

## **Amnesty International**

### **Statement to Working Session 6: OSCE Action Plan on Roma and Sinti: participation in political life, overcoming discrimination**

#### **Joint statement by Amnesty International (AI), European Roma Rights Centre (ERRC) and Roma Educational Fund (REF) presented by Amnesty International.**

Across Europe the Roma remain largely excluded from public life and are unable to enjoy full access to rights such as housing, employment and health services. AI, ERRC and REF believe that poverty, racism and discrimination also exclude Romani children from education in many participating States. Romani children in Bosnia and Herzegovina, Croatia, the Czech Republic, Slovakia, Slovenia and many other participating States, where the organizations have conducted research, continue to be denied their right to equal education without discrimination, and consequently their ability to enjoy a range of other human rights.

Although the above mentioned governments have taken some measures to advance access of Romani children in education, the organizations are concerned about the continuing lack of political will and commitment to eliminating racial discrimination against Roma. Measures such as preparatory classes, introduction of Roma teaching assistants or financial incentives may have slightly increased the numbers of Romani children attending school but have not targeted the inherent inequality and discrimination; Romani children continue to be disproportionately placed in special schools for children with mental disabilities or in segregated Roma-only schools; in both cases Romani children are receiving an inferior education and have few possibilities to advance into secondary or higher education. Romani children with little or no command of the respective national language face extreme difficulties when they start school. There is a total lack of bilingual education. The majority of Romani children remain to a large extent excluded from pre-school programmes.

In **Bosnia and Herzegovina** the extreme poverty in which many Roma live and the consequent marginalization and social exclusion are among the main barriers to accessing primary education. Textbooks, stationery and transportation to and from school are simply too expensive for many Romani families.

When Romani children do have access to education, the curriculum they are offered does not reflect or incorporate aspects of their culture. No teaching is provided in Romani language. In this regard, the BiH authorities have failed to take adequate steps to ensure that the right of Roma to enjoy the benefits of a truly multicultural and inclusive education is respected.

An Action Plan on the Educational Needs of Roma and Members of Other National Minorities in Bosnia and Herzegovina, adopted in 2004, addresses many of the areas requiring urgent attention to ensure that Roma are fully included in a school system adapted to their needs and culture. However, the authorities have ailed to implement the Plan. The few initiatives taken have been limited in scope and geographical coverage,

and do not constitute a comprehensive policy to address the exclusion of Roma from education.

Too often Romani children in **Croatia** are still partly or completely excluded from primary education. When they do attend school, the curriculum does not reflect or include their language and culture and, in some cases, they face discrimination and negative stereotyping. Discrimination in Croatian schools against Roma continues.

So far, efforts to include Romani culture and the languages spoken by Roma in Croatia in school curricula have been insufficient. National programmes and plans for Roma contain hardly any measures to promote teaching in the first languages of many Romani children. Other aspects of Romani culture and history are also not included in teaching in primary schools.

Recent progress in certain regions of Croatia has allowed Romani children to access pre-school programmes and made Romani assistants part of the teaching process. This progress – the result of combined efforts on the part of national and local authorities, schools, and Romani and other NGOs – must translate into comprehensive policies. These should cover all areas of Croatia that have a significant Romani population, with a view to introducing these special measures in a systematic way.

For decades, more than half of all Romani children in the **Czech Republic** have been sent to **special schools** for children with physical and mental disabilities. In 2005 the Czech government passed a new education law, which redefined the special education system by introducing new positive measures and by ‘renaming’ special schools as basic practical schools. During a research mission in March 2007 in the Czech Republic, Amnesty International uncovered evidence suggesting that the change in name of special schools has not yet had a significant impact on the education of Roma children. Our research suggests that most continue to be educated in separate schools teaching a reduced curriculum.

Huge numbers of Roma children continue to be segregated into Roma-only schools and classes in **Slovakia**, while many are still inappropriately placed in special schools for children with physical and mental disabilities or special educational needs. In special schools, Romani children not only receive a substandard education, but have in practice very remote possibilities of integrating into mainstream schools or of advancing beyond compulsory education. Romani children attending mainstream schools face other forms of segregation, including in Roma-only primary schools and in Roma-only classes.

The government of Slovakia has recently taken certain steps designed to improve access of Romani children to education. From 2002, the government has made provision for the introduction of Zero grade and preparatory classes for children who have not attended pre-schooling, most of whom are Roma, and for the employment of teaching assistants in primary schools. AI, ERRC and REF consider that, if systematically implemented, these measures could advance the realization of the right to education of Romani children. However, the organizations are concerned that these measures remain optional and many municipalities charged with responsibility for pre-school and primary education have failed to implement them so far. Most importantly, the organizations are concerned about the failure of the Slovak government to assume responsibility and ensure

implementation of those measures and proactively tackle segregation of Romani children in education.

The **Slovenian** authorities have failed to fully integrate Romani children in the Slovenian educational system and tolerated in some cases the creation of special classes for Romani children, where often a reduced or simplified curriculum is taught. On 3 May AI wrote to the Slovenian Minister of Education and Sport, requesting information and clarifications on a recently conducted evaluation of the so-called “Bršljin model”, which is being implemented at the Bršljin School in Novo Mesto. This model provides for the creation of separate groups of children experiencing difficulties in certain subjects. Teachers in Bršljin admit that such groups are composed mostly, and in some cases only, of Romani pupils. This model had been criticized in Slovenia by education experts for being *de facto* a continuation of the old segregation approach. The Slovenian authorities had claimed, including in communication with AI, that evaluation of the “Bršljin model” has shown that it does not result in the segregation of Romani children and that it simply involves the temporary placement of pupils in groups for those children who do not perform sufficiently well in certain subjects. However, at the time of speaking, AI has not received further details on the evaluation and its outcome.

In April a Law on the Romani Community in the Republic of Slovenia entered into force with the purpose of regulating the legal status of the Romani community. The Law has a very limited number of provisions dealing with the inclusion of Roma in education which stipulate that the Republic of Slovenia should create the conditions for the inclusion of Roma in education and for an improvement in their educational level including through a policy of scholarships. The Law however does not define in detail the framework through which the right to education of members of Romani communities is to be fully realized.

Many governments across Europe, in failing to take sufficient note of the systematic racism and discrimination faced by Romani communities in every aspect of their lives, have failed to oversee the implementation of special measures they must take to meet their obligations under national and international law to respect, protect and fulfil the right to education of Romani children. AI, ERRC and REF are deeply concerned that governments in several European countries have failed to address systemic legal and policy failings which allow separate and unequal education of Romani children to continue.

## **Recommendations**

The organizations call on the participating States to:

- Ratify and implement Protocol 12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms, which contains a general prohibition of discrimination in the enjoyment of any right in law (Article 1);
- Ratify and implement the Revised European Social Charter;
- Ensure that all children complete compulsory education, as required under the International Covenant on Economic, Social and Cultural Rights. Such a plan should prioritize the integration and attendance of Romani children in mainstream

- education, through a combination of desegregation, and of special measures to encourage attendance and reduce drop-out rates, as required under the UN Convention on the Rights of the Child;
- Ensure the genuine participation of Romani communities in determining policy which affects their lives, including consultation for inclusion in the education systems;
  - Ensure that their national legislation is amended to include a prohibition of segregation in education, where such prohibition does not yet exist;
  - Adopt compulsory and comprehensive temporary special measures to facilitate the entry of Romani children into mainstream and integrated education and ensure that national authorities are bound by law to undertake such measures.

**The organizations call on the European Union to:**

- Ensure that the EU does not support projects which are associated with human rights violations, including forced evictions and that do not lead to segregation in the fields of education, housing, healthcare.
- Ensure that participating States actively fight discrimination against Roma in education and promote the full inclusion of Romani children in education.
- Encourage participating States to undertake awareness-raising campaigns.
- Monitor the correct transposition and implementation of the anti-discrimination directives into the national legislation.
- Pursue an integrated approach through developing an EU Framework Strategy on Roma inclusion, which would provide coherence and complementarity in policies, systematic and sustainable initiatives and a coordination instrument. This framework would ensure an effective mainstreaming (i.e. Roma issues are addressed in EU policies) and specific (i.e. affirmative) actions targeting Roma when required. And for the EU member states it would offer guiding principles and exchange of best practices.