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Romani children continue to be trapped in separate and unequal education, despite judgments by the European Court of Human Rights

Amnesty International calls on governments in Europe to end unequal and separate education for Roma children.

On 20 October 2010, the Council of Europe High Level Meeting on Roma resulted in the “Strasbourg Declaration on Roma”, which calls on member states to “take fully into account the relevant judgments of the European Court of Human Rights...in developing their policies on Roma” (at paragraph 15).¹

Separate and unequal education for an ethnic group should not be tolerated in the 21st century. Yet, Romani children across Europe continue to suffer discrimination in schools and in their access to education. This discrimination, which is deeply ingrained in many educational systems, is the result of policies and practices (frequently rooted in historical societal discrimination against Roma) that have excluded thousands of Romani children from accessing good quality education.

In Slovakia, for example, Amnesty International’s research indicates that thousands of Romani children remain trapped in substandard education and a school system that keeps failing them. According to a 2009 survey in regions with large Romani populations, at least three out of four pupils attending Special Schools (schools for children with learning difficulties and/or disabilities) are Roma; across the country as a whole, Roma represent 85 per cent of children attending special classes.² Yet, Roma comprise less than 10 per cent of Slovakia’s total population. In some schools visited by Amnesty International Romani children were literally locked into separate classrooms, corridors or buildings to prevent them from mixing with non-Roma pupils.

The idea that separate can be equal has long been discredited. European governments cannot continue to deny Romani children their right to equal treatment and access to education without discrimination. Failure of governments to adopt and implement changes that will eliminate discrimination, including ending segregation, will affect the lives of thousands of Romani children.

During the week beginning 30 November, the Committee of Ministers of the Council of Europe will be reviewing the progress made by the Croatian, Czech and Greek governments to implement separate judgments of the European Court of Human Rights against them, each of which concluded that the government was violating the rights of Romani children to education without discrimination. These judgements are not only important for these three countries, but for other governments in Europe which tolerate and accommodate discriminatory measures in the education of Romani children.

¹ Strasbourg Declaration on Roma, available at http://www.coe.int/t/dc/files/source/2010_cm_roma_final_en.doc

² Roma Education Fund, “School as Ghetto”. Budapest, 2009, p. 23

On 13 November 2007, the Grand Chamber of the European Court of Human Rights issued a landmark judgment in a case brought by 18 Romani children against the Czech Republic. In its ruling in the case of *D.H and Others v the Czech Republic*, the Court concluded that placing Romani children in special schools for pupils with 'mild mental disabilities' on the basis of their ethnic origin violated the government's obligation to ensure the children's access to education without discrimination. The Court reminded the government of its obligations under the European Convention for the protection of Human Rights and Fundamental Freedoms to put an end to this practice and to redress its effects as far as possible.

Amnesty International is deeply concerned that three years after the judgment was issued thousands of Romani children continue to receive inferior education in schools for pupils with 'mild mental disabilities'. Many other Roma children are segregated in Roma-only mainstream schools, which also offer education of a lower quality than that provided in mainstream schools predominantly attended by pupils from the majority population.

Amnesty International is concerned that desegregation and the elimination of separate and unequal education have yet to be placed at the centre of the Czech educational policy, and are still not seen as an objective by relevant educational authorities. A National Action Plan for Inclusive Education adopted in March 2010 and presented by the then-government as the blueprint for changing the education system does not address discrimination on the basis of ethnic origin, nor does it include a concrete timeline for the desegregation of Czech schools. In any case, the Czech Minister of Education Josef Dobeš is reported to have postponed implementation of the Action Plan, and to have rejected amendments to two Regulations (drafted by the previous government in consultation with experts and civil society organizations) which aimed to eliminate some of the discriminatory barriers faced by Romani children in accessing education in mainstream schools.

Just months after its judgment against the Czech Republic, the European Court of Human Rights issued a judgment against Greece finding that the authorities had violated the rights of Romani children from the Psari area of Aspropyrgos, Attica, to education without discrimination. The Court reached its conclusions on account of the authorities' failure to provide schooling for the applicants' children in the local primary school for the 2004-2005 school year and their subsequent placement in an 'annex' of prefabricated containers, five km away from the local primary school, attended only by Roma children. In its judgment, *Sampanis and Others v Greece*, the Court further found that the occurrence of certain "incidents of a racist character" (from non- Romani parents in the area) had had an impact on the authorities' decision to place the Romani children in segregated schooling.

Research conducted in May 2010 by the Greek Helsinki Monitor, European Roma Rights Centre, and Minority Rights Group – Greece, in 28 Romani communities throughout Greece, indicates that some Romani children across Greece are still not being enrolled in school and many of those who have been enrolled are segregated in schools/or classes.³ An NGO submission to the Council of Europe's Committee of Ministers on the implementation by the government of the European Court of Human Rights' judgment in *Sampanis and Others v Greece* raises concern that "two and a half years after the judgment was issued Romani children, including the applicants, remain in a segregated educational setting and no real efforts have been made to improve enrolment rates of Romani children or to ensure fully integrated education for Romani children."⁴

The latest judgment by the European Court of Human Rights finding discrimination in education of Romani pupils was issued in March 2010 in the case of *Oršuš and Others v. Croatia*.

3 ERRC, GHM and OSJI, Submission to the Committee of Ministers: The continued segregation of Romani schoolchildren - *D.H. and Others v. The Czech Republic* (13 November 2007), *Sampanis and Others v. Greece* (5 June 2008), *Oršuš and Others v. Croatia* (16 March 2010) of 8 November 2010, p. 15, available at: <http://www.errc.org/cms/upload/file/fourth-communication-to-the-committee-of-ministers-on-judgment-implementation-30112010.pdf>

4 Ibid, p. 12

The Grand Chamber of the European Court of Human Rights concluded that the placement, in 2002, of 14 Romani school children in separate classes purportedly based on their command of the Croatian language amounted to discrimination on the basis of ethnicity.

In particular, the Grand Chamber concluded that rather than assessing their language skills as the government had claimed, the assessment tests which were supposed to determine placement of children in Roma-only classes assessed only their general psycho-physical conditions. Once placed in Roma-only classes the children were not provided with any measures to address their alleged lack of knowledge of the Croatian language. Subsequently, there was no system in place to monitor progress of the children in learning Croatian. The curriculum taught in Roma-only classes was significantly reduced and had 30 per cent less content than the curriculum followed in mainstream classes.

In June 2010 the Commissioner for Human Rights of the Council of Europe reported that “de facto segregation” of Roma pupils persisted in some schools in the country.

Amnesty International considers it to be worrying and disappointing that the governments of the Czech Republic, Croatia and Greece, whose discriminatory educational practices have been identified by the European Court of Human Rights, have yet to adopt effective remedies.

Amnesty International calls on these and other governments of Europe to end discriminatory practices that result in segregation of Romani children in separate and unequal education. Action must be taken, as matter of priority, to ensure the full inclusion of Romani children in mainstream integrated schools.

This work is part of Amnesty International's Demand Dignity campaign which aims to end the human rights violations that drive and deepen global poverty. The campaign will mobilise people all over the world to demand that governments, corporations and others who have power listen to the voices of those living in poverty and recognise and protect their rights.

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