

Slovakia

Still separate, still unequal

Violations of the right to education of Romani children in Slovakia

Summary

Separate schools

At Jarovnice nursery school in eastern Slovakia the classrooms are warm, well-lit, and stocked with toys, posters and teaching aids. On the first floor, a group of four and five year-old children play with plastic dinosaurs. On the ground floor, another group of children of identical age form a circle, holding hands.

On the surface, there is little to distinguish the two groups. But the children on the first floor have white skin, speak Slovak, and come from the local town. The group on the ground floor have darker skin, speak another language, and most live several kilometres from the town, in a ramshackle settlement called an *osada* in Slovak. The ground floor children are Roma, and when they have completed this nursery school year of class, they will go to another, “Roma-only”, school, which will have old toys, cups and plates, and may suffer from overcrowding. Some may even be assigned to “special schools” for children with physical and mental disabilities, following assessments of dubious rigour.

In Slovakia, Romani children face serious difficulties in accessing primary education. The widespread practice of separating Roma and non-Roma pupils at the primary level results in effective segregation; in these segregated classes Romani children, regardless of their individual abilities, receive a substandard education. These barriers to education form part of the denial of linguistic and cultural rights that many Roma experience in Slovakia. The failure of the government to provide adequate education for Roma children blights their future employment prospects, and reinforces a cycle of marginalisation and poverty for Roma people.

The right to education is linked to other important human rights, such as the right to adequate housing. Just as the Roma in Slovakia suffer segregation in education, they also very often live in settlements, little more than shacks, which are set apart from town centres. While transport is sometimes available, many Roma cannot pay. Certain primary schools also require contributions from the parents, which are also beyond the means of many Roma. In many cases the combined effect of the lack of regular transport, whether free or with charge, to town and city centres, poverty, and fear of discrimination mean that Roma children struggle to attend school. When they do, the entire notion and practice of “Roma-only” classes

suggests they are not worth educating to the standard of the majority population, and only increases their sense of linguistic, cultural, and economic isolation.

The government of Slovakia and the European Union (EU) have a responsibility to take steps to improve access to primary education for all its population, however marginalised and disadvantaged. As an EU member state Slovakia and the EU have a particular responsibility to offer education of good standard to all citizens.

The full report on which this summary is based is informed by visits by Amnesty International delegates in 2006 and 2007 to several towns throughout Slovakia, including Roma settlements in its eastern regions, where poverty and social exclusion among the Roma is widely held to be the worst in the country. Amnesty International delegates spoke with education officials, teachers, NGOs, Roma and majority population communities, children and parents, about their experience in accessing primary education.

The Roma in Slovakia

The Roma population in the EU is estimated at between 7 and 9 million and nearly 80 per cent live in new EU member states.¹ Nearly 90,000 people identified themselves as Roma in the 2001 census in Slovakia, out of a total population of over 5.3 million. However, because Roma fear discrimination and persecution they often do not self-identify themselves in censuses and other polls, and the actual Roma population in Slovakia has been estimated at between 480,000 and 520,000.

Roma have lived in Slovakia since at least the 14th century. There have been repeated attempts to force them to assimilate with the majority population and give up their traditional way of life. The formal recognition of Roma as a national minority by the government of the Slovak Republic, then still part of Czechoslovakia, took place in April 1991. Today, most Roma live in the east and south of the country, often on land owned by but set apart from local municipalities. These settlements typically lack running water, electricity, and other basic amenities. Many homes have dirt floors, no heating, and house entire families of a dozen or more in a space no bigger than most living rooms. According to some sources, the living conditions for the Roma of eastern Slovakia are among the most impoverished in the EU.

Discrimination and centuries of persecution have led to poverty and unemployment; for many Roma, their economic situation has worsened since the early 1990s, after elections ended four decades of Communist rule. Frustration at this situation was expressed to Amnesty International during its research. As the head teacher of a Roma school in eastern Slovakia put it, “officials in Bratislava make decisions without having any idea of the real situation here.”

¹ World Bank, *About the Roma: Facts and figures*, at <http://web.worldbank.org>.

Segregation in the Slovak education system

“If all Romani children go to primary school, the white children become a minority. To avoid that, the white people make our children go to special schools... Roma from wealthy families attend the normal primary school. But the Roma from poor families usually end up in a special school.”

A Romani employee of a municipality in eastern Slovakia

The Ministry of Education of the Slovak Republic is responsible for education policies. Pre-school or nursery education for children aged between three and five is not compulsory and is usually not free. Compulsory education lasts for 10 years between the ages of six and 16.

Since the 1960s, 14 types of “special schools” have provided distinct curriculums adapted to suit children with different types of special needs. Many of the schools offer adjusted curriculums according to particular mental or physical impairments.

The government of Slovakia insists that segregation in education is not official government policy. However, human rights bodies have consistently expressed concern regarding the large proportion of Romani children in eastern Slovakia subjected to persistent forms of segregation and isolation. In some parts of eastern Slovakia, 100 per cent of schools are segregated, according to one school inspector who spoke to Amnesty International, while independent studies suggest that as many as 80 per cent of children placed in special schools in Slovakia are Roma.²

According to Slovak law, special schools and classes are designed for children with special educational needs, including physical, mental and learning disabilities, but also for children who have “difficulty in communicating”, “social development problems” or who come from “socially disadvantaged backgrounds.” These criteria are opaque and, as Amnesty International and others have documented, leave significant scope for discrimination and segregation.³ In particular, to come from a “socially disadvantaged background” is widely interpreted as being synonymous with coming from a Roma background.

² ERRC, *Stigmata: Segregated Schooling of Roma in Central and Eastern Europe*, 2004 (hereafter ERRC, *Stigmata*, 2004), pp. 13 and 28-29; ECR, *I Third report on Slovakia, CRI (2004) 4, Adopted on 27 June 2003 made public on 27 January 2004* (hereafter ECRI, *Third report on Slovakia*, 2004), p. 24. Save the Children, *Denied a Future? The right to education of Roma/Gypsy and Traveller Children in Europe*, Vol. 2, 2001 (hereafter Save the Children, *Denied a Future?* 2001), p.188.

³ In addition to the present report, see in particular, ERRC, *Stigmata*, 2004, and ERRC, *The Impact of Legislation and Policies on School Segregation of Romani Children: A Study of Anti-Discrimination Law and Government Measures to Eliminate Segregation in Education in Bulgaria, Czech Republic, Hungary, Romania and Slovakia*, February 2007 (hereafter ERRC, *The Impact of Legislation and Policies on School Segregation of Romani Children*, 2007).

Placement in special schools is very often a one-way street; children who may have been mis-assessed and wrongly assigned to these schools have very remote possibilities of going back into mainstream schools or of advancing beyond compulsory education. In addition, Romani parents are pressured to accept segregation as normal and even beneficial for their children, sometimes through financial incentives to send their children to special schools or special classes.

“The Roma population has different values and that is the reason why they do not want to study. Their priority is love.”

“I do not think you would let your child go to a Romani class if you lived here as your child would have everything stolen.”

“Roma do not consider education as a value.”

“If I open a Roma class, I will lose all the white children. They are not clean enough, nor do I have space for them.”

Comments by education professionals in Slovakia made to Amnesty International

Romani children barred from education

“When I attended school, I was studying together with whites in the class. Then the 90s came and they moved the whites, created a school for them and left the Roma here...But it would be better that whites attend school together with Roma so that they have better relations... I have lots of friends in Jarovnice, Pekľany, Renčišov...because I was together with whites. But, for example, my son does not have white friends, only Roma.”

“We live badly. There is a lack of everything. We do not have any hygiene. The children want to have a bath, we want to have a bath, we want to live in clean houses. We have no light and we want to live as normal people. It is impossible for so many people to live in this environment. If I want to have a bath we have to send the children out... I would like them to do homework, so that I can help them, so that they can study, but it is impossible to do anything without light. We have one candle...but it burns down very quickly and we have to go to sleep.”

Romani parents

According to a 2006 report by the Commissioner for Human Rights of the Council of Europe, only three per cent of Romani children in Slovakia reached secondary school, while only eight per cent enrolled in secondary technical school— an extraordinarily low figure which has raised concern by international human rights bodies.

As the comments above show, negative attitudes to Roma are pervasive even among the school officials and teachers where Roma children attend school. This discrimination

percolates through many layers of Slovak society, and affects the laws, norms and everyday practices surrounding education, and in particular pre-school education.

During its research Amnesty International found that a nexus of factors, often inter-related, are impeding the right of the Roma to education. Among them are:

Poverty and living conditions. Many Romani children have very poor living conditions, where they lack access to plumbing, gas, water and sanitation facilities and connection to the electricity grid, and which hinder their ability to study and progress at school. Also, as noted in the introduction, Roma settlements are very often physically segregated from the main town or village, and there is little public transport to school; when transport exists, many Roma families cannot afford the bus fare.

Lack of resources for existing Roma schools: Roma-only schools are more likely to suffer from overcrowding and lack of resources than schools for the rest of the population. A Romani man in Jarovnice described the situation in the nursery: *“The plates for Roma are old, also the cups are broken, the spoons are old, and the whites have new ones... they took the new things and gave them to the white children, and they gave old ones to the Roma.”*

The head teacher of one Roma-only primary school told Amnesty International how the lack of resources and space in his school prevented him from creating nursery school level and other special classes: *“We are so full that we cannot create a special class here. The number of pupils in a special class should be from eight to 12, and our classes have 26-27 pupils. Money is not spent the way we need it – especially not for schools and new classrooms. We have no preparatory [zero grade] class.”*

Flawed assessments: Once Roma children have been assigned to special schools or classes, there is rarely a way back into mainstream education. Decisions on placement in special schools or special remedial classes within mainstream schools are made at the age of entry to compulsory education. Because Romani children usually do not speak Slovak and have not attended pre-school education, they face a disadvantage when sitting the assessments. One school inspector outlined to Amnesty International the cultural, linguistic and socio-economic biases of the assessments *“In our inspections in eastern Slovakia, we have seen that most Roma are not mentally retarded, although they have been diagnosed as such.”* According to Slovak law, children have had the right to be transferred from special schools into mainstream schooling since 1991, but Amnesty International was informed that transfers of children from special schools to mainstream schools rarely take place.

Denial of linguistic and cultural rights. The Roma have been recognized as a national minority in Slovakia since 1991, but they have not enjoyed the linguistic and cultural rights granted to other minorities in Slovakia. According to the 1984 School Act the primary language of education is Slovak, but several ethnic and linguistic minorities are identified, whose children have the right to be educated in Czech, Hungarian, German, Polish and Ukrainian. There is no mention of the right to be educated in Romani. Education officials and Romani parents told Amnesty International again and again that Romani children were often placed in special schools and special classes solely because they could not speak Slovak.

The provision of teaching materials in Roma is poor to non-existent; an appreciation of Romani language and culture, alongside education at all levels in the majority language, would help create mutual understanding and teach children to value all cultures. At the same time, providing for Roma-speaking children should not be an excuse for, or lead to, segregation in Roma-only classes.

Half-hearted measures. Amnesty International notes that the government of Slovakia has adopted a number of measures with the aim of improving Romani children's access to education. However we remain concerned that special measures have not been systematically adopted, nor are there adequate means of monitoring and accountability in place. For instance, measures initiated in schools by NGOs and subsequently adopted by the Ministry of Education include preparatory (zero grade) classes in primary schools for children from a "socially disadvantaged" background, and the employment of teaching assistants to help children with language or social difficulties. However, while both measures have been judged by schools and parents alike to be successful in helping Roma children, funding for both is completely discretionary, and not widely taken up. Schools have also suffered from a shortage of qualified teaching assistants, due to the lack of funding and training.

The right to education

The right to education is enshrined in international human rights standards and treaties, many of which are legally binding on Slovakia. Government obligations related to the right to education can be framed according to the four "As":

- **Availability.** Primary education must be compulsory and free for all. Functioning educational institutions and programmes have to be available in sufficient quantity.
- **Accessibility.** Education must be accessible to all, especially the most vulnerable groups, in law and fact, without discrimination.
- **Acceptability.** The form and substance of education, including curricula and teaching methods, must be acceptable (for example, relevant, culturally appropriate and of good quality).
- **Adaptability.** Education has to adapt to the needs of students within their diverse social and cultural settings. Measures should be taken that enhance the ability of children to access and benefit from education.

States which belong to the European Union (EU) are required to meet human rights standards and bring domestic laws in line with EU law. Slovakia became an EU member state in 2004. EU criteria require that institutions in member states fully guarantee democracy, the rule of law, human rights and respect for and protection of minorities. In June 2000 the EU enacted a directive to implement the principle of equal treatment irrespective of racial and ethnic origin (the "Race Directive"). It prohibits direct as well as indirect discrimination, and explicitly applies to education.

Recommendations

Amnesty International is calling upon the government of Slovakia to commit to tackling segregation. Romani children should not be placed in special or segregated schools or classes simply because they are Roma or because they are socially disadvantaged. In line with its obligations under international human rights law, the government should ensure that all Romani children benefit from special measures before and during education; no child should be excluded from quality mainstream education because of ethnicity, poverty, distance or cost.

The EU and other donors and agencies should prioritize the integration of Roma in mainstream schools, and ensure Romani children are free from discrimination.

Specifically, Amnesty International is calling for action on the following key issues:

- The government of Slovakia should **prioritise the realisation of the right to free and compulsory education for Romani children**, by developing and implementing a plan of action to ensure that all children complete compulsory education, as required under the International Covenant on Economic, Social and Cultural Rights (ICESCR). The plan should prioritize the integration and attendance of Romani children in mainstream education, through a combination of desegregation, and special measures to encourage attendance and reduce drop-out rates, as required under of the UN Convention on the Rights of the Child.
- The government of Slovakia should **make a clear and unequivocal political commitment to eradication of segregated education of Roma**. The government of Slovakia should consult with the Roma community on the implementation of this commitment and take concrete, targeted and effective steps to reverse segregation in education.
- The Ministry of Education needs to **ensure the content and means of education are consistent with human rights**. In consultation with Romani communities and organizations, it needs to ensure that Romani culture, history and traditions, and information about the contributions Roma have made to society, are included in the formal school curriculums; to amend the School Act to grant the Romani language the same recognition as that given to the other minority languages specified; ensure the availability of teaching materials in Romani language; to provide training to teachers and other staff working in primary schools; to ensure the genuine participation of members of the Roma community on educational policy relating to the inclusion of Roma; and to recruit teaching staff from a Romani background at all levels and ensure they are not subjected to racial discrimination in the school system.
- The Ministry of Education should also **gather statistical information and data** to monitor the ethnic composition of classes in primary schools, and ensure that racial discrimination plays no part in the placing of children in school classes and groups.

In addition, Amnesty International is calling on the European Union and other donors to support the government of Slovakia in its efforts to address the systematic violation of the right to education of Romani children, through providing necessary financial and technical

assistance. In particular, Amnesty international recommends that donors use their influence to encourage the government of Slovakia to implement the recommendations of this report, in particular on the eradication of segregated education of Romani children. They should also ensure that all measures taken to improve living conditions of Roma in Slovakia are consistent with international human rights law and standards regarding the rights to adequate housing, water and sanitation, as well as the right to genuine participation of Roma people in decisions which affect the realisation of their human rights.

Amnesty International is making several recommendations directed specifically to the EU:

- The EU should adopt an integrated policy on Roma to make efficient use of available legal, financial and policy tools; this will require an EU Framework Strategy on Roma inclusion which would give coherence and complementarity in policies, initiatives and funding. It would also offer EU member states guiding principles and exchange of best practices.
- The EU should clearly identify Roma within existing anti-discrimination and social inclusion policies, and actively promote the participation of Roma in policy-making, implementation and assessment; and encourage the use of EU instruments to raise awareness of the situation of Roma in society.
- The EU should ensure that the use of EU funds does not lead to racial segregation in the fields of education, housing and healthcare.

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