

UNFULFILLED PROMISES

FAILING TO END SEGREGATION OF ROMA PUPILS IN SLOVAKIA

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“I don’t accept segregation. My child should receive the same level of education as the non-Roma children. There can’t be any compromise on this.”

Romani parent from the town of Levoča whose children were placed in Roma-only classes

Despite repeated international and national criticism, thousands of Romani children continue to be segregated in separate classes and special schools across the Slovakia. In 2010, the Slovak government acknowledged this problem and committed to ending it. It has not done so. The reality is, it is barely even trying. In a landmark judgement in October 2012, a national court ruled that the separation of Romani children into ethnically-segregated classes violated Slovakia’s anti-discrimination law. This ruling should have been a wake-up call, but it has gone largely unheeded. A UN survey published in 2012 suggested that as many as 43% of Roma in mainstream schools were enrolled in ethnically segregated classes. As recently as in July 2013, the Public Defender of Rights expressed concerns over the existence of Roma-only classes in Slovak schools.

HALF-HEARTED DECLARATIONS AND UNFULFILLED PROMISES

Discrimination and the segregation of pupils solely on the basis of their ethnicity are prohibited under international human rights

law. They are also prohibited under European Union (EU) legislation and in Slovak law. The 2004 Anti-Discrimination Act prohibits discrimination on the grounds of ethnicity in education, while the 2008 Schools Act explicitly prohibits segregation in education. However, the Slovak authorities have consistently failed to ensure that this legislation is respected in practice and to translate their vague promises of reform into concrete actions.

The Slovak authorities are failing to effectively monitor the compliance of individual schools with anti-discrimination standards, assist those that wish to comply and oblige those that do not. They are failing, crucially, to acknowledge that the discrimination of Roma in the education system is a systemic failure, requiring comprehensive reform and national level policies to address. What has been offered in recent years falls far short of this.

In June 2011, the Ministry of Education published a draft Concept of Primary and Secondary Education for public comment. This strategic document set out a



framework for reform of the Slovak educational system, but it did not explicitly include ending discrimination and enforcing a ban on segregation among its objectives. In the end, the Concept was not adopted by the government.

In April 2013, the government presented a Report on the State of Education to parliament. Its recommendations included a call to monitor cases of segregation as well as desegregation of schools and their impact on pupils from “socially disadvantaged backgrounds”, a term frequently used to refer to Romani children. In the document, the government committed to developing a methodology for monitoring school segregation. This is welcome, as the State School Inspectorate is failing to correctly



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assess schools' policies and practices against national and international non-discrimination standards. In a number of cases, schools have justified the separation of Romani pupils in classes as a special measure to support pupils from socially disadvantaged backgrounds. This reasoning has been rejected by both the European Court of Human Rights and, now, Slovakia's domestic courts, but it is still being accepted by the State School Inspectorate.

The need to develop and enforce clear standards on what constitutes discrimination and segregation is vital given the lack of understanding on the part of individual schools and local authorities that run them. There is also a need to set out and, where necessary, provide additional

funding to support the steps that schools should take to ensure equal and inclusive education. This is not happening. While the Ministry of Education clarified in 2012 in its guidelines for schools that Romani pupils should be educated together with their non-Roma peers, it failed to specify the measures schools should take to prevent and address existing segregation.

During the past decade, a number of studies – all of which have been brought to the attention of the government – have found that schools are ill-equipped to educate an ethnically and socially diverse pupil population. This systemic failure is a significant factor in the persistence of segregation in Slovak schools and points to the need for comprehensive reform.

The failure of the Slovak authorities to effectively address segregation in the education system both violates national law, and puts Slovakia in breach of its obligations under EU anti-discrimination legislation.

cover: Children setting off for the elementary school in Francisciho Street in Levoča, eastern Slovakia, 2013. © Amnesty International
above: A boy plays by the wall built to separate the Romani community from the rest of the village of Ostrovany, 2010.



Outside the elementary school in Šarišské Michal'any, eastern Slovakia, 2013.

Using the provisions of the Anti-discrimination Act, the Centre for Civil and Human Rights, a Slovak NGO, initiated a complaint against the school to the District Court in June 2010. The Centre argued that placing Romani children in separate classes was discriminatory and violated their right to equal access to education.

The initial decision of the District Court from 5 December 2011, that the school had unlawfully discriminated against Romani pupils, became final in October 2012 when it was upheld by the Prešov Regional Court.

This groundbreaking ruling has prompted a fresh set of questions about the measures that can and should be taken, at both the national and the local level, to effectively address discrimination in access to education.

LACK OF TANGIBLE GOVERNMENT SUPPORT FOR ENDING SEGREGATION

"I believe that it is necessary to end the separation of Roma from non-Roma in schools. We have an ambition to be a pilot school in Slovakia."

Jaroslav Valaštiak, Director of the elementary school in Šarišské Michal'any, July 2013

Since the judgement, the school in Šarišské Michal'any has taken a number of steps to address the segregation of Romani children, but it has done so without clear guidelines to follow or additional resources to call on from either the Ministry of Education or the responsible local authorities.

It has employed a psychologist to support pupils with special needs, but its request for additional funding from the Ministry of Education for this post was refused. In the 2012/2013 school year, the school started a project offering comprehensive support for Romani pupils through two full-time Roma teaching assistants. As one of the teaching

A LANDMARK JUDGEMENT AGAINST SEGREGATION

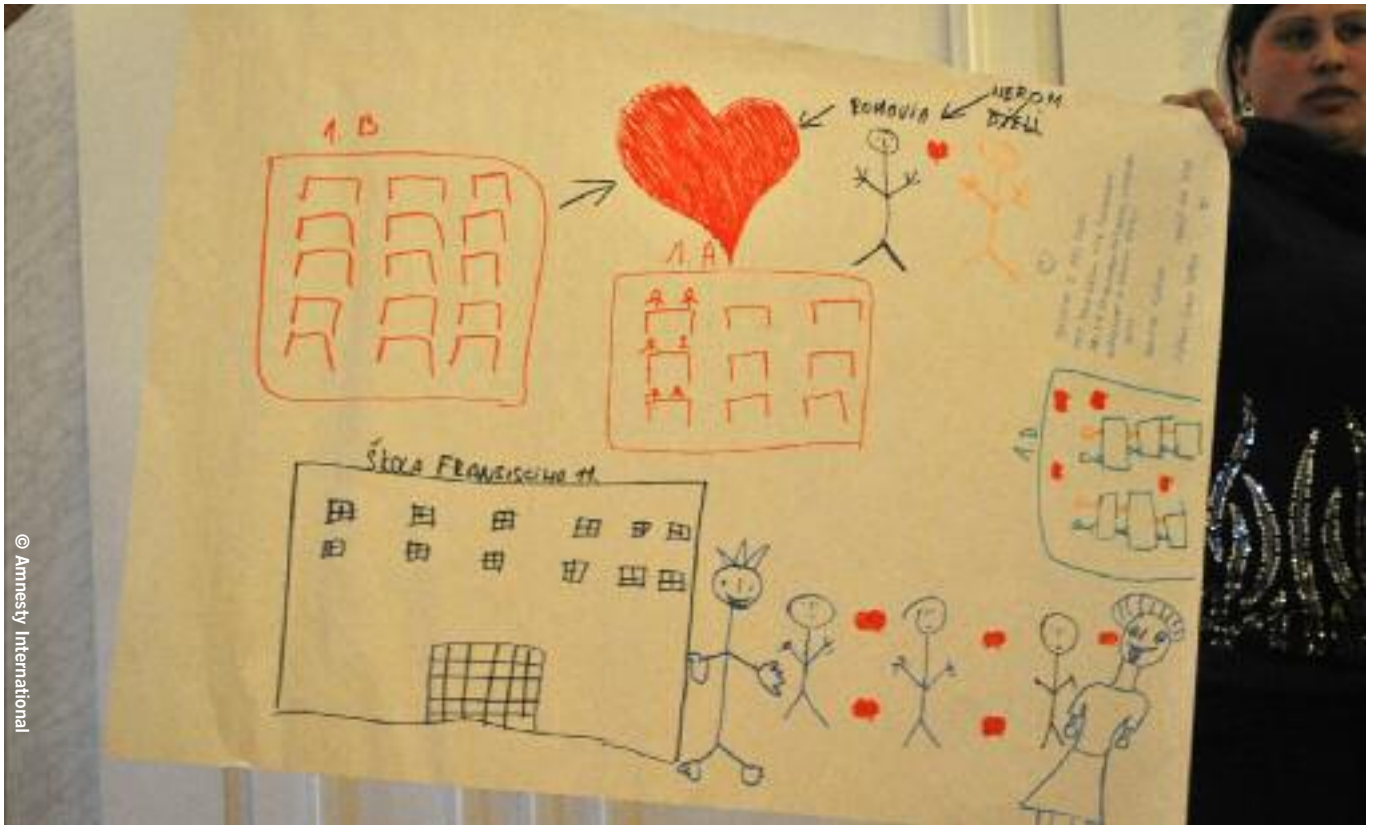
"In its decision in the case of the elementary school of Šarišské Michal'any, the Court considered a wider social context and systematic failures of many schools in Slovakia to provide education to Roma children on an equal basis."

Vanda Durbáková, legal counsel, Centre for Civil and Human Rights, 2012

On 30 October 2012, the Regional Court in Prešov, eastern Slovakia, ruled that, by placing Romani pupils in separate classes, the elementary school in the village of Šarišské Michal'any had violated the equal treatment principle

enshrined in the Anti-Discrimination Act and the Schools Act, together with infringing human dignity. The school was ordered to change the arrangements for Romani pupils by the beginning of the next school year 2013/2014.

The court found that the practice of segregating Romani pupils in the elementary school in Šarišské Michal'any had existed for a number of years. In the school year 2008/2009, the school transferred the majority of the Romani children still attending classes together with children from the majority population, to separate classes.



assistants, Monika Duždová, explained, the project “is about changing the attitudes of all the people involved: teachers, parents and children. We need to accept Romani pupils as equals. Although they might be living in different conditions, they are entitled to equal access to education. Rather than a burden, difference needs to start getting accepted as an integral part of educational process.” However, this project is being paid for by the EU, and funding has only been secured for two years. Monika Duždová is concerned that if the project finishes in two years, their efforts will be in vain. “The work with attitudes – of both the Romani community and the teachers – is long-term and has to be systemic.”

The school has also enlisted the help of an NGO, eduRoma, to support the school’s desegregation ambitions by working together with teachers and the community, and providing a team of volunteers to run extra-curricular activities with the pupils.

The response of the school in Šarišské Michaľany to the court ruling highlights the challenges that even well-intentioned schools

face when trying to comply with the law. In the absence of clear guidelines and dedicated funding to support desegregation, these schools are forced to find such ad hoc solutions as they can. Even more worryingly, those less minded to combat segregation are being largely left unchallenged.

STATE SCHOOL INSPECTORATE: CAN SEPARATE STILL BE EQUAL?

In March 2013, Amnesty International wrote to the State School Inspectorate about the case of the school on Francisciho Street in Levoča (see page 6) expressing concern that the practice of running Roma-only classes violated national and international anti-discrimination law. Following a visit to the school in the same month, the Inspectorate informed Amnesty International that it had not found “signs of discrimination” in the school. While it acknowledged that the school was running Roma-only classes, it concluded that the educational process was “adjusted” to the needs of the Romani pupils. The Inspectorate acknowledged that the teaching in Roma-only classes differed from that in non-Roma classes, but concluded that these

differences were in fact “positive” as they allowed for an individualized approach to teaching the pupils. The Inspectorate failed both to provide tangible evidence that the separation really benefited Romani pupils, and that such a measure was proportionate to the objective it purportedly sought to achieve.

It is increasingly clear that the Inspectorate is failing to effectively monitor discrimination and segregation in the Slovak educational system. The Regional Court in Prešov found, on very similar facts to those currently obtaining in respect of the school on Francisciho Street in Levoča, that the separation of Romani pupils purely on the basis of their ethnicity was unlawful. However, the Inspectorate is clearly failing to apply this standard when conducting inspection. Instead, it is tolerating, indeed, condoning, practices that both national courts and the European Court of Human Rights have declared unlawful.

above: Part of an Amnesty International workshop in Slovakia, during a mission to research levels of segregation in schools, 2012.



LEVOČA: PARENTS AGAINST SEGREGATION

"[M]y son tries his hardest and despite that I still cannot get him transferred from a Roma class... I believe that one day this will all change [and] the children of my children will not go to a Roma class anymore."

M., Romani mother and an activist from Levoča

In September 2011, without any prior notice, a group of Romani parents learned that their children were being placed in Roma-only classes in the elementary school on Francisciho Street in the town of Levoča. Amnesty International was informed in November 2011 by the school's director that placements into separate classes affected all but three of the 29 Romani pupils in the first grade. The school created the classes following a petition submitted by non-Roma parents calling for a restriction on the number of children from "anti-social" communities. According to the school, the classes were intended to create a "suitable education environment" for Romani children.

Shortly after they learned about their children's predicament, a small group of

Romani parents came together to protest against segregation. They feared that their children would not be able to progress at school, they felt humiliated by the ethnic segregation and concerned that it would profoundly affect their children's lives in the future. One of their main concerns was that, rather than using Slovak language their children would be speaking mainly Romani with their classmates, thereby limiting their ability to interact with the wider society.

"I want my daughter to experience what I experienced, to have non-Roma friends. I don't want people to hold prejudices against her. It has never happened to me, as I attended a non-Roma class where I was the only Roma. What I want is for the class not to be purely Roma, but mixed. I want a change. We want mixed classes."

Romani mother whose daughter was among the children placed into a Roma-only class in September 2011

According to the State School Inspectorate, there were seven Roma-only classes in the school on Francisciho Street in Levoča in 2012/2013 and out of 215 Romani pupils,

96 attended separate classes. In November 2011 in an interview with Amnesty International, the school director argued that the separate classes were "specialized" and adjusted to the needs of Romani pupils but, apart from the smaller class size in Roma-only classes, he did not offer any concrete evidence to support this claim. He also claimed that the separation was a "temporary measure" but did not provide any information as to when the measure would end. One parent told Amnesty International that the school gave the parents the following explanation: "Once they speak proper Slovak and have good hygiene, they will be transferred back to a normal class."

The Romani parents informed the media about the injustice they and their children had experienced and started calling for the transfer of their children to mixed classes. In April 2012, one mother presented her testimony at a meeting with members of the UN Committee on Economic, Social and Cultural Rights. In June 2012, the parents initiated a meeting with the Mayor of Levoča, whose office is responsible for local elementary schools. However, their



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concerns over the separation of their children in Roma-only classes were dismissed by the Mayor who argued that the separate classes were needed to address their specific needs.

Despite this setback, the parents continued their efforts to expose the human rights violations they and their children have suffered. They participated in public debates about the problem of school segregation of Roma, including a discussion organized by the Human Rights Ombudsperson in December 2012. However, the Romani parents are learning that there is a price to pay if they engage in a campaign for justice. They face pressure and harassment from the school authorities.

previous page: The elementary school in Francisciho Street, Levoča, eastern Slovakia, 2013.

above: Romani children with their homework from the school on Francisciho Street in Levoča, 2013.

“The deputy director told us that we should not pretend to be actresses in the media and that we should not make trouble when we already have trouble with the kids”, one of the leading activists told Amnesty International in November 2012. Another activist was concerned that her criticism of the school segregation had affected the way her children were being treated at the school. “I made the situation worse for my children, but ... my kids know what I am fighting for. I have prepared them for it. So even though some teachers might be mean to them... I am not scared about what I do.”

Although some Romani pupils were transferred from Roma-only to mixed classes in the 2012/2013 school year, the school continues to run classes that are ethnically segregated. “Nothing has changed since. The director has the same attitude”, one mother concluded in November 2012.

CONCLUSION

Despite the acknowledgements, the political declarations and the judicial decisions denouncing school segregation of Roma, the situation of Romani children in Slovakia remains fundamentally unchanged. Thousands of Romani children around Slovakia continue to be unjustly placed in separate schools or classes within mainstream education, resulting in segregation. Their inferior education and their early introduction to humiliation and separation mark their lives for ever.

The Slovak government must introduce systemic reform urgently and ensure that schools and other bodies within the education system are provided with the necessary support and guidance and instruction. Those who fail to comply with the law must be held accountable and face sanctions. More than ever, it is time for the Slovak authorities to recognize their responsibility to ensure that all children in Slovakia enjoy equal access to education.



Demonstration in front of the Slovak embassy in London, UK, to end segregation of Romani children, 2010.

TAKE ACTION

Join the campaign to end school segregation in Slovakia. Amnesty International calls on the Slovak government to urgently take measures that will ensure the enforcement of the right to access to education without discrimination.

Please write to Slovakia's Prime Minister and Minister of Education, urging them to:

- Introduce the comprehensive reforms needed to eliminate segregation in education;
- Define what acts amount to "segregation" in education, utilizing the definition provided by the case law of the European Court of Human Rights and of the Prešov Court; and disseminate and promote the definition to all relevant education and monitoring authorities;
- Develop and implement adequate training on the principle of equal treatment and non-discrimination among teachers, directors and other educational staff;

- Introduce a clear duty on all schools to de-segregate education. This should be accompanied by effective support for schools, including training and resources, and by incentives to develop comprehensive action plans aimed at desegregation and ensuring that all children benefit to the maximum extent possible from high quality mainstream education;

- Reform the State School Inspectorate and/or other monitoring bodies to ensure that they take effective action to prevent and eradicate segregation in education. Such reform should include detailed guidelines and procedures on how to identify, monitor and combat segregation and what action to take when the ban on discrimination and segregation is not observed;

- Ensure access to effective remedies and the means to secure them for all victims of discrimination, including by strengthening the mandates of national human rights monitoring institutions.

Please send appeals to:

Robert Fico
Prime Minister
Úrad vlády Slovenskej republiky
Námestie slobody 1
813 70 Bratislava
Slovakia

Fax: +421 2 524 97 625
Email: premier@vlada.gov.sk
Salutation: Dear Prime Minister

Dušan Čaplovič
Minister of Education
Ministerstvo školstva, vedy, výskumu a športu
Stromová 1
813 30 Bratislava
Slovakia

Fax: +421 2 59374 333
Email: kami@minedu.sk
Salutation: Dear Minister

**AMNESTY
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Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

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