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Working session 16: Rights of the Child

Title: Romani children, everyday racism and so-called 'benevolent segregation'

One of the most shocking consequences of anti-Gypsyism in Europe over the past decade has been the murder and maiming of Romani children by neo-Nazis in gun and bomb attacks on family homes and settlements.

Beyond these atrocities, the grim reality is that hundreds of thousands of Romani children bear the consequences of everyday racism, social exclusion, and institutional discrimination that blight their life opportunities and damage their wellbeing.

Especially worrying are the indications that despite policy frameworks for inclusion, things are actually worsening for many Romani children inside and beyond the European Union.

Missing from all the strategies for Roma inclusion are the voices and perspectives of children in policies that directly affect them. When we consider the depth of exclusion Romani children face, this is a deficit that needs to be addressed.

One can only imagine the trauma endured by children cast out on the streets in forced evictions, uprooted and often relocated to toxic, contaminated sites out of town, out of sight and out of mind; or placed in cramped, segregated emergency shelters in squalid living conditions. I repeat the call from the Council of Europe for an immediate halt to forced evictions of Roma.

Children must be at the heart of all of our struggles for equality and strategies for inclusion, not because the vulnerability of childhood calls upon our compassion (although it should), but rather for a more fundamental reason: because it is their right.

The European Commission has once again highlighted the failures of many Member States to effectively address anti-Gypsyism and school segregation.

The gravity of the situation is evident by the fact that infringement proceedings over school segregation are currently on the go in three Member States.

Just last week the Advisory Committee on the Framework Convention for the Protection of National Minorities, called on Hungary to end "as a matter of urgency and without further delay" practices that lead to the continued segregation of Roma children at school; called for an end to so-called "benevolent segregation"; and urged the government to prevent further

placement of Romani children in catch-up classes, and to take decisive measures to prevent children from being wrongfully placed in special schools.

“Benevolent segregation”

In the strongly worded criticisms concerning the situation of Roma, the Committee “noted with consternation” the decision of the Supreme Court in April 2015, which allowed de facto “benevolent segregation” to be reintroduced by exempting religious-run schools from anti-discrimination provisions in law.

The Committee also found “deeply alarming” the arbitrary nature of decisions on what may constitute lawful “benevolent segregation”; and considers such developments to be fundamentally incompatible with full and effective equality protected under Article 4 of the Framework Convention.

The Committee considers that all evidence points to the conclusion that “catch-up” classes and schools are in fact segregated classes and schools where nobody ever catches up.

The Advisory Committee finds the systemic discrimination of Roma children in the field of education deplorable, and notes with deep concern that *“Not only has there been no progress with desegregation in schools, but on the contrary the proportion of Roma children attending segregated schools has risen in recent years.”*

The recommendation to Hungary and other participating states is simple: meet your commitments under the UN Convention on the rights of the child, the EU Roma Framework, and the OSCE/ODIHR action plan. Observe the rulings of the European Court of Human Rights, pay heed to the European Parliament resolutions, and recommendations from the Council of Europe and UN bodies when it comes to the rights and dignity of Romani children.

Take all necessary steps to end school segregation, and spare no efforts to ensure that no Romani child is denied her fundamental right to education. And by that we mean quality education in integrated and respectful settings – for one thing remains clear and beyond dispute when it comes to this form of segregation: separate cannot be equal.