slovak Republic; article 12, article 23 para 1, article 33, Act no. 365/2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination, amending and supplementing certain other laws (Antidiscrimination Act) (<i>the list is not exhaustive</i>)

Content

Policy development: In recent time the Slovak state authorities and local municipal governments have taken a range of measures with an aim to prevent the spread of COVID-19 in the Slovak society, including its spread in marginalised Roma communities. However, their response in this regard raises serious concerns in two distinctive aspects:

a. Some measures may have disproportionate negative impact on Roma living in marginalised communities. Starting from 13 March 2020, the central crisis staff of Slovak republic, established by the Slovak Government, ordered two-weeks home quarantine for every person with permanent or temporary address in Slovakia and living in Slovakia for more than 90 days, who is returning from abroad.¹ Implementation of this order in practice by local governments in respect to marginalized Roma communities poses risks of discrimination. Media reported that the local government of the town Gelnica on 26 March 2020 with the assistance of local municipality police had closed down a local Roma settlement and banned all its inhabitants from leaving the settlement in reaction to the fact, that one person who returned from abroad has broken the Government order of compulsory two-weeks home quarantine.² The person who broke the order was

¹ The establishment and functioning of the central crisis staff is framed by the Act no. 387/2002 Coll. on state management in crisis situations outside the time of war and state of war. Overview of measures of the central crisis staff in response to the COVID-19 is available on the website of the Office of Public Health: http://www.uvzsr.sk/index.php?option=com_content&view=category&layout=blog&id=250&Itemid=153.

² For additional information in English see media article "Slovak Romani settlement quarantined after resident returns from England." Online portal ROMEA. 28 March 2020. Available at: <http://www.romea.cz/en/news/slovak-romani-settlement-quarantined-after-resident-returns-from-england>.

subsequently tested for COVID-19 with negative result. Four days later, on 29 March 2020, the measure imposed by the local government of Gelnica on the whole settlement was reportedly cancelled by the state authorities and the tested person and others who he was in contact with were placed in quarantine at the state - run facility.³ The Slovak equality body informed on social media that it will assess the conformity of this measure with domestic antidiscrimination legislation.

The most recent media releases clearly indicate that the Slovak Government tends to publicly describe the risks of spreading COVID-19 in marginalised communities as a public health security threat and resorts to imposing additional specific restrictive measures on persons living in these communities that do not concern the rest of the Slovak population. On 1 April 2020 the Slovak Prime Minister announced that targeted sample testing for COVID-19 will be introduced in 33 selected Roma communities that will be performed by army physicians and supervised by army soldiers and the infected persons are supposed to be relocated to state-run facilities for quarantine. It was also admitted that if a bigger number of people in settlements turns out to be infected, the state will approach the situation by closing down the entire communities. The armed forces have reportedly prepared a backup plan should big groups of infected persons be found in the settlements.⁴ It was already documented by the Slovak grass root NGO Center for Civil and Human Rights that recent monthly social allowances were provided in Roma communities with a presence of police and soldiers and that also some other local governments tend to impose restrictive measures on Roma communities, as the town Gelnica did.

The measures that the Government introduces in the current situation must be essentially seen as a result of its long-term failures to take effective policies and measures that would lead to social inclusion of marginalised Roma and desegregation of communities. The goal of the given measures can be considered legitimate as they shall protect public health. But they appear to be clearly disproportionate since they may possibly restrict individuals' freedom of movement and possibly other liberties of thousands of Roma, in addition to being discriminatory as these measures hit only marginalised Roma communities. In addition, the way the Government through the media publicly communicates the risks of spreading COVID-19 in these communities can arguably strengthen already widespread anti-Roma sentiments in the Slovak society and potentially escalate local conflicts between the majority and the Roma minority.

b. The adopted measures do not sufficiently respond to the specific vulnerable position of Roma living in marginalised communities. Lack of positive measures from the state authorities that would effectively protect the health of these Roma communities may constitute violations of domestic and international antidiscrimination legislation. According to the reported information, the Office of the Plenipotentiary of the Slovak Government for Roma Communities in cooperation with representatives of relevant NGOs, municipalities and universities proposed measures aimed at preventing the spread of COVID-19 in marginalised Roma communities and the Plenipotentiary Abel Ravazs addressed them to the Prime Minister in two letters.⁵ On 31 March 2020 the Government dismissed him from this function and appointed a new Plenipotentiary Andrea Bučková. We find particularly concerning that the former Plenipotentiary on the same day communicated through social media that the Government from the beginning ignored his proposed

³ "Gelnica je len začiatok. Koronavírus v osadách je len otázkou času." (Gelnica is only a beginning. Coronavirus in Roma settlements is only matter of time). Newspaper SME. 30 March 2020. Available in Slovak at <https://domov.sme.sk/c/22370164/karantena-romov-z-osad-bude-v-karantene.html>

⁴ "Slovakia will test Romani settlement residents for COVID-19 and isolate infected people in state-run facilities." Online portal ROMEA. 1 April 2020. Available in English at: <http://www.romea.cz/en/news/world/slovakia-will-test-romani-settlement-residents-for-covid-19-and-isolate-infected-people-in-state-run-facilities>.

⁵ All proposals to the Government are available on the website of the Office of the Plenipotentiary: <http://www.minv.sk/?covid-19&fbclid=IwAR145kb3o6axHjKzMT6CPTtM9g5xYc2zJSgCKqymHUul6sPvbaNw2LJI25U>

measures. He also questioned the most recently introduced Government measures and warned against stigmatisation of Roma by the Government.

Information reported in the media, monitoring and public reactions of the NGOs as well as the Public Defender of Rights also indicate that the Government's response to the situation in marginalised Roma communities has been insufficient so far.⁶ On 25 March NGOs and activists called on the Slovak Government to focus on preventing COVID-19 from spreading in marginalised Roma communities and warned that the state of health of people in these communities is such that they could easily succumb to the pandemic. Their call has also been supported by the Public Defender of Rights in Slovakia, who particularly stressed also the importance to protect Roma in marginalised communities who are living in areas with limited or no access to potable water. She warned that limited opportunities in marginalised communities for adhering to personal hygiene recommendations at this time can cause irreversible damage to people's health and cost them their lives.⁷

To analyse the situation in this regard, on 15 March 2020 the Government recommended the local governments to provide unlimited access to drinking water to all persons living in marginalised communities to prevent the spread of infection.⁸ However, many municipalities have not addressed the lack of access to drinking water of Roma minority in their towns and villages for years and it is obvious that the mere recommendation of the Government will not secure that the local government will promptly deal with this issue. The NGO Centre for Civil and Human Rights has monitored concrete localities where water has not been provided and marginalised Roma also lately still did not have equal access to safety masks or disinfection (e.g. village Hermanovce). Given the situation, it is key that the state authorities take responsibility and massively support the local governments as for introducing prompt measures that secure equal protection of the rights of marginalised Roma. Apart from health risks that disproportionately hit marginalised Roma, the current situation creates a range of other inequalities to be addressed such as their unequal access to information about the pandemic and how to protect themselves or unequal access to technologies and internet that additionally discriminates marginalised Roma children in education as the primary schools that are currently closed tend to temporarily introduce online distant forms of home-schooling requiring PC and internet.

The overall passive approach of the Government in this area also proves the fact that on 31 March 2020 the Public Defender of Rights turned to the central crisis staff with her measures to address the situation specifically in retirement houses for seniors and marginalised Roma communities. She particularly calls for securing access to water for marginalised Roma, preventive measures to protect them from infection and for setting a clear plan for local governments how to proceed in case the infection will emerge in Roma communities, so that all adopted measures are proportionate and restrict human rights only to the extent that is indeed necessary. Notably, she stressed that legal restrictions of human rights cannot be applied to one ethnic group, but only to the whole society without distinction and basically rejected presented strategies to protect the society from COVID-19 by isolating whole Roma communities.⁹

⁶ "Coronavirus pandemic can make conditions in the Romani settlements of Slovakia deadly, protective gear slow to reach those who need it." Online portal ROMEA. 17 March 2020. Available in English at: <http://www.romea.cz/en/news/world/coronavirus-pandemic-can-make-conditions-in-the-romani-settlements-of-slovakia-deadly-protective-gear-slow-to-reach-those>.

⁷ "Slovak NGOs demand crisis plan from Government to prevent COVID-19 pandemic in Romani communities, ombudswoman supports them." Online portal ROMEA. 26 March 2020. Available in English at: <http://www.romea.cz/en/news/world/slovak-ngos-demand-crisis-plan-from-govt-to-prevent-covid-19-pandemic-in-romani-communities-ombudswoman-supports-them>. The call is available in Slovak at <https://dennikn.sk/minuta/1817327/?ref=in>.

⁸ "Coronavirus: State lacks a plan for at-risk Roma settlements." Slovak Spectator. 16 March 2020. Available in English at <https://spectator.sme.sk/c/22359688/coronavirus-state-lacks-a-plan-for-at-risk-roma-settlements.html>.

⁹ "The Ombudsperson proposes the central crisis staff the measures in facilities for seniors and in marginalised Roma communities." Press release of the Public Defender of Rights. 31 March 2020. Available in Slovak at:

Key points of analysis: In recent time the Slovak state authorities and local municipal governments have taken a range of measures with an aim to prevent the spread of COVID-19 in the Slovak society. However, some measures specifically target marginalised Roma communities, may have disproportionate negative impact on their guaranteed human rights and may constitute their discrimination. Moreover, the already adopted measures do not sufficiently respond to their specific vulnerable position and do not sufficiently address inequalities they face with regard to the current crisis situation.