

AI Index: PRE01/008/2012
09 January 2012

Slovak court rules against segregation in education

The elementary school in the Slovak village of Šarisské Michal'any in the Prešov region must desegregate Roma classes as ordered by a court decision communicated earlier this month, said Amnesty International and the Slovak non-governmental organization (NGO) Center for Civil and Human Rights.

In a landmark decision, the Prešov District Court ruled on 5 December 2011 that the school had discriminated against Romani children by teaching them in separate classrooms without reasonable justification. The decision was delivered by the court on 3 January 2012.

“For the first time a domestic court in Slovakia has addressed the widespread and unlawful practice of segregated education of Romani children that affects the lives of thousands of children and traps them in a cycle of poverty and discrimination,” said Barbora Černušáková, Amnesty International’s expert on Slovakia.

“Romani children in the elementary school in Šarisské Michal'any are starting the new term in segregated classes but it must not be for long. The school must make immediate arrangements so that they can enjoy the same educational standards as other children within integrated classes,” said Stefan Ivanco from the Centre for Civil and Human Rights.

For years the elementary school in Šarisské Michal'any has organised separate mainstream classes on a different floor of the building attended exclusively by children of Roma ethnic origin. This situation was compounded in the school year 2008/2009 when the school transferred to the separate classes all the remaining Romani children who had previously attended integrated classes with other children from the majority population.

The proceedings against the school were initiated by the Center for Civil and Human Rights in June 2010. The Center argued that this segregated education of Romani children in separate classes constituted a serious form of unlawful discrimination based on their ethnic origin and a violation of their right to an education free from discrimination. Amnesty International submitted a written intervention in the case highlighting that the separation of Romani children in segregated Roma-only classes constitutes a violation of the right to equal treatment and the prohibition of discrimination under international law.

The Prešov District Court rejected the school’s arguments that the education of Romani children from socially disadvantaged background in separate classes is the only means to provide equal quality of education for all pupils. The school had argued that the separate classes were set up to allow teachers to adopt a more individualised approach when teaching those children. However, the school failed to provide any evidence of the benefits for the Romani children of being taught in separate classes and that the measure was only temporary rather than long term.

Furthermore, drawing on a range of international and regional human rights standards including relevant judgments by the European Court of Human Rights, the District Court stated that the school practice of segregated education violates the country’s human rights obligations. The school is considering whether

to appeal the District court decision.

"The school authorities must eliminate all forms of segregation and replace it with inclusive education. This may be a challenging task, but there is no alternative in order to fully realise the rights of all pupils in the school. We will be happy to assist the school in formulating and implementing an internal desegregation plan in line with the Court's decision," said Stefan Ivanko from the Center for Civil and Human Rights.

"The implications of the Court's decision go much further than the elementary school in Šarišské Michaľany. It is a wake-up call for Slovak schools in general to adopt an inclusive approach based on the ethnic, cultural and social diversity of children. Inclusive education in a diverse environment teaches them to be friendly, tolerant, considerate and responsible in a society that is inherently diverse."

"All elementary schools must develop an individualised approach to teaching which does not unjustly exclude any child from mainstream education. National and local governments have to fully support them in line with their domestic and international legal obligations."

Amnesty International and the Center for Civil and Human Rights have been raising concerns over entrenched discrimination and segregation of Romani children in Slovak schools with the Slovak government for years. In September 2010, Amnesty International recommended a set of measures to be taken by the government in order to ensure the prohibition of segregation is enforced and put into practice.

"The Court's ruling against segregation in education based on ethnic origin in one particular school must spur Slovak authorities into action. Following the resignation of the government in November 2011, all political parties that will form the new government following elections in March must pledge to eradicate the existing systemic discrimination and segregation within the school system in the country," said Barbora Černušáková from Amnesty International.

"Real change won't happen without genuine political will. So far we have seen very little action from the Slovak authorities. Accountability for the elimination of discriminatory barriers and for the successful integration of Romani children into mainstream education lies with the Slovak government."

Read further

[*Slovakia: School year finishes without any progress towards ending segregation of Romani children*](#)

[*Right to education without discrimination: Policy brief to the Slovak government*](#)

[*Unlock their future: End the segregation of Romani children in Slovakia's schools*](#)

[*Steps to end segregation in education: Briefing to the government of Slovakia*](#)

[*A tale of two schools: Segregating Roma into Special Education in Slovakia*](#)

[*Still separate, Still Unequal: Violations of the right to education for Romani children in Slovakia*](#)

Note for editors

This work is part of Amnesty International's Demand Dignity Campaign, which focuses on human rights violations that drive and deepen poverty. As part of the campaign, Amnesty International is calling on all governments to ensure that victims of human rights violations, including economic, social and cultural rights have effective remedies. Amnesty International is calling on all governments to recognise economic, social and cultural rights in national law, remove obstacles to access to justice and comply with the human rights decisions of courts and international human rights mechanisms.

The Center for Civil and Human Rights (Poradòa) is a non-governmental organization focusing on the protection of human rights in the Slovak Republic, with special emphasis on the rights of minorities and protection from discrimination.

Since its establishment in 2002, Poradòa has been combating the extensive problem of discrimination against the Roma minority in Slovakia in various areas, especially in access to public services, employment, education and health care. Moreover, it has been working on issues related to the protection of reproductive rights, specifically, it has been trying to eliminate the practice of forced and coercive

sterilization on Roma women in Slovakia. Poradòa also provides free legal counselling in the area of discrimination and continuously litigates strategic cases of racial discrimination in Slovak courts, including Slovak Constitutional Court and European Court of Human Rights in Strasbourg.

Stefan Ivanco from the Centre for Civil and Human Rights on +421-55-68 06 180, +421-908-338 396

e-mail: antidiskriminacia@poradna-prava.sk

Centre for Civil and Human Rights, Krivá 23, 040 01 Košice, Slovakia

www.poradna-prava.sk

Public Document