



SLOVAK NATIONAL
CENTRE FOR
HUMAN RIGHTS



Letter to European Commissioners regarding the use of EU funding to build a new segregated school for Roma children in Trebišov, Slovakia.

Věra Jourová

Vice-President of the European Commission for Values and Transparency

Helena Dalli

European Commissioner for Equality

Elisa Ferreira

European Commissioner for Cohesion and Reforms

Bratislava, Košice, 18 January 2024

Dear Vice-President Jourová, Commissioner Dalli and Commissioner Ferreira,

we are writing to share our serious concerns regarding the use of EU funding to build a new segregated primary school for Roma children in the town of Trebišov, Eastern Slovakia. Information we have received strongly indicate that EU funding is currently being used to help perpetuate and further entrench human rights violations and discrimination of Roma children.

As representatives of the Slovak National Centre for Human Rights - NHRI and Equality Body of Slovakia; Center for Civil and Human Rights – a grass root non-governmental organization and Amnesty International, we monitor human rights violations against Roma and advocate for equality and non-discrimination, including in the area of inclusive education of Roma children.

As we recently mentioned in the letter by the Center for Civil and Human Rights and the Slovak National Center for Human Rights to the European Commission,¹ we continue to be seriously concerned over the ongoing policy measures of the Slovak authorities that aim to eliminate the double-shift operation in primary schools near several excluded Roma communities by expanding already-segregated schools or building new segregated schools through EU funding covered by the Recovery and Resilience Plan of the Slovak Republic. These developments are yet another example of how discrimination and segregation of Roma in education remains widespread and how the Slovak authorities continue to fundamentally fail to address them. These policy measures should serve as additional evidence in the ongoing infringement proceeding regarding Slovakia, currently at the Court of Justice of the EU.²

With this letter we would like to bring to your attention the case of misuse of EU funds within the Catching-up Regions initiative in Slovakia. Under this initiative, the Ministry of Investments, Regional Development and Informatization of the Slovak Republic (“the Ministry”), as the managing authority for the Integrated Regional Operational Programme, launched a call for proposals in November 2021 (IROP-PO7-SC76-2021-80) for a non-repayable financial contribution for the preparation of projects for regional authorities. Within this call, the Ministry approved the submission of the town of Trebišov for a project documentation for a construction of a new primary school on Jesenná Street.

The municipality of Trebišov justified the construction of the new school facility by a need to eliminate a double-shift system and resolve capacity challenges of the primary school of Ivana Krasku, where 364 Roma pupils are educated in the afternoon shift. This school is located in the excluded area of town with a large Roma population and is attended by Roma pupils only, out of which 78% are Roma children from excluded communities. The new school facility is planned to be built next to the existing segregated school and is expected to be again attended by Roma pupils only. We are therefore seriously concerned that the

¹ Center for Civil and Human Rights and Slovak National Centre for Human Rights, letter to European Commissioners, 11 December 2023, available at <https://poradna-prava.sk/wp-content/uploads/2023/12/Letter-to-the-EC-expressing-concerns-over-the-current-Slovak-Government-policy-measures-maintaining-segregation-of-Roma-children-in-education-and-call-for-the.pdf>.

² European Commission, “The European Commission decides to refer Slovakia to the Court of Justice of the European Union for not sufficiently addressing discrimination against Roma children at school”, 19 April 2023, available at https://ec.europa.eu/commission/presscorner/detail/en/ip_23_2249.

building of a new school within the very similar conditions will only further perpetuate and entrench decades-long segregation of Roma children of Trebišov.³

The application for a financial contribution for the preparation of project documentation was assessed and approved by the relevant Slovak authorities despite obvious and clear segregatory practices that the building of the new school near an excluded Roma community will perpetuate. On 30 June 2023, the municipality of Trebišov announced a public procurement for the preparation of project documentation for building of the new primary school on Jesenná Street. The legislative process in connection to the construction procedure is already planned to start in February 2024, therefore the need to stop the construction process is imminent.

We are convinced that different solutions must be found by regional and national authorities to resolve the lack of capacity of the already-segregated school of I.Krasku in Trebišov in line with the national jurisprudence⁴ and EU law⁵ through complex desegregation plans, including in the area of education and housing. EU funds must be used in a way that ensures the effective application and implementation of the EU Charter of Fundamental Rights.⁶ The funds should never contribute to continued segregation.⁷

To ensure all EU funding is used in line with EU policies and legislation on inclusion, anti-discrimination and desegregation, we therefore call on the European Commission to investigate the use of the EU funding through the Catching-up Regions initiative and

³ On 18 January 2024, the Slovak National Center for Human Rights submitted a complaint to European Commission for infringement of EU law, informing about the misuse of EU funding through the Catching-up Regions initiative in the town of Trebišov, where it provided further detailed information on the case.

⁴ Decision of the Supreme Court of Slovak Republic from 15 December 2022, no. 5Cdo/102/2020. Decision of the Supreme Court of Slovak Republic from 12 July 2023, no. 5Cdo/220/2022.

⁵ Charter of Fundamental Rights of the European Union, Article 21 and Directive 2000/43/EC establishing equal treatment irrespective of racial or ethnic origin, Articles 2.2a, 2.2b, 2.3, 3.1(g). Segregation in education is also contrary to national legislation, including the Act No. 245/2008 Coll. Act on education and upbringing (School Act) and on Amendments and Supplements to Certain Acts and Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and on Protection from Discrimination and on amending and supplementing certain acts (Anti-discrimination Act).

⁶ Common Provisions Regulation 2021/1060, Annex III, horizontal enabling conditions - Article 15(1).

⁷ European Commission, *Guidance for Member States on the use of European Structural and Investment Funds in tackling educational and spatial segregation*, 11 November 2015, available at https://ec.europa.eu/regional_policy/sources/guidance/thematic_guidance_fiche_segregation_en.pdf and *Note on the use of EU funds in tackling educational and spatial segregation*, 2021-2027 programming period, published by Bridge EU at <https://www.bridge-eu.org/freedom-of-information>.

prevent the building of segregated school for Roma children on Jesenná Street in Trebišov, Slovakia.

We also call on the European Commission to carry out an in-depth review and enhanced monitoring of how different EU funding schemes are used in Slovakia for building or reconstruction of segregated school infrastructure, so as to avoid any further use of EU funding for perpetuation of human rights violations, including discrimination of Roma children in the country.

We stand ready at your disposal to discuss these issues further and to provide additional information.

Sincerely,

Silvia Porubánová, Director of the Slovak National Centre for Human Rights



Štefan Ivanco, Program Coordinator in the Center for Civil and Human Rights (Poradňa pre občianske a ľudské práva)



Rado Sloboda, Director of Amnesty International Slovakia

